

Agenda

**Legislative Subcommittee
Friday, January 14, 2005
5 p.m., Council Workroom**

1. City Package
2. Update on the state budget
3. Telecommunications tax changes & Verizon franchise proposal (HB 2534)
4. Transportation and Public Works
 - DASH—elimination of sales tax exemption (SB1195, HB2599)
 - Chesapeake Bay Foundation proposal to earmark sales tax revenues for nutrient reduction programs
5. Taxation, Budget & Finance
 - Birmingham Green budget amendment
6. Disposition of parcel of land between Giant and ABC store/offices (St. Asaph St.)
7. Regulation of Assisted Living Facilities (HB2362, HB2537, SB1000, SB1183)
8. Other bills
9. Potential federal earmark requests

January 14, 2005 (10:02am)

City Package

HB 578 Mentally ill; procedure for issuance of temporary detention orders by a magistrate. *support*

Summary as introduced:

Temporary detention petitions. Requires the Supreme Court of Virginia to prescribe and publish rules governing the procedure for a sworn petition requesting a magistrate to issue an order of temporary detention. The Supreme Court must consider permitting the magistrate at his discretion to receive oral petitions by teleconference and written petitions filed by electronically transmitted facsimile process, provided there is reasonable proof of the petitioner's identity.

Patron: Hamilton

01/29/04 House: Continued to 2005 in H. W. I. (21-Y 0-N)

11/30/04 House: Reported from H. W. I. w/substitute (16-Y 0-N)

12/10/04 House: Introduced bill reprinted 043426316

12/10/04 House: Committee substitute printed 051915316-H1

01/13/05 House: Read first time

HB 1558 Traffic signals; use of photo-monitoring in certain localities. *support*

Summary as introduced:

"Photo-red" traffic light signal enforcement. Eliminates the July 1, 2005, "sunset" on local "photo-red" traffic light signal enforcement programs, but limits such programs to named localities wherein "photo-red" programs are already in effect.

Patron: Tata

12/06/04 House: Prefiled & ordered printed; offered 01/12/05 051288524

12/06/04 House: Referred to Committee on Militia, Police and Public Safety

HB 1633 Affirmation of Marriage Act; abolished.

Summary as introduced: ~~amended~~ *support*

Domestic relations; Affirmation of Marriage Act. Repeals the statute that states: that a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited; that such an arrangement entered into in another state or jurisdiction is void in Virginia; and that any contractual rights created thereby are void and unenforceable.-

Patron: Van Yahres

12/16/04 House: Prefiled & ordered printed; offered 01/12/05 058965532

12/16/04 House: Referred to Committee for Courts of Justice

01/14/05 House: Assigned to C. J. sub-committee: Civil Law

HB 1868 Traffic signals; extends sunset on use of photo-monitoring systems, report.

Summary as introduced:

Photo-red traffic light signal enforcement. Extends the July 1, 2005, sunset on local photo-red programs until July 1 2006. The bill also asks VCU's Transportation Safety Training Center Interdisciplinary Crash Investigation Team to report to the 2006 Session as to the impact of photo-red programs on safety and the degree to which objections to such programs in other states apply to those in Virginia as well.

Patron: Brink

01/06/05 House: Prefiled & ordered printed; offered 01/12/05 056089248

01/06/05 House: Referred to Committee on Militia, Police and Public Safety

HB 1909 Absentee ballots; no qualification for voters to use.

Summary as introduced: *support*

Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision.

Patron: Baskerville

01/07/05 House: Prefiled & ordered printed; offered 01/12/05 057281228

01/07/05 House: Referred to Committee on Privileges and Elections

HB 2546 Severe nonattainment areas. *support*

Summary as introduced:

Severe nonattainment areas. Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2009: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, (ii) limit annual nitrogen oxide emissions to an amount no greater than 25 percent of the facility's 1997 nitrogen oxide emissions, and (iii) remove 99 percent of particulate matter PM10 and smaller from emissions as compared to the unit's emissions without environmental controls. Also, this bill prohibits any electric generating facility from operating after January 1, 2009, unless it has complied with the above emission reduction requirements or entered into a consent decree with the State Air Pollution Control Board or its designee, agreeing to cease operations by January 1, 2014.

Patron: Van Landingham

01/12/05 House: Prefiled & ordered printed; offered 01/12/05 057126528

01/12/05 House: Committee Referral Pending

HB 2742 Reduction of smokestack emissions.

Summary as introduced: support

Reduction of smokestack emissions. Establishes maximum limits for sulfur dioxide and nitrogen oxide emissions that are allowed to be released into the atmosphere from facilities with coal-fired electric generating units that produce at least 25 megawatts of electricity. These limits go into effect on May 1, 2011. Facilities located within 1,000 feet of an occupied dwelling or body of water must complete a refined modeling analysis to assess the effects of emissions from their facility on ambient concentrations of PM2.5, gaseous sulfur dioxide, and mercury in the area immediately surrounding the facility and compare them to established standards. This bill requires the Department of Environmental Quality to (i) develop a strategy to reduce mercury emissions from electric generating units and other sources and to conduct an analysis of the issues related to the development and implementation of standards and programs to control emissions of carbon dioxide (CO2) from coal-fired generating units and other stationary sources of air pollution; (ii) evaluate available control technologies; and (iii) estimate the benefits and costs of alternative strategies to reduce emissions of CO2.

Patron: Reid

01/12/05 House: Presented & ordered printed 052087488

01/12/05 House: Committee Referral Pending

HJ 555 Constitutional amendments; Governor's term of office, appt. of Board of Education (first reference).

Summary as introduced: support

Constitutional amendments (first resolution); Governor's term of office; Board of Education. One amendment permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, by the Governor; and three members appointed by the House of Delegates and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

Patron: Purkey

12/03/04 House: Prefiled & ordered printed; offered 01/12/05 050278472

12/03/04 House: Referred to Committee on Privileges and Elections

HJ 557 Constitutional amendment; Governor's term of office (first reference). support

Summary as introduced:

Constitutional amendment (first resolution); Governor's term of office. Permits the

Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms.

Patron: Purkey

12/03/04 House: Prefiled & ordered printed; offered 01/12/05 050276472

12/03/04 House: Referred to Committee on Privileges and Elections

HJ 615 Constitutional amendment; marriage may exist only between a man and woman (first reference).

Summary as introduced: *oppose*

Constitutional amendment (first resolution); marriage. Provides that marriage consists exclusively of the union of a man and woman as husband and wife. The amendment also states that the Commonwealth shall not recognize or create other unions with the characteristics of marriage and that its provisions apply to political subdivisions of the Commonwealth.

Patrons: Byron, Abbitt, Albo, Armstrong, Black, Bryant, Cline, Dudley, Hogan, Janis, Joannou, Kilgore, Louderback, Putney, Rapp and Wright

01/07/05 House: Prefiled & ordered printed; offered 01/12/05 050324256

01/07/05 House: Referred to Committee on Privileges and Elections

SB 732 Traffic signals; use of photo-monitoring systems in any locality. *support*

Summary as introduced:

Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron: Colgan

01/04/05 Senate: Prefiled & ordered printed; offered 01/12/05 058964716

01/04/05 Senate: Referred to Committee on Transportation

01/14/05 Senate: Reported from Transportation (13-Y 2-N)

SB 780 Traffic signals; extends sunset on use of photo-monitoring systems. *support*

Summary as introduced:

"Photo-red" programs. Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.

Patrons: Mims; *Delegates:* May and Rust

01/06/05 Senate: Prefiled & ordered printed; offered 01/12/05 053384772

01/06/05 Senate: Referred to Committee on Transportation

01/14/05 Senate: Reported from Transportation (14-Y 1-N)

SJ 259 Constitutional amendment; restoration of civil rights for nonviolent felons (first reference). *support*

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights for certain felons.

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

Patron: Miller

10/14/04 Senate: Prefiled & ordered printed; offered 01/12/05 050690768

10/14/04 Senate: Referred to Committee on Privileges and Elections

Telecommunications

HB 1804 Voice-over-Internet protocol service; exempt from regulation by State Corporation Commission.

Summary as introduced:

Voice-over-Internet protocol service. Eliminates any jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service.

Patron: Marshall, R.G. - briefing to come 1/21/05

01/05/05 House: Prefiled & ordered printed; offered 01/12/05 054144396

01/05/05 House: Referred to Committee on Commerce and Labor

HB 2534 Video Infrastructure Development and Competition Act of 2005. - briefing to come 1/21/05

Summary as introduced:

Video Infrastructure Development and Competition Act of 2005. Seeks to encourage video infrastructure development and promote the public interest in lower prices and higher quality video services by equalizing franchise requirements for all competitors to use the public rights-of-way.

Patron: Ingram

01/12/05 House: Prefiled & ordered printed; offered 01/12/05 053266344

01/12/05 House: Committee Referral Pending

Transportation & Public Works

HB 1563 DMV; assessment of additional fees on certain drivers. *oppose*

Summary as introduced:

Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than six net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.

Patrons: Rust, Albo, Frederick, Marshall, D.W. and Oder; Senators: Mims and O'Brien

12/07/04 House: Prefiled & ordered printed; offered 01/12/05 053391204

12/07/04 House: Referred to Committee on Transportation

HB 1564 DMV; assessment of fees on certain drivers. *oppose*

Summary as introduced:

Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the posted speed, \$250 for driving while his driver's license was suspended or revoked, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.

The bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1-9 mph carries three points, 10-14 mph carries four points, 15-19 mph carries five points, and 20 mph or more carries six points.

Patrons: Albo, Rust, Frederick, Marshall, D.W. and Oder; Senators: Mims and O'Brien

12/07/04 House: Prefiled & ordered printed; offered 01/12/05 053393204

12/07/04 House: Referred to Committee on Transportation

HB 2599 Sales and use tax exemption; public transportation. *support*

Summary as introduced:

Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to any entity owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004.

Patrons: Ware, O., Bryant, Fralin and O'Bannon; Senators: Edwards and Lambert
01/12/05 House: Prefiled & ord. printed w/emg.; offered 01/12/05 053073538
01/12/05 House: Committee Referral Pending

SB 1195 Sales and use tax exemption; public transportation.

Summary as introduced: *support*

Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to any entity owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004.

Patrons: Lambert and Saslaw; Delegate: Miles

01/12/05 Senate: Prefiled & ord. printed w/emg. clause; offered 01/12/05 05

01/12/05 Senate: Referred to Committee on Finance

Taxation, Finance & Budget

HB 1504 Business, professional and occupational licensing (BPOL) tax; license fees, rates and requirements.

Summary as introduced: oppose

Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.

Patron: Shuler

10/12/04 House: Prefiled & ordered printed; offered 01/12/05 051059508

10/12/04 House: Referred to Committee on Finance

01/12/05 House: Assigned to Finance sub-committee: #1

HB 1534 Retail Sales and Use Tax; exemptions include school supplies, clothing, footwear and computers.

Summary as introduced: support

Sales and use tax exemption; school supplies, clothing and footwear, and computers.

Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a four-day period each year beginning on the Friday before the first Monday in September. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron: Frederick

11/23/04 House: Prefiled & ordered printed; offered 01/12/05 051101303

11/23/04 House: Referred to Committee on Finance

01/12/05 House: Assigned to Finance sub-committee: #2

HB 1635 Retail Sales and Use Tax; exemptions include food purchased for human consumption. *oppose*

Summary as introduced:

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

Patron: Welch

12/17/04 House: Prefiled & ordered printed; offered 01/12/05 057147552

12/17/04 House: Referred to Committee on Finance

01/12/05 House: Assigned to Finance sub-committee: #2

HB 1875 Retail Sales and Use Tax; exemptions include food for human consumption. *MAO oppose*

Summary as introduced:

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

Patron: McDougle

01/07/05 House: Prefiled & ordered printed; offered 01/12/05 053028408

01/07/05 House: Referred to Committee on Finance

01/13/05 House: Assigned to Finance sub-committee: #2

HB 2023 Meals tax; cities and towns.

Summary as introduced: *opposed*

Meals tax; cities and towns. Restricts the imposition in any city or town of any new meals tax without approval by referendum.

Patron: Welch

01/11/05 House: Prefiled & ordered printed; offered 01/12/05 056154552

01/11/05 House: Referred to Committee on Finance

01/13/05 House: Assigned to Finance sub-committee: #2

HJ 525 Constitutional amendment; limit on growth in general fund appropriations & revenues (1st reference).

Summary as introduced: *- oppose*

Constitutional amendment (first resolution); limit on growth in state general fund appropriations and revenues. Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year plus a factor for population increases. The General Assembly may exceed this limitation with a two-thirds vote of the members elected in each house. The amendment also provides that 50 percent of general fund revenues in excess of the limitation is to be returned to the citizens of Virginia and 50 percent goes into the Revenue Stabilization Fund.

Patron: Ware, R.L.

08/16/04 House: Prefiled & ordered printed; offered 01/12/05 050239540

08/16/04 House: Referred to Committee on Privileges and Elections

HJ 547 Constitutional amendment; votes required for increase in taxes (first reference). *oppose*

Summary as introduced:

Constitutional amendment (first resolution); enactment of tax laws. Requires that any law that imposes, continues, increases, or revives a tax must be approved either: (i) by a four-fifths

vote of the members voting in each house of the General Assembly; or (ii) by a majority vote of all members voting in each house of the General Assembly and by a majority of the people voting in a referendum on the question of whether the law shall take effect

Patron: Frederick

11/23/04 House: Prefiled & ordered printed; offered 01/12/05 051100303

11/23/04 House: Referred to Committee on Privileges and Elections

HJ 616 Constitutional amendment; assessment of real property (first reference). - *oppose*

Summary as introduced:

Constitutional amendment (first resolution); assessment of real property. Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment shall then be subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.

Patron: Carrico

01/07/05 House: Prefiled & ordered printed; offered 01/12/05 050566264

01/07/05 House: Referred to Committee on Privileges and Elections

SB 694 Retail Sales and Use Tax; exemptions include school-related items. *support*

Summary as introduced:

Sales and use tax exemption; school-related items. Authorizes certain counties and cities by a majority vote of the local governing body to provide an exemption from their local sales and use tax for certain school-related items purchased during a specific one-week period during the end of August each year. The state sales and use tax also would not apply to such school-related items in participating counties and cities. The exempt items are: school supplies, footwear, and clothing where the selling price of each item is \$100 or less.

To be eligible a county or city must have a high unemployment rate and be contiguous to a state, including the District of Columbia, that has a sales tax holiday in effect. In addition, any county or city with a high unemployment rate that is contiguous to such counties and cities would also be eligible for the sales tax holiday. A high unemployment rate is defined as a 10-year average annual unemployment rate greater than five percent.

The bill also authorizes dealers in participating counties and cities to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron: Reynolds

10/04/04 Senate: Prefiled & ordered printed; offered 01/12/05 050250808

10/04/04 Senate: Referred to Committee on Finance

all assisted living
to be discussed at
1/21 Legislative
Subcommittee

Assisted Living

HB 2362 Assisted living facilities

Summary as introduced:

Assisted living facilities. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. These licensing provisions shall take effect July 1, 2007. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill requires that medication aides be registered by the Board of Nursing if the drugs administered would otherwise be self-administered to residents in an assisted living facility or participants in an adult day care center program licensed by the Department of Social Services. The bill requires that assisted living facilities employ a certified nurse aide registered as a medication aide who sees each resident once a week and is available seven days a week to see any resident upon request. The bill also requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires all applicants for an assisted living facility license to undergo a criminal background check. The bill requires each assisted living facility to provide written disclosure documents to residents upon admission. The Department of Social Services shall develop a training module for licensing inspectors and criteria for assessing civil penalties.

Patrons: Watts, BaCote, Barlow, Brink, Councill, Cox, Ebbin, Eisenberg, Miller, Petersen, Plum, Sickles, Van Yahres and Ward; *Senators:* Locke and Ticer

01/12/05 House: Prefiled & ordered printed; offered 01/12/05 051924544

01/12/05 House: Committee Referral Pending

HB 2537 Assisted living facilities; civil penalties.

Summary as introduced:

Assisted living facilities; civil penalties. Permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center (licensee) in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill also authorizes the Commissioner to deny, revoke, or

summarily suspend certain authority of the licensee to operate and may permit the licensee to operate, but may restrict or modify the licensee's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents or participants. Prior to any summary suspension, the Commissioner shall first appoint a competent person to administer, manage, or operate an assisted living facility and adult day care center.

The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per license period and directs that the civil penalties be paid into the newly created Assisted Living Facility Education, Training, and Technical Assistance Fund to provide education and training for staff of and technical assistance to assisted living facilities. Criteria for imposition of civil penalties and amounts, expressed in ranges, must be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. The bill requires an assisted living facility to ensure that a thorough mental health screening of persons with mental illness, mental retardation, or other conditions is or has been performed, and that an individualized services plan for such person is created through the local community services board or behavioral health authority, or through other appropriate service providers. The bill requires each assisted living facility to fully disclose prior to admission information about the services, policies, staffing patterns, fees, and ownership structure of the facility, specifically including a description of conditions or occurrences that would require the discharge of the resident from the facility. The State Board of Social Services shall adopt emergency regulations for the implementation of these provisions. Finally, the Department of Social Services shall develop a training module on assisted living facilities and train current and future employees.

Patrons: Nixon and Ebbin

01/12/05 House: Prefiled & ordered printed; offered 01/12/05 051964116

01/12/05 House: Committee Referral Pending

SB 1000 Assisted living facilities.

Summary as introduced:

Assisted living facilities. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. These licensing provisions shall take effect July 1, 2007. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill requires that medication aides be registered by the Board of Nursing if the drugs administered would otherwise be self-administered to residents in an assisted living facility or participants in an adult day care center program licensed by the Department of Social Services. The bill requires that assisted living facilities employ a certified nurse aide registered as a medication aide who sees each resident once a week and is available seven days a week to see any resident upon request. The bill also requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and

appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires all applicants for an assisted living facility license to undergo a criminal background check. The bill requires each assisted living facility to provide written disclosure documents to residents upon admission. The Department of Social Services shall develop a training module for licensing inspectors and criteria for assessing civil penalties.

Patron: Devolites Davis

01/11/05 Senate: Prefiled & ordered printed; offered 01/12/05 051926726

01/11/05 Senate: Referred to Committee on Rehabilitation & Social Services

SB 1085 Assisted living facilities.

Summary as introduced:

Assisted living facilities. Permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill also requires every employee in an assisted living facility in a direct care position to be a licensed registered nurse or practical nurse or certified nurse aide.

Patron: Ticer

01/12/05 Senate: Prefiled & ordered printed; offered 01/12/05 051939828

01/12/05 Senate: Referred to Committee on Rehabilitation & Social Services

SB 1183 Assisted living facilities; civil penalties

Summary as introduced:

Assisted living facilities; civil penalties. Permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center (licensee) in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill also authorizes the Commissioner to deny, revoke, or summarily suspend certain authority of the licensee to operate and may permit the licensee to operate, but may restrict or modify the licensee's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents or participants. Prior to any summary suspension, the Commissioner shall first appoint a competent person to administer, manage, or operate an assisted living facility and adult day care center.

The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000

per license period and directs that the civil penalties be paid into the newly created Assisted Living Facility Education, Training, and Technical Assistance Fund to provide education and training for staff of and technical assistance to assisted living facilities. Criteria for imposition of civil penalties and amounts, expressed in ranges, must be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. The bill requires an assisted living facility to ensure that a thorough mental health screening of persons with mental illness, mental retardation, or other conditions is or has been performed, and that an individualized services plan for such person is created through the local community services board or behavioral health authority, or through other appropriate service providers. The bill requires each assisted living facility to fully disclose prior to admission information about the services, policies, staffing patterns, fees, and ownership structure of the facility, specifically including a description of conditions or occurrences that would require the discharge of the resident from the facility. The State Board of Social Services shall adopt emergency regulations for the implementation of these provisions. Finally, the Department of Social Services shall develop a training module on assisted living facilities and train current and future employees.

Patrons: Hanger and Howell

01/12/05 Senate: Prefiled & ordered printed; offered 01/12/05 051963116

01/12/05 Senate: Referred to Committee on Rehabilitation & Social Services

Health & Human Services

SJ 324 Misdemeanors; JLARC to study needs of patients found not guilty by reason of insanity. *support*

Summary as introduced:

Study; patients found not guilty of a misdemeanor by reason of insanity; report. Directs the Joint Legislative Audit and Review Commission to study the needs of patients found not guilty of a misdemeanor by reason of insanity. The objectives of the study include (i) determining the appropriate treatment of acquittees; (ii) reviewing and revising diagnostic categories that are amenable to treatment and therefore eligible for inclusion as a possible NGRI defense; (iii) examining discharge alternatives that will expedite return to the community as well as free up acute care psychiatric beds; and (iv) exploring the advisability and feasibility of coordination between the Department of Mental Health, Mental Retardation and Substance Abuse Services, local community services boards and the criminal justice system when an acquittee violates conditions of release that are not related to a psychiatric illness and therefore not appropriate for rehospitalization.

Patron: Puller

01/11/05 Senate: Prefiled & ordered printed; offered 01/12/05 050423796

01/11/05 Senate: Referred to Committee on Rules

Miscellaneous

HB 1733 Freedom of Information Act; exempts certain email addresses. *support*

Summary as introduced:

Freedom of Information Act; record exemption for certain email addresses. Revises a current exemption for personal information, including electronic mail addresses to allow the withholding of such information unless the subject of the record waives the protections afforded by the exemption. Currently, the presumption is that the record is open unless the subject of the record indicates that the record should not be released.

Patron: Cosgrove

01/03/05 House: Prefiled & ordered printed; offered 01/12/05 051255276

01/03/05 House: Referred to Committee on General Laws

01/12/05 House: Assigned to General Laws sub-committee: Subcommittee #2...

HB 1783 Residue parcels of land; Transportation Commissioner to offer parcels to local governing bodies.

Summary as introduced: ~~with met with delegation Feb. 3 in Richmond~~

Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patrons: BaCote; Senator: Locke

01/05/05 House: Prefiled & ordered printed; offered 01/12/05 056029222

01/05/05 House: Referred to Committee on Transportation

HB 1821 Eminent domain; procedure for acquisition of property by State. *no position*

Summary as introduced:

Eminent domain procedures. Makes the general provisions for the conduct of proceedings to acquire property by exercise of the power of eminent domain mandatory. Currently, the provisions create no rights or liabilities. The measure requires condemnors to pay the landowner's reasonable costs and experts' fees, excluding attorneys' fees, if the award at trial exceeds the condemnor's initial offer by more than 15 percent, and requires courts to give preference to eminent domain proceedings over other civil actions when setting cases for trial. Condemnors that are authorized to use the quick-take process will be required to comply with these general provisions.

Patron: Suit

01/05/05 House: Prefiled & ordered printed; offered 01/12/05 054173520

01/05/05 House: Referred to Committee for Courts of Justice

HB 2167 Affordable housing. *oppose*

Summary as introduced:

Affordable housing. Provides that notwithstanding any other provision of law, a locality shall not request or receive contributions for affordable housing except pursuant to an ordinance adopted in accordance with provisions granting bonus density or bonus height in exchange for such contributions.

Patron: Reese

01/11/05 House: Prefiled & ordered printed; offered 01/12/05 059065484

01/13/05 House: Referred to Committee on Counties, Cities and Towns

SB 764 Residue parcels of land; Transportation

Commissioner to offer parcels to local governing bodies. *support*

Summary as introduced:

Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patrons: Locke; Delegate: BaCote

01/05/05 Senate: Prefiled & ordered printed; offered 01/12/05 056144750

01/05/05 Senate: Referred to Committee on Agriculture, Conservation & Nat.

SB 812 Residue parcels of land; Transportation

Commissioner to offer parcels to local governing bodies. *support*

Summary as introduced:

Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron: Williams

01/10/05 Senate: Prefiled & ordered printed; offered 01/12/05 053166848

01/10/05 Senate: Referred to Committee on Transportation

Public Safety

HB 1517 Assault and battery; anger management for persons charged with first offense against family member. *oppose*

Summary as introduced:

Anger management for persons accused of family violence. Allows a court to require a person who is accused of family violence to enter, along with the victim who agrees to such a course of action, an education or treatment program focused upon anger management and designed to retrain the parties on how to disagree effectively and peacefully, if such a program is available. The court, when such a program is not available, may require education or treatment services such as, in the opinion of the court, may be best suited to the needs of the accused.

Patron: Reese

11/15/04 House: Prefiled & ordered printed; offered 01/12/05 051191484

11/15/04 House: Referred to Committee for Courts of Justice

01/13/05 House: Assigned to C. J. sub-committee: Criminal Law

HB 1618 Interfering with emergency use of telephone; penalty. *support*

Summary as introduced:

Interfering with emergency use of telephone; penalty. Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from reporting an emergency situation or summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

Patron: Janis

12/16/04 House: Prefiled & ordered printed; offered 01/12/05 054380348

12/16/04 House: Referred to Committee for Courts of Justice

01/14/05 House: Assigned to C. J. sub-committee: Criminal Law

HB 1830 Cell phones; prohibits use while driving. *support*

Summary as introduced:

Use of certain wireless communication devices by operators of motor vehicles. Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

Patron: Parrish

01/06/05 House: Prefiled & ordered printed; offered 01/12/05 052222452

01/06/05 House: Referred to Committee on Transportation

HB 1852 Anti-Terrorist Weapons Public Safety Act; created.

Summary as introduced: *support*

Assault weapons; penalty. Creates an "Anti-Terrorist Weapons Public Safety Act" that mirrors the existing regulation of machine guns. The Act would regulate the sale, use, and possession of assault weapons, defined as .50 BMG sniper rifles and .50 caliber assault rifles. It would be a

Class 2 felony to possess or use an assault weapon in the perpetration of a crime of violence and a Class 4 felony to use an assault weapon for an offensive or aggressive purpose.

Firearms manufacturers and dealers must keep a register all of assault weapons manufactured or handled by them, including the serial number and the name, address and occupation of the person to whom an assault weapon is sold, loaned, gifted or delivered. The registry shall be available for inspection by law-enforcement agents. In addition, every assault rifle in the Commonwealth must be registered with the Department of State Police within 24 hours of its acquisition. Failure to produce a certificate of registration would be a Class 3 misdemeanor, and a law-enforcement officer could seize the weapon without a warrant.

The Act would not be applicable to the manufacture for and transportation to the armed forces of the United States, the Virginia National Guard, or law-enforcement officers. The Act would not prohibit the possession of assault weapons not useable as weapons, for scientific purposes, or for purposes manifestly not aggressive or offensive.

Patron: Eisenberg

01/06/05 House: Prefiled & ordered printed; offered 01/12/05 051371301

01/06/05 House: Referred to Committee on Militia, Police and Public Safety

01/10/05 House: Fiscal impact statement from VCSC (HB1852)

SB 1081 Wireless communication devices; use by drivers.

Summary as introduced: support

Wireless communication devices; use by drivers. Prohibits drivers' use of hand-held telecommunications devices while their vehicles are in motion, except in an emergency. This prohibition does not extend to devices being operated hands-free. Violations are traffic infractions punishable by fines of \$100.

Patron: Ticer

01/12/05 Senate: Prefiled & ordered printed; offered 01/12/05 051215828

01/12/05 Senate: Referred to Committee on Transportation