

SATURDAY, MARCH 10, 2012

The Senate met at 11:00 a.m. and was called to order by Lieutenant Governor William T. Bolling.

The Reverend Benjamin P. Campbell, Richmond Hill, Richmond, Virginia, offered the following prayer:

Dear Lord, Your love for us is overwhelming. We stand in the presence of a grace and abundance which we did not create, and of which we are called to be stewards on behalf of the citizens of Virginia. It is not an easy task. We do not fully agree on what we are to do, or on how it is to be carried out. We are not in control of the situation, or of its outcome.

Therefore, even if it were not clear to us at the beginning, it is clear to us at this ending, that we are in need of Your guidance and Your blessing.

Deepen our understanding of ourselves, our task, and of the truth, that we may see more clearly the path that lies before us. Deepen our sense of what is really important; speak to each of us, and to all of us, with Your guidance; and lead us to outcomes that truly serve Your people and Your Commonwealth.

Lord, bless each of these men and women here today. Give them time off, with respite and rest, so that when the morning comes, and more must be done, they may see clearly, live wisely, and serve gladly. Amen.

The roll was called and the following Senators answered to their names:

Barker, Black, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins.

A quorum was present.

After the roll call, Senator Blevins notified the Clerk of his presence.

On motion of Senator Black, the reading of the Journal was waived.

The recorded vote is as follows:

YEAS--31. NAYS--9. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Hanger, Herring, Howell, Lucas, Marsden, Marsh, Martin, McDougle, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puller, Ruff, Saslaw, Stosch, Stuart, Vogel, Wagner, Watkins--31.

NAYS--Deeds, Garrett, Locke, McEachin, Petersen, Puckett, Reeves, Smith, Stanley--9.

RULE 36--0.

**HOUSE COMMUNICATION**

The following communication was received:

In the House of Delegates  
March 9, 2012

THE HOUSE OF DELEGATES HAS AGREED TO THE FOLLOWING SENATE JOINT RESOLUTIONS:

**S.J.R. 201.** Confirming appointments by the Governor of certain persons communicated February 24, 2012.

**S.J.R. 227.** Commending Jerry Cutright.

**S.J.R. 228.** Commending the service of Louisa County Sheriff's Office K-9 Unit Bloodhound Maggie.

/s/ G. Paul Nardo  
Clerk, House of Delegates

On motion of Senator Norment, the Rules were suspended and the reading of the communication from the House of Delegates was waived.

The recorded vote is as follows:

YEAS--29. NAYS--11. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Hanger, Herring, Lucas, Marsden, Marsh, Martin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Ruff, Saslaw, Stosch, Stuart, Vogel, Wagner, Watkins--29.

NAYS--Deeds, Garrett, Howell, Locke, McDougale, McEachin, McWaters, Petersen, Reeves, Smith, Stanley--11.

RULE 36--0.

### COMMITTEE REPORT

Senator Norment, from the Committee for Courts of Justice, presented the following reports:

#### SENATE OF VIRGINIA

March 9, 2012

TO THE SENATE OF VIRGINIA:

The Committee for Courts of Justice hereby certifies that the following persons are qualified for the respective general district court judgeships, as follows:

Sam D. Eggleston, III, of Nelson, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2012.

Tracy C. Hudson, of Manassas, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2012.

Kimberly A. Irving, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2012.

William E. Jarvis, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing November 1, 2012.

Respectfully submitted,

/s/ Thomas K. Norment, Jr., Chairman  
Committee for Courts of Justice

SENATE OF VIRGINIA

March 9, 2012

TO THE SENATE OF VIRGINIA:

The Committee for Courts of Justice hereby certifies that the following person is qualified for the juvenile and domestic relations district court judgeship, as follows:

H. Cary Payne, of Bedford County, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2012.

Respectfully submitted,

/s/ Thomas K. Norment, Jr., Chairman  
Committee for Courts of Justice

**JOINT ORDER FOR ELECTIONS**

The morning hour of the Senate having been concluded, the President stated that the Senate on its part was ready to proceed, pursuant to House Joint Resolution No. 5, with the execution of the Joint Order to the election of a judge of the Court of Appeals of Virginia, certain judges, and other officers of the Commonwealth.

Senator McDougle moved that, pursuant to **H.J.R. 5** (five), the special and continuing joint order relating to judicial elections be discharged.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

Senator McDougle was ordered to inform the House of Delegates thereof.

**MESSAGE FROM THE HOUSE  
IMMEDIATE CONSIDERATION**

A message was received from the House of Delegates by Delegate Cox, M.K., who informed the Senate that the House had agreed to **H.J.R. 532** (five hundred thirty-two); in which it requested the concurrence of the Senate:

**H.J.R. 532.** Applying to the Governor to call a special session and establishing a schedule for the conduct of business coming before such special session.

**H.J.R. 532** was taken up, read by title the first time, and referred to the Committee on Rules.

Senator McDougle moved that the Rules be suspended, the Committee on Rules be discharged from further consideration of **H.J.R. 532**, the readings of the title be waived, and the joint resolution be taken up for immediate consideration.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

#### HOUSE JOINT RESOLUTION NO. 532

Applying to the Governor to call a special session and establishing a schedule for the conduct of business coming before such special session.

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly does hereby apply to the Governor that, pursuant to Section 6 of Article IV of the Constitution of Virginia, he shall convene the General Assembly in a special session immediately upon adjournment sine die of the 2012 Regular Session for the purpose of considering Budget Bill(s); and, be it

RESOLVED FURTHER, That except with the unanimous consent of the house in which the legislation is offered, no bill or joint resolution shall be offered in either house during the special session other than those relating to (i) Budget Bill(s); (ii) joint resolutions affecting the rules of procedure or schedule of business of the General Assembly, either of its houses, or any of its committees; (iii) joint resolutions regarding the election of judges; (iv) commending and memorial joint resolutions; or (v) joint resolutions confirming appointments subject to the confirmation of the General Assembly; and, be it

RESOLVED FURTHER, That after the special session is convened for the first time, it may stand in recess from time to time until reconvened by the joint call of the Speaker of the House of Delegates and Chair of the Senate Committee on Rules to consider such matters as are provided for in the procedural resolution adopted to govern the conduct of business coming before such special session; and, be it

RESOLVED FURTHER, That no engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house; and, be it

RESOLVED FINALLY, That for purposes of this resolution:

“Budget Bill” means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2010, through June 30, 2012, or July 1, 2012, through June 30, 2014.

**H.J.R. 532**, on motion of Senator McDougle, was agreed to.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--0.

RULE 36--0.

### MESSAGE FROM THE HOUSE

A message was received from the House of Delegates by Delegate Cline, who informed the Senate that the House had agreed to **H.J.R. 533** (five hundred thirty-three), as follows; in which it requested the concurrence of the Senate:

#### HOUSE JOINT RESOLUTION NO. 533

Election of a Court of Appeals of Virginia Judge, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and a member of the Workers' Compensation Commission.

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed during each house's morning hour

To the election of a Court of Appeals of Virginia judge for a term of eight years commencing April 1, 2012.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Sixth Judicial Circuit, term commencing July 1, 2012.

One judge for the Ninth Judicial Circuit, term commencing July 1, 2012.

One judge for the Tenth Judicial Circuit, term commencing July 1, 2012.

One judge for the Twelfth Judicial Circuit, term commencing July 1, 2012.

One judge for the Thirteenth Judicial Circuit, term commencing July 1, 2012.

One judge for the Fourteenth Judicial Circuit, term commencing July 1, 2012.

One judge for the Sixteenth Judicial Circuit, term commencing July 1, 2012.

One judge for the Seventeenth Judicial Circuit, term commencing July 1, 2012.

One judge for the Twenty-second Judicial Circuit, term commencing July 1, 2012.

One judge for the Twenty-second Judicial Circuit, term commencing August 1, 2012.

One judge for the Twenty-sixth Judicial Circuit, term commencing April 1, 2012.

One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2012.

One judge for the Twenty-eighth Judicial Circuit, term commencing July 1, 2012.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for First Judicial District, term commencing July 1, 2012.

One judge for the Second Judicial District, term commencing July 1, 2012.

One judge for the Sixth Judicial District, term commencing July 1, 2012.

One judge for the Sixth Judicial District, term commencing July 1, 2012.

One judge for the Ninth Judicial District, term commencing July 1, 2012.

One judge for the Eleventh Judicial District, term commencing July 1, 2012.

One judge for the Thirteenth Judicial District, term commencing July 1, 2012.  
One judge for the Twentieth Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-fourth Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-fifth Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-eighth Judicial District, term commencing July 1, 2012.  
One judge for the Thirtieth Judicial District, term commencing April 1, 2012.  
One judge for the Thirty-first Judicial District, term commencing July 1, 2012.  
One judge for the Thirty-first Judicial District, term commencing November 1, 2012.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing July 1, 2012.  
One judge for the Ninth Judicial District, term commencing July 1, 2012.  
One judge for the Ninth Judicial District, term commencing July 1, 2012.  
One judge for the Tenth Judicial District, term commencing July 1, 2012.  
One judge for the Twelfth Judicial District, term commencing July 1, 2012.  
One judge for the Fourteenth Judicial District, term commencing July 1, 2012.  
One judge for the Fourteenth Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-second Judicial District, term commencing August 1, 2012.  
One judge for the Twenty-fourth Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-seventh Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-seventh Judicial District, term commencing July 1, 2012.  
One judge for the Twenty-eighth Judicial District, term commencing July 1, 2012.

To the election of a member of the Workers' Compensation Commission for a term of six years commencing April 1, 2012.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

## CALENDAR

### SECOND CONFERENCE COMMITTEE REPORT

Senator Obenshain, for the second committee of conference on **H.B. 101** (one hundred one), presented the following report:

#### Second Joint Conference Committee Report On House Bill No. 101

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 101, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate G. Manoli Loupassi

/s/ Delegate David B. Albo

/s/ Delegate David J. Toscano

Conferees on the part of the House

\* Senator Ryan T. McDougle

/s/ Senator Mark D. Obenshain

/s/ Senator John S. Edwards

Conferees on the part of the Senate

\* I Dissent

/s/ Senator Ryan T. McDougle

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 101

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.

On motion of Senator Obenshain, the second joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--36. NAYS--4. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stosch, Stuart, Vogel, Wagner, Watkins--36.

NAYS--Deeds, McDougle, Petersen, Stanley--4.

RULE 36--0.

CONFERENCE COMMITTEE REPORT

Senator Watkins, for the committee of conference on **H.B. 813** (eight hundred thirteen), presented the following report:

Joint Conference Committee Report On  
House Bill No. 813

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 813, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Joe T. May

/s/ Delegate Beverly J. Sherwood

/s/ Delegate James M. Scott

Conferees on the part of the House

/s/ Senator John C. Watkins

/s/ Senator Mark R. Herring

/s/ Senator Frank W. Wagner

Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 813

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-2201 through 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.03:2, 33.1-23.7, 58.1-423, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--Norment--1.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Ruff, for the committee of conference on **H.B. 848** (eight hundred forty-eight), presented the following report:

Joint Conference Committee Report On  
House Bill No. 848

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 848, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.



Respectfully submitted,

/s/ Delegate Joseph P. Johnson, Jr.  
/s/ Delegate Riley E. Ingram  
/s/ Delegate Robert D. Orrock, Sr.  
Conferees on the part of the House

/s/ Senator Frank M. Ruff, Jr.  
/s/ Senator Charles W. Carrico, Sr.  
/s/ Senator Barbara A. Favola  
Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 848

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1716.2, relating to reimbursement to localities for methamphetamine lab cleanup costs.

On motion of Senator Ruff, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**MESSAGE FROM THE HOUSE**

A message was received from the House of Delegates by Delegate Cline, who informed the Senate that the House had agreed to discharge the special and continuing joint order.

**CONFERENCE COMMITTEE REPORT**

Senator McDougle, for the committee of conference on **H.B. 968** (nine hundred sixty-eight), presented the following report:

Joint Conference Committee Report On  
House Bill No. 968

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 968, report as follows:

We recommend that the Senate Amendment in the Nature of a Substitute be accepted.

Respectfully submitted,

/s/ Delegate Robert B. Bell  
/s/ Delegate Rick L. Morris  
/s/ Delegate Mark D. Sickles  
Conferees on the part of the House

/s/ Senator Ryan T. McDougle  
/s/ Senator Mark D. Obenshain  
/s/ Senator Richard H. Stuart  
Conferees on the part of the Senate

On motion of Senator McDougle, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--37. NAYS--3. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--37.

NAYS--Deeds, Marsh, Petersen--3.

RULE 36--0.

#### CONFERENCE COMMITTEE REPORT

Senator Stuart, for the committee of conference on **H.B. 1111** (one thousand one hundred eleven), presented the following report:

##### Joint Conference Committee Report On House Bill No. 1111

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1111, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Thomas A. Greason  
/s/ Delegate Christopher K. Peace  
/s/ Delegate David L. Bulova  
Conferees on the part of the House

/s/ Senator Richard H. Stuart  
/s/ Senator Jill Holtzman Vogel  
/s/ Senator George L. Barker  
Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1111

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 27-98 and 36-105 of the Code of Virginia, relating to fees for enforcement and appeals under Statewide Fire Prevention Code and Uniform Statewide Building Code.

On motion of Senator Stuart, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Obenshain, for the committee of conference on **H.B. 1173** (one thousand one hundred seventy-three), presented the following report:

Joint Conference Committee Report On  
House Bill No. 1173

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1173, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate L. Scott Lingamfelter  
/s/ Delegate Christopher P. Stolle  
/s/ Delegate Rosalyn R. Dance  
Conferees on the part of the House

/s/ Senator Mark D. Obenshain  
/s/ Senator Harry B. Blevins  
/s/ Senator Stephen D. Newman  
Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1173

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.10, 22.1-212.12, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.

On motion of Senator Obenshain, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--32. NAYS--7. RULE 36--1.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Marsden, Martin, McDougle, McWaters, Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--32.

NAYS--Deeds, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B.--7.

RULE 36--Petersen--1.

### CONFERENCE COMMITTEE REPORT

Senator Stuart, for the committee of conference on **H.B. 1280** (one thousand two hundred eighty), presented the following report:

Joint Conference Committee Report On  
House Bill No. 1280

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1280, report as follows:

A. We recommend that the Senate Amendment be rejected.

B. We recommend that the engrossed bill be amended as follows to resolve the matter under disagreement.

1. Line 22, engrossed, after *from harm*  
strike  
*or to provide for his basic human needs*
2. Line 49, engrossed, at the beginning of the line  
strike  
*or to provide for his basic human needs*
3. Line 87, engrossed, after *from harm*  
strike  
*or to provide for his basic human needs*

Respectfully submitted,

/s/ Delegate Christopher P. Stolle

/s/ Delegate J. Randall Minchew

/s/ Delegate Lynwood W. Lewis, Jr.

Conferees on the part of the House

/s/ Senator Richard H. Stuart  
/s/ Senator Jill Holtzman Vogel  
/s/ Senator Mark D. Obenshain  
Conferees on the part of the Senate

On motion of Senator Stuart, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Smith, for the committee of conference on **H.B. 1294** (one thousand two hundred ninety-four), presented the following report:

#### Joint Conference Committee Report On House Bill No. 1294

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1294, report as follows:

- A. We recommend that the Senate Amendment in the Nature of a Substitute be accepted.
- B. We recommend that the Senate Amendments be accepted.
- C. We recommend that the Senate Amendment in the Nature of a Substitute be amended as follows to resolve the matter under disagreement.

- 1. At the beginning of line 9, Senate Amendment in the Nature of a Substitute strike

*explicitly*

Respectfully submitted,

/s/ Delegate Lionell Spruill, Sr.  
/s/ Delegate Barry D. Knight  
/s/ Delegate J. Randall Minchew  
Conferees on the part of the House

/s/ Senator Ralph K. Smith  
/s/ Senator Harry B. Blevins  
/s/ Senator George L. Barker  
Conferees on the part of the Senate

On motion of Senator Smith, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Marsh, for the committee of conference on **H.J.R. 65** (sixty-five), presented the following report:

#### Joint Conference Committee Report On House Joint Resolution No. 65

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Joint Resolution No. 65, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Jennifer L. McClellan

/s/ Delegate Robert D. Orrock, Sr.

/s/ Delegate R. Steven Landes

Conferees on the part of the House

/s/ Senator Henry L. Marsh III

/s/ Senator L. Louise Lucas

/s/ Senator John C. Watkins

Conferees on the part of the Senate

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 65

[The substitute having been printed separately, the title only is recorded as follows:]

Recognizing the African American members elected to the Virginia Constitutional Convention of 1867-1868 and members elected to the Virginia General Assembly during Reconstruction.

On motion of Senator Marsh, the joint conference committee report was agreed to.

### CONFERENCE COMMITTEE REPORT

Senator Stosch, for the committee of conference on **H.J.R. 85** (eighty-five), presented the following report:

Joint Conference Committee Report On  
House Joint Resolution No. 85

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Joint Resolution No. 85, report as follows:

A. We recommend that the Senate Amendments be rejected.

B. We recommend that the engrossed resolution be accepted to resolve the matter under disagreement.

Respectfully submitted,

/s/ Delegate Harry R. Purkey  
/s/ Delegate Robert D. Orrock, Sr.  
/s/ Delegate Vivian E. Watts  
Conferees on the part of the House

/s/ Senator Thomas K. Norment, Jr.  
/s/ Senator Walter A. Stosch  
/s/ Senator Richard L. Saslaw  
Conferees on the part of the Senate

On motion of Senator Stosch, the joint conference committee report was agreed to.

**CONFERENCE COMMITTEE REPORT**

Senator Marsh, for the committee of conference on **S.B. 41** (forty-one), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 41

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 41, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the Senate engrossed bill be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Henry L. Marsh III  
/s/ Senator Stephen D. Newman  
/s/ Senator Jill Holtzman Vogel  
Conferees on the part of the Senate

/s/ Delegate James P. "Jimmie" Massie, III  
/s/ Delegate Christopher K. Peace  
/s/ Delegate Rosalyn R. Dance  
Conferees on the part of the House

On motion of Senator Marsh, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Edwards, for the committee of conference on **S.B. 94** (ninety-four), presented the following report:

#### Joint Conference Committee Report On Senate Bill No. 94

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 94, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator John S. Edwards

\* Senator Ryan T. McDougle

/s/ Senator William M. Stanley, Jr.

Conferees on the part of the Senate

/s/ Delegate G. Manoli Loupassi

/s/ Delegate David B. Albo

/s/ Delegate David J. Toscano

Conferees on the part of the House

\* I Dissent

/s/ Senator Ryan T. McDougle

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 94

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.

Senator Edwards moved that the joint conference committee report be agreed to.



**RULING OF THE CHAIR**

The Chair ruled that the joint conference committee report on **S.B. 94** was not properly before the Senate.

**CONFERENCE COMMITTEE REPORT**

Senator Obenshain, for the committee of conference on **S.B. 159** (one hundred fifty-nine), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 159

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 159, report as follows:

We recommend that the House Amendment in the Nature of a Substitute be accepted with the following amendment to resolve the matter under disagreement.

- 1. Line 31, House substitute, after years,  
strike  
*five*  
insert  
*three*

Respectfully submitted,

/s/ Senator Mark D. Obenshain  
/s/ Senator Thomas A. Garrett  
/s/ Senator Bryce E. Reeves  
Conferees on the part of the Senate

/s/ Delegate Robert B. Bell  
/s/ Delegate Rick L. Morris  
/s/ Delegate Mark D. Sickles  
Conferees on the part of the House

On motion of Senator Obenshain, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--38. NAYS--2. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--38.

NAYS--Locke, Petersen--2.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator McWaters, for the committee of conference on **S.B. 603** (six hundred three), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 603

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 603, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Jeffrey L. McWaters  
/s/ Senator Richard H. Black  
/s/ Senator Barbara A. Favola  
Conferees on the part of the Senate

/s/ Delegate Salvatore R. Iaquinto  
/s/ Delegate G. Manoli Loupassi  
/s/ Delegate Charniele L. Herring  
Conferees on the part of the House

**AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 603**

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 46.2-320 and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-320.1 and 46.2-320.2 and by adding in Article 6 of Chapter 3 of Title 53.1 sections numbered 53.1-127.3, 53.1-127.4, and 53.1-127.5, relating to fees owed by prisoners; suspension of driver's license.

On motion of Senator McWaters, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--29. NAYS--9. RULE 36--0.

YEAS--Barker, Black, Blevins, Colgan, Edwards, Garrett, Hanger, Herring, Howell, Marsh, Martin, McDougle, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--29.

NAYS--Carrico, Deeds, Ebbin, Locke, Lucas, Marsden, McEachin, Miller, Y.B., Petersen--9.  
RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Newman, for the committee of conference on **S.B. 679** (six hundred seventy-nine), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 679

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 679, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Stephen D. Newman

/s/ Senator Richard H. Stuart

/s/ Senator George L. Barker

Conferees on the part of the Senate

/s/ Delegate Kathy J. Byron

/s/ Delegate Salvatore R. Iaquinto

/s/ Delegate David L. Bulova

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 679

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, and to repeal § 2 of the first enactment of Chapter 814 of the Acts of Assembly of 2010, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

On motion of Senator Newman, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--32. NAYS--8. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Hanger, Herring, Howell, Marsden, Martin, McDougle, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--32.

NAYS--Deeds, Garrett, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Petersen--8.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Marsh, for the committee of conference on **S.J.R. 13** (thirteen), presented the following report:

Joint Conference Committee Report On  
Senate Joint Resolution No. 13

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Joint Resolution No. 13, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Henry L. Marsh III

/s/ Senator L. Louise Lucas

/s/ Senator John C. Watkins

Conferees on the part of the Senate

/s/ Delegate Jennifer L. McClellan

/s/ Delegate Robert D. Orrock, Sr.

/s/ Delegate R. Steven Landes

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 13

[The substitute having been printed separately, the title only is recorded as follows:]

Recognizing the African American members elected to the Virginia Constitutional Convention of 1867-1868 and members elected to the Virginia General Assembly during Reconstruction.

On motion of Senator Marsh, the joint conference committee report was agreed to.

**CONFERENCE COMMITTEE REPORT**

Senator Watkins, for the committee of conference on **S.B. 284** (two hundred eighty-four), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 284

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 284, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator John C. Watkins

/s/ Senator Mark R. Herring

/s/ Senator Frank W. Wagner

Conferees on the part of the Senate

/s/ Delegate Joe T. May

/s/ Delegate Beverly J. Sherwood

/s/ Delegate James M. Scott

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 284

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-2201 through 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.03:2, 33.1-23.7, 58.1-423, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--37. NAYS--1. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--37.

NAYS--Norment--1.

RULE 36--0.

**STATEMENT ON VOTE**

Senator McWaters stated that he was recorded as not voting on the question of agreeing to the joint conference committee report on **S.B. 284**, whereas he intended to vote *yea*.

**CONFERENCE COMMITTEE REPORT  
RECONSIDERATION**

Senator Herring moved to reconsider the vote by which the joint conference committee report on **S.B. 603** (six hundred three) was agreed to.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

On motion of Senator McWaters, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--26. NAYS--14. RULE 36--0.

YEAS--Barker, Black, Blevins, Edwards, Garrett, Hanger, Martin, McDougale, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--26.

NAYS--Carrico, Colgan, Deeds, Ebbin, Favola, Herring, Howell, Locke, Lucas, Marsden, Marsh, Miller, Y.B., Petersen, Puller--14.

RULE 36--0.

### RECESS

At 1:55 p.m., Senator Norment moved that the Senate recess until 2:30 p.m.

The motion was agreed to.

The hour of 2:30 p.m. having arrived, the Chair was resumed.

### UNFINISHED BUSINESS—SENATE

**S.B. 217** (two hundred seventeen) was taken up.

On motion of Senator Barker, the Senate respectfully requested a second committee of conference on **S.B. 217**.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--0.

RULE 36--0.

**S.B. 94** (ninety-four) was taken up.

On motion of Senator Edwards, the Senate respectfully requested a second committee of conference on **S.B. 94**.

The recorded vote is as follows:

YEAS--32. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McEachin, McWaters, Miller, J.C., Miller, Y.B., Norment, Northam, Obenshain, Puckett, Puller, Ruff, Saslaw, Smith, Stosch, Stuart, Vogel, Wagner--32.

NAYS--Deeds, Garrett, McDougle, Petersen, Reeves, Stanley--6.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Stuart, for the committee of conference on **H.B. 973** (nine hundred seventy-three), presented the following report:

#### Joint Conference Committee Report On House Bill No. 973

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 973, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Robert B. Bell

/s/ Delegate David B. Albo

/s/ Delegate Lionell Spruill, Sr.

Conferees on the part of the House

/s/ Senator Richard H. Stuart

/s/ Senator Bryce E. Reeves

/s/ Senator Thomas A. Garrett

Conferees on the part of the Senate

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 973

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 18.2-61, 18.2-67.1, and 18.2-67.2 of the Code of Virginia, relating to penalties for certain sex crimes.

Senator Stuart moved that the joint conference committee report be agreed to.

**H.B. 973**, on motion of Senator Obenshain, was passed by temporarily.

### CONFERENCE COMMITTEE REPORT

Senator Hanger, for the committee of conference on **H.B. 1034** (one thousand thirty-four), presented the following report:

Joint Conference Committee Report On  
House Bill No. 1034

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1034, report as follows:

We recommend that the Senate Floor Amendment in the Nature of a Substitute be accepted to resolve the matter under disagreement.

Respectfully submitted,

/s/ Delegate R. Steven Landes

/s/ Delegate C. Todd Gilbert

/s/ Delegate Kenneth C. Alexander

Conferees on the part of the House

/s/ Senator Emmett W. Hanger, Jr.

/s/ Senator Richard H. Stuart

/s/ Senator George L. Barker

Conferees on the part of the Senate

On motion of Senator Hanger, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--38. NAYS--1. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--38.

NAYS--Ebbin--1.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Ebbin stated that he voted nay on the question of agreeing to the joint conference committee report on **H.B. 1034**, whereas he intended to vote yea.

#### HOUSE COMMUNICATIONS

The following communications were received and read:

In the House of Delegates

March 10, 2012

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 22.** An Act to amend the Code of Virginia by adding a section numbered 15.2-915.5, relating to disposition of firearms.



**H.B. 250.** An Act to amend the Code of Virginia by adding sections numbered 22.1-18.2 and 22.1-90.1, relating to instructional spending in the classroom.

**H.B. 346.** An Act to amend and reenact §§ 32.1-263, 54.1-2900, 54.1-2901, 54.1-2957, 54.1-2957.01, 54.1-3000, 54.1-3005, 54.1-3301, and 54.1-3401 of the Code of Virginia, relating to practice of nurse practitioners; patient care teams.

**H.B. 382.** An Act to amend the Code of Virginia by adding a section numbered 22.1-129.1, relating to transfer of assistive technology devices.

**H.B. 541.** An Act to amend and reenact §§ 46.2-324.1, 46.2-325, 46.2-330, 46.2-335, 46.2-345, 46.2-692, 46.2-1550.2, 46.2-1558, 46.2-1954, 46.2-1964, 46.2-1992.46, 46.2-1992.56, 46.2-1993.46, and 46.2-1993.55 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-205.2 and 46.2-752.1, relating to DMV service and safety.

**H.B. 943.** An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, relating to purchase of handguns of certain officers.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING SENATE BILLS:

**S.B. 337.** An Act to amend and reenact §§ 46.2-324.1, 46.2-325, 46.2-330, 46.2-335, 46.2-345, 46.2-692, 46.2-1550.2, 46.2-1558, 46.2-1954, 46.2-1964, 46.2-1992.46, 46.2-1992.56, 46.2-1993.46, and 46.2-1993.55 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-205.2 and 46.2-752.1, relating to DMV service and safety.

**S.B. 503.** An Act to amend the Code of Virginia by adding in Title 58.1 a chapter numbered 22.1, consisting of sections numbered 58.1-2291 through 58.1-2299.20, and to repeal Article 4 (§§ 58.1-1718.1 through 58.1-1724.1) and Article 4.1 (§§ 58.1-1724.2 and 58.1-1724.4) of Chapter 17 of Title 58.1 of the Code of Virginia, relating to motor vehicle fuels sales tax; penalties.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR THE FOLLOWING HOUSE BILL:

**H.B. 1037.** An Act to amend and reenact § 18.2-248 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-248.04, relating to payment by defendant of cost of methamphetamine laboratory cleanup.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE COMMITTEES OF CONFERENCE ON THE FOLLOWING SENATE BILLS:

**S.B. 41.** A BILL for the relief of Thomas Edward Haynesworth.

**S.B. 94.** A BILL to amend and reenact §§ 8.01-3, 8.01-390, 8.01-401, 8.01-407, 16.1-69.40, 18.2-268.3, 19.2-265.5, 26-17.9, 32.1-127.1:03, 55-43, 55-120, and 63.2-1509 of the Code of Virginia and to repeal §§ 8.01-375, 8.01-386, 8.01-388, and 8.01-391, Article 2.1 (§ 8.01-391.1) of Chapter 14 of Title 8.01, and §§ 8.01-397.1, 8.01-398, 8.01-400, 8.01-400.1, 8.01-400.2, 8.01-401.1, 8.01-401.3, 8.01-403, 8.01-404, 8.01-417.1, 8.01-418.1, 18.2-67.7, 19.2-184, 19.2-188.3, 19.2-265.1, 19.2-265.2, 19.2-268.1, 19.2-268.2, 19.2-271, 19.2-271.2, 19.2-271.3, 30-153, and 55-114 of the Code of Virginia, relating to the Rules of Evidence.

**S.B. 159.** A BILL to amend and reenact § 18.2-248 of the Code of Virginia, relating to penalty for repeat drug trafficking offenses.

**S.B. 284.** A BILL to amend and reenact §§ 2.2-2201 through 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.7, and 58.1-423, of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.

**S.B. 436.** A BILL to amend and reenact §§ 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-67.5:3, and 19.2-303 of the Code of Virginia, relating to penalties for certain sex crimes.

**S.B. 440.** A BILL to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.

**S.B. 603.** A BILL to amend and reenact §§ 46.2-320 and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-320.1 and 46.2-320.2 and by adding in Article 6 of Chapter 3 of Title 53.1 sections numbered 53.1-127.3, 53.1-127.4, and 53.1-127.5, relating to fees owed by prisoners; suspension of driver's license.

**S.B. 679.** A BILL to amend and reenact §§ 2.2-1124, 2.2-4304, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, and 42.1-36.1, of the Code of Virginia, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

THE HOUSE OF DELEGATES HAS REJECTED THE REPORT OF THE COMMITTEE OF CONFERENCE ON THE FOLLOWING SENATE BILL:

**S.B. 217.** A BILL to amend and reenact § 22.1-3 of the Code of Virginia, relating to determining residency of public school students.

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE COMMITTEES OF CONFERENCE ON THE FOLLOWING HOUSE BILLS:

**H.B. 813.** A BILL to amend and reenact §§ 2.2-2201 through 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.03:2, 33.1-23.7, 58.1-423, 58.1-638, 58.1-1741, and 58.1-2425 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.

**H.B. 973.** A BILL to amend and reenact §§ 18.2-61, 18.2-67.1, 18.2-67.2, and 18.2-67.5:3 of the Code of Virginia, relating to penalties for certain sex crimes.

**H.B. 1034.** A BILL to repeal Chapter 57 (§§ 2.2-5700 through 2.2-5702) of Title 2.2 and Chapter 17 (§§ 22.1-336, 22.1-337, and 22.1-338) of Title 22.1, relating to the withdrawal of the Commonwealth from certain interstate agreements and commissions; the Southern Growth Policies Agreement and the Education Commission of the States.

**H.B. 1111.** A BILL to amend and reenact §§ 27-98 and 36-105 of the Code of Virginia, relating to fees for enforcement and appeals under Statewide Fire Prevention Code and Uniform Statewide Building Code.

**H.B. 1173.** A BILL to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.10, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.

**H.B. 1291.** A BILL to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8, 2.2-517, 2.2-712, 2.2-1111, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001, 2.2-2001.1, 2.2-2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-2528, 2.2-2626, 2.2-2627, 2.2-2664, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-3003 through 2.2-3005.1, 2.2-3401, 2.2-3402, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4345, 2.2-5300, 2.2-5510, 3.2-102, 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-1813, 3.2-1815, 3.2-2400 through 3.2-2410, 3.2-3900, 3.2-6588, 4.1-207.1, 4.1-223, 8.01-44.3, 8.01-66.9, 8.01-384.1, 8.01-418.2, 8.01-581.23, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-560, 10.1-603.2, 10.1-603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-1103, 10.1-1183, 10.1-1186, 10.1-1422.01, 13.1-543, 13.1-544, 13.1-549, 13.1-553, 13.1-1102, 13.1-1103, 13.1-1111, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-2159,(see printed bill for full title)

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORT OF THE COMMITTEE OF CONFERENCE ON THE FOLLOWING SENATE JOINT RESOLUTION:

**S.J.R. 66.** Approving the Executive Reorganization Plan submitted by the Governor.

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORT OF THE COMMITTEE OF CONFERENCE ON THE FOLLOWING HOUSE JOINT RESOLUTION:

**H.J.R. 49.** Approving the Executive Reorganization Plan submitted by the Governor.

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORT OF THE SECOND COMMITTEE OF CONFERENCE ON THE FOLLOWING HOUSE BILL:

**H.B. 101.** A BILL to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS AGREED TO THE FOLLOWING SENATE JOINT RESOLUTION:

**S.J.R. 253.** Commending Steven G. Bowman.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS ACCEDED TO THE REQUEST OF THE SENATE FOR SECOND COMMITTEES OF CONFERENCE ON THE FOLLOWING SENATE BILLS:

**S.B. 94.** A BILL to amend and reenact §§ 8.01-3, 8.01-390, 8.01-401, 8.01-407, 16.1-69.40, 18.2-268.3, 19.2-265.5, 26-17.9, 32.1-127.1:03, 55-43, 55-120, and 63.2-1509 of the Code of Virginia and to repeal §§ 8.01-375, 8.01-386, 8.01-388, and 8.01-391, Article 2.1 (§ 8.01-391.1) of Chapter 14 of Title 8.01, and §§ 8.01-397.1, 8.01-398, 8.01-400, 8.01-400.1, 8.01-400.2, 8.01-401.1, 8.01-401.3, 8.01-403, 8.01-404, 8.01-417.1, 8.01-418.1, 18.2-67.7, 19.2-184, 19.2-188.3, 19.2-265.1, 19.2-265.2, 19.2-268.1, 19.2-268.2, 19.2-271, 19.2-271.2, 19.2-271.3, 30-153, and 55-114 of the Code of Virginia, relating to the Rules of Evidence.

**S.B. 217.** A BILL to amend and reenact § 22.1-3 of the Code of Virginia, relating to determining residency of public school students.

/s/ G. Paul Nardo  
Clerk, House of Delegates

### CONFERENCE PROCEDURES

Senator Norment, Chair of the Committee for Courts of Justice, appointed Senators Edwards, Obenshain, and McDougle, the conferees on the part of the Senate for a second committee of conference on **S.B. 94** (ninety-four).

Senator Martin, Chair of the Committee on Education and Health, appointed Senators Barker, Newman, and Martin, the conferees on the part of the Senate for a second committee of conference on **S.B. 217** (two hundred seventeen).

**RECESS**

At 2:45 p.m., Senator Norment moved that the Senate recess until 3:35 p.m.

The motion was agreed to.

The hour of 3:35 p.m. having arrived, the Chair was resumed.

**CONFERENCE COMMITTEE REPORT**

Senator Norment, for the committee of conference on **H.B. 777** (seven hundred seventy-seven), presented the following report:

Joint Conference Committee Report On  
House Bill No. 777

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 777, report as follows:

- A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.
- B. We recommend that the engrossed bill be accepted to resolve the matter under disagreement.

Respectfully submitted,

/s/ Delegate R. Steven Landes  
/s/ Delegate Robert D. Orrock, Sr.  
/s/ Delegate Joseph P. Johnson, Jr.  
Conferees on the part of the House

/s/ Senator Thomas K. Norment, Jr.  
/s/ Senator Walter A. Stosch  
/s/ Senator Richard L. Saslaw  
Conferees on the part of the Senate

On motion of Senator Norment, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--37. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel--37.

NAYS--0.  
RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Smith, for the committee of conference on **H.B. 878** (eight hundred seventy-eight), presented the following report:

Joint Conference Committee Report On  
House Bill No. 878

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 878, report as follows:

A. We recommend that the Senate Amendments be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Mark D. Sickles  
/s/ Delegate Salvatore R. Iaquinto  
/s/ Delegate M. Keith Hodges  
Conferees on the part of the House

/s/ Senator Ralph K. Smith  
/s/ Senator William M. Stanley, Jr.  
/s/ Senator Frank M. Ruff, Jr.  
Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 878

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 15.2-973 of the Code of Virginia, relating to license taxes on certain motor vehicles.

On motion of Senator Smith, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--36. NAYS--3. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Deeds, Ebbin, Edwards, Favola, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Ruff, Saslaw, Smith, Stosch, Stuart, Vogel, Wagner, Watkins--36.

NAYS--Garrett, Reeves, Stanley--3.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator McDougle, for the committee of conference on **H.B. 1291** (one thousand two hundred ninety-one), presented the following report:

Joint Conference Committee Report On  
House Bill No. 1291

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1291, report as follows:

We recommend that the Senate Amendment in the Nature of a Substitute be accepted with the following amendments thereto to resolve the matters under disagreement.

1. Line 28, substitute, Title, after *58.1-3840*,  
strike  
*59.1-198*,
2. Line 40, substitute, Title, after *Title 46.2*  
strike  
*a section numbered 46.2-116*  
insert  
*sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119*
3. Line 10213, substitute, after **108. That §§**  
strike  
**2.2-4024, 46.2-649.1, and 46.2-1217**  
insert  
**2.2-517, 2.2-4024, 3.2-102, 4.1-207.1, 4.1-223, 9.1-102, 46.2-1206, 46.2-1217, and 59.1-473**
4. Line 10214, substitute, after **Title 46.2**  
strike  
**a section numbered 46.2-116**  
insert  
**sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119**
5. At the beginning of line 10216, substitute  
strike  
all of lines 10216 through 10360  
insert  
§ 2.2-517. Division of Consumer Counsel created; duties.  
A. There is created in the Department of Law a Division of Consumer Counsel (the "Division") that shall represent the interests of the people as consumers.  
B. The duties of the Division shall be to:
  1. Appear before governmental commissions, agencies and departments, including the State Corporation Commission, to represent and be heard on behalf of consumers' interests, and investigate such matters relating to such appearance.
  2. Make such studies related to enforcing consumer laws of the Commonwealth as deemed necessary to protect the interests of the consumer and recommend to the Governor and General Assembly the enactment of such legislation deemed necessary to promote and protect the interests of the people as consumers.

C. *In addition, the Division may inquire into consumer complaints involving towing and recovery operators and tow truck drivers regarding violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.*

D. The Division, in all investigations connected with enforcing consumer laws and appearances before governmental bodies shall, on behalf of the interests of the consumer, cooperate and coordinate its efforts with such commissions, agencies and departments in ensuring that any matters adversely

affecting the interests of the consumer are properly controlled and regulated. The appearance of a representative of the Division before any governmental body shall in no way limit or alter the duties of such governmental body.

~~D.~~ E. The Attorney General may employ and fix the salaries of such attorneys, employees and consultants, within the amounts appropriated to the Attorney General for providing legal service for the Commonwealth, and other services as may be provided for by law, as he may deem necessary in the operation of the Division of Consumer Counsel to carry out its functions.

§ 2.2-4024. Hearing officers.

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and
3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than ~~ten~~ 10 days prior to the hearing by the Executive Secretary of the Supreme Court.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within ~~ninety~~ 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within ~~ninety~~ 90 days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within ~~thirty~~ 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall



remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Alcoholic Beverage Control Board, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, *or* the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2, ~~or the Board of Towing and Recovery Operators under Chapter 28 (§ 46.2-2800 et seq.) of Title 46.2;~~ or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission and the Virginia Resources Authority pursuant to their basic laws.

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the

Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. ~~Have the authority, in the same manner as provided in § 59.1-308.2, to inquire into consumer complaints regarding violations of § 46.2-1231 or 46.2-1233.1 involving businesses engaged in towing vehicles or to refer the complaint directly to the appropriate local enforcement officials;~~

2.—Establish mechanisms by which to receive complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such mechanisms shall include establishing a statewide, toll-free telephone hotline to be administered by the Department; publicizing the existence of such hotline through public service announcements on television and radio and in newspapers and other media deemed necessary, convenient, or appropriate; and enhancing electronic communication with the Department through computer networks such as the Internet;

3.—2. Establish and administer programs that facilitate resolution of complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such programs shall be developed in cooperation with the Office of the Attorney General and may utilize paid or unpaid personnel, law schools or other institutions of higher education, community dispute resolution centers, or any other private or public entity, including any local offices of consumer affairs established pursuant to § 15.2-963 that volunteer to participate in a program. He shall submit an annual written report on or before January 15 to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation, and Natural Resources on his activities pursuant to this subdivision and subdivision 2 of this subsection 1 during the preceding calendar year;

4.—3. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; and

~~5-4.~~ Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-207. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

§ 4.1-207.1. Restricted wholesale wine licenses.

The Board may grant a wholesale wine license to a nonprofit, nonstock corporation created in accordance with subdivision ~~B-5 4~~ of § 3.2-102, which shall authorize the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The corporation shall provide such distribution services in accordance with the terms of a written agreement approved by the corporation between it and the winery or farm winery licensee, which shall comply with the provisions of this title and Board regulations. The corporation shall receive all of the privileges of, and be subject to, all laws and regulations governing wholesale wine licenses granted under subdivision 2 of § 4.1-207.

§ 4.1-223. Conditions under which Board shall refuse to grant licenses.

The Board shall refuse to grant any:

1. Wholesale beer or wine license to any person, unless such person has established or will establish a place or places of business within the Commonwealth at which will be received and from which will be distributed all alcoholic beverages sold by such person in the Commonwealth. However, in special circumstances, the Board, subject to any regulations it may adopt, may permit alcoholic beverages to be received into or distributed from places other than established places of business.

2. Wholesale beer license or wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer or any person under common control with such manufacturer. This subdivision, however, shall not apply to (i) any applicant for a wholesale beer or wine license filed pursuant to subdivision ~~B 3 b of subsection B~~ of § 4.1-216 or (ii) the nonprofit, nonstock corporation established pursuant to subdivision ~~B-5 4~~ of § 3.2-102 in exercising any privileges granted under § 4.1-207.1.

As used in this subdivision, the term "manufacturer" includes any person (i) who brews, vinifies or distills alcoholic beverages for sale or (ii) engaging in business as a contract brewer, winery or distillery that owns alcoholic beverage product brand rights, but arranges the manufacture of such products by another person.

3. Mixed beverage license if the Board determines that in the licensed establishment there (i) is entertainment of a lewd, obscene or lustful nature including what is commonly called stripteasing, topless entertaining, and the like, or which has employees who are not clad both above and below the waist, or who uncommonly expose the body or (ii) are employees who solicit the sale of alcoholic beverages.

4. Wholesale wine license until the applicant has filed with the Board a bond payable to the Commonwealth, in a sum not to exceed \$10,000, upon a form approved by the Board, signed by the applicant or licensee and a surety company authorized to do business in the Commonwealth as surety, and conditioned upon such person's (i) securing wine only in a manner provided by law, (ii) remitting to the Board the proper tax thereon, (iii) keeping such records as may be required by law or Board regulations, and (iv) abiding by such other laws or Board regulations relative to the handling of wine by wholesale wine licensees. The Board may waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

5. Mixed beverage license to any member, agent or employee of the Board or to any corporation or other business entity in which such member, agent or employee is a stockholder or has any other economic interest.

Whenever any other elective or appointive official of the Commonwealth or any political subdivision thereof applies for such a license or continuance thereof, he shall state on the application the official position he holds, and whenever a corporation or other business entity in which any such official is a stockholder or has any other economic interests applies for such a license, it shall state on the application the full economic interest of each such official in such corporation or other business entity.

6. License authorized by this chapter until the license tax required by § 4.1-231 is paid to the Board.

#### § 9.1-102. Powers and duties of the Board and the Department.

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

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

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

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

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

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

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

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

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

11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

13. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

14. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

15. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

16. Make recommendations concerning any matter within its purview pursuant to this chapter;

17. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

19. Conduct audits as required by § 9.1-131;

20. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

21. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

22. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

23. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and granting funds for these purposes;

27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

28. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

29. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

30. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

36. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The

Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

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

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

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

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

41. [Expired.]

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

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

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



consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 46.2-116. *Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.*

A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

“Consumer” means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

“Department” means the Department of Criminal Justice Services.

“Tow truck driver” means an individual who drives a tow truck as defined in § 46.2-100.

“Towing and recovery operator” means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. “Towing and recovery operator” shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant’s fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant’s record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. No registration shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of § 17.1-805; or (iii) has been convicted of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions. Any

person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs.

A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or upon the failure of a tow truck driver to report to the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow truck driver after notice and hearing as provided in subsection C.

B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or suspend the registration of a tow truck driver for:

1. Conviction of any crime for which a person must register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;

2. Conviction of a violent crime as defined in subsection C of § 17.1-805; or

3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the actual cost of recording the hearing.

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

*B. No towing and recovery operator shall:*

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register as a sex offender as provided in § 9.1-901;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209.

§ 46.2-119. *Complaints against tow truck drivers or towing and recovery operators; enforcement by the Office of the Attorney General.*

A. Any consumer aggrieved by the actions of a (i) tow truck driver for an alleged violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or (ii) towing and recovery operator for an alleged violation of subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 may file a complaint with the Division of Consumer Counsel of the Office of the Attorney General for appropriate action in accordance with this section and any other applicable law.

B. The Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages or intent be proved to establish a violation. The standard of proof at trial shall be a preponderance of the evidence. The circuit court may issue temporary or permanent injunctions to restrain and prevent violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.

C. In any action brought under this section, the Attorney General may recover damages and such other relief allowed by law, including restitution on behalf of consumers injured by violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1, as well as costs and reasonable expenses incurred by the Commonwealth in investigating and preparing the case, including attorney fees.

§ 46.2-1206. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher or scrap metal processor.

No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Department for cancellation the certificate of title, Vehicle Removal Certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle. The Department shall issue the appropriate forms for the surrender of sales receipts, certificates of title, vehicle disposition histories, and vehicle removal certificates.

Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with § 46.2-1608, of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:

1. The towing company's name ~~and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators;~~;

2. One of the ownership or possession documents set out in this section following verification of its accuracy, ~~and;~~

3. The driver's license of the person delivering the motor vehicle. ~~If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the; and~~

4. *The license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.*

In addition, a photocopy or electronic copy of the appropriate ownership document or a Vehicle Removal Certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the Department at the place of business or at another readily accessible and secure location within the Commonwealth for at least five years. The personal identifying information contained within these records shall be protected from unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the Department is subject to the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.).

If requested by a law-enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this chapter and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor. The Department shall also assess a civil penalty not to exceed \$500 for the first offense and \$1,000 for the second and subsequent offenses. Those penalties shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the demolisher or scrap metal processor whether the motor vehicle can be freed from this limitation. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The

county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. ~~Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ 46.2-2800 et seq.) of this title and regulations adopted pursuant thereto.~~

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

“Police-requested towing” or “police towing request,” as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) ~~of this chapter~~ and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, “owner of the vehicle” means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the *Commonwealth Transportation Board*. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

§ 59.1-473. Legal action or arbitration.

A. The remedies afforded by this chapter are cumulative and not exclusive and shall be in addition to any other legal or equitable remedies otherwise available to the consumer.

B. In addition to any other remedies otherwise available to him, any consumer who suffers loss as a result of any violation of this chapter may bring an action to recover damages. Such damages may also be recovered through the arbitration mechanism described in subsection C.

C. All persons subject to this chapter shall have the option of submitting any disputes arising under the provisions of this chapter to the arbitration mechanism established and administered by the Dispute Resolution Unit of the Office of Consumer Affairs, Division of Consumer Protection, pursuant to subdivision B-3 2 of § 3.2-102. Such mechanism shall ensure that the arbitration is conducted by a neutral third party.

**109. That Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2 of the Code of Virginia is repealed.**

**110. That any regulations adopted by the Board of Towing and Recovery Operators being abolished by this act that are in effect before January 1, 2013, are hereby repealed as of that date. The Registrar of Regulations shall take appropriate administrative action to effect the repeal of the regulations in the Virginia Administrative Code.**

**111. That the Board of Towing and Recovery Operators shall pay off its treasury notes and pay off or satisfy all of its other financial obligations no later than January 1, 2013.**

**112. That the provisions of the 108th through the 110th enactments of this act shall become effective on January 1, 2013.\***

6. After line 10888, substitute  
insert

**115. That the Governor may transfer any employee within a state agency established, abolished or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.**

**116. That the provisions of this act shall be deemed to have been enacted prior to any other legislation enacted by the 2012 Session of the General Assembly that adds to, repeals, or amends and reenacts any portion of this act. Any such other legislation enacted shall be deemed to have so added to, repealed, or amended and reenacted this act.**

Respectfully submitted,

/s/ Delegate C. Todd Gilbert

/s/ Delegate S. Chris Jones

/s/ Delegate Matthew James

Conferees on the part of the House

/s/ Senator Ryan T. McDougle

/s/ Senator Stephen H. Martin

/s/ Senator J. Chapman Petersen

Conferees on the part of the Senate

Senator McDougle moved that the joint conference committee report be agreed to.



**H.B. 1291**, on motion of Senator Herring, was passed by temporarily.

### CONFERENCE COMMITTEE REPORT

Senator Newman, for the committee of conference on **H.B. 1295** (one thousand two hundred ninety-five), presented the following report:

#### Joint Conference Committee Report On House Bill No. 1295

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1295, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate Kathy J. Byron

/s/ Delegate Salvatore R. Iaquinto

/s/ Delegate David L. Bulova

Conferees on the part of the House

/s/ Senator Stephen D. Newman

/s/ Senator Richard H. Stuart

/s/ Senator George L. Barker

Conferees on the part of the Senate

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1295

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, and to repeal § 2 of the first enactment of Chapter 814 of the Acts of Assembly of 2010, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

On motion of Senator Newman, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--35. NAYS--3. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Lucas, Marsden, Martin, McDougle, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--35.

NAYS--Deeds, Locke, Petersen--3.

RULE 36--0.

## CONFERENCE COMMITTEE REPORT

Senator McDougle, for the committee of conference on **H.J.R. 49** (forty-nine), presented the following report:

Joint Conference Committee Report On  
House Joint Resolution No. 49

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Joint Resolution No. 49, report as follows:

A. We recommend that the Senate Amendments be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate C. Todd Gilbert

/s/ Delegate S. Chris Jones

/s/ Delegate Matthew James

Conferees on the part of the House

/s/ Senator Jill Holtzman Vogel

/s/ Senator Stephen H. Martin

/s/ Senator Richard H. Black

/s/ Senator Ryan T. McDougle

Conferees on the part of the Senate

## AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 49

[The substitute having been printed separately, the title only is recorded as follows:]

Approving the Executive Reorganization Plan submitted by the Governor.

On motion of Senator McDougle, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--34. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Edwards, Favola, Garrett, Hanger, Herring, Howell, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--34.

NAYS--Deeds, Ebbin, Locke, Lucas, Miller, J.C., Miller, Y.B.--6.

RULE 36--0.

## CONFERENCE COMMITTEE REPORT

**H.B. 1291** (one thousand two hundred ninety-one) was taken up.

On motion of Senator McDougle, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--34. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Edwards, Favola, Garrett, Hanger, Herring, Howell, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--34.

NAYS--Deeds, Ebbin, Locke, Lucas, Miller, J.C., Miller, Y.B.--6.

RULE 36--0.

#### STATEMENT ON VOTE

Senator McWaters stated that he voted yea on the question of agreeing to the joint conference committee report on **H.B. 1291**, whereas he intended to vote nay.

#### CONFERENCE COMMITTEE REPORT

Senator Obenshain, for the committee of conference on **S.B. 436** (four hundred thirty-six), presented the following report:

##### Joint Conference Committee Report On Senate Bill No. 436

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 436, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Mark D. Obenshain

/s/ Senator Thomas A. Garrett

/s/ Senator Bryce E. Reeves

Conferees on the part of the Senate

/s/ Delegate Robert B. Bell

/s/ Delegate David B. Albo

/s/ Delegate Lionell Spruill, Sr.

Conferees on the part of the House

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 436

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 18.2-61, 18.2-67.1, and 18.2-67.2 of the Code of Virginia, relating to penalties for certain sex crimes.

On motion of Senator Obenshain, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--33. NAYS--7. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Edwards, Garrett, Hanger, Herring, Howell, Martin, McDougle, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--33.

NAYS--Ebbin, Favola, Locke, Lucas, Marsden, Marsh, Miller, Y.B.--7.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Obenshain, for the committee of conference on **S.B. 440** (four hundred forty), presented the following report:

#### Joint Conference Committee Report On Senate Bill No. 440

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 440, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Mark D. Obenshain

/s/ Senator Stephen D. Newman

\* Senator John C. Miller

Conferees on the part of the Senate

/s/ Delegate L. Scott Lingamfelter

/s/ Delegate Christopher P. Stolle

/s/ Delegate Rosalyn R. Dance

Conferees on the part of the House

\* I dissent

/s/ Senator John C. Miller

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 440

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.10, 22.1-212.12, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.

On motion of Senator Obenshain, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--25. NAYS--13. RULE 36--1.

YEAS--Barker, Black, Blevins, Carrico, Garrett, Hanger, Herring, Howell, Martin, McDougle, McWaters, Newman, Norment, Northam, Obenshain, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--25.

NAYS--Colgan, Deeds, Ebbin, Edwards, Favola, Locke, Lucas, Marsden, Marsh, McEachin, Miller, J.C., Miller, Y.B., Puller--13.

RULE 36--Petersen--1.

### STATEMENT ON VOTE

Senator Blevins stated that he voted yea on the question of agreeing to the joint conference committee report on **S.B. 440**, whereas he intended to vote nay.

### CONFERENCE COMMITTEE REPORT

Senator Obenshain, for the committee of conference on **S.B. 541** (five hundred forty-one), presented the following report:

#### Joint Conference Committee Report On Senate Bill No. 541

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 541, report as follows:

A. We recommend that the House Amendment be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Mark D. Obenshain

/s/ Senator Jill Holtzman Vogel

/s/ Senator Janet D. Howell

Conferees on the part of the Senate

/s/ Delegate C. Todd Gilbert

/s/ Delegate Michael J. Webert

/s/ Delegate James M. Scott

Conferees on the part of the House

### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 541

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 9.1-102, 9.1-112, 15.2-1731, 16.1-253.4, 19.2-81.3, 19.2-152.8, and 53.1-31.1 of the Code of Virginia, relating to auxiliary police forces.

On motion of Senator Obenshain, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator McDougle, for the committee of conference on **S.J.R. 66** (sixty-six), presented the following report:

Joint Conference Committee Report On  
Senate Joint Resolution No. 66

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Joint Resolution No. 66, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Jill Holtzman Vogel

/s/ Senator Stephen H. Martin

/s/ Senator Richard H. Black

/s/ Senator Ryan T. McDougle

Conferees on the part of the Senate

/s/ Delegate C. Todd Gilbert

/s/ Delegate S. Chris Jones

/s/ Delegate Matthew James

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 66

[The substitute having been printed separately, the title only is recorded as follows:]

Approving the Executive Reorganization Plan submitted by the Governor.

On motion of Senator McDougle, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--30. NAYS--8. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Favola, Garrett, Hanger, Herring, Howell, Martin, McDougale, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--30.

NAYS--Deeds, Ebbin, Edwards, Locke, Lucas, Marsh, Miller, J.C., Miller, Y.B.--8.

RULE 36--0.

### RECONSIDERATION

Senator Barker moved to reconsider the vote by which the joint conference committee report on **S.J.R. 66** (sixty-six) was agreed to.

The motion was agreed to.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--0.

RULE 36--0.

On motion of Senator McDougale, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--33. NAYS--7. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Edwards, Favola, Garrett, Hanger, Herring, Howell, Marsden, Martin, McDougale, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--33.

NAYS--Deeds, Ebbin, Locke, Lucas, Marsh, Miller, J.C., Miller, Y.B.--7.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator McDougale, for the committee of conference on **S.B. 678** (six hundred seventy-eight), presented the following report:

#### Joint Conference Committee Report On Senate Bill No. 678

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 678, report as follows:

A. We recommend that the House Amendments be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted with the following amendments thereto to resolve the matters under disagreement.

1. Line 30, substitute, Title, after *58.1-3840*,  
strike  
*59.1-198*,
2. Line 43, substitute, Title, after *Title 46.2*  
strike  
*a section numbered 46.2-116*  
insert  
*sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119*
3. Line 10994, substitute, after **108. That §§**  
strike  
**2.2-4024, 46.2-649.1, and 46.2-1217**  
insert  
**2.2-517, 2.2-4024, 3.2-102, 4.1-207.1, 4.1-223, 9.1-102, 46.2-1206, 46.2-1217, and 59.1-473**
4. Line 10995, substitute, after **Title 46.2**  
strike  
**a section numbered 46.2-116**  
insert  
**sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119**
5. At the beginning of line 10997, substitute  
strike  
all of lines 10216 through 10360  
insert  
  - § 2.2-517. Division of Consumer Counsel created; duties.
    - A. There is created in the Department of Law a Division of Consumer Counsel (the "Division") that shall represent the interests of the people as consumers.
    - B. The duties of the Division shall be to:
      1. Appear before governmental commissions, agencies and departments, including the State Corporation Commission, to represent and be heard on behalf of consumers' interests, and investigate such matters relating to such appearance.
      2. Make such studies related to enforcing consumer laws of the Commonwealth as deemed necessary to protect the interests of the consumer and recommend to the Governor and General Assembly the enactment of such legislation deemed necessary to promote and protect the interests of the people as consumers.
    - C. *In addition, the Division may inquire into consumer complaints involving towing and recovery operators and tow truck drivers regarding violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.*
    - D. The Division, in all investigations connected with enforcing consumer laws and appearances before governmental bodies shall, on behalf of the interests of the consumer, cooperate and coordinate its efforts with such commissions, agencies and departments in ensuring that any matters adversely affecting the interests of the consumer are properly controlled and regulated. The appearance of a representative of the Division before any governmental body shall in no way limit or alter the duties of such governmental body.



~~D.~~*E.* The Attorney General may employ and fix the salaries of such attorneys, employees and consultants, within the amounts appropriated to the Attorney General for providing legal service for the Commonwealth, and other services as may be provided for by law, as he may deem necessary in the operation of the Division of Consumer Counsel to carry out its functions.

§ 2.2-4024. Hearing officers.

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and
3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than ~~ten~~ 10 days prior to the hearing by the Executive Secretary of the Supreme Court.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within ~~ninety~~ 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within ~~ninety~~ 90 days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within ~~thirty~~ 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Alcoholic Beverage Control Board, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2, ~~or the Board of Towing and Recovery Operators under Chapter 28 (§ 46.2-2800 et seq.) of Title 46.2;~~ or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission and the Virginia Resources Authority pursuant to their basic laws.

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment

through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

~~1. Have the authority, in the same manner as provided in § 59.1-308.2, to inquire into consumer complaints regarding violations of § 46.2-1231 or 46.2-1233.1 involving businesses engaged in towing vehicles or to refer the complaint directly to the appropriate local enforcement officials;~~

~~2. Establish mechanisms by which to receive complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such mechanisms shall include establishing a statewide, toll-free telephone hotline to be administered by the Department; publicizing the existence of such hotline through public service announcements on television and radio and in newspapers and other media deemed necessary, convenient, or appropriate; and enhancing electronic communication with the Department through computer networks such as the Internet;~~

~~3. 2. Establish and administer programs that facilitate resolution of complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such programs shall be developed in cooperation with the Office of the Attorney General and may utilize paid or unpaid personnel, law schools or other institutions of higher education, community dispute resolution centers, or any other private or public entity, including any local offices of consumer affairs established pursuant to § 15.2-963 that volunteer to participate in a program. He shall submit an annual written report on or before January 15 to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation, and Natural Resources on his activities pursuant to this subdivision and subdivision 2 of this subsection 1 during the preceding calendar year;~~

~~4. 3. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; and~~

~~5. 4. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and~~

farm wineries licensed in accordance with § 4.1-207. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

§ 4.1-207.1. Restricted wholesale wine licenses.

The Board may grant a wholesale wine license to a nonprofit, nonstock corporation created in accordance with subdivision B § 4 of § 3.2-102, which shall authorize the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The corporation shall provide such distribution services in accordance with the terms of a written agreement approved by the corporation between it and the winery or farm winery licensee, which shall comply with the provisions of this title and Board regulations. The corporation shall receive all of the privileges of, and be subject to, all laws and regulations governing wholesale wine licenses granted under subdivision 2 of § 4.1-207.

§ 4.1-223. Conditions under which Board shall refuse to grant licenses.

The Board shall refuse to grant any:

1. Wholesale beer or wine license to any person, unless such person has established or will establish a place or places of business within the Commonwealth at which will be received and from which will be distributed all alcoholic beverages sold by such person in the Commonwealth. However, in special circumstances, the Board, subject to any regulations it may adopt, may permit alcoholic beverages to be received into or distributed from places other than established places of business.

2. Wholesale beer license or wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer or any person under common control with such manufacturer. This subdivision, however, shall not apply to (i) any applicant for a wholesale beer or wine license filed pursuant to subdivision B 3 b of subsection B of § 4.1-216 or (ii) the nonprofit, nonstock corporation established pursuant to subdivision B § 4 of § 3.2-102 in exercising any privileges granted under § 4.1-207.1.

As used in this subdivision, the term "manufacturer" includes any person (i) who brews, vinifies or distills alcoholic beverages for sale or (ii) engaging in business as a contract brewer, winery or distillery that owns alcoholic beverage product brand rights, but arranges the manufacture of such products by another person.

3. Mixed beverage license if the Board determines that in the licensed establishment there (i) is entertainment of a lewd, obscene or lustful nature including what is commonly called stripteasing, topless entertaining, and the

like, or which has employees who are not clad both above and below the waist, or who uncommonly expose the body or (ii) are employees who solicit the sale of alcoholic beverages.

4. Wholesale wine license until the applicant has filed with the Board a bond payable to the Commonwealth, in a sum not to exceed \$10,000, upon a form approved by the Board, signed by the applicant or licensee and a surety company authorized to do business in the Commonwealth as surety, and conditioned upon such person's (i) securing wine only in a manner provided by law, (ii) remitting to the Board the proper tax thereon, (iii) keeping such records as may be required by law or Board regulations, and (iv) abiding by such other laws or Board regulations relative to the handling of wine by wholesale wine licensees. The Board may waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

5. Mixed beverage license to any member, agent or employee of the Board or to any corporation or other business entity in which such member, agent or employee is a stockholder or has any other economic interest.

Whenever any other elective or appointive official of the Commonwealth or any political subdivision thereof applies for such a license or continuance thereof, he shall state on the application the official position he holds, and whenever a corporation or other business entity in which any such official is a stockholder or has any other economic interests applies for such a license, it shall state on the application the full economic interest of each such official in such corporation or other business entity.

6. License authorized by this chapter until the license tax required by § 4.1-231 is paid to the Board.

§ 9.1-102. Powers and duties of the Board and the Department.

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

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

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

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

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

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

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

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

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

11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

13. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

14. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

15. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

16. Make recommendations concerning any matter within its purview pursuant to this chapter;

17. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

19. Conduct audits as required by § 9.1-131;

20. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

21. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

22. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

23. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

28. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

29. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

30. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

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



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

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

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

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

41. [Expired.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.*

*A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:*

*“Consumer” means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.*

*“Department” means the Department of Criminal Justice Services.*

*“Tow truck driver” means an individual who drives a tow truck as defined in § 46.2-100.*

*“Towing and recovery operator” means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. “Towing and recovery operator” shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.*

*B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant’s fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.*

*The Central Criminal Records Exchange, upon receipt of an applicant’s record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.*

*C. No registration shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of § 17.1-805; or (iii) has been convicted of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.*

*D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.*

*E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.*

*§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs.*

*A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or upon the failure of a tow truck driver to report to the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow truck driver after notice and hearing as provided in subsection C.*

*B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or suspend the registration of a tow truck driver for:*

*1. Conviction of any crime for which a person must register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;*

*2. Conviction of a violent crime as defined in subsection C of § 17.1-805; or*

*3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.*

*C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the actual cost of recording the hearing.*

*§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.*

*A. No tow truck driver shall:*

*1. Use fraud or deceit in the offering or delivering of towing and recovery services;*

*2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;*

*3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;*

*4. Obtain any fee by fraud or misrepresentation;*

*5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or*

*6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.*

*B. No towing and recovery operator shall:*

*1. Use fraud or deceit in the offering or delivering of towing and recovery services;*

*2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;*

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register as a sex offender as provided in § 9.1-901;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209.

§ 46.2-119. Complaints against tow truck drivers or towing and recovery operators; enforcement by the Office of the Attorney General.

A. Any consumer aggrieved by the actions of a (i) tow truck driver for an alleged violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or (ii) towing and recovery operator for an alleged violation of subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 may file a

*complaint with the Division of Consumer Counsel of the Office of the Attorney General for appropriate action in accordance with this section and any other applicable law.*

*B. The Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages or intent be proved to establish a violation. The standard of proof at trial shall be a preponderance of the evidence. The circuit court may issue temporary or permanent injunctions to restrain and prevent violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1.*

*C. In any action brought under this section, the Attorney General may recover damages and such other relief allowed by law, including restitution on behalf of consumers injured by violations of § 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1, as well as costs and reasonable expenses incurred by the Commonwealth in investigating and preparing the case, including attorney fees.*

§ 46.2-1206. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher or scrap metal processor.

No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Department for cancellation the certificate of title, Vehicle Removal Certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle. The Department shall issue the appropriate forms for the surrender of sales receipts, certificates of title, vehicle disposition histories, and vehicle removal certificates.

Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with § 46.2-1608, of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:

1. The towing company's name ~~and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators;~~

2. One of the ownership or possession documents set out in this section following verification of its accuracy, ~~and;~~

3. The driver's license of the person delivering the motor vehicle. ~~If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the; and~~

4. ~~The license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.~~

In addition, a photocopy or electronic copy of the appropriate ownership document or a Vehicle Removal Certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the Department at the place of business or at another readily accessible and secure location within the Commonwealth for at least five years. The personal identifying information contained within these records shall be protected from

unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the Department is subject to the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.).

If requested by a law-enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this chapter and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor. The Department shall also assess a civil penalty not to exceed \$500 for the first offense and \$1,000 for the second and subsequent offenses. Those penalties shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the demolisher or scrap metal processor whether the motor vehicle can be freed from this limitation. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. ~~Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ 46.2-2800 et seq.) of this title and regulations adopted pursuant thereto.~~

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local

law-enforcement agencies, towing and recovery operators, and the general public.

“Police-requested towing” or “police towing request,” as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) ~~of this chapter~~ and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, “owner of the vehicle” means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the *Commonwealth Transportation Board*. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

§ 59.1-473. Legal action or arbitration.

A. The remedies afforded by this chapter are cumulative and not exclusive and shall be in addition to any other legal or equitable remedies otherwise available to the consumer.

B. In addition to any other remedies otherwise available to him, any consumer who suffers loss as a result of any violation of this chapter may bring an action to recover damages. Such damages may also be recovered through the arbitration mechanism described in subsection C.

C. All persons subject to this chapter shall have the option of submitting any disputes arising under the provisions of this chapter to the arbitration



mechanism established and administered by the Dispute Resolution Unit of the Office of Consumer Affairs, Division of Consumer Protection, pursuant to subdivision B-3 2 of § 3.2-102. Such mechanism shall ensure that the arbitration is conducted by a neutral third party.

**109. That Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2 of the Code of Virginia is repealed.**

**110. That any regulations adopted by the Board of Towing and Recovery Operators being abolished by this act that are in effect before January 1, 2013, are hereby repealed as of that date. The Registrar of Regulations shall take appropriate administrative action to effect the repeal of the regulations in the Virginia Administrative Code.**

**111. That the Board of Towing and Recovery Operators shall pay off its treasury notes and pay off or satisfy all of its other financial obligations no later than January 1, 2013.**

**112. That the provisions of the 108th through the 110th enactments of this act shall become effective on January 1, 2013.\***

6. After line 10888, substitute

insert

**115. That the Governor may transfer any employee within a state agency established, abolished or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.**

**116. That the provisions of this act shall be deemed to have been enacted prior to any other legislation enacted by the 2012 Session of the General Assembly that adds to, repeals, or amends and reenacts any portion of this act. Any such other legislation enacted shall be deemed to have so added to, repealed, or amended and reenacted this act.**

Respectfully submitted,

/s/ Senator Ryan T. McDougle

/s/ Senator Stephen H. Martin

/s/ Senator J. Chapman Petersen

Conferees on the part of the Senate

/s/ Delegate C. Todd Gilbert

/s/ Delegate S. Chris Jones

/s/ Delegate Matthew James

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 678

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8, 2.2-517, 2.2-712, 2.2-1111, 2.2-1117, 2.2-1118, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001, 2.2-2001.1, 2.2-2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-2528, 2.2-2626, 2.2-2627, 2.2-2664, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-3003 through 2.2-3005.1, 2.2-3401, 2.2-3402, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4344, as it is currently effective and as it shall become effective, 2.2-4345, 2.2-5300, 2.2-5510, 3.2-102, 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-1813, 3.2-1815, 3.2-2400 through 3.2-2410, 3.2-6588, 4.1-207.1, 4.1-223, 8.01-44.3, 8.01-66.9, 8.01-384.1, 8.01-418.2, 8.01-581.23, 9.1-102, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-603.2, 10.1-603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-1103, 10.1-1183, 10.1-1186, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-1805, 15.2-2159, 15.2-2232, 16.1-287,

16.1-293, 19.2-164.1, 19.2-389, 22.1-17.1, 22.1-19, 22.1-209.1:2, 22.1-214, 22.1-217, 22.1-217.01, 22.1-253.13:5, 22.1-289, 22.1-346.2, 23-9.9:01, 23-50.16:24, 30-34.2:1, 30-182, 30-193, 30-198, 30-326, 32.1-23.1, 32.1-45.1, 32.1-64.1, 32.1-89, 32.1-102.1, 32.1-116.1, 32.1-127.1:04, 32.1-283.5, 32.1-330.3, 37.2-304, 37.2-312.1, 37.2-504, 37.2-505, 37.2-605, 37.2-802, 37.2-1000, 37.2-1010, 37.2-1015, 40.1-51.4:4, 44-123.3, 45.1-161.292:2, 45.1-161.292:11, 45.1-161.292:19 through 45.1-161.292:22, 45.1-161.292:24 through 45.1-161.292:29, 45.1-161.292:71, 45.1-186.1, 45.1-194, 46.2-221, 46.2-411, 46.2-649.1, 46.2-1217, 51.1-124.3, 51.1-124.22, 51.1-124.27, 51.1-1101, 51.5-1, 51.5-2, 51.5-5.01, 51.5-9, 51.5-31, 51.5-33, 51.5-39.2, 51.5-39.7, 51.5-39.10, 51.5-41, 51.5-44, 53.1-5, 53.1-10, 53.1-32, 53.1-32.1, 53.1-41, 53.1-63.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-516, 54.1-700, 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, 54.1-706, 54.1-1500, 54.1-2200, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3408, 57-60, 58.1-344.3, 58.1-439.11, 58.1-609.1, 58.1-662, 58.1-2259, 58.1-3703, 58.1-3840, 59.1-198, 59.1-203, 59.1-207.3, 59.1-207.34, 59.1-207.39, 59.1-207.44, 59.1-429, 59.1-432, 59.1-473, 62.1-44.5, 62.1-229.4, 63.2-100, 63.2-215, 63.2-313, 63.2-315, 63.2-401, 63.2-405, 63.2-1600, 63.2-1601, 63.2-1602, 63.2-1605, 63.2-1606, 63.2-1700, 63.2-1706, 63.2-1734, 63.2-1810, 63.2-2100, 63.2-2102, 66-3, 66-10, 66-13, 66-25.1, as it is currently effective and as it shall become effective, 66-25.1:2, and 66-25.4 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:2, by adding in Chapter 5 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-520 through 2.2-524, by adding sections numbered 2.2-1202.1 and 2.2-1501.1, by adding in Chapter 24 of Title 2.2 an article numbered 23, consisting of sections numbered 2.2-2465 through 2.2-2469, by adding in Article 9 of Chapter 26 of Title 2.2 a section numbered 2.2-2627.1, by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3903, by adding in Chapter 18 of Title 3.2 an article numbered 3, consisting of sections numbered 3.2-1816 through 3.2-1822, by adding sections numbered 3.2-2407.1 and 4.1-103.02, by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.1, by adding in Chapter 1 of Title 46.2 a section numbered 46.2-116, by adding in Chapter 9 of Title 51.5 a section numbered 51.5-39.13, by adding in Title 51.5 a chapter numbered 14, containing articles numbered 1 through 12, consisting of sections numbered 51.5-116 through 51.5-181, by adding sections numbered 54.1-1500.1 and 54.1-1500.2, by adding in Chapter 15 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-1506 through 54.1-1509, by adding sections numbered 54.1-2200.1 and 54.1-2200.2, by adding in Chapter 22 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2208.1 through 54.1-2208.4, and by adding a section numbered 66-13.1; and to repeal § 2.2-118, Chapter 7 (§§ 2.2-700 through 2.2-720), Chapter 10 (§§ 2.2-1000 and 2.2-1001), Article 9 (§§ 2.2-2328 through 2.2-2335) of Chapter 22, Articles 6 (§§ 2.2-2411 and 2.2-2412), 7 (§§ 2.2-2413 and 2.2-2414), 12 (§§ 2.2-2426 through 2.2-2433), and 13 (§ 2.2-2434) of Chapter 24, Articles 8 (§§ 2.2-2620 through 2.2-2625), 9 (§§ 2.2-2626 and 2.2-2627), 10 (§§ 2.2-2628 through 2.2-2629.2), 12 (§§ 2.2-2632 through 2.2-2639), and 26 (§§ 2.2-2675 through 2.2-2678) of Chapter 26, Articles 2 (§§ 2.2-2705 through 2.2-2708.1) and 4 (§ 2.2-2711) of Chapter 27, and § 2.2-4118 of Title 2.2, Chapter 25 (§§ 3.2-2500 through 3.2-2510), §§ 3.2-3901, 3.2-3902, 3.2-3903, and 3.2-3905, and Chapter 41 (§§ 3.2-4100 through 3.2-4111) of Title 3.2, Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2, §§ 10.1-406, 10.1-603.14:1, 10.1-1172, Chapter 18 (§§ 22.1-339 through 22.1-345.1) of Title 22.1, §§ 45.1-161.292:15, 45.1-161.292:16, 45.1-161.292:18, 45.1-161.292:23, 45.1-195, and 45.1-196, § 46.2-224 and Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2, § 51.5-2 and Chapters 2 (§§ 51.5-3 through 51.5-5.01), 3 (§§ 51.5-8 through 51.5-10.1), 3.1 (§§ 51.5-12.1 through 51.5-12.4), 4 (§§ 51.5-13 through 51.5-14.1), 5 (§§ 51.5-15 through 51.5-22), and 6 (§§ 51.5-23 through 51.5-30) of Title 51.5, Article 3 (§§ 54.1-517.3, 54.1-517.4, and 54.1-517.5) of Chapter 5, § 54.1-703.2, Chapter 14 (§§ 54.1-1400 through 54.1-1405), §§ 54.1-1502 and 54.1-1503, Chapter 17 (§§ 54.1-1700 through 54.1-1706), and § 54.1-2202, as it is currently effective and as it shall become effective, of Title 54.1, §§ 63.2-800, 63.2-1528, 63.2-1602.1, 63.2-1604, and 63.2-1735 of the Code of Virginia and the second enactment of Chapter 551 of the Acts of Assembly of 2011, relating to the Governor's reorganization of the executive branch of state government; elimination of

the Commonwealth Competition Council, the Interagency Dispute Resolution Council, the Virginia Public Buildings Board, the Virginia Council on Human Resources, the Small Business Advisory Board, the Board of Surface Mining Review, the Board of Mineral Mining Examiners, the Virginia National Defense Industrial Authority, the Virginia Public Broadcasting Board, the Hemophilia Advisory Board, the Boating Advisory Committee, the Council on Indians, the Foundation for Virginia's Natural Resources, the Board of Correctional Education, the Virginia Juvenile Enterprise Committee, the Board of Transportation Safety, and the Board of Towing and Recovery Operators; consolidation of the Department of Employment Dispute Resolution into the Department of Human Resource Management, the Human Rights Council and the Office of Consumer Affairs of the Department of Agriculture and Consumer Services into the Office of the Attorney General, the Reforestation of Timberlands Board into the Board of Forestry, the Seed Potato Board and the Potato Board, the Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board, the Pesticide Control Board into the Board of Agriculture and Consumer Services, the Board for Opticians and the Board for Hearing Aid Specialists, the Board for Geology and the Board for Professional Soil Scientists and Wetland Professionals, the Department for Aging, the Department of Rehabilitative Services, and adult services and adult protective services of the Department of Social Services into the Department for Aging and Rehabilitative Services, the Advisory Board on Child Abuse and Neglect into the Family and Children's Trust Fund, the Child Day-Care Council into the Board of Social Services, the Chippokes Plantation Farm Foundation and Board of Trustees and the Scenic River Board into the Board of Conservation and Recreation, the Department of Correctional Education into the Departments of Corrections and Juvenile Justice, and the Virginia War Memorial Foundation becomes the Virginia War Memorial Board under the Department of Veterans Services; deregulation of the professions of hair braiding and mold inspectors and mold remediators; transfer of certain powers and duties from the Department of Environmental Quality to the Department of Conservation and Recreation concerning environmental education, from the Virginia Soil and Water Conservation Board to the State Water Control Board concerning municipal separate storm sewer system (MS4) permitting, and from the Governor's Office of Substance Abuse Prevention to the Department of Alcoholic Beverage Control concerning substance abuse prevention.

On motion of Senator McDougle, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--33. NAYS--7. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Edwards, Favola, Garrett, Hanger, Herring, Howell, Marsden, Martin, McDougle, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--33.

NAYS--Deeds, Ebbin, Locke, Lucas, Marsh, Miller, J.C., Miller, Y.B.--7.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

**H.B. 973** (nine hundred seventy-three) was taken up.

On motion of Senator Stuart, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--31. NAYS--8. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Garrett, Hanger, Herring, Howell, Martin, McDougle, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--31.

NAYS--Ebbin, Edwards, Favola, Locke, Lucas, Marsden, Marsh, Miller, Y.B.--8.

RULE 36--0.

### SENATE BILLS WITH GOVERNOR'S RECOMMENDATIONS

**S.B. 122** (one hundred twenty-two) was passed by temporarily.

**S.B. 170** (one hundred seventy), on motion of Senator Petersen, was passed by temporarily.

**S.B. 396** (three hundred ninety-six) was taken up together with the following communication from the Governor:

#### COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: SENATE OF VIRGINIA  
SENATE BILL NO. 396

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 19, enrolled, after member;  
strike  
the remainder of line 19 and through § 2.2-5202; on line 20
2. Line 22, enrolled, after Governor;  
strike  
one public provider, to be appointed by the Governor;
3. Line 26, enrolled, after representatives.  
strike  
the remainder of line 26 and through *government representatives*. on line 27

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**S.B. 396**, on motion of Senator Hanger, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--38. NAYS--2. RULE 36--0.

YEAS--Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--38.

NAYS--Barker, Lucas--2.

RULE 36--0.

**S.B. 447** (four hundred forty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: SENATE OF VIRGINIA  
SENATE BILL NO. 447

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 24, enrolled, after *line*;  
strike  
*mass*  
insert  
*massing*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**S.B. 447**, on motion of Senator Vogel, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**S.B. 471** (four hundred seventy-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: SENATE OF VIRGINIA  
SENATE BILL NO. 471

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 7, enrolled, after *governing*  
insert  
*optional*
  
2. Line 8, enrolled, at the beginning of the line  
strike  
*requirements*  
insert  
*programs*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

Senator Northam moved that the Senate refuse to amend **S.B. 471** in accordance with amendment No. 1 of the Governor.

The question was put on amending **S.B. 471** in accordance with amendment No. 1 of the Governor.

The Senate refused to so amend **S.B. 471** in accordance with amendment No. 1 of the Governor.

The recorded vote is as follows:

YEAS--16. NAYS--21. RULE 36--0.

YEAS--Black, Blevins, Carrico, Garrett, Hanger, McDougle, McWaters, Newman, Norment, Obenshain, Reeves, Stanley, Stosch, Vogel, Wagner, Watkins--16.

NAYS--Barker, Deeds, Ebbin, Edwards, Favola, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Saslaw, Smith, Stuart--21.

RULE 36--0.

**STATEMENT ON VOTE**

Senator Martin stated that he was recorded as not voting on the question of agreeing to amend in accordance with amendment No. 1 of the Governor **S.B. 471**, whereas he intended to vote yea.

**S.B. 471**, on motion of Senator Northam, was amended in accordance with amendment No. 2 of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**S.B. 170** (one hundred seventy) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: SENATE OF VIRGINIA  
SENATE BILL NO. 170

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 10, enrolled, after *of the*  
insert

*Mayor*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**S.B. 170**, on motion of Senator Petersen, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--0.

RULE 36--0.

**SECOND CONFERENCE COMMITTEE REPORT**

Senator Barker, for the second committee of conference on **S.B. 217** (two hundred seventeen), presented the following report:

Second Joint Conference Committee Report On  
Senate Bill No. 217

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 217, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator George L. Barker

/s/ Senator Stephen H. Martin

/s/ Senator Stephen D. Newman

Conferees on the part of the Senate

/s/ Delegate James M. LeMunyon

/s/ Delegate David E. Yancey

/s/ Delegate Roslyn C. Tyler

Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 217

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 22.1-3 of the Code of Virginia, relating to determining residency of public school students.

On motion of Senator Barker, the second joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--38. NAYS--1. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--38.

NAYS--Petersen--1.

RULE 36--0.

**STATEMENT ON VOTE**

Senator Herring stated that he was recorded as not voting on the question of agreeing to the second joint conference committee report on **S.B. 217**, whereas he intended to vote yea.

**HOUSE BILLS WITH GOVERNOR'S RECOMMENDATIONS**

**H.B. 805** (eight hundred five) was taken up together with the following communication from the Governor:



COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 7, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 805

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 328, enrolled, after **Maintenance and**  
strike  
**Operation fund**  
insert  
**Operating Fund**

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**H.B. 805**, on motion of Senator Newman, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**H.B. 876** (eight hundred seventy-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 6, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 876

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 59, enrolled, after *that*  
strike  
*was a member on January 1, 2012,*

insert

*is a member*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**H.B. 876**, on motion of Senator Stosch, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--37. NAYS--3. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stosch, Stuart, Vogel, Wagner, Watkins--37.

NAYS--Garrett, McDougle, Stanley--3.

RULE 36--0.

#### MEMORIAL RESOLUTION

**S.R. 20** (twenty), on motion of Senator McEachin, was ordered to be engrossed and was agreed to by a unanimous standing vote.

#### COMMENDING RESOLUTIONS

On motion of Senator Norment, the questions on agreeing to the House joint resolutions that follow were considered en bloc.

On motion of Senator Norment, the following House joint resolutions were taken up and agreed to en bloc:

**H.J.R. 518** (five hundred eighteen).

**H.J.R. 522** (five hundred twenty-two).

**H.J.R. 528** (five hundred twenty-eight).

**H.J.R. 529** (five hundred twenty-nine).

#### SUPPLEMENTAL CALENDAR NO. 1

#### HOUSE BILLS WITH GOVERNOR'S RECOMMENDATIONS

**H.B. 22** (twenty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 22

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 15, enrolled, after 18.2-299

insert

*or a firearm the transfer for which is prohibited by federal law*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**H.B. 22**, on motion of Senator Norment, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--33. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Garrett, Hanger, Herring, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Reeves, Ruff, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--33.

NAYS--Howell, Locke, Miller, J.C., Miller, Y.B., Puller, Saslaw--6.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Ebbin stated that he voted yea on the question of agreeing to amend in accordance with the recommendation of the Governor **H.B. 22**, whereas he intended to vote nay.

**H.B. 250** (two hundred fifty) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 250

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Robert F. McDonnell  
Governor

## AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 250

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend the Code of Virginia by adding a section numbered 22.1-90.1, relating to instructional spending in the classroom.

The reading of the communication was waived.

**H.B. 250**, on motion of Senator Martin, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--36. NAYS--3. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Deeds, Edwards, Favola, Garrett, Hanger, Herring, Howell, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--36.

NAYS--Ebbin, Locke, Miller, Y.B.--3.

RULE 36--0.

**H.B. 346** (three hundred forty-six) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 346

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 351, enrolled, after *part of*

insert

*documents delineating the nurse practitioner's clinical privileges or*

2. Line 412, enrolled, after *encounter*

strike

the remainder of line 412 and through *patient care team* at the beginning of line 413

/s/ Robert F. McDonnell

Governor

The reading of the communication was waived.

**H.B. 346**, on motion of Senator Martin, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**H.B. 382** (three hundred eighty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 382

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 17, enrolled, after *device*

strike

*and*

insert

; [a semicolon]

2. Line 20, enrolled, after *student*

insert

*; or (iii) the parents of a child with a disability, or the child with a disability if the child with a disability is age 18 or older and has capacity to enter into a contract*

/s/ Robert F. McDonnell

Governor

The reading of the communication was waived.

**H.B. 382**, on motion of Senator Martin, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**H.B. 541** (five hundred forty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES

HOUSE BILL NO. 541

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 61, enrolled

strike

all of lines 61 through 63 and through *examination*. on line 64

2. Line 65, enrolled, after *shall*

strike

*also*

3. Line 69, enrolled, after *examination*

strike

*and*

insert

, [a comma]

4. Line 70, enrolled, after *therein*

insert

*, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle*

/s/ Robert F. McDonnell

Governor

The reading of the communication was waived.

**H.B. 541**, on motion of Senator Newman, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--38. NAYS--2. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Marsden, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--38.

NAYS--Lucas, Marsh--2.

RULE 36--0.

**H.B. 943** (nine hundred forty-three) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 943

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Robert F. McDonnell  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 943

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 59.1-148.3 of the Code of Virginia, relating to purchase of handguns of certain officers.

The reading of the communication was waived.

**H.B. 943**, on motion of Senator Norment, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

**H.B. 1037** (one thousand thirty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 8, 2012

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 1037

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 92, enrolled, after § 18.2-248.04 *the*  
insert  
*reasonable*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**H.B. 1037**, on motion of Senator Norment, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--39.

NAYS--0.

RULE 36--0.

**PRINTED CALENDAR RESUMED****SECOND CONFERENCE COMMITTEE REPORT**

Senator Edwards, for the second committee of conference on **S.B. 94** (ninety-four), presented the following report:

Second Joint Conference Committee Report On  
Senate Bill No. 94

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 94, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.



Respectfully submitted,

/s/ Senator John S. Edwards

\* Senator Ryan T. McDougle

/s/ Senator Mark D. Obenshain

Conferees on the part of the Senate

/s/ Delegate G. Manoli Loupassi

/s/ Delegate David B. Albo

/s/ Delegate David J. Toscano

Conferees on the part of the House

\* I Dissent

/s/ Senator Ryan T. McDougle

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 94

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.

On motion of Senator Edwards, the second joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--36. NAYS--4. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stosch, Stuart, Vogel, Wagner, Watkins--36.

NAYS--Deeds, McDougle, Petersen, Stanley--4.

RULE 36--0.

**SENATE BILL WITH GOVERNOR'S RECOMMENDATION**

**S.B. 122** (one hundred twenty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 8, 2012

TO: SENATE OF VIRGINIA

SENATE BILL NO. 122

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 13, enrolled, after *derelict*

strike  
                  *structure*  
insert  
                  *building*

/s/ Robert F. McDonnell  
Governor

The reading of the communication was waived.

**S.B. 122**, on motion of Senator Watkins, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

#### RECESS

At 4:45 p.m., Senator Norment moved that the Senate recess until 5:40 p.m.

The motion was agreed to.

The hour of 5:40 p.m. having arrived, the Chair was resumed.

#### RECESS

At 5:45 p.m., Senator Norment moved that the Senate recess until 6:45 p.m.

The motion was agreed to.

The hour of 6:45 p.m. having arrived, the Chair was resumed.

#### RECESS

At 6:48 p.m., Senator Norment moved that the Senate recess until 7:25 p.m.

The motion was agreed to.

The hour of 7:25 p.m. having arrived, the Chair was resumed.

#### CONFERENCE COMMITTEE REPORT

Senator Watkins, for the committee of conference on **H.B. 1130** (one thousand one hundred thirty), presented the following report:

Joint Conference Committee Report On  
House Bill No. 1130

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1130, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate William J. Howell  
/s/ Delegate S. Chris Jones  
Delegate Johnny S. Joannou  
Conferees on the part of the House

/s/ Senator John C. Watkins  
/s/ Senator Janet D. Howell  
/s/ Senator Frank W. Wagner  
Conferees on the part of the Senate

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1130

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 51.1-124.3, 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-142.2, 51.1-145, 51.1-153, 51.1-155, 51.1-157, 51.1-166, 51.1-302, 51.1-306, 51.1-308, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; hybrid defined benefit and defined contribution retirement program.

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--33. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Colgan, Ebbin, Favola, Hanger, Herring, Howell, Locke, Lucas, Marsden, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Normont, Northam, Obenshain, Petersen, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--33.

NAYS--Carrico, Deeds, Edwards, Garrett, Puckett, Puller--6.  
RULE 36--0.

**RECONSIDERATION**

Senator Petersen moved to reconsider the vote by which the joint conference committee report on **H.B. 1130** (one thousand one hundred thirty) was agreed to.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Black, Blevins, Carrico, Colgan, Deeds, Ebbin, Edwards, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--40.

NAYS--0.

RULE 36--0.

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--34. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Colgan, Ebbin, Favola, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--34.

NAYS--Carrico, Deeds, Edwards, Garrett, Puckett, Puller--6.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Garrett stated that he voted nay on the question of agreeing to the joint conference committee report on **H.B. 1130**, whereas he intended to vote yea.

#### CONFERENCE COMMITTEE REPORT

Senator Watkins, for the committee of conference on **S.B. 498** (four hundred ninety-eight), presented the following report:

##### Joint Conference Committee Report On Senate Bill No. 498

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 498, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator John C. Watkins

/s/ Senator Frank W. Wagner

/s/ Senator Janet D. Howell

Conferees on the part of the Senate

/s/ Delegate William J. Howell  
/s/ Delegate S. Chris Jones  
Delegate Johnny S. Joannou  
Conferees on the part of the House

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 498

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 51.1-124.3, 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-142.2, 51.1-145, 51.1-153, 51.1-155, 51.1-157, 51.1-166, 51.1-302, 51.1-306, 51.1-308, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; hybrid defined benefit and defined contribution retirement program.

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--35. NAYS--5. RULE 36--0.

YEAS--Barker, Black, Blevins, Colgan, Ebbin, Favola, Garrett, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--35.

NAYS--Carrico, Deeds, Edwards, Puckett, Puller--5.

RULE 36--0.

**CONFERENCE COMMITTEE REPORT**

Senator Watkins, for the committee of conference on **S.B. 497** (four hundred ninety-seven), presented the following report:

Joint Conference Committee Report On  
Senate Bill No. 497

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 497, report as follows:

We recommend that the House Amendment in the Nature of a Substitute be rejected.

Respectfully submitted,

/s/ Senator John C. Watkins  
/s/ Senator Frank W. Wagner  
/s/ Senator Janet D. Howell  
Conferees on the part of the Senate

/s/ Delegate William J. Howell  
/s/ Delegate S. Chris Jones  
Delegate Johnny S. Joannou  
Conferees on the part of the House

On motion of Senator Watkins, the joint conference committee report was agreed to.

The recorded vote is as follows:

YEAS--34. NAYS--6. RULE 36--0.

YEAS--Barker, Black, Blevins, Colgan, Ebbin, Hanger, Herring, Howell, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puller, Reeves, Ruff, Saslaw, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--34.

NAYS--Carrico, Deeds, Edwards, Favola, Garrett, Puckett--6.

RULE 36--0.

### CONFERENCE COMMITTEE REPORT

Senator Wagner, for the committee of conference on **H.B. 1248** (one thousand two hundred forty-eight), presented the following report:

#### Joint Conference Committee Report On House Bill No. 1248

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on House Bill No. 1248, report as follows:

A. We recommend that the Senate Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Delegate L. Scott Lingamfelter  
/s/ Delegate S. Chris Jones  
/s/ Delegate Rosalyn R. Dance  
Conferees on the part of the House

/s/ Senator Frank W. Wagner  
/s/ Senator John C. Watkins  
\* Senator Phillip P. Puckett  
Conferees on the part of the Senate

\* "I dissent"

/s/ Senator Phillip P. Puckett

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1248

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, 58.1-2201, and 58.1-2249 of the Code of Virginia, relating to transportation funding and operation.

Senator Wagner moved that the joint conference committee report be agreed to.

The question was put on agreeing to the joint conference committee report.

The recorded vote is as follows:

YEAS--20. NAYS--20. RULE 36--0.

YEAS--Black, Blevins, Carrico, Garrett, Hanger, Martin, McDougle, McWaters, Newman, Norment, Obenshain, Reeves, Ruff, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--20.

NAYS--Barker, Colgan, Deeds, Ebbin, Edwards, Favola, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Saslaw--20.

RULE 36--0.

There being an equal division, the President cast his vote in accordance with Article V, Section 14, of the Constitution.

The President voted yea.

The final vote is as follows:

YEAS--21. NAYS--20. RULE 36--0.

The joint conference committee report was agreed to.

### CONFERENCE COMMITTEE REPORT

Senator Wagner, for the committee of conference on **S.B. 639** (six hundred thirty-nine), presented the following report:

#### Joint Conference Committee Report On Senate Bill No. 639

We, the conferees, appointed by the respective bodies to consider and report upon the disagreeing vote on Senate Bill No. 639, report as follows:

A. We recommend that the House Amendment in the Nature of a Substitute be rejected.

B. We recommend that the attached Amendment in the Nature of a Substitute be accepted to resolve the matters under disagreement.

Respectfully submitted,

/s/ Senator Frank W. Wagner

/s/ Senator John C. Watkins

\* Senator Phillip P. Puckett

Conferees on the part of the Senate

/s/ Delegate L. Scott Lingamfelter  
/s/ Delegate S. Chris Jones  
/s/ Delegate Rosalyn R. Dance  
Conferees on the part of the House

\* “dissent”

/s/ Senator Phillip P. Puckett

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 639

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, 58.1-2201, and 58.1-2249 of the Code of Virginia, relating to transportation funding and operation.

Senator Wagner moved that the joint conference committee report be agreed to.

The question was put on agreeing to the joint conference committee report.

The recorded vote is as follows:

YEAS--20. NAYS--20. RULE 36--0.

YEAS--Black, Blevins, Carrico, Garrett, Hanger, Martin, McDougle, McWaters, Newman, Norment, Obenshain, Reeves, Ruff, Smith, Stanley, Stosch, Stuart, Vogel, Wagner, Watkins--20.

NAYS--Barker, Colgan, Deeds, Ebbin, Edwards, Favola, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Saslaw--20.

RULE 36--0.

There being an equal division, the President cast his vote in accordance with Article V, Section 14, of the Constitution.

The President voted yea.

The final vote is as follows:

YEAS--21. NAYS--20. RULE 36--0.

The joint conference committee report was agreed to.

**HOUSE JOINT RESOLUTION REFERRED**

**H.J.R. 533** (five hundred thirty-three) was taken up, read by title the first time, and referred to the Committee for Courts of Justice.

**HOUSE COMMUNICATIONS**

The following communications were received and read:

In the House of Delegates  
March 10, 2012



THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE COMMITTEES OF CONFERENCE ON THE FOLLOWING SENATE BILLS:

**S.B. 541.** A BILL to amend and reenact §§ 9.1-102, 9.1-112, 15.2-1731, 16.1-253.4, 19.2-81.3, 19.2-152.8, and 53.1-31.1 of the Code of Virginia, relating to auxiliary police forces.

EMERGENCY

**S.B. 639.** A BILL to amend and reenact §§ 33.1-23.05, 33.1-49.1, 58.1-2201, 58.1-2217, 58.1-2249, 58.1-2251, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 33.1-23.04:1; and to repeal § 58.1-549 of the Code of Virginia, relating to transportation funding and operation.

**S.B. 678.** A BILL to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8, 2.2-517, 2.2-1111, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001.1, 2.2-2001, 2.2-2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-2528, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-3003 through 2.2-3005.1, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4345, 2.2-5510, 3.2-102, 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-1813, 3.2-1815, 3.2-2400 through 3.2-2410, 3.2-3900, 4.1-207.1, 4.1-223, 8.01-66.9, 8.01-418.2, 8.01-581.23, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-603.2, 10.1-603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-1103, 10.1-1183, 10.1-1186, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-2159, 15.2-2232,

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE SECOND COMMITTEES OF CONFERENCE ON THE FOLLOWING SENATE BILLS:

**S.B. 94.** A BILL to amend and reenact §§ 8.01-3, 8.01-390, 8.01-401, 8.01-407, 16.1-69.40, 18.2-268.3, 19.2-265.5, 26-17.9, 32.1-127.1:03, 55-43, 55-120, and 63.2-1509 of the Code of Virginia and to repeal §§ 8.01-375, 8.01-386, 8.01-388, and 8.01-391, Article 2.1 (§ 8.01-391.1) of Chapter 14 of Title 8.01, and §§ 8.01-397.1, 8.01-398, 8.01-400, 8.01-400.1, 8.01-400.2, 8.01-401.1, 8.01-401.3, 8.01-403, 8.01-404, 8.01-417.1, 8.01-418.1, 18.2-67.7, 19.2-184, 19.2-188.3, 19.2-265.1, 19.2-265.2, 19.2-268.1, 19.2-268.2, 19.2-271, 19.2-271.2, 19.2-271.3, 30-153, and 55-114 of the Code of Virginia, relating to the Rules of Evidence.

**S.B. 217.** A BILL to amend and reenact § 22.1-3 of the Code of Virginia, relating to determining residency of public school students.

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE COMMITTEES OF CONFERENCE ON THE FOLLOWING HOUSE BILLS:

**H.B. 777.** A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 51, consisting of sections numbered 30-330, 30-331, and 30-332, relating to the Joint Subcommittee to Evaluate Tax Preferences.

**H.B. 878.** A BILL to amend and reenact § 15.2-973 of the Code of Virginia, relating to license taxes on certain motor vehicles.

**H.B. 1248.** A BILL to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1509.4, relating to transportation funding and operation.

**H.B. 1295.** A BILL to amend and reenact §§ 2.2-1124, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia and to repeal § 2 of the first enactment of Chapter 814 of the Acts of Assembly of 2010, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENT NO. 2 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR TO THE FOLLOWING SENATE BILL:

**S.B. 471.** An Act to require the Board of Education to develop regulations regarding physical education in public schools.

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING SENATE BILLS:

**S.B. 122.** An Act to amend the Code of Virginia by adding a section numbered 15.2-907.2, relating to receivership of derelict and blighted buildings.

**S.B. 170.** An Act to amend and reenact § 3.4 as amended of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax, relating to filling of council vacancies.

**S.B. 396.** An Act to amend and reenact § 2.2-2648 of the Code of Virginia, relating to Comprehensive Services for At-Risk Youth and Families; State Executive Council; membership.

**S.B. 447.** An Act to amend and reenact § 4.1, as amended, of Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg in Loudoun County, and to amend Chapter 423 of the Acts of Assembly of 1983 by adding a section numbered 2.3, relating to architectural control districts and qualifications of the town attorney.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ G. Paul Nardo  
Clerk, House of Delegates

In the House of Delegates  
March 10, 2012

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORTS OF THE COMMITTEES OF CONFERENCE ON THE FOLLOWING SENATE BILLS:

**S.B. 497.** A BILL to amend and reenact § 51.1-144 of the Code of Virginia, relating to Virginia Retirement System employee contributions; local employees; school board employees.

**S.B. 498.** A BILL to amend and reenact §§ 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-145, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title

51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; hybrid defined benefit and defined contribution retirement program.

THE HOUSE OF DELEGATES HAS AGREED TO THE REPORT OF THE COMMITTEE OF CONFERENCE ON THE FOLLOWING HOUSE BILL:

**H.B. 1130.** A BILL to amend and reenact §§ 51.1-145, 51.1-201, 51.1-202, 51.1-212, 51.1-213, 51.1-301, 51.1-601.1, 51.1-1100, 51.1-1400, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.1-126.5:1 and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; optional defined contribution retirement program for state employees.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ G. Paul Nardo  
Clerk, House of Delegates

### LEGISLATION CONTINUED

The following report was received from the Clerk:

TO THE MEMBERS OF THE SENATE:

Pursuant to the provisions of Senate Rule 20 (f) and House Joint Resolution No. 5 of the 2012 Session, certain bills and joint resolutions have been continued to the 2013 Session of the General Assembly in the several committees, as follows:

#### COMMITTEE ON AGRICULTURE, CONSERVATION AND NATURAL RESOURCES

**S.B. 25, S.B. 176, S.B. 202, S.B. 402, S.B. 410, S.B. 466, S.B. 477, S.B. 610, S.B. 683.**

**H.B. 40.**

#### COMMITTEE ON COMMERCE AND LABOR

**S.B. 38, S.B. 376, S.B. 483, S.B. 496, S.B. 505, S.B. 516, S.B. 518, S.B. 582, S.B. 650.**

**H.B. 129.**

#### COMMITTEE FOR COURTS OF JUSTICE

**S.B. 21, S.B. 97, S.B. 175, S.B. 203, S.B. 218, S.B. 324, S.B. 390, S.B. 426, S.B. 555, S.B. 612.**

**H.B. 8, H.B. 48, H.B. 280, H.B. 463, H.B. 807, H.B. 966, H.B. 1001, H.B. 1265.**

#### COMMITTEE ON EDUCATION AND HEALTH

**S.B. 92, S.B. 118, S.B. 137, S.B. 168, S.B. 214, S.B. 269, S.B. 313, S.B. 320, S.B. 342, S.B. 372, S.B. 399, S.B. 624, S.B. 634, S.B. 659.**

**H.B. 1, H.B. 218, H.B. 576, H.B. 1112.**

#### COMMITTEE ON FINANCE

**S.B. 18, S.B. 24, S.B. 61, S.B. 68, S.B. 70, S.B. 96, S.B. 108, S.B. 129, S.B. 178, S.B. 181, S.B. 184, S.B. 211, S.B. 220, S.B. 272, S.B. 312, S.B. 327, S.B. 331, S.B. 357, S.B. 377, S.B. 403, S.B. 435, S.B. 439, S.B. 547, S.B. 553, S.B. 567, S.B. 586, S.B. 605, S.B. 621, S.B. 642, S.B. 665, S.B. 668, S.B. 671, S.B. 673, S.B. 677.**

**H.B. 10, H.B. 173, H.B. 207, H.B. 274, H.B. 483.**

## COMMITTEE ON GENERAL LAWS AND TECHNOLOGY

**S.B. 172, S.B. 258, S.B. 268, S.B. 601, S.B. 661.**

**H.B. 459, H.B. 1234.**

## COMMITTEE ON PRIVILEGES AND ELECTIONS

**S.B. 281, S.B. 635.**

**S.J.R. 2, S.J.R. 5, S.J.R. 6, S.J.R. 17, S.J.R. 25, S.J.R. 35, S.J.R. 44, S.J.R. 70, S.J.R. 74, S.J.R. 88.**

**H.B. 55, H.B. 59, H.B. 259, H.B. 866, H.B. 1132.**

## COMMITTEE ON REHABILITATION AND SOCIAL SERVICES

**S.B. 247.**

**H.B. 549.**

## COMMITTEE ON TRANSPORTATION

**S.B. 27, S.B. 88, S.B. 161, S.B. 196, S.B. 199, S.B. 213, S.B. 304, S.B. 333, S.B. 336, S.B. 339, S.B. 358, S.B. 392, S.B. 423, S.B. 479.**

**H.B. 864.**

## COMMITTEE ON RULES

**S.J.R. 14, S.J.R. 45, S.J.R. 48, S.J.R. 57, S.J.R. 69, S.J.R. 71, S.J.R. 73, S.J.R. 85, S.J.R. 90, S.J.R. 96, S.J.R. 131**

**S.R. 17.**

**H.J.R. 91, H.J.R. 92, H.J.R. 94, H.J.R. 97, H.J.R. 124, H.J.R. 148, H.J.R. 226, H.J.R. 227, H.J.R. 362.**

Pursuant to the provisions of House Joint Resolution No. 5 of the 2012 Session, certain Senate bills and a joint resolution have been continued to the 2013 Session of the General Assembly in the several House committees, as follows:

## COMMITTEE ON AGRICULTURE, CHESAPEAKE AND NATURAL RESOURCES

**S.B. 550.**

## COMMITTEE ON APPROPRIATIONS

**S.B. 6, S.B. 216, S.B. 465, S.B. 494.**

## COMMITTEE ON COUNTIES, CITIES AND TOWNS

**S.B. 311.**

## COMMITTEE FOR COURTS OF JUSTICE

**S.B. 71, S.B. 277, S.B. 434, S.B. 667.**

## COMMITTEE ON FINANCE

**S.B. 114, S.B. 341.**

## COMMITTEE ON GENERAL LAWS

**S.B. 90, S.B. 194, S.B. 452, S.B. 651.**

## COMMITTEE ON MILITIA, POLICE AND PUBLIC SAFETY

**S.B. 224, S.B. 290, S.B. 429, S.B. 554.**

COMMITTEE ON PRIVILEGES AND ELECTIONS

**S.B. 82, S.B. 139, S.B. 207, S.B. 581.**

COMMITTEE ON TRANSPORTATION

**S.B. 93, S.B. 225, S.B. 334, S.B. 388.**

Pursuant to the provisions of Senate Rule 20 (f) and House Joint Resolution No. 531 of the 2012 Session, certain bills have been continued to a 2012 Special Session of the General Assembly in the committee, as follows:

COMMITTEE ON FINANCE

**H.B. 1300, H.B. 1301.**

**LEGISLATION SIGNED BY PRESIDING OFFICER**

The President of the Senate as required by Article IV, Section 11, of the Constitution, on the date recorded below, signed the following bills that had been passed by both houses and duly enrolled:

March 10, 2012

**H.B. 190.** An Act to amend and reenact § 2.2-4002 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2.3 of Chapter 32 of Title 58.1 a section numbered 58.1-3219.7, relating to real property tax exemption for disabled veterans.

EMERGENCY

**H.B. 199.** An Act to amend and reenact § 15.2-2118 of the Code of Virginia, relating to liens for water and sewer charges.

**H.B. 238.** An Act to amend and reenact §§ 28.2-101 and 29.1-109 of the Code of Virginia, relating to jurisdiction of the Marine Resources Commission and the Department of Game and Inland Fisheries.

**H.B. 239.** An Act to amend and reenact § 10.1-1114 of the Code of Virginia, relating to allowing the Department of Forestry to use methyl bromide gas fumigation.

**H.B. 302.** An Act to amend and reenact § 2.2-1105 of the Code of Virginia, relating to the environmental laboratory certification program.

**H.B. 736.** An Act to provide for a revised primary and filing schedule for the November 2012 election and to schedule the 2012 primary for August 7, 2012; petition requirements.

EMERGENCY

**H.B. 745.** An Act to require the development of a weighted caseload system by the Supreme Court of Virginia and report findings to the General Assembly.

**H.B. 752.** An Act to amend the Code of Virginia by adding a section numbered 18.2-51.6, relating to strangulation; penalty.

**H.B. 766.** An Act to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 3.1, consisting of sections numbered 3.2-303 through 3.2-309, relating to creation of the Governor's Agriculture and Forestry Industries Development Fund.

- H.B. 855.** An Act to amend and reenact § 29.1-100 of the Code of Virginia, relating to the inclusion of game animals in the definition of nuisance species.
- H.B. 919.** An Act to amend and reenact §§ 46.2-617 and 58.1-3942 of the Code of Virginia, relating to personal property tax; property distrained for delinquent taxes.
- H.B. 932.** An Act to amend and reenact § 10.1-104.2 of the Code of Virginia, relating to the Voluntary Nutrient Management Plan Program.
- H.B. 964.** An Act to amend the Code of Virginia by adding a section numbered 18.2-374.4, relating to display of child pornography or grooming video to a minor unlawful; penalty.
- H.B. 1113.** An Act to authorize the Department of Conservation and Recreation to negotiate a land exchange of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.
- H.B. 1128.** An Act to amend and reenact §§ 58.1-3969, 58.1-3971, and 58.1-3974 of the Code of Virginia, relating to delinquent real property taxes.
- H.B. 1182.** An Act to amend and reenact § 3.2-3108 of the Code of Virginia, relating to uses of the Tobacco Indemnification and Community Revitalization Fund.
- H.B. 1183.** An Act to amend and reenact §§ 10.1-1188, 58.1-439.12:06, 58.1-439.12:09, 58.1-439.12:10, 62.1-129, 62.1-132.6, and 62.1-139 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-132.3:1, relating to the Virginia Port Authority and promotion of the ports of Virginia.
- H.B. 1210.** An Act to amend and reenact § 3.2-3607 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-104.2:1, relating to nitrogen application rates; labeling.
- H.B. 1243.** An Act to amend and reenact §§ 2.1 and 11, § 13, as amended, and § 15 of Chapter 477 of the Acts of Assembly of 1954, which provided a charter for the Town of Middletown, in Frederick County, relating to elections; council.

## EMERGENCY

- H.B. 1273.** An Act to amend and reenact §§ 38.2-4214, as it is currently effective and as it shall become effective, and 38.2-4319, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.18, relating to requirements for orally administered cancer chemotherapy drugs.

March 10, 2012

- H.B. 180.** An Act to amend and reenact § 23-281 of the Code of Virginia, relating to Commonwealth Health Research Board; staffing.
- H.B. 343.** An Act to amend and reenact §§ 2.2-3705.6, 32.1-276.2, and 32.1-276.4 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 32.1-276.7:1 and 32.1-276.9:1; and to repeal § 32.1-276.5:1 of the Code of Virginia, relating to health care data reporting.
- H.B. 496.** An Act to amend and reenact § 37.2-505 of the Code of Virginia, relating to release from a state hospital or training center; discharge planning.

**H.B. 567.** An Act to amend and reenact §§ 15.2-2119 and 15.2-5139 of the Code of Virginia, relating to fees for water and sewer systems.

**H.B. 703.** An Act to amend and reenact § 23-9.2:3 of the Code of Virginia, relating to higher education; policies related to student nonpayment.

**H.B. 771.** An Act to amend and reenact §§ 9.1-101, 9.1-187, 18.2-308, 18.2-308.2:2, 19.2-81, 19.2-81.3, 23-7.4:1, 52-34.7, 65.2-402, and 65.2-402.1 of the Code of Virginia, relating to law-enforcement officers; campus police officers; definitions.

**H.B. 897.** An Act to amend and reenact § 63.2-1530 of the Code of Virginia, relating to the Virginia Child Protection Accountability System.

**H.B. 1218.** An Act to amend and reenact § 62.1-44.15:23 of the Code of Virginia, relating to stream mitigation banks.

**H.B. 1219.** An Act to amend and reenact §§ 54.1-2349, 55-79.93, 55-79.93:1, 55-394.1, 55-504.1, 55-516.1, and 55-530 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-79.93:2 and 55-394.2, relating to common interest communities.

March 10, 2012

**S.B. 116.** An Act to amend and reenact §§ 19.2-349, 19.2-354, 46.2-395, and 46.2-416 of the Code of Virginia, relating to timeframe for payment of court fines or costs, etc.

**S.B. 536.** An Act to amend and reenact § 24.2-708 of the Code of Virginia, relating to absentee voting; returned unvoted absentee ballots; defaced ballots.

**S.B. 657.** An Act to amend and reenact § 18.2-160.1 of the Code of Virginia, relating to boarding or riding a transportation district train without lawful payment of fare; penalties.

**S.B. 680.** An Act to amend and reenact § 58.1-439.20 of the Code of Virginia, relating to the Neighborhood Assistance Act tax credits.

March 10, 2012

**S.B. 1.** An Act to amend and reenact §§ 24.2-643, 24.2-651, 24.2-651.1, 24.2-653, and 24.2-701 of the Code of Virginia, relating to elections; voting procedures; voter identification requirements.

**S.B. 57.** An Act to amend and reenact § 24.2-701 of the Code of Virginia, relating to absentee ballot applications.

**S.B. 148.** An Act to amend the Code of Virginia by adding a section numbered 15.2-1716.2, relating to reimbursement to localities for methamphetamine lab clean-up costs.

**S.B. 300.** An Act to amend and reenact §§ 16.1-241, 16.1-253.2, 16.1-253.4, 16.1-260, and 19.2-152.8 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.11, relating to protective orders; juveniles; venue.

**S.B. 437.** An Act to amend and reenact § 25.1-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 25.1-230.1, relating to eminent domain; lost profits and access.

**S.B. 515.** An Act to amend the Code of Virginia by adding a section numbered 4.1-203.1, relating to alcoholic beverage control; managers for licensed retail establishments.

**S.B. 685.** An Act to amend the Code of Virginia by adding a section numbered 19.2-56.2, relating to application for and issuance of search warrant for a tracking device; installation and use; penalty; emergency.

EMERGENCY

March 10, 2012

**H.B. 57.** An Act to amend and reenact §§ 24.2-404 and 24.2-427 of the Code of Virginia, relating to duties of the State Board of Elections and general registrars with respect to voter registration records.

**H.B. 176.** An Act to amend and reenact §§ 10.1-603.4:1, 10.1-603.8:1, 62.1-44.19:13, 62.1-44.19:15, and 62.1-44.19:18 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 10.1 an article numbered 1.1:1, consisting of sections numbered 10.1-603.15:1 through 10.1-603.15:5, and by adding in Article 4.02 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:20, relating to the expansion of the nutrient credit exchange program and the development of a credit registry.

**H.B. 325.** An Act to amend the Code of Virginia by adding a section numbered 22.1-298.3, relating to public school personnel; students with autism spectrum disorders.

**H.B. 375.** An Act to amend and reenact § 15.2-915 of the Code of Virginia, relating to control of firearms by localities; workplace rules.

**H.B. 513.** An Act to amend and reenact the second enactment of Chapters 176 and 817 of the Acts of Assembly of 2007 and the third enactment of Chapter 608 of the Acts of Assembly of 2007, relating to sales and use tax exemption; sunset dates.

**H.B. 522.** An Act to amend and reenact § 10.1-204 of the Code of Virginia, relating to the use of wheelchairs or other power-driven mobility devices on the statewide system of trails.

**H.B. 585.** An Act to amend the Code of Virginia by adding in Chapter 9 of Title 2.2 a section numbered 2.2-904.3, relating to small business investments; grants.

**H.B. 710.** An Act to amend and reenact §§ 45.1-181 and 55-154.2 of the Code of Virginia, relating to mine voids.

**H.B. 975.** An Act to amend and reenact § 1-219.1 of the Code of Virginia, relating to public service corporations and companies; government utility corporation.

**H.B. 1119.** An Act to amend and reenact § 29.1-744.3 of the Code of Virginia, relating to wake surfing.

**H.B. 1158.** An Act to amend and reenact § 62.1-44.15:20 of the Code of Virginia, relating to issuance of a Virginia Water Protection Permit.

**H.B. 1160.** An Act to prevent any agency, political subdivision, employee, or member of the military of Virginia from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detention of a citizen in violation of the United States Constitution, the Constitution of Virginia, or any Virginia law or regulation.



**H.B. 1298.** An Act to amend the Code of Virginia by adding a section numbered 19.2-56.2, relating to application for and issuance of search warrant for a tracking device; installation and use; penalty; emergency.

EMERGENCY

March 10, 2012

**H.B. 9.** An Act to amend and reenact §§ 24.2-643, 24.2-651, 24.2-651.1, 24.2-653, and 24.2-701 of the Code of Virginia, relating to elections; voting procedures; voter identification requirements.

**H.B. 183.** An Act to amend and reenact §§ 32.1-325 and 32.1-351 of the Code of Virginia, relating to medical assistance; coverage for certain children and pregnant women.

**H.B. 349.** An Act to amend and reenact the second enactment of Chapter 436 of the Acts of Assembly of 2009, relating to the Virginia Bicentennial of the American War of 1812 Commission.

**H.B. 391.** An Act to amend and reenact § 16.1-300 of the Code of Virginia, relating to sharing of confidential juvenile records with correctional facilities.

**H.B. 424.** An Act to amend and reenact § 8.01-390.1 of the Code of Virginia, relating to school records; self-authentication.

**H.B. 599.** An Act to amend the Code of Virginia by adding a section numbered 33.1-13.03:1, relating to evaluation of transportation projects in the Northern Virginia Transportation District; reports.

**H.B. 1262.** An Act to amend and reenact § 54.1-2301 of the Code of Virginia, relating to the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers.

March 10, 2012

**S.B. 135.** An Act to amend and reenact §§ 2.2-3705.6, 32.1-276.2, and 32.1-276.4 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 32.1-276.7:1 and 32.1-276.9:1; and to repeal § 32.1-276.5:1 of the Code of Virginia, relating to health care data reporting.

**S.B. 531.** An Act to amend the Code of Virginia by adding a section numbered 33.1-13.03:1, relating to evaluation of transportation projects in the Northern Virginia Transportation District; reports.

**S.B. 568.** An Act to amend and reenact §§ 32.1-325 and 32.1-351 of the Code of Virginia, relating to medical assistance; coverage for certain children and pregnant women.

**S.B. 662.** An Act to amend and reenact § 54.1-2301 of the Code of Virginia, relating to the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers.

The President of the Senate, pursuant to § 30-14.2 of the Code of Virginia, on the dates recorded below, signed the following bills that had been amended in accordance with the recommendations of the Governor and reenrolled:

March 10, 2012

- H.B. 22.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 15.2-915.5, relating to disposition of firearms.
- H.B. 250.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 22.1-90.1, relating to instructional spending in the classroom.
- H.B. 346.** (Reenrolled.) An Act to amend and reenact §§ 32.1-263, 54.1-2900, 54.1-2901, 54.1-2957, 54.1-2957.01, 54.1-3000, 54.1-3005, 54.1-3301, and 54.1-3401 of the Code of Virginia, relating to practice of nurse practitioners; patient care teams.
- H.B. 382.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 22.1-129.1, relating to transfer of assistive technology devices.
- H.B. 541.** (Reenrolled.) An Act to amend and reenact §§ 46.2-324.1, 46.2-325, 46.2-330, 46.2-335, 46.2-345, 46.2-692, 46.2-1550.2, 46.2-1558, 46.2-1954, 46.2-1964, 46.2-1992.46, 46.2-1992.56, 46.2-1993.46, and 46.2-1993.55 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-205.2 and 46.2-752.1, relating to DMV service and safety.
- H.B. 805.** (Reenrolled.) An Act to amend and reenact §§ 46.2-1176, 46.2-1178, 46.2-1178.1, 46.2-1180, 46.2-1181, 46.2-1182, and 46.2-1182.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1177.1, relating to motor vehicle emissions inspection.
- H.B. 876.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Title 58.1 a chapter numbered 22.1, consisting of sections numbered 58.1-2291 through 58.1-2299.20, and to repeal Article 4 (§§ 58.1-1718.1 through 58.1-1724.1) and Article 4.1 (§§ 58.1-1724.2 and 58.1-1724.4) of Chapter 17 of Title 58.1 of the Code of Virginia, relating to motor vehicle fuels sales tax; penalties.
- H.B. 943.** (Reenrolled.) An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, relating to purchase of handguns of certain officers.
- H.B. 1037.** (Reenrolled.) An Act to amend and reenact § 18.2-248 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-248.04, relating to payment by defendant of cost of methamphetamine laboratory cleanup.
- S.B. 122.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 15.2-907.2, relating to receivership of derelict and blighted buildings.
- S.B. 170.** (Reenrolled.) An Act to amend and reenact § 3.4, as amended, of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax, relating to filling of council vacancies.
- S.B. 337.** (Reenrolled.) An Act to amend and reenact §§ 46.2-324.1, 46.2-325, 46.2-330, 46.2-335, 46.2-345, 46.2-692, 46.2-1550.2, 46.2-1558, 46.2-1954, 46.2-1964, 46.2-1992.46, 46.2-1992.56, 46.2-1993.46, and 46.2-1993.55 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-205.2 and 46.2-752.1, relating to DMV service and safety.
- S.B. 396.** (Reenrolled.) An Act to amend and reenact § 2.2-2648 of the Code of Virginia, relating to Comprehensive Services for At-Risk Youth and Families; State Executive Council; membership.

**S.B. 447.** (Reenrolled.) An Act to amend and reenact § 4.1, as amended, of Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg in Loudoun County, and to amend Chapter 423 of the Acts of Assembly of 1983 by adding a section numbered 2.3, relating to architectural control districts and qualifications of the town attorney.

**S.B. 471.** (Reenrolled.) An Act to require the Board of Education to develop regulations regarding physical education in public schools.

**S.B. 503.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Title 58.1 a chapter numbered 22.1, consisting of sections numbered 58.1-2291 through 58.1-2299.20, and to repeal Article 4 (§§ 58.1-1718.1 through 58.1-1724.1) and Article 4.1 (§§ 58.1-1724.2 and 58.1-1724.4) of Chapter 17 of Title 58.1 of the Code of Virginia, relating to motor vehicle fuels sales tax; penalties.

**ADJOURNMENT SINE DIE  
MESSAGE FROM THE HOUSE**

A message was received from the House of Delegates by Delegate Cox, M.K., who informed the Senate that the House had agreed to **H.J.R. 534** (five hundred thirty-four), as follows; in which it requested the concurrence of the Senate:

HOUSE JOINT RESOLUTION NO. 534

Adjournment Sine Die.

WHEREAS, the House of Delegates and the Senate are ready to adjourn sine die; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a committee of six on the part of the House of Delegates and five on the part of the Senate, be appointed to inform the Governor that the Regular Session of the 2012 General Assembly is ready to adjourn sine die and to inquire if he has any communication to make.

**H.J.R. 534**, being of a purely procedural nature, was taken up for immediate consideration and agreed to.

Senator Norment was ordered to inform the House of Delegates thereof.

The President appointed Senators Stosch, Norment, McDougle, McEachin, and Ebbin, the committee on the part of the Senate to inform the Governor that the General Assembly was ready to adjourn sine die and to inquire if he had any communication to make.

Subsequently, Senator Stosch, from the committee to inform the Governor that the General Assembly was ready to adjourn sine die and to inquire if he had any communication to make, reported that the committee had performed that duty and presented the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 10, 2012

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

I write you at the conclusion of the regular 2012 General Assembly session. Our work this session is not done; far from it. While we have accomplished much together over the past 60 days, and you are to be commended for your efforts, the most important bill of the session has not passed: the budget. For that reason, while the regular session may have officially adjourned this evening, it is not over. I have issued a proclamation today to ask that you return to the Capitol, expeditiously, in order to finish the job and pass a budget.

We have enacted a tremendous number of significant reforms over the past two months. Unfortunately, much of your good work, work that our citizens care deeply about, has been ignored or overshadowed by an inordinate amount of coverage of a very few bills. But a lack of headlines does not equal a paucity of action. You have taken positive action on the issues most important to our citizens, and Virginia will be stronger and better in the years ahead because of your bipartisan work this session.

That work continues the progress we have made over the past two years in building a true “Commonwealth of Opportunity” for all of our citizens. In our first full month in office, February 2010, the unemployment rate was 7.2%. Today, it stands a full point lower, at 6.2%. It is the lowest unemployment rate in the Southeast, and the third lowest east of the Mississippi. We can celebrate that 67,500 net new jobs have been created during that time, while Virginia remains America’s most business-friendly state. It is our joint success story. This session we added to it, and I anticipate continuing good results.

Working together, across partisan lines, you have passed legislation this session to make Virginia more job-friendly. You have not raised taxes. You have put in place new incentives to make Virginia more attractive to private sector job-creators, including increasing access to capital for business and implementing greater coordination among economic development entities.

You made the Port of Virginia a leader in the global competition for jobs. Virginia’s Port offers a strategic advantage that continues to benefit job creation and economic development across the state. We must invest wisely in it. We also saw progress in making the space port at Wallops Island the best spaceflight facility on the east coast.

Our K-12 system will be more innovative and accountable. Our “Opportunity to Learn” K-12 education reform agenda will raise third grade reading standards for schools and end social promotion; reduce mandates on local school divisions; and enact critical education and training programs. We will expand educational options for Virginia students through adoption of the Educational Opportunity Tax Credit, and strengthen Virginia’s laws on charter schools and our virtual schools and college lab schools.

When you complete the budget, I am confident we will remember this session for historic new performance-based investments in our higher education system, since both houses have already approved most of our reforms in concept. Virginia colleges will be easier to access and more affordable to attend, as we work towards our goal of awarding 100,000 new degrees over the next 15 years. And our higher education system will continue to meet the needs of a changing workforce and a global society. We will have a dramatically revised funding formula to reward innovation and outcomes.

We have continued to make Virginia the most veteran friendly state in the nation. We have improved absentee ballot access for overseas military and we united together to ensure that the unclaimed remains of our heroes who have served this nation receive the honorable burials they are due. And Virginia citizens and communities will be safer and more secure thanks to your passage of new measures to toughen sentences for repeat drug dealers and sex offenders who prey on children.

This was a remarkable session for significant government reforms, making our state government more efficient and effective. You have approved our measures to eliminate or consolidate state agencies and unnecessary or duplicative boards and commissions. You have reduced a number of state mandates on our localities. In these difficult economic times citizens are asking for, and they deserve, a government that is smaller and smarter, and lives within its means. We are doing that. And, based on pending budget action, we will have stepped up to meet our obligations as a Commonwealth to better fund the retirement system that our state workers, teachers and police officers will depend upon in the years ahead. We will make the largest state investment in the Virginia Retirement System in history, as leaders in both houses have agreed. Based on your actions today, we are also implementing significant structural reforms to the retirement system to ensure the program's solvency for current and future state and local employees. Thank you for your commitment to the thousands of men and women who have dedicated their time and talents to the betterment of Virginia.

We have made advances in a number of critical areas facing the Commonwealth. To help improve Virginia's transportation network, we have worked together to pass legislation today that will provide additional funding for Virginia's infrastructure, and will ensure greater accountability and transparency in Virginia's transportation entities, while delivering transportation projects more quickly and cost effectively. We will also strengthen our "all of the above" approach to energy by supporting the development of additional natural gas and electrical energy infrastructure, as well as improving efficiency and developing additional alternative and renewable energy sources.

You have also taken steps to protect private property rights and other important freedoms.

Now, we must turn our full attention to the rest of the work ahead of us.

The passage of a state budget is the most important action of any General Assembly session. The document directs spending on everything from teacher salaries to road maintenance to public safety to job creation efforts to health care for our elderly and less fortunate. It is the Commonwealth's collective decision as to how to appropriate state dollars to best fulfill the core functions of government. The budget has a direct impact on the economic climate in the state. Now, with our state economy recovering, and our policies beginning to truly help promote private sector job creation, we cannot allow this progress to falter due to political considerations here in Richmond. That is not the Virginia way. Teachers in Reston, doctors in Roanoke, and small business owners in Richlands do not care about politics at the Capitol. They just want us to solve problems and get things done.

We have accomplished a great deal this session. I thank the members of both parties for your hard work and dedication. Enjoy a brief rest as you rejoin your families after two months away. I look forward to your quick return to finish the job.

Thank you,

/s/ Robert F. McDonnell

On motion of Senator Stosch, the reading of the communication was waived.

Senator Stosch moved that the Senate adjourn sine die.

The motion was agreed to.

The President declared the Senate adjourned sine die.

Senator Norment was ordered to inform the House of Delegates thereof.

**LEGISLATION SIGNED BY PRESIDING OFFICER  
SUBSEQUENT TO ADJOURNMENT SINE DIE**

Subsequent to adjournment sine die of the 2012 Regular Session, the President of the Senate, as required by Article IV, Section 11, of the Constitution, on the dates recorded below, signed the following bills that had been passed by both houses and duly enrolled:

March 17, 2012

- S.B. 41.** An Act for the relief of Thomas Edward Haynesworth.
- S.B. 94.** An Act to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.
- S.B. 115.** An Act to amend the Code of Virginia by adding in Chapter 45 of Title 2.2 a section numbered 2.2-4519 and by adding a title numbered 64.2, containing Subtitle I, consisting of a chapter numbered 1, containing sections numbered 64.2-100 through 64.2-108, Subtitle II, consisting of chapters numbered 2 through 6, containing sections numbered 64.2-200 through 64.2-620, Subtitle III, consisting of chapters numbered 7 through 11, containing sections numbered 64.2-700 through 64.2-1108, Subtitle IV, consisting of chapters numbered 12 through 21, containing sections numbered 64.2-1200 through 64.2-2120, and Subtitle V, consisting of chapters numbered 22 through 27, containing sections numbered 64.2-2200 through 64.2-2704, and to repeal Titles 26 (§§ 26-1 through 26-116) and 31 (§§ 31-1 through 31-59), Chapters 10 (§§ 37.2-1000 through 37.2-1030) and 10.1 (§§ 37.2-1031 through 37.2-1052) of Title 37.2, Chapter 2.1 (§§ 55-34.1 through 55-34.19), Article 1.2 (§§ 55-268.11 through 55-268.20) of Chapter 15, and Chapters 15.1 (§§ 55-277.1 through 55-277.33), 16 (§§ 55-278 through 55-286.2), 22 (§§ 55-401 through 55-415), and 31 (§§ 55-541.01 through 55-551.06) of Title 55, and Title 64.1 (§§ 64.1-01 through 64.1-206.8) of the Code of Virginia, relating to revising and recodifying the laws pertaining to wills, trusts, and fiduciaries.
- S.B. 159.** An Act to amend and reenact § 18.2-248 of the Code of Virginia, relating to penalty for repeat drug trafficking offenses.
- S.B. 217.** An Act to amend and reenact § 22.1-3 of the Code of Virginia, relating to determining residency of public school students.
- S.B. 284.** An Act to amend and reenact §§ 2.2-2201, 2.2-2202, 2.2-2203, 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.03:2, 33.1-23.7, 58.1-423, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.
- S.B. 436.** An Act to amend and reenact §§ 18.2-61, 18.2-67.1, and 18.2-67.2 of the Code of Virginia, relating to penalties for certain sex crimes.
- S.B. 440.** An Act to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.10, 22.1-212.12, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.
- S.B. 497.** An Act to amend and reenact § 51.1-144 of the Code of Virginia, relating to Virginia Retirement System employee contributions; local employees; school board employees.

**S.B. 498.** An Act to amend and reenact §§ 51.1-124.3, 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-142.2, 51.1-145, 51.1-153, 51.1-155, 51.1-157, 51.1-166, 51.1-302, 51.1-306, 51.1-308, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; hybrid defined benefit and defined contribution retirement program.

**S.B. 541.** An Act to amend and reenact §§ 9.1-102, 9.1-112, 15.2-1731, 16.1-253.4, 19.2-81.3, 19.2-152.8, and 53.1-31.1 of the Code of Virginia, relating to auxiliary police forces.

#### EMERGENCY

**S.B. 603.** An Act to amend and reenact §§ 46.2-320 and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-320.1 and 46.2-320.2 and by adding in Article 6 of Chapter 3 of Title 53.1 sections numbered 53.1-127.3, 53.1-127.4, and 53.1-127.5, relating to fees owed by prisoners; suspension of driver's license.

**S.B. 639.** An Act to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, 58.1-2201, and 58.1-2249 of the Code of Virginia, relating to transportation funding and operation.

**S.B. 678.** An Act to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8, 2.2-517, 2.2-712, 2.2-1111, 2.2-1117, 2.2-1118, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001, 2.2-2001.1, 2.2-2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-2528, 2.2-2626, 2.2-2627, 2.2-2664, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-3003 through 2.2-3005.1, 2.2-3401, 2.2-3402, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4344, as it is currently effective and as it shall become effective, 2.2-4345, 2.2-5300, 2.2-5510, 3.2-102, 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-1813, 3.2-1815, 3.2-2400 through 3.2-2407, 3.2-2408, 3.2-2409, 3.2-2410, 3.2-6588, 4.1-207.1, 4.1-223, 8.01-44.3, 8.01-66.9, 8.01-384.1, 8.01-418.2, 8.01-581.23, 9.1-102, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-603.2, 10.1-603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-1103, 10.1-1183, 10.1-1186, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-1805, 15.2-2159, 15.2-2232, 16.1-287, 16.1-293, 19.2-164.1, 19.2-389, 22.1-17.1, 22.1-19, 22.1-209.1:2, 22.1-214, 22.1-217, 22.1-217.01, 22.1-253.13:5, 22.1-289, 22.1-346.2, 23-9.9:01, 23-50.16:24, 30-34.2:1, 30-182, 30-193, 30-198, 30-326, 32.1-23.1, 32.1-45.1, 32.1-64.1, 32.1-89, 32.1-102.1, 32.1-116.1, 32.1-127.1:04, 32.1-283.5, 32.1-330.3, 37.2-304, 37.2-312.1, 37.2-504, 37.2-505, 37.2-605, 37.2-802, 37.2-1000, 37.2-1010, 37.2-1015, 40.1-51.4:4, 44-123.3, 45.1-161.292:2, 45.1-161.292:11, 45.1-161.292:19 through 45.1-161.292:22, 45.1-161.292:24 through 45.1-161.292:29, 45.1-161.292:71, 45.1-186.1, 45.1-194, 46.2-221, 46.2-411, 46.2-1206, 46.2-1217, 51.1-124.3, 51.1-124.22, 51.1-124.27, 51.1-1101, 51.5-1, 51.5-2, 51.5-5.01, 51.5-9, 51.5-31, 51.5-33, 51.5-39.2, 51.5-39.7, 51.5-39.10, 51.5-41, 51.5-44, 53.1-5, 53.1-10, 53.1-32, 53.1-32.1, 53.1-41, 53.1-63.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-516, 54.1-700, 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, 54.1-706, 54.1-1500, 54.1-2200, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3408, 57-60, 58.1-344.3, 58.1-439.11, 58.1-609.1, 58.1-662, 58.1-2259, 58.1-3703, 58.1-3840, 59.1-203, 59.1-207.3, 59.1-207.34, 59.1-207.39, 59.1-207.44, 59.1-429, 59.1-432, 59.1-473, 62.1-44.5, 62.1-229.4, 63.2-100, 63.2-215, 63.2-313, 63.2-315, 63.2-401, 63.2-405, 63.2-1600, 63.2-1601, 63.2-1602, 63.2-1605, 63.2-1606, 63.2-1700, 63.2-1706, 63.2-1734, 63.2-1810, 63.2-2100, 63.2-2102, 66-3, 66-10, 66-13, 66-25.1, as it is currently effective and as it shall become effective, 66-25.1:2, and

66-25.4 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:2, by adding in Chapter 5 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-520 through 2.2-524, by adding sections numbered 2.2-1202.1 and 2.2-1501.1, by adding in Chapter 24 of Title 2.2 an article numbered 23, consisting of sections numbered 2.2-2465 through 2.2-2469, by adding in Article 9 of Chapter 26 of Title 2.2 a section numbered 2.2-2627.1, by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3903, by adding in Chapter 18 of Title 3.2 an article numbered 3, consisting of sections numbered 3.2-1816 through 3.2-1822, by adding sections numbered 3.2-2407.1 and 4.1-103.02, by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.1, by adding in Chapter 1 of Title 46.2 sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119, by adding in Chapter 9 of Title 51.5 a section numbered 51.5-39.13, by adding in Title 51.5 a chapter numbered 14, containing articles numbered 1 through 12, consisting of sections numbered 51.5-116 through 51.5-181, by adding sections numbered 54.1-1500.1 and 54.1-1500.2, by adding in Chapter 15 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-1506 through 54.1-1509, by adding sections numbered 54.1-2200.1 and 54.1-2200.2, by adding in Chapter 22 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2208.1 through 54.1-2208.4, and by adding a section numbered 66-13.1; and to repeal § 2.2-118, Chapter 7 (§§ 2.2-700 through 2.2-720), Chapter 10 (§§ 2.2-1000 and 2.2-1001), Article 9 (§§ 2.2-2328 through 2.2-2335) of Chapter 22, Articles 6 (§§ 2.2-2411 and 2.2-2412), 7 (§§ 2.2-2413 and 2.2-2414), 12 (§§ 2.2-2426 through 2.2-2433), and 13 (§ 2.2-2434) of Chapter 24, Articles 8 (§§ 2.2-2620 through 2.2-2625), 9 (§§ 2.2-2626 and 2.2-2627), 10 (§§ 2.2-2628 through 2.2-2629.2), 12 (§§ 2.2-2632 through 2.2-2639), and 26 (§§ 2.2-2675 through 2.2-2678) of Chapter 26, Articles 2 (§§ 2.2-2705 through 2.2-2708.1) and 4 (§ 2.2-2711) of Chapter 27, and § 2.2-4118 of Title 2.2, Chapter 25 (§§ 3.2-2500 through 3.2-2510), §§ 3.2-3901, 3.2-3902, 3.2-3903, and 3.2-3905, and Chapter 41 (§§ 3.2-4100 through 3.2-4111) of Title 3.2, Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2, §§ 10.1-406, 10.1-603.14:1, 10.1-1172, Chapter 18 (§§ 22.1-339 through 22.1-345.1) of Title 22.1, §§ 45.1-161.292:15, 45.1-161.292:16, 45.1-161.292:18, 45.1-161.292:23, 45.1-195, and 45.1-196, § 46.2-224 and Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2, § 51.5-2 and Chapters 2 (§§ 51.5-3 through 51.5-5.01), 3 (§§ 51.5-8 through 51.5-10.1), 3.1 (§§ 51.5-12.1 through 51.5-12.4), 4 (§§ 51.5-13 through 51.5-14.1), 5 (§§ 51.5-15 through 51.5-22), and 6 (§§ 51.5-23 through 51.5-30) of Title 51.5, Article 3 (§§ 54.1-517.3, 54.1-517.4, and 54.1-517.5) of Chapter 5, § 54.1-703.2, Chapter 14 (§§ 54.1-1400 through 54.1-1405), §§ 54.1-1502 and 54.1-1503, Chapter 17 (§§ 54.1-1700 through 54.1-1706), and § 54.1-2202, as it is currently effective and as it shall become effective, of Title 54.1, §§ 63.2-800, 63.2-1528, 63.2-1602.1, 63.2-1604, and 63.2-1735 of the Code of Virginia and the second enactment of Chapter 551 of the Acts of Assembly of 2011, relating to the Governor's reorganization of the executive branch of state government; elimination of the Commonwealth Competition Council, the Interagency Dispute Resolution Council, the Virginia Public Buildings Board, the Virginia Council on Human Resources, the Small Business Advisory Board, the Board of Surface Mining Review, the Board of Mineral Mining Examiners, the Virginia National Defense Industrial Authority, the Virginia Public Broadcasting Board, the Hemophilia Advisory Board, the Boating Advisory Committee, the Council on Indians, the Foundation for Virginia's Natural Resources, the Board of Correctional Education, the Virginia Juvenile Enterprise Committee, the Board of Transportation Safety, and the Board of Towing and Recovery Operators; consolidation of the Department of Employment Dispute Resolution into the Department of Human Resource Management, the Human Rights Council and the Office of Consumer Affairs of the Department of Agriculture and Consumer Services into the Office of the Attorney General, the Reforestation of Timberlands Board into the Board of Forestry, the Seed Potato Board and the Potato Board, the Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board, the Pesticide Control Board into the Board of Agriculture and Consumer Services, the Board for Opticians and the Board for Hearing Aid Specialists, the Board for Geology and the Board for Professional Soil Scientists and Wetland Professionals, the Department for Aging, the Department of Rehabilitative Services, and adult services and adult protective services of the Department of Social Services into



the Department for Aging and Rehabilitative Services, the Advisory Board on Child Abuse and Neglect into the Family and Children's Trust Fund, the Child Day-Care Council into the Board of Social Services, the Chippokes Plantation Farm Foundation and Board of Trustees and the Scenic River Board into the Board of Conservation and Recreation, the Department of Correctional Education into the Departments of Corrections and Juvenile Justice, and the Virginia War Memorial Foundation becomes the Virginia War Memorial Board under the Department of Veterans Services; deregulation of the professions of hair braiding and mold inspectors and mold remediators; transfer of certain powers and duties from the Department of Environmental Quality to the Department of Conservation and Recreation concerning environmental education, from the Virginia Soil and Water Conservation Board to the State Water Control Board concerning municipal separate storm sewer system (MS4) permitting, and from the Governor's Office of Substance Abuse Prevention to the Department of Alcoholic Beverage Control concerning substance abuse prevention.

**S.B. 679.** An Act to amend and reenact §§ 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, and to repeal § 2 of the first enactment of Chapter 814 of the Acts of Assembly of 2010, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

March 17, 2012

**H.B. 101.** An Act to amend and reenact § 8.01-3 of the Code of Virginia and to repeal § 30-153 of the Code of Virginia, relating to the Rules of Evidence.

**H.B. 777.** An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 51, consisting of sections numbered 30-330, 30-331, and 30-332, relating to the Joint Subcommittee to Evaluate Tax Preferences.

**H.B. 813.** An Act to amend and reenact §§ 2.2-2201, 2.2-2202, 2.2-2203, 2.2-2204, 2.2-2213, 2.2-2215, 33.1-23.03:2, 33.1-23.7, 58.1-423, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2203.1 through 2.2-2203.4, relating to the oversight of and funding for commercial space flight in the Commonwealth.

**H.B. 848.** An Act to amend the Code of Virginia by adding a section numbered 15.2-1716.2, relating to reimbursement to localities for methamphetamine lab cleanup costs.

**H.B. 878.** An Act to amend and reenact § 15.2-973 of the Code of Virginia, relating to license taxes on certain motor vehicles.

**H.B. 968.** An Act to amend and reenact § 18.2-248 of the Code of Virginia, relating to penalty for repeat drug trafficking offenses.

**H.B. 973.** An Act to amend and reenact §§ 18.2-61, 18.2-67.1, and 18.2-67.2 of the Code of Virginia, relating to penalties for certain sex crimes.

**H.B. 1034.** An Act to repeal Chapter 57 (§§ 2.2-5700 through 2.2-5702) of Title 2.2, relating to the withdrawal of the Commonwealth from certain interstate agreement; the Southern Growth Policies Agreement.

**H.B. 1111.** An Act to amend and reenact §§ 27-98 and 36-105 of the Code of Virginia, relating to fees for enforcement and appeals under Statewide Fire Prevention Code and Uniform Statewide Building Code.

**H.B. 1130.** An Act to amend and reenact §§ 51.1-124.3, 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-142.2, 51.1-145, 51.1-153, 51.1-155, 51.1-157, 51.1-166, 51.1-302, 51.1-306, 51.1-308, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and to amend the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183, relating to the Virginia Retirement System; hybrid defined benefit and defined contribution retirement program.

**H.B. 1173.** An Act to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.10, 22.1-212.12, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to public charter schools.

**H.B. 1248.** An Act to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, 58.1-2201, and 58.1-2249 of the Code of Virginia, relating to transportation funding and operation.

**H.B. 1280.** An Act to amend and reenact § 19.2-169.6 of the Code of Virginia, relating to inpatient psychiatric hospital admission from local correctional facility; criteria.

**H.B. 1291.** An Act to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8, 2.2-517, 2.2-1111, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001, 2.2-2001.1, 2.2-2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-2528, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-3003 through 2.2-3005.1, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4345, 2.2-5510, 3.2-102, 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-1813, 3.2-1815, 3.2-2400 through 3.2-2407, 3.2-2408, 3.2-2409, 3.2-2410, 4.1-207.1, 4.1-223, 8.01-66.9, 8.01-418.2, 8.01-581.23, 9.1-102, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-603.2, 10.1-603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-1103, 10.1-1183, 10.1-1186, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-2159, 15.2-2232, 16.1-287, 16.1-293, 19.2-389, 22.1-17.1, 22.1-19, 22.1-209.1:2, 22.1-289, 23-9.9:01, 23-50.16:24, 30-34.2:1, 30-182, 30-193, 30-198, 30-326, 32.1-23.1, 32.1-89, 32.1-102.1, 32.1-116.1, 32.1-127.1:04, 32.1-283.5, 32.1-330.3, 37.2-304, 37.2-312.1, 37.2-504, 37.2-505, 37.2-605, 37.2-1000, 37.2-1010, 37.2-1015, 40.1-51.4:4, 44-123.3, 45.1-161.292:2, 45.1-161.292:11, 45.1-161.292:19 through 45.1-161.292:22, 45.1-161.292:24 through 45.1-161.292:29, 45.1-161.292:71, 45.1-186.1, 45.1-194, 46.2-221, 46.2-411, 46.2-1206, 46.2-1217, 51.1-124.22, 51.1-124.27, 51.1-1101, 51.5-1, 51.5-31, 51.5-33, 51.5-39.2, 51.5-39.7, 51.5-39.10, 51.5-41, 51.5-44, 53.1-5, 53.1-10, 53.1-32, 53.1-32.1, 53.1-41, 53.1-63.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-516, 54.1-700, 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, 54.1-706, 54.1-1500, 54.1-2200, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3408, 57-60, 58.1-344.3, 58.1-439.11, 58.1-2259, 59.1-203, 59.1-207.3, 59.1-207.34, 59.1-207.39, 59.1-207.44, 59.1-429, 59.1-432, 59.1-473, 62.1-44.5, 62.1-229.4, 63.2-100, 63.2-215, 63.2-313, 63.2-315, 63.2-401, 63.2-405, 63.2-1600, 63.2-1601, 63.2-1602, 63.2-1605, 63.2-1606, 63.2-1700, 63.2-1706, 63.2-1734, 63.2-1810, 63.2-2100, 63.2-2102, 66-3, 66-10, 66-13, 66-25.1, as it is currently effective and as it shall become effective, 66-25.1:2, and 66-25.4 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:2, by adding in Chapter 5 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-520 through 2.2-524, by adding sections numbered 2.2-1202.1 and 2.2-1501.1, by adding in Chapter 24 of Title 2.2 an article numbered 23, consisting of sections numbered 2.2-2465 through 2.2-2469, by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3903, by adding in Chapter 18 of Title 3.2 an article numbered 3, consisting of sections numbered 3.2-1816 through 3.2-1822, by adding sections numbered 3.2-2407.1 and

4.1-103.02, by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.1, by adding in Chapter 1 of Title 46.2 sections numbered 46.2-116, 46.2-117, 46.2-118, and 46.2-119, by adding in Chapter 9 of Title 51.5 a section numbered 51.5-39.13, by adding in Title 51.5 a chapter numbered 14, containing articles numbered 1 through 12, consisting of sections numbered 51.5-116 through 51.5-181, by adding sections numbered 54.1-1500.1 and 54.1-1500.2, by adding in Chapter 15 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-1506 through 54.1-1509, by adding sections numbered 54.1-2200.1 and 54.1-2200.2, by adding in Chapter 22 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2208.1 through 54.1-2208.4, and by adding a section numbered 66-13.1; and to repeal § 2.2-118, Chapter 7 (§§ 2.2-700 through 2.2-720), Chapter 10 (§§ 2.2-1000 and 2.2-1001), Article 9 (§§ 2.2-2328 through 2.2-2335) of Chapter 22, Articles 7 (§§ 2.2-2413 and 2.2-2414), 12 (§§ 2.2-2426 through 2.2-2433), and 13 (§ 2.2-2434) of Chapter 24, Articles 8 (§§ 2.2-2620 through 2.2-2625), 9 (§§ 2.2-2626 and 2.2-2627), 10 (§§ 2.2-2628 through 2.2-2629.2), 12 (§§ 2.2-2632 through 2.2-2639), and 26 (§§ 2.2-2675 through 2.2-2678) of Chapter 26, Articles 2 (§§ 2.2-2705 through 2.2-2708.1) and 4 (§ 2.2-2711) of Chapter 27, and § 2.2-4118 of Title 2.2, Chapter 25 (§§ 3.2-2500 through 3.2-2510), §§ 3.2-3901, 3.2-3902, 3.2-3903, and 3.2-3905, and Chapter 41 (§§ 3.2-4100 through 3.2-4111) of Title 3.2, Article 4 (§§ 10.1-217.1 through 10.1-217.6) of Chapter 2, §§ 10.1-406, 10.1-603.14:1, 10.1-1172, Chapter 18 (§§ 22.1-339 through 22.1-345.1) of Title 22.1, §§ 45.1-161.292:15, 45.1-161.292:16, 45.1-161.292:18, 45.1-161.292:23, 45.1-195, and 45.1-196, § 46.2-224 and Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2, § 51.5-2 and Chapters 2 (§§ 51.5-3 through 51.5-5.01), 3 (§§ 51.5-8 through 51.5-10.1), 3.1 (§§ 51.5-12.1 through 51.5-12.4), 4 (§§ 51.5-13 through 51.5-14.1), 5 (§§ 51.5-15 through 51.5-22), and 6 (§§ 51.5-23 through 51.5-30) of Title 51.5, Article 3 (§§ 54.1-517.3, 54.1-517.4, and 54.1-517.5) of Chapter 5, § 54.1-703.2, Chapter 14 (§§ 54.1-1400 through 54.1-1405), §§ 54.1-1502 and 54.1-1503, Chapter 17 (§§ 54.1-1700 through 54.1-1706), and § 54.1-2202, as it is currently effective and as it shall become effective, of Title 54.1, §§ 63.2-800, 63.2-1528, 63.2-1602.1, 63.2-1604, and 63.2-1735 of the Code of Virginia and the second enactment of Chapter 551 of the Acts of Assembly of 2011, relating to the Governor's reorganization of the executive branch of state government; elimination of the Commonwealth Competition Council, the Interagency Dispute Resolution Council, the Virginia Public Buildings Board, the Virginia Council on Human Resources, the Small Business Advisory Board, the Board of Surface Mining Review, the Board of Mineral Mining Examiners, the Virginia National Defense Industrial Authority, the Virginia Public Broadcasting Board, the Hemophilia Advisory Board, the Boating Advisory Committee, the Council on Indians, the Foundation for Virginia's Natural Resources, the Board of Correctional Education, the Virginia Juvenile Enterprise Committee, the Board of Transportation Safety, and the Board of Towing and Recovery Operators; consolidation of the Department of Employment Dispute Resolution into the Department of Human Resource Management, the Human Rights Council and the Office of Consumer Affairs of the Department of Agriculture and Consumer Services into the Office of the Attorney General, the Reforestation of Timberlands Board into the Board of Forestry, the Seed Potato Board and the Potato Board, the Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board, the Pesticide Control Board into the Board of Agriculture and Consumer Services, the Board for Opticians and the Board for Hearing Aid Specialists, the Board for Geology and the Board for Professional Soil Scientists and Wetland Professionals, the Department for Aging, the Department of Rehabilitative Services, and adult services and adult protective services of the Department of Social Services into the Department for Aging and Rehabilitative Services, the Advisory Board on Child Abuse and Neglect into the Family and Children's Trust Fund, the Child Day-Care Council into the Board of Social Services, the Chippokes Plantation Farm Foundation and Board of Trustees and the Scenic River Board into the Board of Conservation and Recreation, the Department of Correctional Education into the Departments of Corrections and Juvenile Justice, and the Virginia War Memorial Foundation becomes the Virginia War Memorial Board under the Department of Veterans Services; deregulation of the professions of hair braiding and mold inspectors and mold remediators; transfer of certain powers and duties from the Department of Environmental Quality to the Department of

Conservation and Recreation concerning environmental education, from the Virginia Soil and Water Conservation Board to the State Water Control Board concerning municipal separate storm sewer system (MS4) permitting, and from the Governor's Office of Substance Abuse Prevention to the Department of Alcoholic Beverage Control concerning substance abuse prevention.

**H.B. 1294.** An Act to prohibit certain local fees related to religious institutions.

**H.B. 1295.** An Act to amend and reenact §§ 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, and to repeal § 2 of the first enactment of Chapter 814 of the Acts of Assembly of 2010, relating to the elimination of various mandates on local and regional entities relating to procurement procedures, education, and land use.

The President of the Senate, pursuant to § 30.14 of the Code of Virginia, on the date recorded below, signed the following joint resolutions proposing amendments to the Constitution that had been agreed to by both houses and duly enrolled:

March 17, 2012

**H.J.R. 3.** Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to taking or damaging of private property.

**H.J.R. 138.** Proposing an amendment to Section 6 of Article IV of the Constitution of Virginia, relating to legislative sessions.

**S.J.R. 3.** Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to taking or damaging of private property.

**SENATE BILL VETOED BY GOVERNOR  
SUBSEQUENT TO ADJOURNMENT SINE DIE**

**S.B. 471** (four hundred seventy-one), subsequent to adjournment sine die of the 2012 Regular Session, was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

GOVERNOR'S VETO

April 9, 2012

TO THE SENATE:


SENATE BILL NO. 471

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto the Senate Bill 471.

As Governor, I have worked with the Virginia Department of Health and the Virginia Foundation for Healthy Youth in the effort to curb childhood obesity. It is an issue important to all Virginians and I applaud the work of Senator Northam and interested parties in their attempt to address this problem. However, solutions to childhood obesity cannot include additional regulations that will place significant unfunded mandates on local school divisions. This bill without all of the amendments I proposed creates the inference of required physical education programs in public schools, which we cannot require at this time.

Accordingly, I veto this bill.

/s/ Robert F. McDonnell  
Governor

A handwritten signature in black ink, appearing to read "Will - Bolling". The signature is written in a cursive style with a long, sweeping tail on the final letter.

William T. Bolling  
President of the Senate

A handwritten signature in black ink, appearing to read "Susan Clarke Schaar". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Susan Clarke Schaar  
Clerk of the Senate