

City of Alexandria

MEMORANDUM

DATE: FEBRUARY 21, 2011

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2011 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 3) on legislation introduced at the 2011 General Assembly Session.

RECOMMENDATION: That City Council oppose the following proposals (discussed in greater detail later in this memo) included in the budget amendments adopted by the House of Delegates (but not the Senate), as recommended by City Council's Legislative Subcommittee (these are in addition to those approved at Council's February 8 meeting):

1. The House has proposed moving a number of children who are receiving mental health services from Medicaid to the Comprehensive Services Act (CSA) system, at an estimated cost to Virginia localities of \$21 million (staff estimates that the fiscal impact on the City budget will be in excess of \$577,000 annually).
2. The House has also proposed reduced funding for the pre-K Virginia Preschool Initiative (VPI) Program, lowering the state allocation for this program from \$6,000 to \$5,000; this will have a negative impact of at least \$120,000 on City programs funded by VPI.

DISCUSSION: The 2011 General Assembly Session is nearly over. All committee action on bills must be completed by the end of the day on Monday, February 21. The remainder of the week will consist of floor debate and floor action on legislation, as well as conference meetings and conference reports on bills that passed the House and Senate in different versions. Among those bills is the budget. Adjournment of the 2011 Session is scheduled for February 26.

State Budget. The last Update noted that House Appropriations and Senate Finance Committees reported their budget recommendations on February 6; these proposals, which have significant differences, were subsequently approved by their respective bodies. Staff advised the delegation of specific concerns which the City has, as noted in Attachment 4 of the last Update. These include reduced State funding for the Comprehensive Services Act, HB 599 local law

enforcement programs, social services programs, and Project Discovery. Staff also advised the delegation that the City supports additional funding for Healthy Families, Northern Virginia Family Services, and the Virginia Juvenile Crime Control Act, as contained in the Senate budget.

Further review of the details of the budget proposals revealed two additional issues that would negatively impact the City.

1. The House has proposed moving a number of children who are receiving mental health services from Medicaid to the Comprehensive Services Act (CSA) system. What this means to local government budgets is that a significant portion of these costs would be shifted from the State to localities. Staff estimates that the fiscal impact on the City budget will be in excess of \$577,000 annually. In addition, this would put a significant burden on local CSA Family Assessment Planning Teams, which would see their caseloads increase dramatically overnight. Staff cannot estimate the number of children that would be transferred in Alexandria, because the State will not release locality-specific data (staff based its estimates on the statewide totals, and the City's current proportion of the CSA population). Council's Legislative Subcommittee recommends that the City strongly oppose this proposal, as noted above.
2. The House has also proposed reduced funding for the pre-K Virginia Preschool Initiative (VPI) Program, lowering the state allocation for this program from \$6,000 to \$5,000 per child. This will have a negative impact of at least \$120,000 on City programs funded by VPI, based on current enrollment; should enrollment increase next year, the impact would be greater. Council's Legislative Subcommittee also recommends that the City strongly oppose this proposal.

City Package. As expected, the House of Delegates has now rejected all legislation to allow early or unrestricted absentee voting, as well as constitutional amendments that would allow for the General Assembly to provide by general law for the restoration of civil rights for persons who have been convicted of nonviolent felonies. The House also defeated measures to prohibit discrimination based on sexual orientation against State employees. The Senate, on the other hand, has rejected any efforts to lower the interest rates charged on pay day and car title loans. Other actions on City Package legislation include the following:

- Legislation to require the State to construct any new buildings according to "green" (SB 832) passed the Senate, but it has not been taken up by the House. Since the House General Laws Committee, to which the bill was assigned, has had its last scheduled meeting, the bill is likely dead.
- Legislation that would reduce revenues from the Machinery and Tools tax was killed by the House Appropriations Committee.
- Bills to allow, but not require, local governments to change the basis for the BPOL tax are being approved by the House and Senate. SB 1408 allows localities to exempt

businesses that do not show a profit from the BPOL tax. HB 1437 allows localities to levy the BPOL tax on an entity's gross receipts or taxable income (taxable income could be much less than gross receipts). Both bills have passed the House and Senate in different forms, although the differences are minor and the bills should be going to the Governor shortly.

- HB1587, which allows localities to exempt, refund, or rebate all, or a portion of, BPOL taxes for up to two years after a new business first moves to the locality has passed the House and Senate, and awaits the Governor's approval.

Attachment 1 is a status report on "City Package" bills. A status report on other bills on which the City has taken a position is found in Attachment 2.

Transportation. Action has been taken on many of the transportation bills that were introduced this Session.

- HB 2000 would require that one of Virginia's principal representatives on the WMATA Board be the Virginia Secretary of Transportation or his alternate. It passed the House and will be considered by the Senate Finance Committee late Monday (February 21) afternoon. Since the House budget also includes this provision (the Senate budget does not), the issue may not be decided until agreement is reached on the budget.
- Bills to authorize the use some of the State's sales tax revenues for Northern Virginia and Hampton Roads transportation needs have been defeated.
- The Governor's transportation funding package has passed the House and Senate. The Senate version does not allow the use of budget surpluses or other new general fund revenues for transportation. Provisions authorizing the sale of bonds to pay for transportation-related construction projects (possibly including the proposed ramp from the I-395 HOV lanes to Seminary Road) have been accepted by both bodies. A conference committee will likely be needed to determine whether the use of any general funds will be included in the final bill.

Virginia Retirement System (VRS). As noted in earlier Updates, several major proposals to change the Virginia Retirement System have been under consideration this Session. The Governor recommended letting local governments and school boards require existing employees to contribute five percent of their salary into VRS, as long as the local government or school board provides a salary increase of at least three percent. This has been accepted with a modification by the House (the House requires a salary match of at least five percent), and rejected by the Senate.

The Governor also proposed requiring all new teachers and other local employees hired after July 1, 2011, to contribute five percent of their salaries into VRS (with no link to a salary increase for these employees). The House accepted the Governor's proposal; the Senate rejected it.

Legislation that was proposed to allow, but not require, state and local employees to join defined contribution plans (VRS is currently a defined benefit plan) beginning January 1, 2012, has been amended so that this option will be available only to State employees (HB 2410). The Senate Finance Committee, which already rejected a similar bill, will vote on this legislation on Monday (February 21).

Any changes to VRS, including those described above, may be dealt with as a part of the State budget.

Eminent Domain. Several proposals were introduced to amend the Virginia Constitution with respect to eminent domain. Local governments opposed this legislation; they believe that changes that were made to the State's eminent domain statutes several years ago have addressed these issues. Should a court decision in the future identify a flaw in the current law, this could be addressed much more easily by a statutory change than another constitutional amendment.

One proposal was agreed to by the House, and was approved on a narrow vote (8-7) by the Senate Committee on Privileges and Elections. This proposal actually goes further than current state law, and requires compensation for "business goodwill and access lost, damages to the residue caused by the taking, and damages to adjacent property." It is unclear what this language means (case law, for instance, does not define adjacent as "next to," but rather as "nearby"). Local governments continue to oppose the constitutional amendment; if unable to defeat it, they will at least try to remove the objectionable language. This legislation awaits action on the Senate floor.

Should the amendment be approved, it will have to be agreed to with exactly the same language next Session. The amendment would then go to the State's voters in November, 2012.

Fireworks. Legislation (HB 1834) that would have prohibited most local regulation of fireworks was defeated in the Senate General Laws Committee. Had the bill passed, localities would not have been able to ban the private use of fireworks, as Alexandria does now.

Legislation Related to Immigration. In its City Package, Alexandria opposed legislation that would restrict access to higher education by undocumented persons, unless it includes safeguards like those proposed by Governor Warner in 2003. The House approved such legislation, without the Warner safeguards (HB 1646). In the Senate, the bill was assigned to the Immigration Subcommittee of the Courts of Justice Committee. The Subcommittee voted to defeat the legislation, and the full Courts Committee accepted this recommendation.

Among the other bills that received unfavorable votes in the Immigration Subcommittee were the following:

- HB 1430, which would have required a policeman to determine the citizenship of a person taken into custody before he is released;
- HB 1775, which would have required school districts to report annually on the number of students enrolled in English as a Second Language courses (information that is already available), and the number of students unable to provide a birth record (students are required by law to present a birth record, for reasons unrelated to immigration issues).

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, February 21, 2011

Attachment 2. Current Status of Bills of Bills on Which the City Has Taken a Position, February 21, 2011

STAFF: Bernard Caton, Legislative Director

Current Status of City Package Bills
February 21, 2011

HB 1402 Elections; qualified voters may vote absentee in person without providing an excuse or reason.

A BILL to amend and reenact §§ 24.2-700 and 24.2-701 of the Code of Virginia, relating to absentee voting; persons eligible to vote absentee; and applications for absentee ballots.

Summary as introduced:

Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

HB 1465 Higher educational institutions; policies prohibiting admission of illegal aliens.

A BILL to require that public, post-secondary institutions of higher education adopt policies prohibiting enrollment of individuals not lawfully present in the United States.

Summary as passed House:

Provides that notwithstanding any existing policies regarding limitations on enrollment eligibility, the boards of visitors of the public, post-secondary institutions of higher education, including the State Board of Community Colleges, shall adopt written policies and procedures prohibiting the enrollment of an individual determined to be not lawfully present in the United States.

02/21/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 1509 Employment; prohibits discrimination based on sexual orientation.

A BILL to amend and reenact §§ 2.2-2639, 2.2-3004, 2.2-3900, 2.2-3901, 15.2-1507, and 15.2-1604 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2901.1 and 15.2-1501.1, relating to prohibited discrimination in employment based on sexual orientation.

Summary as introduced:

Prohibits discrimination in employment based on sexual orientation.

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 1677 Parking in spaces reserved for persons with disabilities; increases maximum fine.

A BILL to amend and reenact § 46.2-1242 of the Code of Virginia, relating to parking in spaces reserved for persons with disabilities; penalty.

Summary as introduced:

Increases the maximum fine from \$500 to \$750.

01/19/11 House: Subcommittee recommends laying on the table

02/08/11 House: Left in Transportation

Notes: Position: Support

HB 1815 Cigarette and other tobacco products; increases tax rate.

A BILL to amend and reenact §§ 32.1-366, 58.1-1001, 58.1-1018, 58.1-1021.02, and 58.1-1021.05 of the Code of Virginia, relating to tax rates for cigarettes and other tobacco products.

Summary as introduced:

Increases the cigarette tax rate from \$0.30 per pack to \$1.45 per pack and increases the cigarette excise tax on roll-your-own tobacco from 10 percent to 50 percent. The bill also increases the tax rate on certain other tobacco products from 10 percent of the manufacturer's sales price to 50 percent. The additional revenue attributable to the increase in tax rates on cigarettes and roll-your-own tobacco is distributed as follows: 52 percent for Medicaid waivers for intellectual disabilities, 40 percent for Medicaid reimbursement to hospitals and doctors, four percent to the Virginia Department of Health for the Virginia state tobacco quitline, and four percent to the Virginia Healthy Youth Foundation to prevent tobacco use. The additional revenue attributable to the increase in the tax rate on other tobacco products is dedicated to Medicaid waivers for intellectual disabilities.

01/19/11 House: Subcommittee recommends laying on the table (9-Y 0-N)

01/24/11 House: Tabled in Finance

Notes: Position: Support

HB 2045 Blighted property; expands definition to include any residential structure.

A BILL to amend and reenact § 36-3 of the Code of Virginia, relating to housing; definition of blighted property.

Summary as introduced:

Expands the definition of blighted property to include any residential structure (i) for which a building permit was not obtained or the building permit has been revoked or has expired in accordance with the Uniform Statewide Building Code and (ii) which endangers the public's health, safety, or welfare.

01/26/11 House: Subcommittee recommends passing by with letter

01/27/11 House: Passed by in General Laws with letter

Notes: Position: Support

HB 2046 Public employment; nondiscrimination.

A BILL to amend and reenact §§ 2.2-3004, 15.2-1507, 15.2-1604, and 22.1-306 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2901.1, 15.2-1500.1, and 22.1-295.2, relating to nondiscrimination in public employment.

Summary as introduced:

Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a veteran. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

02/01/11 House: Subcommittee recommends laying on the table

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 2153 Tuition, in-state; unlawfully present aliens in U.S. shall not be eligible.

A BILL to amend the Code of Virginia by adding a section numbered 23-7.4:01, relating to in-state tuition and educational benefits to unlawfully present aliens.

Summary as introduced:

Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents.

01/31/11 House: Incorporated by Courts of Justice into HB1465-Peace, which was defeated

Notes: Position: Oppose

HB 2404 State sales & use tax revenue; dedicates portion for transportation projects in Hampton Roads, etc.

A BILL to amend and reenact § 58.1-638 of the Code of Virginia, relating to the disposition of state sales and use tax revenue.

Summary as introduced:

Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-Year Improvement Program.

02/08/11 House: Left in Appropriations

Notes: Position: Oppose

HJ 497 Constitutional amendment; restoration of civil rights to persons convicted of felonies, etc.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

HJ 524 Constitutional amendment; restoration of civil rights to persons convicted of felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

HJ 543 Constitutional amendment; restoration of civil rights to persons convicted of nonviolent felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

HJ 610 Constitutional amendment; restoration of civil rights to persons convicted of felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

HJ 634 Constitutional amendment; restoration of civil rights to persons convicted of felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the

Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Support

SB 747 Nondiscrimination in state employment; prohibited based on race, color, religion, etc.

A BILL to amend and reenact § 2.2-3004 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2901.1, relating to nondiscrimination in state government employment.

Summary as introduced:

Prohibits discrimination in state employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties.

02/15/11 House: Defeated in House General Laws

Notes: Position: Support

SB 832 Green Public Buildings Act; definitions, building standards.

A BILL to amend the Code of Virginia by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 and 2.2-1183, relating to the Green Public Buildings Act.

Summary as passed Senate:

Requires executive branch agencies and institutions entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, conform to Virginia Energy Conservation and Environmental Standards developed by the Department of General Services considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements. Exemptions from the requirement may be granted by the Director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable.

02/07/11 House: Referred to Committee on General Laws

Notes: Position: Support

SB 1394 State sales & use tax revenue; dedicates portion for transportation projects in Hampton Roads, etc.

A BILL to amend and reenact § 58.1-638 of the Code of Virginia, relating to the disposition of state sales and use tax revenue.

Summary as introduced:

Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the

localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-Year Improvement Program.

02/01/11 Senate: Passed by indefinitely in Finance (13-Y 1-N)

Notes: Position: Oppose

SJ 284 Constitutional amendment; restoration of civil rights to persons convicted of nonviolent felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as passed Senate:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This resolution incorporates SJR 306.

02/07/11 House: Referred to Committee on Privileges and Elections

02/08/11 House: Assigned P & E sub: #1 Constitutional

Notes: Position: Support

SJ 306 Constitutional amendment; restoration of civil rights to persons convicted of nonviolent felonies.

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting felony drug and election fraud crimes) upon completion of sentence, including any term of probation or parole. The bill further provides that persons convicted of violent felonies, felony drug crimes, or election fraud crimes may have their civil rights restored by the Governor upon completion of sentence, including any term of probation or parole, and authorizes the General Assembly to provide by law for the restoration of civil rights to such persons. The restoration of rights pursuant to this provision has no effect on the right to possess firearms.

01/14/11 Senate: Assigned to P&E sub: Constitutional Amendments, Reapportionment, Referenda

01/25/11 Senate: Incorporated by Privileges and Elections (SJ284-Miller, Y.B.) (15-Y 0-N)

Notes: Position: Support

**Current Status of Bills on Which the City Has Taken a Position
February 21, 2011**

HB 1403 Eluding police; vehicle driven shall be forfeited and sold by sheriff.

Patrons: Loupassi, McQuinn, McClellan and Tyler

Summary as introduced:

Provides that any vehicle driven to elude police and in such a manner as to interfere with or endanger the operation of a law-enforcement vehicle or officer or to endanger a person (in violation of subsection B of § 46.2-817) shall be forfeited and sold by the sheriff. The proceeds of the sale are to be delivered to the Literary Fund.

02/14/11 Senate: Passed by indefinitely in Courts of Justice (12-Y 3-N)

Notes: Position: Support

HB 1404 Handheld personal communications devices; prohibits use thereof while driving.

Patron: Howell, A.T.

Summary as introduced:

Prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense.

02/08/11 House: Left in Militia, Police and Public Safety

Notes: Position: Support

HB 1413 Motor fuels; converts rate of taxation from cents per gallon to a percentage rate.

Patrons: Scott, J.M. and Kory

Summary as introduced:

Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. The bill provides that the Commissioner of the Department of Motor Vehicles shall calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.

02/08/11 House: Left in Finance

Notes: Position: Support

HB 1421 Immigration laws; enforcement by State, political subdivisions, or localities.

Patrons: Albo, Anderson, Athey, Bell, Richard P., Cleaveland, Cole, Cosgrove, Cox, J.A., Hugo, Iaquinto, Landes, Lingamfelter, Marshall, R.G., Merricks, Oder, Peace, Pogge, Poindexter, Robinson, Rust, Tata and Wilt; Senator: Vogel

Summary as passed House:

Provides that no agency of the Commonwealth, political subdivision of the Commonwealth or locality, or an employee of any of them acting in his official capacity, may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

02/21/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 1425 Taxes, local; collection.

Patron: Albo

Summary as introduced:

Reduces the period of nonpayment of taxes, from six months to three months, before sheriffs or private collector agents may be used to collect delinquent local taxes. Also removes exclusion of real estate taxes from the local taxes that treasurers may refer to private collection agents.

02/17/11 Senate: Constitutional reading dispensed (38-Y 0-N)

Notes: Position: Support

HB 1430 Citizenship of arrestee; arresting officer to ascertain.

Patrons: Albo, Anderson, Athey, Bell, Richard P., Cleaveland, Cosgrove, Cox, J.A., Crockett-Stark, Hugo, Iaquinto, Jones, Landes, Lingamfelter, Marshall, R.G., Merricks, Nutter, Poindexter, Robinson, Rust and Wilt

Summary as passed House:

Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the U.S., and (ii) is a citizen of a country other than the U.S.

02/21/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 1431 Recordation tax; reduces state tax on deeds of trust.

Patron: Albo

Summary as introduced:

Reduces the state recordation tax on deeds of trust from \$0.25 per \$100 of the amount financed to \$0.2375 per \$100 of such amount. The bill also eliminates the reduced recordation tax based on deeds of trust securing a refinanced mortgage with the same lender. Under current law, the recordation tax on deeds of trust for such refinancing applies only to the extent that the amount of the refinancing exceeds the original amount of financing.

02/02/11 House: Tabled in Finance

Notes: Position: Oppose

HB 1437 BPOL tax; localities to decide to impose on gross receipts or State taxable income.

Patrons: Cole, Iaquinto and Peace

Summary as introduced:

Allows localities to decide whether to impose the tax on a gross receipts or taxable income.

02/16/11 Senate: Passed Senate with amendments (38-Y 2-N)

02/17/11 House: Placed on Calendar

Notes: Position: Oppose

HB 1479 Search warrant affidavit; public availability.

Patron: Loupassi

Summary as introduced:

Provides that the affidavit for a search warrant may be made publicly available only after the warrant that is the subject of the affidavit has been served.

02/16/11 Senate: Passed Senate with amendment (40-Y 0-N)

02/17/11 House: Placed on Calendar
Notes: Position: Support

HB 1485 Medical emergency response plan and automated external defibrillator.

Patron: Hope

Summary as introduced:

Requires the development of medical emergency response plans and the installation of automated external defibrillators in health spas and certain state and local buildings open to the public. The bill also establishes the Automated External Defibrillator Grant Fund to provide matching funds to localities to assist with the cost of compliance.

02/08/11 House: Left in General Laws

Notes: Position: Oppose as written; no funding provided for significant new workload

HB 1489 Handheld personal communications device; texting while driving.

Patron: Spruill

Summary as introduced:

Repeals the "secondary enforcement" provisions of the statute prohibiting texting while driving.

02/08/11 House: Left in Militia, Police and Public Safety

Notes: Position: Support

HB 1496 Providing alcohol to an underage person; person who purchases is guilty of a Class 1 misdemeanor.

Patrons: Herring and Scott, J.M.

Summary as passed House:

Provides that any person who purchases alcoholic beverages for or otherwise gives, provides, or willfully assists in the provision of alcoholic beverages to another person, knowing or having reason to know that such person was less than 21 years of age is guilty of a Class 1 misdemeanor. Current law does not address a violation committed when the violator has reason to know a person is underage.

02/15/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 1506 Foreclosure procedures; assignment of deed of trust.

Patrons: Marshall, R.G., Athey, Carr and Watts; Senator: Petersen

Summary as introduced:

Provides that the trustee under any deed of trust or mortgage shall not proceed with any sale of the property unless the land records of the locality in which the property is located contain a duly recorded assignment to the person who asserts that he is the holder of the obligation. The trustee may proceed with the sale (i) upon the recordation of any assignments not recorded or, if an intervening assignment cannot be located, upon the receipt of an affidavit from the party secured that he is the party secured by the deed of trust, and (ii) upon the payment by the person who asserts that he is the holder of the obligation of any fees and taxes for recording the assignment. The bill also provides that a nominee of a grantee or mortgagee for a deed of trust or mortgage has no authority to request that the trustee proceed with any sale of the property conveyed to him by the deed of trust or mortgage. The bill also requires that the party secured by the deed of trust or mortgage provide notice of his intent to foreclose to the property owner at least 45 days before

any proposed sale. The bill provides further that a person who (i) knowingly makes, used, or causes to be made or used any false or fraudulent record, document, or statement or (ii) knowingly swears or affirms falsely to any matter, in support of any foreclosure is liable for a civil penalty of \$5,000, which shall be paid into the local treasury.

01/24/11 House: Subcommittee recommends passing by with letter

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 1510 Pawnbrokers & precious metals dealers; records; daily electronic reports.

Patron: Scott, J.M.

Summary as introduced:

Pawnbrokers and Precious Metals Dealers; records required to be maintained; electronic reports. Requires pawnbrokers and precious metals dealers to take a photograph or digital image of (i) the person pawning or pledging or selling an article, precious metal or gem taken at the time of the transaction and (ii) the article, precious metal or gem pawned or pledged or sold. The bill also requires the pawnbrokers and precious metals dealers to submit a daily report containing information on transactions to law-enforcement officials by electronic means. Currently, for pawnbrokers the requirement to submit electronic reports is a local option and precious metals dealers are required to mail or deliver the report within 24 hours of the transaction.

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 1517 Criminal street gangs; broadens definition.

Patron: Orrock

Summary as introduced:

Broadens the definition of a "criminal street gang" by removing the requirement that one of the predicate crimes be an act of violence. Various Code sections provide increased penalties and consequences if crimes are committed by a person who is a member of a criminal street gang.

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 1524 Retail Sales and Use Tax; collection by certain contractors.

Patron: Landes

Summary as introduced:

Provides that anyone primarily engaged in the business of furnishing and installing tangible personal property that provides electronic or physical security on real property for the use of a financial institution shall be deemed a retailer of such personal property and the sales tax for such property shall be collected from the contractor's customer rather than being paid by the contractor when he purchases the property. Such collection procedure shall also apply when the contractor installs the personal property on real property not for the use of a financial institution.

02/16/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 1526 Real property tax appeal; information regarding income and expenses of income-producing property.

Patron: Greason

Summary as introduced:

Provides that information regarding the income and expenses of income-producing real property may be used in a complaint to a board of assessment, even though such information was not timely presented to the assessor. In addition, the information may be used in an action for relief in court from the decision of a board of equalization in which such information was presented.

02/16/11 Senate: Reported from Finance (14-Y 0-N)

Notes: Position: Originally opposed (but has been amended to address City concerns)

HB 1528 Precious metals dealers; required to prepare daily reports.

Patron: Bell, Richard P.

Summary as introduced:

Requires every dealer to prepare a daily report containing certain information and to file such report by noon of the following day with the chief of police or other law-enforcement officer of the county, city or town where his business is conducted designated by the local attorney for the Commonwealth to receive it. The bill allows a dealer to compile and maintain the daily report in an electronic format and, if so maintained, to file the required daily report electronically with the appropriate law-enforcement officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. Any local governing body may, by ordinance, require a dealer to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. The bill allows a dealer to charge a service fee per transaction for making the daily electronic reports to the appropriate law-enforcement officers and for creating and maintaining the electronic records. Such fee shall not exceed five percent of the amount paid by the dealer for an item or \$3, whichever is less.

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 1531 Motor fuels tax; increases rate and dedicates additional revenue to transportation system.

Patrons: Howell, A.T., BaCote, Barlow, Brink, Dance, Englin, Hope, Kory, McClellan, McQuinn, Miller, P.J., Morrissey, Spruill, Toscano, Ware, O. and Watts

Summary as introduced:

Increases the motor fuels tax rate by \$0.10/gallon; dedicates additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.

02/02/11 House: Stricken from docket by Finance

Notes: Position: Support

HB 1532 Tax administration, local; special commissioner to execute title to real estate in certain cities.

Patrons: Howell, A.T., Carr, Dance, McClellan and McQuinn

Summary as introduced:

Lowers the threshold percentage of taxes and liens together on property from 50 to 20 percent of the assessed value of the parcel and, if only taxes, from 25 to 10 percent of the assessed value of the parcel so that more properties can be conveyed to the locality in lieu of a public sale at auction.

02/16/11 Senate: Reported from Finance (15-Y 0-N)

Notes: Position: Support

HB 1544 Commonwealth Mass Transit Fund; increases percentage of Transportation Trust Fund revenues, etc.

Patrons: Kory, Sickles, Surovell and Watts; Senator: Miller, Y.B.

Summary as introduced:

Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

02/08/11 House: Left in Appropriations

Notes: Position: Support

HB 1561 Zoning administrator; appeal of decisions.

Patron: Cole

Summary as introduced:

Provides that the zoning administrator shall give notice to the governing body of the issuance of any written order, requirement, decision, or determination regarding the permissibility of a specific use or density of use of a landowner's property at the next public meeting of the governing body following such issuance. The notice to the governing body shall be deemed as public notice to the interested parties for purposes of calculating time limits for appealing or challenging the written order, requirement, decision, or determination.

02/08/11 House: Left in Counties, Cities and Towns

Notes: Position: Oppose

HB 1578 Fair Housing Law; unlawful discriminatory practice on applications that are for affordable housing.

Patron: Dance

Summary as introduced:

Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development, that is to be used either wholly or in part as affordable housing, solely on that basis. This bill is recommended by the Virginia Housing Commission.

02/02/11 House: Subcommittee recommends passing by with letter

02/03/11 House: Tabled in General Laws (12-Y 7-N)

Notes: Position: Support

HB 1588 Real property tax assessments; appeals.

Patrons: Iaquinto, Athey, Bell, Richard P., Byron, Carrico, Cole, Comstock, Cosgrove, Cox, M.K., Howell, W.J., Hugo, Joannou, Knight, LeMunyon, Lingamfelter, Massie, Purkey, Rust, Scott, E.T., Stolle and Villanueva; Senators: McWaters, Northam, Puckett and Puller

Summary as introduced:

Transfers the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a board of equalization, and transfers it from the taxpayer to the locality when such appeal is to a circuit court. The bill also extends statewide provisions regarding boards of equalization currently applicable only to the City of Virginia Beach. The bill is applicable to tax years beginning on or after January 1, 2011.

02/16/11 Senate: Reported from Finance (12-Y 0-N)

Notes: Position: Oppose (but has been amended to remove most objectionable provision)

HB 1594 Virginia Law Officers' Retirement System; adds attorneys for State, etc., as members.

Patron: Iaquinto

Summary as introduced:

Adds attorneys for the Commonwealth and their assistants as members of the Virginia Law Officers' Retirement System.

02/08/11 House: Left in Appropriations

Notes: Position: Oppose

HB 1604 Income tax, corporate; market-based sourcing.

Patrons: Albo, Rust, Lewis and May

Summary as introduced:

Changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs-of-performance (the current method used).

02/08/11 House: Left in Finance

Notes: Position: Support

HB 1632 TANF; eligibility of assistance when convicted of drug-related felonies.

Patrons: Watts, Keam, Sickles and Surovell; Senators: Puller and Whipple

Summary as introduced:

Provides that a person who is otherwise eligible to receive TANF assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court, has completed substance abuse treatment, and participates in drug screenings.

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 1652 Personal property tax; valuation of certain motor vehicles.

Patron: Cosgrove

Summary as introduced:

Provides that the cost basis used in the valuation of motor vehicles that are not listed in an official pricing guide be reduced by the amount of any rebates.

02/08/11 Senate: Failed to report (defeated) in Finance (6-Y 9-N)

Notes: Position: Oppose

HB 1675 Emergency medical services; requirements for submission of applications for variances & exemptions.

Patron: Pogge

Summary as passed House:

Provides that an agency or governmental entity applying for a variance or exemption from regulations governing emergency medical services shall submit the application to the local governing body or chief administrative office of the local government for review, and shall include any recommendations of the local governing body or chief administrative office of the local government together with the application for a variance or exemption. This bill provides that providers who are certified or candidates for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to

the local governing body or chief administrative officer of the jurisdiction for review but shall submit the application for a variance or exemption to the Operational Medical Director and the agency head of the agency with which the provider is affiliated and shall submit any recommendations of the Operational Medical Director or agency head together with the application. A provider who is not affiliated with an agency shall submit an application for a variance or exemption to the Commissioner of Health or the Board of Health, whichever is appropriate.

02/14/11 Senate: Passed Senate (40-Y 0-N)

02/17/11 House: Passed House

Notes: Position: Support

HB 1709 Pawnbrokers and precious metals dealers; records required to be maintained.

Patron: Merricks

Summary as introduced:

Requires pawnbrokers and precious metals dealers to take a photograph or digital image of (i) the person pawning or pledging or selling an article, precious metal or gem at the time of the transaction; (ii) the identification used by the person in the transaction; and (iii) the article, precious metal or gem pawned or pledged or sold. Requires pawnbrokers to retain a pawned item and for precious metal dealers to retain precious metals or gems purchased for 60 days.

Currently pawnbrokers must retain an item for 45 days and precious metal dealers for 10 days.

02/03/11 House: Incorporated by General Laws (HB1510-Scott, J.M.)

Notes: Position: Support

HB 1716 Protective orders; may include in provisions relating to companion animal, etc.

Patrons: Scott, J.M., Armstrong and Herring

Summary as introduced:

Provides that a court may include in a protective order provisions prohibiting harm to a companion animal and damage to any item of personal property.

02/04/11 House: Incorporated by Courts of Justice (HB2063-Bell, Robert B.)

Notes: Position: Support

HB 1739 Municipal separate storm sewer facilities; right of entry of operators.

Patron: Bulova

Summary as introduced:

Gives the operators of a permitted MS4 system (localities) the right of entry to inspect properties that discharge into their municipal separate storm sewer facilities.

02/16/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 1740 Special safety corridors; county or city to designate for vehicles transporting explosives, etc.

Patrons: Bulova and Watts; Senator: Petersen

Summary as introduced:

Designation of special safety corridors for vehicles transporting explosives or inflammable gas or liquid. Allows the governing body of any county or city to designate any portion of the primary or secondary road system as a special safety corridor if the number of vehicles transporting

explosives or inflammable gas or liquid averages more than 200 vehicles per day and the corridor is located near a school. Applicable fines for certain violations within the established special safety corridor shall be doubled.

02/08/11 House: Left in Transportation

Notes: Position: Support

HB 1757 Domestic violence victims; expands Address Confidentiality Program statewide.

Patrons: Wilt, Athey and Hugo

Summary as introduced:

Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2012, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose.

02/16/11 Senate: Reported from General Laws and Technology (12-Y 0-N)

Notes: Position: Support

HB 1775 Students; school boards report to Board of Education number enrolled in ESL.

Patrons: Gilbert, Cole, Cosgrove, Cox, M.K., Landes, Oder, Pogge and Poindexter

Summary as passed House:

Requires local school boards to annually collect data on the number of students enrolled in English as a Second Language courses and report such data to the Board of Education, as well as provide the number of students unable to provide a birth record upon admission to the public schools. The Board of Education must compile all such data and report it, aggregated by school division, to the Governor and the General Assembly.

02/21/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 1781 Street gang; punishment for predicate act.

Patrons: Gilbert, Lingamfelter and Poindexter

Summary as introduced:

Provides that any person who actively participates in or is a member of a criminal street gang and who knowingly and willfully participates in any predicate criminal act is guilty of a Class 5 felony (or a Class 4 felony if the perpetrator is an adult and the gang has a juvenile member). Current law requires that, for punishment of the crime of committing a predicate act, the act be committed for the benefit of, at the direction of, or in association with any criminal street gang.

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 1785 Local treasurer; authorized to be compensated when collecting fines, costs, etc.

Patron: Tata

Summary as passed House:

Authorizes a local treasurer to recover the costs of collecting fines, costs, penalties, forfeitures, and restitution pursuant to an agreement with the attorney for the Commonwealth in an amount not to exceed 20 percent of the amounts collected, and authorizes the local treasurer when undertaking such collection to employ collection powers used when collecting local taxes.

02/21/11 Senate: Defeated by Committee for Courts of Justice
Notes: Position: Support

HB 1834 Statewide Fire Prevention Code; permissible fireworks.

Patron: Scott, E.T.

Summary as passed House:

Redefines what constitutes permissible fireworks in Virginia, and prevents localities from prohibiting the use, design, possession, ignition, display, storage, sale, or transportation of permissible fireworks, or the setup or supervision thereof. Further, the bill provides that the storage and sale of permissible fireworks shall be governed by the Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles adopted by the National Fire Protection Association, and to the extent that NFPA Standard 1124 doesn't apply to buildings or structures, a locality may enforce any mercantile occupancy requirements.

02/16/11 Senate: Passed by indefinitely in General Laws and Technology (14-Y 1-N)

Notes: Position: Oppose

HB 1854 Local mandates; mandate shall include fiscal impact statement and identify funding source.

Patron: Dance

Summary as introduced:

Provides that any mandate on localities shall include a fiscal impact statement and identify the funding source.

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 1915 Local grievance procedure; circuit court shall make determination as to whether relief granted.

Patron: Miller, J.H.

Summary as introduced:

Requires the circuit court, rather than the chief administrative officer, to make the determination as to whether relief granted by a panel or hearing officer is consistent with written policy.

02/08/11 House: Left in Courts of Justice

Notes: Position: Oppose

HB 1918 Uniform Statewide Building Code; limitation on prosecutions for violation.

Patron: Merricks

Summary as introduced:

Changes the time within which a prosecution for violations of the Uniform Statewide Building Code must be commenced from two years to one year. As a result there is no longer a conflict between the Building Code and the statute of limitations on prosecutions (§ 19.2-8). The bill also provides that the prosecution shall commence within one year of discovery by the building official and not the owner. For prosecutions relating to the maintenance code, the bill clarifies that any such prosecutions must be commenced within one year of the discovery of the offense by the building official.

01/27/11 House: Incorporated by General Laws (HB2168-Abbitt)

Notes: Position: Support

HB 1929 Public Procurement Act; price matching by State's businesses.

Patrons: Marshall, D.W., Athey, Bell, Richard P., Crockett-Stark, Habeeb, Iaquinto, James, Lingamfelter, Merricks, Poindexter, Rust and Villanueva

Summary as passed House:

Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state allows a resident contractor of that state a price-matching preference, then a like preference shall be allowed to responsive and responsible bidders who are residents of Virginia.

02/16/11 Senate: Reported from General Laws and Technology (14-Y 1-N)

Notes: Position: Oppose

HB 1932 Domestic abuser registry; established.

Patron: Marshall, D.W.

Summary as introduced:

Defines "domestic abuser" as an adult who has been convicted of a violation of § 16.1-253.2, 18.2-57.2, or 18.2-60.4 or of a substantially similar law of another state or of the United States and requires any domestic abuser physically within the boundaries of the Commonwealth for more than 10 consecutive days to register in person with the sheriff of the county or city in which the domestic abuser resides or is located. The bill requires the sheriff to notify every residence and business within a one-half-mile radius of the abuser's residence or location within 10 days of initial registration.

02/08/11 House: Left in Courts of Justice

Notes: Position: Oppose

HB 1935 Legal notices; locality to meet notice requirements by utilizing their websites, radio, etc.

Patron: Ware, O.

Summary as introduced:

Allows localities to meet certain notice requirements by utilizing their web sites, radio or television rather than a newspaper of general circulation.

02/08/11 House: Left in Counties, Cities and Towns

Notes: Position: Support

HB 1936 Family abuse protective orders; upon conviction of assault & battery, court may enter for a period.

Patrons: Ware, O. and Kilgore

Summary as introduced:

Provides that upon conviction of assault and battery against a family or household member, the court may enter a protective order for a specified period of up to two years.

02/04/11 House: Tabled in Courts of Justice

Notes: Position: Support

HB 1963 Resident curator programs; locality may develop for managing, etc., historic areas owned or leased.

Patrons: Rust, Comstock, Hugo, Keam, LeMunyon, Oder and Watts

Summary as introduced:

Provides that a locality may develop a resident curator program for the purpose of managing, preserving, maintaining, or operating historic areas owned or leased by the locality.

02/15/11 Senate: Reported from Local Government (15-Y 0-N)

Notes: Position: Support

HB 1964 Public employment; prohibits discrimination based on race, color, etc.

Patrons: Rust, Albo, Carr and Ware, R.L.

Summary as introduced:

Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a veteran. The bill contains technical amendments.

02/08/11 House: Left in General Laws

Notes: Position: Support

HB 1984 Child welfare; placement of children.

Patron: Kilgore

Summary as passed House:

Provides that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that may be in the best interests of the child.

02/10/11 House: Signed by Speaker

02/11/11 Senate: Signed by President

Notes: Position: Support

HB 1990 Judicial circuits and districts; establishes new boundaries & reallocates number of judges serving.

Patron: Janis

Summary as passed House:

Establishes new boundaries for the various judicial circuits and districts of the Commonwealth and reallocates the number of judges serving such circuits and districts. The bill contains technical amendments. This bill only becomes effective if reenacted during the 2012 Session.

02/16/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 1991 Traffic lights; motorcycle drivers, etc., in certain situations, to proceed through intersections.

Patron: Janis

Summary as introduced:

Allows motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

01/20/11 House: Incorporated by Transportation (HB1981-Greaseon)

Notes: Position: Oppose

HB 1998 Northern Virginia Transportation District; long-range transportation planning.

Patrons: LeMunyon, Albo, Comstock, Greaseon, Hugo, Keam and Oder

Summary as introduced:

Establishes responsibilities for various entities for long-range transportation planning for the Virginia Department of Transportation in the Northern Virginia Transportation District.

02/17/11 Senate: Reported from Transportation with amendment (12-Y 3-N)

02/17/11 Senate: Rereferred to Finance

Notes: Position: Support

HB 1999 Northern Virginia Transportation District; revises criteria for allocation of revenues.

Patrons: LeMunyon, Albo, Comstock and Greason

Summary as introduced:

Revises criteria for allocation of revenues to highway projects within the Northern Virginia Transportation District. The bill also contains technical amendments.

02/14/11 Senate: Rereferred to Finance

Notes: Position: Oppose

HB 2000 Washington Metropolitan Area Transit Authority board of directors.

Patrons: LeMunyon, Albo, Athey, Comstock and Greason

Summary as passed House:

In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority, the Northern Virginia Transportation Commission shall include the Secretary of Transportation's designee or his voting member as a principal.

02/15/11 Senate: Rereferred to Finance

Notes: Position: Oppose

HB 2012 Law-enforcement employment; disclosure of juvenile records.

Patron: Carrico

Summary as introduced:

Provides that a person who was adjudicated delinquent may be denied employment with the State Police or a local police department or sheriff's office. The bill also provides that juvenile record information may be disseminated to the State Police or a local police department or sheriff's office for the purpose of screening a person for employment.

02/16/11 Senate: Reported from Courts of Justice with amendment (9-Y 3-N 2-A)

Notes: Position: Support

HB 2016 Northern VA Transportation Authority, Northern VA Transportation Commission, etc.; consolidation.

Patron: Albo

Summary as introduced:

Expands the duties of the Northern Virginia Transportation Authority to include the assumption and oversight of the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission administrative activities, bus and commuter rail transit planning, programming, funding, and operation activities that occur in the areas embraced by the Northern Virginia Transportation Authority. Upon enactment, the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission will be dissolved.

02/01/11 House: Passed by in Transportation with letter
Notes: Position: Oppose

HB 2021 Allocation of revenue-sharing funds; removes priority structure to localities.

Patrons: May and Surovell

Summary as introduced:

Removes the priority structure for allocation of revenue-sharing funds to localities and provides for funding of no less than \$50 million each fiscal year. This bill incorporates HB 2203.

01/31/11 House: Incorporated by Appropriations (HB2527-Howell, W.J.)

Notes: Position: Oppose

HB 2036 Commitment; parole; court services unit to consult with social services.

Patrons: Peace and Keam

Summary as introduced:

Changes from four weeks to 90 days the time by which the court services unit shall consult with the local department of social services prior to a person's release from commitment on parole supervision about the return of the person to the locality and the placement of the person. The bill also provides that the court services unit shall collaborate with the local department of social services to develop a plan that prepares the person for successful transition from the Department's commitment to the custody of the local department of social services. The plan shall identify the services necessary for such transition and how the services are to be provided.

02/17/11 Senate: Passed Senate and House

Notes: Position: Support

HB 2037 Social work; unlawful for person not licensed by Board of Social Work to use title social worker.

Patrons: Peace and Bell, Richard P.

Summary as introduced:

Provides that it shall be unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the clarifying initials signifying a degree in social work. The bill provides exceptions for federally required and defined social workers in nursing homes and hospices and has a delayed effective date of July 1, 2013.

02/17/11 Senate: Reported from Education and Health with substitute (9-Y 6-N)

Notes: Position: Oppose

HB 2047 Virginia Waterways Clean Up and Consumer Choice Act; paper and plastic bag fee.

Patrons: Ebbin and Surovell

Summary as introduced:

Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning and prescription drugs are exempt from the fee. Retailers are allowed to retain \$0.01 of the \$0.05 fee or \$0.02 if the retailer has a customer bag credit program. The revenues raised by the fee will be deposited in the

Virginia Water Quality Improvement Fund. Failure to collect and remit the fee will result in fines of \$250, \$500, and \$1,000 for the first, second, third and thereafter offenses.

02/08/11 House: Left in Finance

Notes: Position: Support

HB 2050 Secondhand metal articles; sales procedures.

Patrons: Carrico, BaCote and Lewis

Summary as passed House:

Purchasers of secondhand metal articles. Requires any person buying secondhand metal articles used by or belonging to a railroad, telephone, mining, industrial, manufacturing, or public utility company to pay for such articles by check if the cost of the items exceeds \$1,000.

02/17/11 Senate: Passed Senate (39-Y 0-N)

Notes: Position: Support

HB 2063 Protective orders; expands class of persons eligible to obtain.

Patrons: Bell, Robert B., Comstock and Filler-Corn

Summary as passed House:

Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order to include persons who have been subjected to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. The bill also authorizes a law-enforcement officer to request an extension of an emergency protective order, not to exceed three days, for a person in need of protection who is physically or mentally incapable of filing a petition for a preliminary or permanent protective order. The bill also increases the penalties for violating a protective order. Any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of six months. The bill also provides that any person convicted of violating a protective order for which no mandatory minimum sentence is specified shall be sentenced to a term of confinement and shall not have his entire sentence suspended. The bill also amends the definition of "family abuse," which is used to determine when a family abuse protective order may be issued, to be consistent with the conduct that would allow for the issuance of a protective order. The bill also provides that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property.

02/16/11 Senate: Reported from Finance (12-Y 0-N)

Notes: Position: Support

HB 2067 Criminal proceedings; investigative costs of law-enforcement agency.

Patron: Bell, Robert B.

Summary as introduced:

Allows a law-enforcement agency to apply to the court for the recovery of investigative costs to be imposed upon a defendant as court costs.

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 2089 Emergency protective orders; law-enforcement officer may serve notice.

Patrons: Herring, Abbott, Armstrong, BaCote, Dance, Ebbin, Englin, Filler-Corn, Hope, Kilgore, McClellan, Morrissey, Plum, Scott, J.M., Tyler and Ward; Senator: Howell

Summary as introduced:

Provides that a law-enforcement officer may effect service of an emergency protective order by personally serving the person subject to the order with a notification of the issuance of the order, on a form approved by the Supreme Court. The officer making service shall enter or cause to be entered appropriate information into the Virginia Criminal Information Network.

02/16/11 Senate: Passed Senate with amendment (40-Y 0-N)

Notes: Position: Support

HB 2090 Emergency custody orders; increases hours for orders to be executed.

Patron: Herring

Summary as introduced:

Increases from four to six hours the time in which an emergency custody order must be executed after its issuance.

02/16/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 2100 Child care facility; certification from national criminal background check.

Patrons: Bulova, Filler-Corn, Herring, Plum and Watts

Summary as introduced:

Allows certain Northern Virginia localities to require persons who provide child-care services to provide certification from a national criminal background check in addition to other certifications that may be currently required.

02/15/11 Senate: Reported from Local Government (15-Y 0-N)

Notes: Position: Support

HB 2142 Bad checks; raises fee locality may charge.

Patrons: Johnson and BaCote

Summary as introduced:

Raises the fee a locality may charge for the passing of a bad check from \$35 to \$50.

02/15/11 Senate: Reported from Local Government (13-Y 2-N)

Notes: Position: Support

HB 2143 Notice property seized for forfeiture, notice is provided to treasurer.

Patrons: Johnson and BaCote

Summary as introduced:

When property is civilly seized for forfeiture (e.g., in drug cases), notice of the seizure is required to be provided to the treasurer of the locality in which seized property is located. The purpose is to provide notice to a potential party that may have a tax lien interest in the property.

02/16/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 2154 Virginia Initiative for Employment Not Welfare Program (VIEW); eligibility.

Patron: Cline

Summary as introduced:

Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

02/08/11 House: Left in Health, Welfare and Institutions

Notes: Position: Oppose

HB 2168 Uniform Statewide Building Code; statute of limitations; criminal prosecutions.

Patron: Abbitt

Summary as passed House:

Harmonizes the statute of limitations for criminal prosecutions under the Uniform Statewide Building Code at one year. Currently, the Uniform Statewide Building Code provides that such prosecutions shall be commenced within two years while § 19.2-8 provides that such prosecutions must be commenced within one year.

02/14/11 Senate: Passed Senate (40-Y 0-N)

02/17/11 House: Passed House

Notes: Position: Support

HB 2210 Repair of derelict buildings; authority of locality to appoint receivers.

Patron: McQuinn

Summary as introduced:

Allows any locality that has adopted an ordinance pursuant to § 15.2-907.1 to petition the circuit court for the appointment of a receiver to repair a residential building that has been declared a derelict building. The appointed receiver shall have the right of possession of the property and shall have the authority to contract for necessary labor and supplies, borrow money for repair, manage the property after repair, and enforce the receiver's lien or accept a deed in lieu of any enforcement action. The owner of any property subject to receivership may redeem it at any time by paying the receiver's lien in full and any accumulated taxes, penalties, reasonable attorney fees, interest, and costs thereon. The costs incurred by a court-appointed receiver constitute a lien against the property, which may be enforced by a sale of the property.

01/28/11 House: Stricken from docket by Counties, Cities and Towns

Notes: Position: Support

HB 2211 Eluding police; vehicle driven shall be forfeited and sold by sheriff.

Patrons: McQuinn and Kilgore; Senator: Marsh

Summary as introduced:

Provides that any vehicle driven to elude police and in such a manner as to interfere with or endanger the operation of a law-enforcement vehicle or officer or to endanger a person (in a

felony violation of § 46.2-817) shall be forfeited and sold by the sheriff. The proceeds of the sale are to be delivered to the Literary Fund.

01/31/11 House: Incorporated by Courts of Justice into HB1403, which was defeated by Senate Courts of Justice Committee

Notes: Position: Support

HB 2219 Local jails; written policy for revocation of good conduct credits.

Patron: Stolle

Summary as passed House:

Requires the jailer to have a written policy for the revocation of good time credit.

02/18/11 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N)

Notes: Position: Support

HB 2269 Freedom of Information Act; exemption of certain criminal records.

Patron: Keam (by request)

Summary as introduced:

Provides that criminal records are exempt from the mandatory provisions of FOIA prior to judicial proceedings, but pertinent records or pertinent information from records that are otherwise unlawful to disclose shall be disclosed in any judicial proceeding where such records or information is requested in the interest of transparency of government, except where disclosure of any pertinent record or information is specifically prohibited by law.

02/08/11 House: Left in General Laws

Notes: Position: Oppose

HB 2276 Commitment on parole; court services unit to consult with local department.

Patron: Keam

Summary as introduced:

Requires the court services unit to consult with the local department of social services 60 days prior to a person's release from the Department of Juvenile Justice's commitment on parole supervision about the return of the person to the locality and the placement of the person.

01/31/11 House: Incorporated by Courts of Justice (HB2036-Peace)

Notes: Position: Support

HB 2327 Photo monitoring systems; limitations on local adoption of systems.

Patrons: Lingamfelter and Carr

Summary as introduced:

Limits the operation of a traffic signal enforcement program, commonly referred to as a "photo red program," to those localities that have adopted ordinances establishing the program prior to July 1, 2011. In addition, localities that have adopted such ordinances are prohibited from implementing or expanding a photo red program after July 1, 2011.

02/04/11 House: Failed to report (defeated) in Militia, Police and Public Safety (9-Y 12-N)

Notes: Position: Oppose

HB 2332 Citizenship of arrestee; arresting officer to ascertain.

Patrons: Lingamfelter, Anderson, Athey, Cole, Cox, J.A., Hugo, Landes, Marshall, R.G., Miller, J.H., Poindexter, Robinson and Rust

Summary as passed House:

Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, independent of whether they were taken into custody at a jail, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. The bill further provides that when a warrantless arrest is made and the law-enforcement officer finds probable cause to believe that the person is not legally present in the United States, he shall communicate to the judicial officer the facts and circumstances underlying his belief. If the judicial officer concurs in the determination of the officer and finds probable cause to believe that the person will not appear for trial or hearing, the judicial officer may refuse to admit the person to bail.

02/21/11 Senate: Defeated by Committee for Courts of Justice

Notes: Position: Oppose

HB 2338 Local government; alternative method is to give notice by mail.

Patron: Garrett

Summary as passed House:

Provides that a locality may give notice by regular mail in any instance in which two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail. Such notice shall be sent to the last address available through government records.

02/15/11 Senate: Reported from Local Government (15-Y 0-N)

Notes: Position: Support

HB 2348 Fertilizer and deicing agents; localities to regulate sale and application.

Patron: Morrissey

Summary as introduced:

Requires certain localities to regulate the sale and application of fertilizers and deicing agents. In those localities, effective January 1, 2014, fertilizer shall not (i) contain phosphorus, (ii) be applied during winter months, or (iii) be applied on impervious surfaces.

02/02/11 House: Incorporated into HB1831-Scott, E.T.

Notes: Position: Oppose

HB 2352 Motor fuels tax; rate increase.

Patron: Morrissey

Summary as introduced:

Motor fuels tax; rate increase. Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue for the expansion or improvement of rail transportation, and construction and maintenance of roads and bridges within each county, city, and town, on a pro rata basis according to the number of gallons distributed in each locality.

02/08/11 House: Left in Finance

Notes: Position: Support

HB 2356 Stalking; enhanced penalties.

Patron: McClellan

Summary as introduced:

Provides that any person who commits a second or subsequent offense of stalking within five years of a conviction of a prior offense is guilty of a Class 6 felony.

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 2371 Real property tax assessment; notice to be published 30 to 45 days prior.

Patrons: Edmunds, Abbitt, Crockett-Stark and Poindexter

Summary as introduced:

Requires that notice be published in a newspaper 30 to 45 days prior to the beginning of a reassessment cycle of real property advising taxpayers that they have (i) the right to have the assessor examine their property on site and (ii) the right to be present during such examination.

02/08/11 House: Left in Finance

Notes: Position: Oppose

HB 2376 Agency mandates; DSS to eliminate those related to office space, etc., of local social services.

Patron: Habeeb

Summary as introduced:

Directs the Department of Social Services to eliminate mandates related to office space and facility requirements imposed on local departments of social services.

02/15/11 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Oppose

HB 2381 Street gang prosecution; predicate criminal act to include burglary, etc.

Patron: Pogge

Summary as introduced:

Expands the definition of "predicate criminal act" for purposes of street gang prosecutions to include burglary (§ 18.2-89) and shooting into an occupied dwelling (§ 18.2-279).

02/08/11 House: Left in Courts of Justice

Notes: Position: Support

HB 2460 Political contributions; prohibition during procurement process, penalty.

Patron: Surovell

Summary as introduced:

Includes the mayor or chief executive officer of a locality, school superintendent, and any member of a local governing body, planning commission or school board in the current prohibition against knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the mayor or chief executive officer of a locality, school superintendent, or any member of a local governing body, planning commission or school board.

Any violation shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

02/08/11 House: Left in Privileges and Elections

Notes: Position: Oppose

HB 2470 Carbon dioxide; prohibits Air Pollution Control Board and DEQ to restrict.

Patrons: Morefield; Senator: Puckett

Summary as introduced:

Prohibits the State Air Pollution Control Board and the Department of Environmental Quality from taking any action to restrict the emission of carbon dioxide. Any federal law or regulation that purports to prohibit, limit, or control in any way the emission of carbon dioxide shall be without authority, void, and of no force within the boundaries of the Commonwealth.

02/08/11 House: Left in Health, Welfare and Institutions

Notes: Position: Oppose

HB 2500 Omnibus Citizen Bill of Rights; created.

Patron: Armstrong

Summary as introduced:

Creates the Citizen Bill of Rights designed to secure rights guaranteed to citizens of the Commonwealth by the Constitution of Virginia and achieves this goal by (i) providing a trial de novo for appeals from state agency decisions under the Administrative Process Act and local zoning and land development decisions, (ii) removing the presumption of official regularity and correctness in such appeals, (iii) increasing the cap on damages recoverable against the Commonwealth under the Virginia Tort Claims Act to \$1 million from \$100,000, (iv) increasing the statute of limitations in inverse condemnation cases to five years from three years, and (v) requiring the payment of reasonable costs and expert witness fees, and in certain cases attorney fees, to the property owner in condemnation cases where the amount awarded to the owner at trial exceeds the amount offered by the condemnor.

02/08/11 House: Left in Courts of Justice

Notes: Position: Oppose

HB 2520 Advisory boards, councils, and other advisory collegial bodies, certain; elimination.

Patrons: Peace (by request) and Cole

Summary as introduced:

Eliminates certain advisory boards, councils, and other advisory collegial bodies.

02/16/11 Senate: Reported from General Laws and Technology with amendments (13-Y 0-N)

Notes: Position: Oppose (although objectionable parts have now been removed)

HJ 499 Constitutional amendment; limits total on appropriations (first reference).

Patron: Loupassi

Summary as introduced:

Limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, (ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects.

02/08/11 House: Left in Privileges and Elections
Notes: Position: Oppose

HJ 539 Constitutional amendment; imposition of taxes and fees by General Assembly or local governing body.

Patrons: Cole, Athey and Cosgrove

Summary as introduced:

Requires that any bill or ordinance passed by the General Assembly or a local governing body creating, imposing, or increasing a tax, license, fee, or any other charge pass by a three-fifths majority vote of elected members.

02/02/11 Senate: Referred to Committee on Privileges and Elections

02/07/11 Senate: Assigned to P&E sub: Constitutional Amendments, Reapportionment, Referenda

Notes: Position: Oppose

HJ 540 Constitutional amendment; state and local budgets, limits on appropriations.

Patrons: Cole, Athey, Cosgrove and Loupassi

Summary as introduced:

Limits the state's or a locality's total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. "Total appropriations" is defined so as not to include appropriated moneys for tax relief or moneys that are received from the federal government or an agency or unit thereof. The General Assembly or a local governing body may exceed this limitation only by an affirmative vote of at least three-fifths of the elected members.

02/01/11 House: Rejected by House (47-Y 48-N)

Notes: Position: Oppose

SB 754 Protective orders, preliminary; prohibition of firearms for certain persons.

Patron: Reynolds

Summary as passed Senate:

Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation.

02/17/11 House: Subcommittee recommends incorporating (HB1779-Gilbert) (4-Y 1-N)

Notes: Position: Oppose

SB 757 Pneumatic guns; regulations, exceptions.

Patron: Reynolds

Summary as introduced:

Requires that any ordinance which prohibits the shooting of pneumatic guns in certain areas shall have, among its exceptions, an exception to allow the firearm to be discharged on private property with permission of the owner when discharge is conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

02/17/11 House: Subcommittee recommends reporting (4-Y 1-N)

Notes: Position: Oppose

SB 758 Preliminary protective orders; purchase or transportation of firearms by persons subject to orders.

Patron: Reynolds

Summary as introduced:

Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders that contain a finding of abuse or neglect. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any court finding.

01/24/11 Senate: Stricken at the request of Patron in Courts of Justice (9-Y 0-N)

Notes: Position: Oppose

SB 762 Emergency vehicles; proceeding past red lights.

Patrons: Puller, Edwards, Howell, Lucas, Marsh, Saslaw and Ticer; Delegates: Albo, Armstrong, Englin, Kilgore, Loupassi, McClellan, McQuinn and O'Bannon

Summary as introduced:

Provides that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop must sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or bring the vehicle to a complete stop before proceeding with due regard to safety of persons and property.

02/09/11 House: Referred to Committee for Courts of Justice

02/10/11 House: Assigned Courts sub: #1 Criminal

Notes: Position: Support

SB 767 Protective orders; expungement of police and court records.

Patron: Marsden

Summary as introduced:

Provides that a person against whom a protective order has been issued may petition to have police and court records relating to the protective order expunged if the order is subsequently dissolved by the issuing court.

01/31/11 Senate: Passed by indefinitely in Courts of Justice (14-Y 0-N)

Notes: Position: Oppose

SB 772 Assault and battery; penalty when against fire marshals and assistant fire marshals.

Patrons: Locke and Vogel

Summary as passed Senate:

fire marshals, deputy fire marshals and assistant fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

02/16/11 House: Subcommittee recommends reporting (6-Y 0-N)

Notes: Position: Support

SB 780 Recordation and grantor taxes; expands reduced tax accorded to deeds of trust.

Patrons: Reynolds; Delegate: Rust

Summary as introduced:

Expands, for a three-year period, the reduced recordation tax accorded to deeds of trust securing a refinanced mortgage with the same lender to all such refinancings, regardless of lender.

02/10/11 House: Assigned Finance sub: #3

Notes: Position: Oppose

SB 781 VIEW; screening and assessment for use of illegal substances.

Patron: Reynolds

Summary as passed Senate:

Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year; however, the person shall have an opportunity to comply with the screening, assessment, or treatment requirements and be reinstated once during the 12-month period following the date of the initial view assessment. The provisions of the bill are made conditional upon an appropriation of General Funds effectuating the provisions of the bill.

02/16/11 House: Assigned App. sub: Health and Human Resources

Notes: Position: Oppose

SB 782 Magistrates; power to issue felony arrest warrants.

Patron: Reynolds

Summary as passed Senate:

Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. Currently, the magistrate need only consult with the attorney for the Commonwealth or law-enforcement agency. The bill also requires a written complaint if the complaint is by a person other than a law-enforcement officer, currently a written complaint is required in such a situation whenever practicable.

02/07/11 House: Referred to Committee for Courts of Justice

Notes: Position: Oppose

SB 786 Mortgage loan originator for residential mortgage loan; allows for exception under definition.

Patron: Watkins

Summary as introduced:

Allows for a limited exception under the mortgage loan originator definition for an individual who is employed by a housing counseling organization certified or approved by the U.S. Department of Housing and Urban Development and who assists borrowers in default, or imminent default, on their residential mortgages by negotiating or offering terms of such loans

but does not otherwise engage in activities for which a license is required. This bill is recommended by the Virginia Housing Commission.

02/15/11 House: Reported from Commerce and Labor (22-Y 0-N)

Notes: Position: Support

SB 797 Human Rights Act; adds sexual orientation to definition of unlawful discriminatory practice.

Patrons: Locke; Delegates: Englin and Kory

Summary as introduced:

Adds sexual orientation to the definition of unlawful discriminatory practice.

01/26/11 Senate: Failed to report (defeated) in General Laws and Technology (7-Y 7-N)

Notes: Position: Support

SB 842 Humane investigators; appointment.

Patrons: Petersen; Delegate: Armstrong

Summary as introduced:

Allows the appointment of new humane investigators. Currently, existing humane investigators may be reappointed, but the program is no longer open to new participants. The administrative entity that oversees animal control will be required to (i) supervise humane investigators and (ii) maintain and annually update a list of persons eligible for appointment as humane investigators. Circuit courts that appoint a humane investigator must notify the administrative entity that oversees animal control in the locality where the humane investigator serves if a humane investigator's term expires and he is not appointed to a succeeding term before or within 30 days. The administrative entity that oversees animal control in the locality where the humane investigator was appointed may suspend, discharge or restrict the performance of humane investigator appointees for good cause under the same administrative process used for disciplinary actions against animal control officers.

02/07/11 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources with letter (10-Y 0-N)

Notes: Position: Oppose

SB 898 Photo-monitoring systems; repeals requirement that localities submit list of intersections approved.

Patron: Miller, Y.B.

Summary as passed Senate:

Repeals the requirement that localities submit the list of intersections approved for installation of photo-monitoring systems to the Virginia Department of Transportation for final approval if the locality has a population of 149,500 or more.

02/18/11 House: Defeated in Militia & Police

Notes: Position: Support with amendment to 149,500

SB 911 Local grievance procedures; allows local government at its option to permit observer for each party.

Patron: Herring

Summary as introduced:

Allows the local government at its option to permit an observer for each party at the informal first step of the grievance process. The grievant and the local government at their option may also have an observer of their choice at each subsequent step of the process. These persons may observe only and may not participate, interrupt, or act as either party's representative until the final management step, unless otherwise permitted by the locality.

02/18/11 House: Defeated by Counties, Cities & Towns

Notes: Position: Support

SB 925 Persons on bond or probation; may be subject to monitoring by a GPS tracking.

Patrons: McDougle; Delegate: Armstrong

Summary as passed Senate:

Allows GPS (Global Positioning System) tracking for persons on bond or probation.

02/07/11 House: Referred to Committee for Courts of Justice

Notes: Position: Support

SB 941 Statewide Building Code; harmonizes statute of limitations for prosecutions.

Patron: Miller, J.C.

Summary as introduced:

Harmonizes the statute of limitations for criminal prosecutions under the Uniform Statewide Building Code at one year. Currently, the Uniform Statewide Building Code provides that such prosecutions shall be commenced within two years while § 19.2-8 provides that such prosecutions must be commenced within one year.

02/17/11 House: Passed House with substitute BLOCK VOTE (98-Y 0-N)

Notes: Position: Support

SB 997 Street construction; release of bond, escrow, etc.

Patron: Stuart

Summary as passed Senate:

Allows localities to retain full performance guarantees until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility.

02/10/11 House: Defeated in Counties, Cities and Towns

Notes: Position: Support

SB 1038 Foster care; allows child placed in care to remain at his original school.

Patron: Barker

Summary as passed Senate:

Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests; requires the determination to be made in writing by the placing social services agency and the local school division together; adds the school placement to the foster care plan.

02/17/11 House: Reported from Health, Welfare and Institutions (22-Y 0-N)

Notes: Position: Support

SB 1040 Foster care; placement of child through an agreement between parents and board.

Patron: Barker

Summary as introduced:

Eliminates language granting local boards of social services and licensed child-placing agencies discretion in deciding when to obtain background checks on adult household members residing in a home with a person with whom the local board or agency is considering placing a child on an emergency, temporary, or permanent basis and makes such checks mandatory.

02/16/11 Signed by Senate President and House Speaker

Notes: Position: Support

SB 1042 Handheld personal communications device; texting while driving.

Patron: Barker

Summary as introduced:

Repeals "secondary enforcement" provisions of the statute prohibiting texting while driving.

02/17/11 House: Defeated in Militia and Police

Notes: Position: Support

SB 1066 Judicial retirement; mandatory retirement.

Patrons: Edwards; Delegates: Englin and Landes

Summary as introduced:

Changes mandatory judicial retirement age from 70 to 73.

02/16/11 House: Subcommittee recommends reporting (5-Y 4-N)

Notes: Position: Support

SB 1078 Child care; administration of certain medicines of those regulated by local government.

Patron: Barker

Summary as introduced:

Allows the employees of a child care regulated by a local government to administer medication to a child if such employee (i) has satisfactorily completed a training program for this purpose; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian.

02/17/11 House: Passed House with amendment BLOCK VOTE (98-Y 0-N)

Notes: Position: Support

SB 1107 Public Procurement Act; increases small purchases exemption.

Patron: Hanger

Summary as introduced:

Increases from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also provides that, in addition to a written informal solicitation of a minimum of four bidders or offerors for such purchases that are expected to exceed \$30,000, a public body post public notice on a procurement website.

02/17/11 House: Reported from General Laws with amendment (20-Y 0-N)

Notes: Position: Support

SB 1112 Metropolitan Planning Organizations (MPOs); duties and responsibilities.

Patron: Miller, Y.B.

Summary as introduced:

Specifies the role of MPOs in the Commonwealth's transportation decision-making process.

02/15/11 House: Reported from Transportation with substitute (22-Y 0-N)

Notes: Position: Support

SB 1170 Commitment on parole supervision; court services unit to consult with local department.

Patron: Marsden

Summary as passed Senate:

Requires the court services unit to consult with the local department of social services 90 days prior to a person's release from the Department of Juvenile Justice's commitment on parole supervision about the return of the person to the locality, the placement of the person, and to collaborate on a transition plan. Under current law, the court services unit shall make such consultation four weeks prior to such person's release.

02/18/11 House: Subcommittee recommends reporting (4-Y 0-N)

Notes: Position: Support

SB 1178 Child welfare; placement of children.

Patron: Marsden

Summary as passed Senate:

Provides that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that may be in the best interests of the child.

02/16/11 Signed by Senate President and House Speaker

Notes: Position: Support

SB 1199 Victims of domestic violence; expands Address Confidentiality Program to all jurisdictions in State.

Patron: Obenshain

Summary as introduced:

The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2011, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose.

02/15/11 House: Passed House BLOCK VOTE (98-Y 0-N)

Notes: Position: Support

SB 1220 Virginia Residential Landlord Tenant Act; notice to tenant in event of foreclosure.

Patron: Barker

Summary as passed Senate:

Provides that if a landlord fails to notify the tenant of a notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit then the tenant has the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. In addition, the bill requires a landlord to disclose in

writing to any prospective tenant if he has received any notice of mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit.

02/17/11 House: Reported from General Laws (20-Y 0-N)

Notes: Position: Support

SB 1221 Local rezoning actions; limited review by VDOT.

Patron: Barker

Summary as introduced:

Provides for more limited review by VDOT when a property being considered for rezoning has already been reviewed by VDOT in connection with development of a local comprehensive plan.

02/15/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

Notes: Position: Support

SB 1222 Protective orders; person to seek if a victim of assault, bodily injury, etc.

Patrons: Barker, Hanger, Lucas and Reynolds

Summary as passed Senate:

Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order to include persons who have been subjected to assault or any conduct that creates a reasonable fear of death or where a warrant or petition for arrest for such conduct has been issued. The bill also authorizes a law-enforcement officer to request an extension of an emergency protective order, not to exceed three days, for a person in need of protection who is physically or mentally incapable of filing a petition for a preliminary or permanent protective order. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. The bill also provides that any person convicted of violating a protective order for which no mandatory minimum sentence is specified shall be sentenced to a term of confinement and shall not have his entire sentence suspended.

02/16/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

Notes: Position: Support

SB 1240 Courts; establishes new boundaries for judicial circuits and districts.

Patron: Edwards

Summary as introduced:

Establishes new boundaries for the various judicial circuits and districts of the Commonwealth and reallocates the number of judges serving such circuits and districts. The bill contains technical amendments. This bill is effective July 1, 2012.

02/08/11 Senate: Left in Courts of Justice

Notes: Position: Oppose

SB 1324 Incapacitated or elder adults; person who commits crimes against is guilty of misdemeanor.

Patrons: Herring and McDougle

Summary as introduced:

Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill also provides that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and a mandatory minimum term of confinement of six months if the underlying offense is a felony.

02/08/11 Senate: Left in Finance

Notes: Position: Support

SB 1325 Financial exploitation of elderly or vulnerable adults; penalty.

Patron: Herring

Summary as introduced:

Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony.

01/24/11 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

Notes: Position: Support

SB 1329 Highway revenue sharing construction funds; removes \$1 million cap.

Patron: Herring

Summary as introduced:

Removes the \$1 million cap for individual allocations and changes first priority for allocation to congestion relief. The bill also changes the maximum and minimum appropriations from \$50 million and \$15 million to \$250 million and \$50 million

02/01/11 Senate: Incorporated by Finance (SB1446-Wampler) (14-Y 0-N)

Notes: Position: Oppose

SB 1382 State agency mandates; assessment imposed on local governments.

Patron: Stanley

Summary as passed Senate:

Provides that the assessment of mandates imposed on local governments currently required include an estimate of the fiscal impact of such mandates on the affected local governments in addition to a written justification regarding why the mandate should or should not be eliminated.

02/17/11 House: Passed House BLOCK VOTE (98-Y 0-N)

Notes: Position: Support

SB 1397 Homeowners' associations; funds for highway maintenance to be distributed.

Patron: Colgan

Summary as introduced:

Requires the Commonwealth Transportation Board annually to set aside from all funds available for highway maintenance and construction \$50 million to be distributed among homeowners' associations within the Commonwealth for use exclusively for highway maintenance and maintenance replacement.

02/08/11 Senate: Left in Finance

Notes: Position: Oppose

SB 1408 BPOL tax; exemption for unprofitable business.

Patrons: Ruff and Martin

Summary as passed Senate:

Allows localities to exempt from the BPOL tax businesses that lose money and are unprofitable during the taxable year, for taxable years beginning on or after January 1, 2012.

02/16/11 House: Passed House with amendments BLOCK VOTE (97-Y 0-N)

Notes: Position: Oppose

SB 1425 Virginia Public Procurement Act; process for withdrawal of bid due to error.

Patron: Locke

Summary as introduced:

Clarifies the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his original work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The bill provides for the public body to notify the bidder of its decision within five days of the withdrawal request.

02/17/11 House: Reported from General Laws (20-Y 0-N)

Notes: Position: Support