

EXHIBIT NO. 1

13
1-24-12

City of Alexandria

MEMORANDUM

DATE: JANUARY 23, 2011
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: RASHAD M. YOUNG, CITY MANAGER *RY*
SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2012 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 1) on legislation introduced at the 2012 General Assembly Session.

RECOMMENDATION: That City Council:

- (1) Approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee (Vice Mayor Donley and Councilman Smedberg);
- (2) Oppose proposals by the Governor to transfer general fund revenues, which are traditionally used for core programs that have little or no dedicated funds (such as education, mental health, and public safety) to the transportation budget, which is funded primarily by motor fuel, motor vehicle sales tax, and the special sales tax created for transportation in 1986; and
- (3) Support amendments to the Governor's proposed budget that will address reductions to City programs listed in Attachment 2 (Proposed Budget Reductions Affecting City programs), as also recommended by City Council's Legislative Subcommittee.

DISCUSSION: The 2011 General Assembly Session began on January 11 and is scheduled to adjourn on March 10. The deadline for introduction of legislation was Friday, January 20.¹ As of that day, at least 1,950 bills and 387 resolutions had been introduced (it is possible that additional bills and resolutions were introduced but have not yet appeared on the State's Legislative Information System).

¹There are some exceptions to this rule (e.g., bills can be introduced by unanimous consent or at the request of the governor), but relatively few bills are introduced after the deadline.

City Package. The following are bills from the City's legislative package that the City asked members of the City's delegation to introduce or support (Attachment 3 is a status report on "City Package" bills):

- At least 12 bills have been introduced to change state law regarding the opening day of school. Currently, no school system can open prior to Labor Day unless it has been given a waiver by the State Board of Education. This prohibition is commonly referred to as the "King's Dominion Law," since that theme park successfully sought this legislation a number of years ago so that it would have high school workers through the end of the summer. The Code of Virginia sets out several reasons why the Board of Education might grant a waiver to the law for a specific school system, and most waivers are given because of a past history of bad weather in a locality. The 2012 proposed legislation (including Senator Ebbin's SB 257) would allow each local school board to determine the opening day of school. The Governor announced his support for legislation to abolish the "King's Dominion Law," and it looks as if this legislation might pass this Session.
- HB 144 and SB 261, introduced by Delegate Englin and Senator Ebbin, seek to create a grant program to improve preschool programs, using unused moneys that have been appropriated to the Virginia Preschool Initiative. Grants would be awarded by the State pursuant to a competitive process. HB 144 was approved by a House Education Subcommittee last week; the Subcommittee also recommended that the full committee send the bill to the House Appropriations Committee for its consideration. SB 261 has not been heard in committee.
- HB 312/HB 894/SB 493 are identical bills that direct the State Corporation Commission to evaluate potential energy saving and conservation projects based on the total energy savings and return on investment they create for the entire state. Virginia currently uses a formula that evaluates potential energy saving and conservation projects based on how they impact energy users who do not participate in the conservation program. This approach makes it much harder to justify the return on investment for a project. None of these bills has yet been considered in committee.
- SB 263 (Ebbin) prohibits discrimination against public employees based on sexual orientation. It has not yet been heard in committee.
- HB 1099 (Delegate Herring) would amend the Virginia Human Rights Act to prohibit discriminatory actions with respect to hiring or the terms and conditions of employment; and prohibit the various types of employment discrimination, including age discrimination, for any employer with five or more employees. The bill has been referred to the General Laws Committee, but has not yet been heard.
- HB 1027 would allow two or more localities to enact a new 2.1 percent motor fuels tax to pay for the construction and operation of one or more high capacity transit lines. HJ 146

(Delegate Herring) and SJ 52 (Senator Ebbin) ask the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth. None of these legislative proposals have yet been discussed in committee.

- Budget amendments have been introduced to increase funding for the Aids Drug Assistance Program (ADAP); to pay for psychiatric beds at the Northern Virginia Mental Health Institute that are needed for persons with mental health emergencies; for CSB pilot programs that will offer a full array of Crisis Stabilization services for children undergoing acute crises; and for psychiatric services for children.

Eminent Domain. Legislation has been introduced to continue the effort to amend Virginia's Constitution with respect to eminent domain (this is step 2 of a 3-step process that began with legislation enacted last year and will end, if not halted this Session, with a November voter referendum on the proposed amendment). Local governments and members of the business community are working together to defeat the proposal; it is uncertain at this point what the outcome will be. None of the legislative proposals this year have yet been scheduled for committee action.

Local Aid to the State. One of the City's top priorities this Session is the elimination of the Local Aid to the State Program. A provision of the State Budget requires localities statewide to make a \$60 million annual "contribution" to the State. The City share of this \$60 million is about \$1.25 million annually. While the Governor did not eliminate the program, he reduced it to \$50 million in FY 2013, and \$45 million in FY 2014. If this provision is retained in the budget as recommended by the Governor, it should reduce the cost to the City to slightly more than \$1 million in FY 2013.

Regional Transportation Governance. Bills have been introduced in both houses on behalf of the Governor to combine the Northern Virginia Transportation Authority (NVTA) and the Northern Virginia Transportation Commission (NVTC). The City has opposed similar proposals in the past, citing problems with the proposals (including the fact that the two bodies do not even have the same membership). Council's Legislative Subcommittee has recommended that the City oppose the Governor's proposal.

Transportation Funding. As usually happens, a number of bills have been introduced to address the continuing lack of sufficient transportation revenue by increasing the gas tax or converting it to a sales tax. None of these is expected to be approved by the House of Delegates.

The Governor has proposed a transportation funding package with several components, including the sale of naming rights for transportation infrastructure (e.g., highways, bridges, and interstate interchanges). The most controversial component of the Governor's proposal would transfer general fund sales tax revenue (which is used for programs without dedicated funding such as education, public safety, and mental health) to the Transportation Trust Fund. Although a portion (one-half percent) of the State sales tax is now used for transportation, this one half

percent levy was created for that specific purpose by the 1986 General Assembly. Council's Legislative Subcommittee has recommended that the City continue its traditional opposition to any legislation that would redirect general fund appropriations away from general fund programs.

State Budget. The Governor's Proposed Biennial Budget was released on December 19, 2011. Like the City of Alexandria, the Commonwealth's revenues are slowly improving. Nonetheless, the Governor's proposal included a number of reductions in funding for City programs. A list of these is found in Attachment 2. Amendments have been submitted to restore each of these reductions, and Council's Legislative Subcommittee recommends that the City support these amendments.

While ACPS received reductions in specific programs, such as cost of competing, the Governor's budget proposes an increase to the school system's total budget.

- FY 2012 State funding for Alexandria City Public Schools, as projected at the end of the 2011 Session, was \$31,912,305. This included \$24.7M in Standards of Quality (SOQ) programs (these are the programs where most state funding is directed), and \$4.6M for other programs (such as technology, ESL, and some special education, but not including the Virginia Preschool Initiative [VPI]). VPI was allotted \$2.6M (although few localities ever use their full VPI allotment, because of the high local match requirements).
- For FY 2013, \$32,768,580 is proposed for ACPS. This includes \$27.4M in SOQ aid and \$4.3M for other programs, not including VPI. VPI is allotted only \$1.1M in FY 2013.
- State funding proposed for FY 2014 is \$33,722,906, with \$28.2 requested for SOQ, and \$5.52M for other programs. VPI is allotted \$1.17M.

The table below illustrates this data more concisely:

State Funding for Alexandria City Public Schools, FY2012, 2013, and 2014

| | FY 2012 (\$M) | FY 2013 (\$M) | FY 2014 (\$M) |
|------------------------------------|---------------|---------------|---------------|
| SOQ Funding | 24.7 | 27.4 | 28.2 |
| Other Programs (not including VPI) | 4.6 | 4.3 | 4.3 |
| VPI | 2.6 | 1.1 | 1.2 |
| Total Funding | 31.9 | 32.8 | 33.7 |

The House Appropriations and Senate Finance Committees will make their budget recommendations on February 19, and the General Assembly will spend the remainder of Session negotiating their differences. An approved budget bill must receive a majority vote in both the House and the Senate. In the Senate, the Lieutenant Governor cannot vote to break a tie on the budget; this could lead to a 20-20 vote on in that body, since there are equal numbers of Democrats and Republicans. Traditionally, the budget is one of the last measures to come out of the Session. Staff will continue to report on the budget in future General Assembly updates.

Virginia Retirement System (VRS). As expected, major changes to the Virginia Retirement System have been proposed again this Session. Among the proposals that have been put forward are bills to do the following:

- Make major changes to the current defined benefit plan for Pre-2010 (Plan A) employees, including a lengthier period of time for calculation of average final pay; less generous cost of living adjustments; and, for new hires, a reduced multiplier (the percentage of average salary multiplied by years of service to determine retirement benefits).
- Require local government and school board Pre-2010 (Plan A) employees to pay the 5 percent employee contribution for their retirement (although school boards may phase in this match requirement over a 5-year period for their employees).
- Require VRS to conduct a fiscal impact analysis whenever the Governor's proposed employer contribution rates are less than the VRS Board-certified contribution rate, or when either the House or the Senate proposes such a lesser rate.
- Amend the Virginia Constitution to require the General Assembly to make annual employee contributions to VRS as recommended by the VRS Board.
- Authorize localities and school boards to create defined contribution plans for new employees.
- Allow localities with supplemental retirement plans for their deputy sheriffs to allow those who are newly hired to retire at age 50 with 25 years of service.
- Create a new optional hybrid retirement plan for state employees with both defined benefit and defined contribution components.
- Add Attorneys for the Commonwealth to those covered by the more generous (and more expensive) Virginia Law Officers Retirement System.
- Permit localities to allow their employees to join the State Deferred Compensation Plan (this would be in addition to regular VRS Retirement membership).

In his introduced budget, the Governor proposed a modification to the VRS Board's recommended funding rates for State employees and teachers (the Governor's budget never addresses funding for local-employee VRS programs). The Governor proposed using a higher investment rate of return (8 percent) than that recommended by the VRS Board and its actuary (7 percent). This saves the State (and localities for their school employees) money, but it also leads to a greater unfunded liability for the retirement system.

VRS staff is expected to provide additional information on all legislative proposals in the coming week. Council's Legislative Committee will review those proposals that are relevant to the City at its next meeting. Staff will continue to report on VRS legislation in future updates.

ATTACHMENTS:

Attachment 1: Recommended Positions on Bills of Importance to the City, January 21, 2012

Attachment 2: Budget Amendments Recommended for Support by City Council's Legislative Subcommittee

Attachment 3: Current Status of City Package Bills, January 21, 2012

STAFF: Bernard Caton, Legislative Director

**Recommended Positions on Bills of Importance to the City of Alexandria
January 21, 2012**

HB 10 BPOL tax; maximum fee and tax rates established by a locality.

Patrons: Cole and Watson

A BILL to amend and reenact § 58.1-3706 of the Code of Virginia, relating to the rates of the local license fee and the local license tax imposed by localities.

Summary as introduced:

BPOL tax; maximum fee and tax rates established. Precludes a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year. The bill also provides that a locality that elects to impose a BPOL tax on Virginia taxable income may not thereafter impose the tax on gross receipts.

12/01/11 House: Referred to Committee on Finance

01/12/12 House: Assigned Finance sub: Subcommittee #2

Notes: Position: Oppose

HB 20 Emergency Services & Disaster Law; shall not be interpreted to prohibit carrying, etc., of firearms.

Patrons: Wilt and Watson

A BILL to amend and reenact § 44-146.15 of the Code of Virginia, relating to emergency services and disasters; constitutional rights.

Summary as introduced:

Emergency services and disasters; constitutional rights. Provides that nothing in the Emergency Services and Disaster Law shall be interpreted to limit or prohibit the possession, carrying, transportation, sale, or transfer of firearms.

12/06/11 House: Referred to Committee on Militia, Police and Public Safety

Notes: Oppose

HB 23 Transportation Trust Fund; increases amount of sales and use tax revenue dedicated to Fund.

Patron: Cole

A BILL to amend and reenact §§ 33.1-23.03:1 and 58.1-638 of the Code of Virginia, relating to sales and use tax revenue dedicated to the Transportation Trust Fund.

Summary as introduced:

Sales and use tax revenue dedicated to the Transportation Trust Fund. Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.5 percent tax rate under current law to an amount generated by a one percent tax rate, phased in by a 0.1 percent increase each year for five years, or over a longer period of time if there is a lack of growth in general fund revenues.

12/07/11 House: Referred to Committee on Finance

01/12/12 House: Assigned Finance sub: Subcommittee #1

Notes: Position: Oppose

HB 31 Real property tax valuation; fair market value shall be based on non-restricted uses.

Patron: Marshall, R.G.

A BILL to amend the Code of Virginia by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3296, relating to real property tax valuation; property's use restricted by law.

Summary as introduced:

Real property tax valuation; property's use restricted by law. Prohibits attributing any value to any unlawful use of real property when determining fair market value

12/08/11 House: Referred to Committee on Finance

01/12/12 House: Assigned Finance sub: Subcommittee #1

Notes: Position: Oppose

HB 72 Highway work zones; required to be clearly marked with warning signs and flashing lights.

Patron: Bell, Richard P.

A BILL to amend and reenact § 46.2-878.1 of the Code of Virginia, relating to highway work zones.

Summary as introduced:

Highway work zones. Requires highway work zones to be clearly marked with warning signs and flashing lights.

12/21/11 House: Referred to Committee on Transportation

01/13/12 House: Assigned Transportation sub: #2

01/18/12 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N)

Notes: Position: Support

HB 73 VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Patron: Bell, Richard P.

A BILL to amend the Code of Virginia by adding a section numbered 63.2-608.1, relating to eligibility for the Virginia Initiative for Employment Not Welfare Program; screening and assessment for use of illegal substances.

Summary as introduced:

Substance abuse screening and assessment of public assistance applicants and recipients.

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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits.

12/21/11 House: Referred to Committee on Health, Welfare and Institutions

01/18/12 House: Impact statement from DHCD (HB0073)

01/20/12 House: Assigned HWI sub: #1
Notes: Position: Oppose

HB 74 Child abuse or neglect; reduces mandatory time limit for reporting, requirements of certain persons.

Patron: Bell, Richard P.

A BILL to amend and reenact § 63.2-1509 of the Code of Virginia, relating to mandatory reporting of suspected child abuse; time limit.

Summary as introduced:

Mandatory report of suspected child abuse; time limit. Reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours.

01/19/12 House: Committee substitute agreed to 12104326D-H1

01/19/12 House: Engrossed by House - committee substitute HB74H1

01/20/12 House: Read third time and passed House (96-Y 0-N)

01/20/12 House: VOTE: PASSAGE (96-Y 0-N)

Notes: Position: Support

HB 89 Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.

Patron: Albo

A BILL to amend and reenact §§ 19.2-80 and 19.2-82 of the Code of Virginia, relating to determination of citizenship of arrestee by arresting officer.

Summary as introduced:

Arresting officer to ascertain citizenship of arrestee. 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 United States and (ii) is a citizen of a country other than the United States.

12/22/11 House: Referred to Committee for Courts of Justice

01/16/12 House: Assigned Courts sub: #3 Immigration

Notes: Position: Oppose

HB 97 Motorcycles; driving two abreast in a single lane.

Patrons: Wilt and Webert

A BILL to amend and reenact § 46.2-857 of the Code of Virginia, relating to driving two abreast in a single lane.

Summary as introduced:

Driving two abreast in a single lane. Allows motorcycles to drive two abreast in a single lane.

12/28/11 House: Referred to Committee on Transportation

01/13/12 House: Assigned Transportation sub: #2

01/18/12 House: Subcommittee recommends reporting (5-Y 2-N)

Notes: Position: Oppose

HB 117 Local taxes; interest on refunds and delinquent taxes.

Patron: Wilt

A BILL to amend and reenact §§ 58.1-3916 and 58.1-3918 of the Code of Virginia, relating to local taxes; interest on refunds and delinquent taxes.

Summary as introduced:

Local taxes; interest on refunds and delinquent taxes. Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill has technical amendments.

01/03/12 House: Referred to Committee on Finance

01/12/12 House: Assigned Finance sub: Subcommittee #1

Notes: Position: Support

HB 121 Virginia Housing Trust Fund Authority; created, report.

Patron: Morrissey

A BILL to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2362, relating to the creation of the Virginia Housing Trust Fund Authority.

Summary as introduced:

Virginia Housing Trust Fund Authority. Creates the Virginia Housing Trust Fund Authority to administer the Virginia Housing Trust Fund also created by the bill to assist in increasing the capacity of community housing organizations and encourage private sector businesses and individuals to contribute capital to community-based housing organizations and assist them in providing safe, decent, and affordable housing to Virginia citizens. The bill sets the powers and duties of the Authority and its Board of Directors, and the lawful purposes for which the Fund may be used.

01/04/12 House: Referred to Committee on General Laws

Notes: Position: Support

HB 142 Smoking; allows localities to ban in designated public parks.

Patron: Englin

A BILL to amend and reenact § 15.2-2830 of the Code of Virginia, relating to smoking in public parks.

Summary as introduced:

Smoking in public parks. Allows localities to ban smoking in designated public parks.

01/05/12 House: Referred to Committee on Counties, Cities and Towns

Notes: Position: Support

HB 147 Statewide fraud control program; medical assistance overpayment moneys to be paid into Fund.

Patron: Toscano

A BILL to amend and reenact § 63.2-526 of the Code of Virginia, relating to statewide fraud control program; medical assistance.

Summary as introduced:

Statewide fraud control program; medical assistance. Provides that all overpayment moneys collected or recovered from recipients of medical assistance by local departments of social services shall be paid into the Fraud Recovery Special Fund and made available to local

departments for fraud control activities. Currently, only overpayment moneys collected or recovered from recipients of food stamp, Temporary Assistance for Needy Families, and other federal programs administered by the Department of Social Services must be paid into the Fraud Recovery Special Fund.

01/05/12 House: Referred to Committee on Health, Welfare and Institutions

Notes: Position: Support

HB 155 Revenue sharing funds for highways; funds provided to localities are a grant, etc.

Patron: Ware, R.L.

A BILL to amend and reenact § 33.1-23.05 of the Code of Virginia, relating to revenue sharing funds for highways in certain counties, cities, or towns.

Summary as introduced:

Revenue sharing funds for highways in certain localities. Provides that funds provided to localities are a grant and that the Department of Transportation shall not have administrative oversight on local projects. Requires localities to certify in writing to the Department that the funds were used as intended.

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

01/13/12 House: Assigned Transportation sub: #4

Notes: Position: Support

HB 157 Party identification on ballots; requirement extends to local elections.

Patrons: Greason and Surovell

A BILL to amend and reenact §§ 24.2-613 and 24.2-640 of the Code of Virginia, relating to elections; party identification of candidates on ballots.

Summary as introduced:

Elections; party identification on ballots; local elections. Extends to local elections the requirement that ballots identify the nominating political party for party candidates and identify independent candidates as such. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

01/06/12 House: Referred to Committee on Privileges and Elections

01/12/12 House: Assigned P & E sub: Constitutional Amendments Subcommittee

Notes: Position: Support

HB 164 Virginia Indoor Clean Air Act; smoking in public buildings prohibited, penalty.

Patron: Hope

A BILL to amend and reenact §§ 15.2-2820, 15.2-2824, 15.2-2826, 15.2-2829, and 15.2-2830 of the Code of Virginia and to repeal § 15.2-2823 of the Code of Virginia, relating to the Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty.

Summary as introduced:

Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty. Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof or any locality. The bill contains numerous technical amendments.

01/06/12 House: Referred to Committee on General Laws

Notes: Position: Support

HB 166 Zoning administrator decisions; narrows instances in which administrator may modify certain orders.

Patron: Cosgrove

A BILL to amend and reenact § 15.2-2311 of the Code of Virginia, relating to board of zoning appeals; decisions of zoning administrator.

Summary as introduced:

Decisions of zoning administrator. Narrows the instances in which a zoning administrator may modify certain previously issued written orders outside a 60-day time period by deleting the phrase “or other nondiscretionary” from the provision that currently excludes “clerical or other nondiscretionary errors” from the 60-day limitation.

01/09/12 House: Referred to Committee on Counties, Cities and Towns

01/13/12 House: Assigned CC & T sub: #2

01/19/12 House: Subcommittee recommends reporting (11-Y 0-N)

01/20/12 House: Reported from Counties, Cities and Towns (21-Y 0-N)

Notes: Position: Oppose

HB 176 Nutrient credit certification; regulations.

Patron: Knight

A BILL to amend and reenact §§ 62.1-44.19:13, 62.1-44.19:15, and 62.1-44.19:18 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 10.1-603.8:2 and 10.1-603.8:3 and by adding in Article 4.02 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:20, relating to the expansion of the nutrient credit exchange program for Chesapeake Bay Total Maximum Daily Load implementation.

Summary as introduced:

Regulation of nutrient credit certification. Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay Total Maximum Daily Load (TMDL), the legislation sets out certain requirements of the regulations, permits the Department of Conservation and Recreation to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions.

01/09/12 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/18/12 House: Assigned ACNRsub: Chesapeake

Notes: Position: Support

HB 215 Child abuse and neglect; mandatory reporting, penalties.

Patron: Miller

A BILL to amend and reenact § 63.2-1509 of the Code of Virginia, relating to suspected child abuse and neglect; mandatory reporting; penalties.

Summary as introduced:

Suspected child abuse and neglect; mandatory reporting; penalties. Reduces the time allowed for reporting suspected child abuse or neglect by a mandated reporter from 72 hours to 24 hours and provides that failure to report is punishable as a Class 1 misdemeanor for the first failure and a Class 6 felony for a second or subsequent offense. Current law imposes a fine of not more than \$500 for a first offense and not less than \$100 nor more than \$1,000 for a second or subsequent offense.

01/09/12 House: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 221 VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Patron: Head

A BILL to amend the Code of Virginia by adding a section numbered 63.2-608.1, relating to eligibility for the Virginia Initiative for Employment Not Welfare Program; screening and assessment for use of illegal substances.

Summary as introduced:

Substance abuse screening and assessment of public assistance recipients. 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. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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, unless he enters into and complies with the requirements of a drug treatment program.

01/10/12 House: Referred to Committee on Health, Welfare and Institutions

01/20/12 House: Assigned HWI sub: #1

Notes: Position: Oppose

HB 222 Legal notices; allows localities to meet notice requirements by utilizing their web sites, etc.

Patron: Head

A BILL to amend and reenact § 15.2-107.1 of the Code of Virginia, relating to legal notices.

Summary as introduced:

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

01/10/12 House: Referred to Committee for Courts of Justice

01/13/12 House: Assigned Courts sub: Civil

Notes: Position: Support

HB 249 VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Patrons: Cline and Edmunds

A BILL to amend the Code of Virginia by adding a section numbered 63.2-608.1, relating to eligibility for the Virginia Initiative for Employment Not Welfare Program; screening and assessment for use of illegal substances.

Summary as introduced:

Substance abuse screening and assessment of public assistance applicants and recipients. 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.

01/10/12 House: Referred to Committee on Health, Welfare and Institutions

01/20/12 House: Assigned HWI sub: #1

Notes: Position: Oppose

HB 309 Absentee voting; persons age 65 and older on day of an election are entitled to vote absentee.

Patron: Crockett-Stark

A BILL to amend and reenact §§ 24.2-700 and 24.2-701 of the Code of Virginia, relating to elections; absentee voting; persons 65 and older.

Summary as introduced:

Elections; absentee voting. Provides that persons age 65 and older on the day of an election for which an absentee ballot is requested are entitled to vote absentee.

01/10/12 House: Referred to Committee on Privileges and Elections

01/12/12 House: Assigned P & E sub: Elections Subcommittee

Notes: Position: Support

HB 327 Historic structures; demolition.

Patrons: Peace and Surovell

A BILL to amend and reenact § 36-105 of the Code of Virginia, relating to historic structures.

Summary as introduced:

Historic structures; demolition. Provides that a locality may require by ordinance that certain structures within a historic district not be demolished except in compliance with the local ordinance, unless the local building department determines that it constitutes such a hazard that it shall be razed and removed.

01/10/12 House: Referred to Committee on General Laws

01/13/12 House: Assigned GL sub: #1 Housing

Notes: Position: Support

HB 351 Party identification on ballots; extends option in local elections.

Patrons: Cox, J.A., Peace and Surovell

A BILL to amend and reenact §§ 24.2-613 and 24.2-640 of the Code of Virginia, relating to elections; ballots; party identification of candidates on ballots.

Summary as introduced:

Elections; party identification on ballots; local elections. Gives candidates in local elections the option to be identified by party on the ballot. Currently, only federal, statewide, and General Assembly candidates who are nominated by a political party or in a primary are required to be identified by party on the ballot.

01/10/12 House: Referred to Committee on Privileges and Elections

01/12/12 House: Assigned P & E sub: Constitutional Amendments Subcommittee

Notes: Position: Support

HB 361 Stalking; enhanced penalties.

Patrons: McClellan, Filler-Corn, Hope and Watts

A BILL to amend and reenact §§ 18.2-60.3 and 18.2-308.1:4 of the Code of Virginia, relating to felony penalty for stalking.

Summary as introduced:

Stalking; enhanced penalties. 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. Currently, the Class 6 felony applies for a third or subsequent offense. The bill also provides that any person who commits an offense of stalking is guilty of a Class 6 felony when, at the time of the offense, there is in effect any court order prohibiting contact between the defendant and the victim or the victim's family or household member.

01/10/12 House: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 363 Protective orders; animals.

Patrons: McClellan, Hope and Scott, J.M.

A BILL to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; animals.

Summary as introduced:

Protective orders; animals. Provides that a court may include in a protective order provisions granting to the petitioner the care, custody, and control of an animal owned, possessed, or kept by either the petitioner, the respondent, or a child residing in the household.

01/10/12 House: Referred to Committee for Courts of Justice

01/20/12 House: Assigned Courts sub: #1 Criminal

Notes: Position: Support

HB 374 Party identification on ballots; requirement extends to local elections.

Patron: Pogge

A BILL to amend and reenact §§ 24.2-613 and 24.2-640 of the Code of Virginia, relating to elections; party identification of candidates on ballots.

Summary as introduced:

Elections; party identification on ballots; local elections. Extends to local elections the requirement that ballots identify the nominating political party for party candidates and identify independent candidates as such. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

01/10/12 House: Referred to Committee on Privileges and Elections

01/12/12 House: Assigned P & E sub: Constitutional Amendments Subcommittee

Notes: Position: Support

HB 401 Landlord and tenant law; landlord obligations, receipt required for certain rent payments.

Patron: Hope

A BILL to amend and reenact § 55-248.7 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-225.15 and by adding in Article 2 of Chapter 13.2 of Title 55 a section numbered 55-248.15:3, relating to landlord and tenant laws; landlord obligations; receipt required for cash payments.

Summary as introduced:

Landlord and tenant law; landlord obligations; receipt required for certain rent payments. Requires a landlord to provide, upon request, a written receipt whenever a tenant pays rent in the form of cash or money orders. The bill also requires written rental or lease agreements to include a notice of the tenant's right to receive the written receipt beginning January 1, 2013. The notice is not required for leases entered into prior to January 1, 2013, that are subsequently renewed by the parties.

01/10/12 House: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 415 Wireless telecommunications device; prohibits using while operating a moving motor vehicle, penalty.

Patron: Watts

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to operating moving motor vehicles while engaged in other activities; penalties.

Summary as introduced:

Operation of moving motor vehicle while distracted; penalties. Prohibits the operation of a moving motor vehicle while engaged in other activities, such as using a wireless telephone or other wireless telecommunications device without a hands-free apparatus, searching for an item,

or personal grooming. Current law specifically prohibits the use of a handheld personal communications device to send or read an email or text message while operating a moving motor vehicle. The bill allows for certain exceptions, including the use of a citizens band radio. The offense would be a secondary offense punishable by a \$40 fine on the first offense and a \$100 fine for each subsequent offense.

01/10/12 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Support

HB 475 Involuntary commitment; alters criteria for ordering mandatory outpatient treatment.

Patron: Albo

A BILL to amend and reenact § 37.2-817 of the Code of Virginia, relating to involuntary commitment; mandatory outpatient treatment.

Summary as introduced:

Involuntary commitment; mandatory outpatient treatment. Alters the criteria for ordering a person to mandatory outpatient treatment, replacing the requirements that the person has the capacity to understand and comply with the treatment, has expressed an interest in outpatient treatment, and has agreed to comply with the treatment with a requirement that the person, if left untreated, is reasonably likely to meet the criteria for involuntary commitment and whose mental illness has caused the person to refuse treatment on more than one previous occasion. The bill also eliminates the requirement that the treating physician determine that the person has the capacity to understand and comply with the treatment, has expressed an interest in outpatient treatment, and has agreed to comply with the treatment before discharging a person for a period of mandatory outpatient treatment following involuntary commitment. The bill also provides that the duration of mandatory outpatient treatment following involuntary commitment shall not exceed 90 days, unless the order is continued. The bill also eliminates the requirement that providers of mandatory outpatient treatment services must have actually agreed to deliver such services before mandatory outpatient treatment may be ordered. The bill also eliminates certain types of evidence that the judge or special justice was required to consider before ordering involuntary commitment. The bill also provides that mandatory outpatient treatment shall be provided in the least restrictive appropriate manner and that treatment with anti-psychotic medication does not include the use of force or restraint in administering such medication.

01/10/12 House: Referred to Committee for Courts of Justice

01/16/12 House: Assigned Courts sub: #5 Mental Health

Notes: Position: Oppose

HB 489 Fees; additional fees for conviction. Domestic violence offenses;

Patron: Ware, O.

A BILL to amend and reenact §§ 16.1-69.48:1.01 and 17.1-275.11 of the Code of Virginia, relating to additional fees for conviction of domestic violence offenses.

Summary as introduced:

Fees; additional fees for conviction of domestic violence offenses. Assesses an additional \$50 fee for conviction of domestic violence offenses to be retained by the locality to support investigation and prosecution of domestic violence cases and to provide services to victims in such cases. This is in addition to the fees, available to localities, assessed to support the Virginia Sexual and Domestic Violence Victim Fund.