

2-8-11

## City of Alexandria, Virginia

## MEMORANDUM

**DATE:** FEBRUARY 7, 2011

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** JAMES K. HARTMANN, CITY MANAGER 

**SUBJECT:** RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION INTRODUCED AT THE 2011 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 2) on legislation introduced at the 2011 General Assembly Session.

**RECOMMENDATION:** That City Council 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).

**DISCUSSION:** The 2011 General Assembly Session has now passed the halfway point. As of February 9, the House will act only on Senate bills, and the Senate will consider only House bills. The proposed House and Senate amendments to the State budget were released on February 6, and are reviewed later in this memorandum. Adjournment of the 2011 Session is scheduled for February 26. A Special Session to deal with House and Senate (and possibly Congressional) redistricting is expected to begin soon, if not immediately, after adjournment of the regular Session.

**City Package:** Early in Session, as noted in the last Update, the General Assembly defeated City legislation that would have increased the fine for those illegally using other persons' handicapped parking placards (HB 1677); as well as a bill that would have increased the State tax on cigarettes (HB 1815). Bills to allow early or unrestricted absentee voting are being rejected by the House of Delegates, as are 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, but completed their sentence, probation, and parole. The House is also defeating measures to prohibit discrimination 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:

- House Bill 2045 proposed to expand 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been revoked or has expired in accordance with the Uniform Statewide Building Code and (ii) which endangers the public's health, safety, or welfare. The legislation was sent to the Virginia Housing Study Commission for further study. Staff will work with the Commission over the next year to try to develop an acceptable bill for the 2012 Session.

- Legislation to require the State to construct any new buildings according to “green” principle has passed the Senate and now awaits action by the House.
- Legislation that would reduce revenues from the Machinery and Tools tax has been approved by the House Finance Committee and awaits action by the House Appropriations Committee. If approved, the bill (HB 1636) would prohibit local governments from taxing new machinery and tools for the first three years after they have been put into service.
- 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). HB1587 allows a locality 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.
- 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 Courts of Justice Committee has approved such legislation, without the Warner safeguards. The bill (HB 1646) awaits action on the House floor.

Attachment 2 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 3.

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

- At the request of Delegate David Albo, his bill that sought to combine NVTA, NVTC, and PRTC (HB 2016) was sent to the General Assembly’s Commission on Transportation Accountability for study over the next year.
- HB 2000, which is awaiting action on the House floor, would require that one of Virginia’s principal representatives on the WMATA Board be the Virginia Secretary of Transportation or his alternate; the House budget also includes this provision. The Senate budget does not include this provision; nor has the Senate approved any similar legislation.
- Legislation to use some of the State’s sales tax revenues for Northern Virginia and Hampton Roads transportation needs was defeated in the Senate. Identical legislation is awaiting action by the House Appropriations Committee. If the bill passes the House, it is expected to die in the Senate, which generally opposes using the general fund for transportation. The City likewise opposes using general fund revenues, which pay for education, mental health,

and many other services, for transportation. The City believes that new non-general fund revenues must be provided to meet the region's and the State's transportation needs.

- Every bill that seeks to increase the gas tax or convert it to a sales tax is being defeated as it is considered by the House of Delegates. House Bill 1604, which proposed to tax some out-of-state corporate income that is not yet taxed, and use the new revenue for transportation needs, was killed by the House Finance Committee.
- Parts, but not all, of the Governor's transportation funding package are meeting with greater success. As noted above, his proposals to earmark sales tax revenues for regional transportation needs are being defeated. Likewise, the Senate is opposing other portions of his legislation that would earmark budget surpluses or other general fund revenues for transportation. Legislation to accelerate 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) has been approved by the House, and appears likely to be passed by the Senate. Likewise, both houses seem inclined to approve the creation of a Transportation Infrastructure Fund, which will make grants to localities and private entities for transportation projects such as the I-95 HOT lanes project.

**BRAC Budget Amendments:** Budget proposals by Delegates Herring and Ebbin for traffic improvements related to BRAC-133 (funding for and mid-term improvements and for environmental studies needed for transit improvements) were not included in the funding recommendations of the House or Senate.

**State Budget:** The House Appropriations and Senate Finance Committees reported their budget recommendations on February 6. Neither committee sought to take any of the City's per diem payments for federal prisoners. Attachment 4 highlights proposals from the Committee recommendations that are of particular relevance to the City.

The General Assembly will spend the remainder of Session negotiating the differences in their budget proposals. An approved budget bill will likely be one of the last measures that come out of the Session. Staff will continue to report on the budget in future General Assembly Updates.

**Virginia Retirement System (VRS):** The Governor's budget proposed a major change to the VRS. It 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 provided a salary increase of at least three percent (the Governor made a similar proposal for state employees). The Governor also proposed requiring a five percent contribution to VRS from all local employees (including teachers) hired after July 1, 2011 (with no link to a salary increase for these employees).

The House budget gives localities and school boards the option of requiring existing (pre-July 1, 2010) employees to contribute five percent of their salary to VRS, but only if the employees are given a salary increase of at least five percent. The House also proposed mandating that new local and school employees hired after June 30, 2011 be required to make a five percent VRS

contribution. Localities and school boards would continue to have the option of setting employee contribution rates for those hired between July 1, 2010, and June 30, 2012.

The Senate rejected the Governor's proposal to require those local government and school board employees hired prior to July 1, 2010, contribute a portion of their salary into VRS. It appears that the Senate also rejected his proposal to require a five percent VRS contribution from all local employees (including teachers) hired after July 1, 2011.

Legislation was also 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. While the House has approved this proposal, and the Senate showed significant interest in it, the Senate wants to study the idea more carefully before agreeing to it. Both houses will have to agree to either approve the proposal or give it further study prior to the adjournment of Session.

The Governor, the House, and the Senate all now appear to agree that steps must be taken to adequately fund the Commonwealth's VRS obligations. Following the Governor's recommendation, both the House and Senate have set aside additional funds for this purpose in their budget amendments.

**ABC Privatization:** The Governor's proposed legislation to take the State out of the business of operating retail liquor stores appears to be dead for the 2012 Session. The legislation was introduced in the House and Senate, but neither body allowed it to be considered in Committee. Although one of the deadlines for action has now passed, the Governor could resubmit the bill. Should he do so, the General Assembly does not appear to be ready to approve such legislation.

**Other Legislation of Particular Interest:** Other bills of particular interest to the City include the following:

- Legislation (HB 2327) that would have restricted the use of red light cameras was defeated by the Committee on Militia, Police, and Public Safety. This was a significant change for this committee, which in the past has been extremely hostile to red light camera programs.
- Legislation (HB 1834) which would prohibit localities to a large extent from regulating fireworks (localities would not be able to ban them, as Alexandria does now) has been approved by the House General Laws Committee and awaits action on the House floor.
- Legislation (HB 1588) that would have put the burden of proof in real estate assessment appeals on the locality (it is now on the property owner) has been amended to remove this provision. Had it passed, the City would likely have been forced to increase the size of the staff in the Department of Real Estate Assessments to handle a significant increase in the number of appeals.
- Bills in the House and Senate (HB 1990 and SB 1240) that proposed to realign the State Court system boundaries (and combine Alexandria and Arlington into one circuit with two fewer circuit court judges than they now have) will be studied for a year. This legislation is likely to be reintroduced in some form in the 2012 Session.

**ATTACHMENTS:**

Attachment 1- Recommended Positions on Bills of Importance to the City, February 4, 2011

Attachment 2- Current Status of City Package Bills, February 4, 2011

Attachment 3- Current Status of Bills of Bills on Which the City Has Taken a Position, February 4, 2011

Attachment 4- Status of State Budget Issues of Relevance to the City, February 7, 2011

**STAFF:**

Bernard Caton, Legislative Director

**Recommended Positions on Bills of Importance to the City of Alexandria  
February 4, 2011**

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

Patron: Iaquinto

A BILL to amend and reenact § 51.1-212 of the Code of Virginia, relating to the Virginia Law Officers' Retirement System.

Summary as introduced:

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

01/06/11 House: Referred to Committee on Appropriations

01/12/11 House: Assigned App. sub: Compensation and Retirement

Notes: Position: Oppose

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

Patron: Cosgrove

A BILL to amend and reenact § 58.1-3503 of the Code of Virginia, relating to personal property tax; valuation of new automobiles.

Summary as introduced:

Personal property tax; valuation of certain motor vehicles. 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.

01/27/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

01/28/11 Senate: Referred to Committee on Finance

Notes: Position: Oppose

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

Patron: Pogge

A BILL to amend and reenact § 32.1-111.9 of the Code of Virginia, relating to emergency medical services; variances.

Summary as passed House:

Emergency medical services; variances. 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.

01/21/11 House: VOTE: BLOCK VOTE PASSAGE (94-Y 0-N)

01/24/11 Senate: Referred to Committee on Education and Health

Notes: Position: Support

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

Patron: Tata

A BILL to amend and reenact § 19.2-349 of the Code of Virginia, relating to collections of unsatisfied fines, costs, forfeitures, penalties and restitution.

Summary as introduced:

Criminal procedure; collection of fines, costs, penalties, forfeitures, and restitution. Authorizes a local treasurer to be compensated on a contingency or percentage fee basis when collecting fines, costs, penalties, forfeitures, and restitution pursuant to an agreement with the attorney for the Commonwealth, and authorizes the local treasurer when undertaking such collection to employ collection powers used when collecting local taxes.

01/31/11 House: Reported from Courts of Justice with substitute (19-Y 2-N)

02/03/11 House: Committee substitute agreed to

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, Lingamfelter, Merricks, Poindexter, Rust and Villanueva

A BILL to amend and reenact §§ 2.2-1111 and 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; price matching by Virginia businesses.

Summary as introduced:

Virginia Public Procurement Act; price matching by Virginia businesses. Provides that whenever the lowest responsive and responsible bidder is a resident of any other state, and the difference between such bidder's bid and the bid of the next lowest responsive and responsible bidder who is a resident of Virginia is no more than five percent or \$10,000, the Virginia bidder shall be given the opportunity to match the bid of the out-of-state bidder. If the Virginia bidder matches the out-of-state bid, the contract shall be awarded to the Virginia bidder. The bill requires the Division of Purchases and Supply to develop price match procedures.

01/11/11 House: Reported from Appropriations with Substitute (19Y-1N)

Notes: Position: Oppose

**HB 1932 Domestic abuser registry; established.**

Patron: Marshall, D.W.

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 9.1 a section numbered 9.1-1302, relating to creation of a Domestic Abuser Registry; penalty.

Summary as introduced:

Domestic abuser registry established; penalty. 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 within the boundaries of the Commonwealth for more than 10 days to register in person with the sheriff of the locality in which the domestic abuser resides or is located. Also 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.

01/11/11 House: Referred to Committee for Courts of Justice

Notes: Position: Oppose

**HB 2000 Northern Virginia Transportation Commission, etc.; appointments.**

Patrons: LeMunyon, Albo, Athey and Comstock

A BILL to amend and reenact § 15.2-4507 of the Code of Virginia, relating to appointments by the Governor to the Northern Virginia Transportation Commission or the Washington Metropolitan Area Transit Authority Board of Directors.

Summary as introduced:

Appointments to the Northern Virginia Transportation Commission and the Washington Metropolitan Area Transit Authority Board of Directors. Provides that the Governor shall appoint an additional member to the Northern Virginia Transportation Commission and that appointees have significant experience in mass transit planning, finance, engineering, construction, or management.

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

Notes: Position: Oppose

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

Patrons: May and Surovell

A BILL to amend and reenact § 33.1-23.05 of the Code of Virginia, relating to allocation of revenue-sharing funds.

Summary as introduced:

Allocation of revenue-sharing funds. 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.

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

Notes: Position: Oppose

**HB 2142 Bad checks; raises fee locality may charge.**

Patrons: Johnson and BaCote

A BILL to amend and reenact § 15.2-106 of the Code of Virginia, relating to fees for bad checks to localities.

Summary as introduced:

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

02/02/11 House: VOTE: PASSAGE (97-Y 1-N)

02/03/11 Senate: Referred to Committee on Local Government

Notes: Position: Support

**HB 2143 Notice of seizure; when property seized for forfeiture, notice given to treasurer.**

Patrons: Johnson and BaCote

A BILL to amend and reenact § 19.2-386.3 of the Code of Virginia, relating to notice of seizure for forfeiture.

Summary as introduced:

Notice of seizure for forfeiture. Provides that when property is civilly seized for forfeiture (in drug and certain other cases), notice of the seizure is 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.

01/31/11 House: Reported from Courts of Justice (22-Y 0-N)

02/03/11 House: Read second time and engrossed

Notes: Position: Support

**HB 2219 Local correctional facilities; jailers have written policy for revocation of good conduct credits.**

Patron: Stolle

A BILL to amend and reenact § 53.1-116 of the Code of Virginia, relating to local correctional facilities; jailers; revocation of good conduct credits.

Summary as introduced:

Local correctional facilities; jailers; revocation of good conduct credits. Requires the jailer to have a written policy for the revocation of good time credit and requires the revocation of good time credit for the assault of a correctional officer or deputy.

01/12/11 House: Reported from Committee on Militia, Police and Public Safety (21-0)

Notes: Position: Support

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

Patron: Garrett

A BILL to amend the Code of Virginia by adding a section numbered 15.2-107.2, relating to local notice by mail.

Summary as introduced:

Alternative method for local government to give notice by mail. 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 and at least one notice has previously been sent by certified or registered mail.

02/04/11 House: Reported from Counties, Cities and Towns with amendments 22Y-0N)

Notes: Position: Support

**HB 2356 Stalking; enhanced penalties.**

Patron: McClellan

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 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 is guilty of a Class 6 felony.

01/12/11 House: Referred to Committee for Courts of Justice

02/01/11 House: Assigned Courts sub: #1 Criminal

Notes: Position: Support

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

Patron: Surovell

A BILL to amend and reenact §§ 2.2-3104.01, 2.2-4376.1, 56-573.3, and 56-575.17:1 of the Code of Virginia, relating to political contributions; prohibitions during procurement process.

Summary as introduced:

Political contributions; prohibitions during procurement process. 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. A violation is subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

01/20/11 House: Reported from on General Laws with amendment (20-Y 0-N)

Notes: Position: Oppose

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

Patrons: Morefield; Senator: Puckett

A BILL to amend and reenact § 10.1-1300 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1306.1, relating to Department of Environmental Quality; carbon dioxide.

Summary as introduced:

Department of Environmental Quality; carbon dioxide. 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 void in the Commonwealth.

02/02/11 House: Referred from Agriculture, Chesapeake and Natural Resources

02/02/11 House: Referred to Committee on Health, Welfare and Institutions

Notes: Position: Oppose

**HB 2500 Omnibus Citizen Bill of Rights; created.**

Patron: Armstrong

A BILL to amend and reenact §§ 2.2-4007.03, 2.2-4009, 2.2-4025, 2.2-4026, 2.2-4028, 2.2-4029, 8.01-195.3, 8.01-246, 15.2-2285, 15.2-2314, and 25.1-245 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 1-219.2, and to repeal § 2.2-4027 of the Code of Virginia, relating to the Omnibus Citizen Bill of Rights.

Summary as introduced:

Omnibus Citizen Bill of Rights. 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.

01/21/11 House: Referred to Committee for Courts of Justice

Notes: Position: Oppose

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

Patrons: Peace (by request) and Cole

A BILL to amend and reenact §§ 2.2-3711, 2.2-4303, 2.2-4308, 2.2-4323, 3.2-2800, 3.2-2805, 3.2-2806, 9.1-108, 9.1-112, 9.1-141, 9.1-150.2, 9.1-185.2, 9.1-186.2, 9.1-1109, 9.1-1110, 10.1-419, 33.1-221.1:1.1, 44-146.35, 44-146.38, 44-146.40, 60.2-113, and 62.1-44.34:26 of the Code of Virginia, and to repeal §§ 2.2-1113, 2.2-1134, Articles 3 (§§ 2.2-2404 through 2.2-2406), 4 (§§ 2.2-2407 and 2.2-2408), and 7 (§§ 2.2-2413 and 2.2-2414) of Chapter 24, Articles 11 (§§ 2.2-2630 and 2.2-2631) and 24 (§§ 2.2-2667 and 2.2-2668) of Chapter 26, and Article 9 (§§ 2.2-2732 and 2.2-2733) of Chapter 27 of Title 2.2, §§ 3.2-2801 through 3.2-2804, 3.2-2807, 9.1-143, 9.1-802, 9.1-803, 9.1-1111, 9.1-1112, 9.1-1113, Chapter 21.2 (§§ 10.1-2135 through 10.1-2140) of Title 10.1, Chapter 65 (§§ 15.2-6500 through 15.2-6504) of Title 15.2, §§ 33.1-391.3:1, 44-146.39, and 62.1-132.11:2 of the Code of Virginia, relating to the elimination of certain advisory boards, councils, and other advisory collegial bodies.

Summary as introduced:

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

01/21/11 House: Reported from General Laws with amendment(s) (21Y 0-N)

Notes: Position: Oppose (although elimination of the Council on the Status of Women is no longer in the bill)

**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

A BILL to amend and reenact § 46.2-920 of the Code of Virginia, relating to emergency vehicles proceeding past steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop.

Summary as introduced:

Emergency vehicles proceeding past red lights. 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 the safety of persons and property.

02/02/11 Senate: Reported from Courts of Justice (15-Y 0-N)

Notes: Position: Support

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

Patrons: Locke and Vogel

A BILL to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery of fire marshals; penalty.

Summary as introduced:

Assault and battery; fire marshals; penalty. Adds 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.

02/03/11 Senate: Engrossed by Senate as amended SB772E

Notes: Position: Support

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

Patrons: Reynolds; Delegate: Rust

A BILL to amend and reenact § 58.1-803 of the Code of Virginia, relating to recordation taxes.

Summary as introduced:

Recordation and grantor taxes. 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.

02/02/11 Senate: Reported from Finance (8-Y 5-N 1-A)

Notes: Position: Oppose

**SB 972 Retail Sales & Use & transient occupancy taxes; taxes on room rentals computed based on total price.**

Patron: Whipple

A BILL to amend and reenact §§ 58.1-602, 58.1-603, 58.1-612, 58.1-3819, 58.1-3822, 58.1-3823, 58.1-3824, 58.1-3825, 58.1-3825.2, 58.1-3826, 58.1-3842, and 58.1-3843 of the Code of Virginia, Chapter 265 of the Acts of Assembly of 1977, as amended, carried by reference in the Code of Virginia as § 58.1-3820, and Chapter 436 of the Acts of Assembly of 1990, as amended, carried by reference in the Code of Virginia as § 58.1-3821, and to amend the Code of Virginia by adding in Article 6 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.8, relating to retail sales taxes and transient occupancy taxes on the rental of rooms, lodgings, accommodations, or similar spaces.

Summary as introduced:

Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

02/02/11 Senate: Reported from Finance with substitute (13-Y 0-N)

Notes: Position: Support

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

Patron: Stuart

A BILL to amend and reenact §§ 15.2-2242 and 15.2-2245 of the Code of Virginia, relating to subdivision ordinances and provisions for release of certain performance guarantees.

Summary as introduced:

Allows localities to withhold occupancy permits and 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. Also allows localities to withhold acceptance of securities or plat approvals if developer or any partners are in default of street completions in another development in the locality.

02/01/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

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

Patron: Barker

A BILL to amend and reenact §§ 16.1-281 and 22.1-3.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-900.3, relating to school placement of foster care children.

Summary as introduced:

Foster care; school placement. Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests.

02/03/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

**SB 1107 Public Procurement Act; increases small purchases exemption.**

Patron: Hanger

A BILL to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; small purchases.

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.

01/25/11 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: Position: Support

**SB 1112 Metropolitan Planning Organizations; role in transportation decision-making process.**

Patron: Miller, Y.B.

A BILL to amend and reenact § 33.1-23.03:01 of the Code of Virginia, relating to Metropolitan Planning Organizations.

Summary as introduced:

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

02/03/11 Senate: Reported from Transportation with substitute (15-Y 0-N)

Notes: Position: Support

**SB 1221 Local rezoning actions; limited review by VDOT.**

Patron: Barker

A BILL to amend and reenact § 15.2-2222.1 of the Code of Virginia, relating to Department of Transportation input in certain local rezoning actions.

Summary as introduced:

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

02/01/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

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

Patrons: Herring and McDougle

A BILL to amend the Code of Virginia by adding a section numbered 18.2-504.2, relating to crimes against incapacitated or elder adults; penalties.

Summary as introduced:

Crimes against incapacitated or elder adults; penalty. 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.

01/24/11 Senate: Reported from Courts of Justice with substitute (14-Y 0-N)

01/24/11 Senate: Rereferred to Finance

Notes: Position: Support

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

Patron: Herring

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

Summary as introduced:

Highway "revenue sharing" construction funds. 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 into SB1446-Wampler (14-Y 0-N)

Notes: Position: Oppose

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

Patron: Stanley

A BILL to amend and reenact § 2.2-613 of the Code of Virginia, relating to state agency mandates on localities.

Summary as introduced:

Provides that the assessment of mandates imposed on local governments currently required include a detailed cost-benefit analysis and utilization of performance-based metrics to determine the value of the mandate in relation to the required or intended output or desired result.

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

Notes: Position: Support

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

Patron: Colgan

A BILL to amend the Code of Virginia by adding a section numbered 33.1-23.03:3.1, relating to allocation from the Transportation Trust Fund to certain homeowners' associations.

Summary as introduced:

Allocations to certain homeowners' associations; highway maintenance and maintenance replacement. 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.

01/27/11 Senate: Rereferred from Transportation (13-Y 0-N)

01/27/11 Senate: Rereferred to Finance

Notes: Position: Oppose

**SB 1408 Business, professional, occupational license tax; exemption for unprofitable business.**

Patrons: Ruff and Martin

A BILL to amend and reenact § 58.1-3703 of the Code of Virginia, relating to limitation of local government authority to impose the business, professional, occupational license tax.

Summary as introduced:

BPOL; exemption for unprofitable business. Exempts from the BPOL tax businesses that are unprofitable during the taxable year, for taxable years beginning on or after January 1, 2012.

02/03/11 Senate: Engrossed by Senate as amended

Notes: Position: Oppose (amendments make the bill permissive for localities)

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

Patron: Locke

A BILL to amend and reenact § 2.2-4330 of the Code of Virginia, relating to the Virginia Public Procurement Act; process for withdrawal of bid due to error.

Summary as introduced:

Virginia Public Procurement Act; process for withdrawal of bid due to error. 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. 02/01/11 Senate: Committee substitute agreed to

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

## **Current Status of City Package Bills February 4, 2011**

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### **HB 1402 Elections; all qualified voters may vote absentee in person.**

Patrons: Dance and Kory

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:

Elections; absentee voting. 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.

08/03/10 House: Referred to Committee on Privileges and Elections

01/13/11 House: Assigned P & E sub: #2 Elections

01/18/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

### **HB 1465 Higher educational institutions; admission of illegal aliens.**

Patrons: Peace, Athey, Cox, J.A., Crockett-Stark, Garrett, Miller, J.H. and Poindexter

A BILL to amend and reenact § 23-9.2:3 of the Code of Virginia, relating to the admission of illegal aliens at institutions of higher education.

Summary as introduced:

Admission of illegal aliens at institutions of higher education.

12/06/10 House: Referred to Committee for Courts of Justice

01/19/11 House: Assigned Courts sub: #3 Immigration

01/28/11 House: Subcommittee recommends reporting with amendment(s) (4-Y 2-N)

Notes: Position: Oppose

### **HB 1509 Employment; prohibits discrimination based on sexual orientation.**

Patron: Scott, J.M.

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.

12/17/10 House: Referred to Committee on General Laws

01/17/11 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

02/01/11 House: Defeated in Subcommittee

Notes: Position: Support

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

Patron: Englin

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:

Parking in spaces reserved for persons with disabilities. Increases the maximum fine from \$500 to \$750.

01/10/11 House: Referred to Committee on Transportation  
01/14/11 House: Assigned Transportation sub: #2  
01/19/11 House: Subcommittee recommends laying on the table  
Notes: Position: Support

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

Patrons: Hope, Englin and Ebbin

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:

Cigarette and other tobacco products tax rates. 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.

01/17/11 House: Assigned Finance sub: #1

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.**

Patron: Ebbin

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

Summary as introduced:

Housing; definition of blighted property. 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.

01/27/11 House: Passed by in General Laws with letter assigning bill to Housing Commission for study

Notes: Position: Support

**HB 2046 Public employment; nondiscrimination.**

Patrons: Ebbin, Abbitt, Abbott, Armstrong, BaCote, Barlow, Brink, Bulova, Carr, Dance, Englin, Filler-Corn, Herring, Hope, Howell, A.T., James, Keam, Kory, Lewis, McClellan, McQuinn, Miller, P.J., Morrissey, Plum, Pollard, Scott, J.M., Sickles, Spruill, Surovell, Torian, Toscano, Tyler, Ward, Ware, O. and Watts; Senators: Barker, Herring, Howell, Locke, McEachin and Ticer

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:

Public employment; nondiscrimination. 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.

01/11/11 House: Referred to Committee on General Laws

01/17/11 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

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

Notes: Position: Support

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

Patron: Cline

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:

In-state tuition and educational benefits for unlawfully present aliens. 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.

01/19/11 House: Assigned Courts sub: #3 Immigration

01/28/11 House: Subcommittee recommends incorporating (HB1465-Peace)

01/31/11 House: Incorporated by Courts of Justice (HB1465-Peace)

Notes: Position: Oppose

**HB 2404 State sales & use tax revenue; dedicates portion for transportation projects.**

Patrons: Rust, Oder, Albo, Anderson and Cosgrove

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.

01/31/11 House: Subcommittee recommends reporting (5-Y 3-N)

02/02/11 House: Reported from Finance with amendments (11-Y 10-N)

02/02/11 House: Referred to Committee on Appropriations

Notes: Position: Oppose

**HJ 497 Constitutional amendment; restoration of civil rights to certain persons.**

Patrons: Dance and Englin

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

Summary as introduced:

Constitutional amendment; restoration of civil rights. 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.

08/03/10 House: Referred to Committee on Privileges and Elections

01/13/11 House: Assigned P & E sub: #1 Constitutional

01/31/11 House: Subcommittee failed to recommend reporting (1-Y 5-N)

Notes: Position: Support

**HJ 524 Constitutional amendment; restoration of civil rights to certain persons.**

Patrons: Ware, O. and Englin

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

Summary as introduced:

Constitutional amendment; restoration of civil rights. 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.

01/31/11 House: Defeated by Committee on Privileges and Elections

Notes: Position: Support

**HJ 543 Constitutional amendment; restoration of civil rights to certain persons.**

Patrons: Herring, BaCote, Dance, Ebbin, Englin, Hope, Kory, Morrissey, Plum, Scott, J.M., Sickles and Tyler

Proposing an amendment to the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Constitutional amendment; restoration of civil rights. Allows 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 set forth in that law.

01/31/11 House: Defeated by Committee on Privileges and Elections

Notes: Position: Support

**HJ 610 Constitutional amendment; restoration of civil rights to certain persons.**

Patrons: Carr, Englin, McQuinn, Surovell and Tyler

Proposing an amendment to the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Constitutional amendment; restoration of civil rights. Allows 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.

01/31/11 House: Defeated by Committee on Privileges and Elections  
Notes: Position: Support

**HJ 634 Constitutional amendment; restoration of civil rights to certain persons.**

Patron: Morrissey

Proposing an amendment the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Constitutional amendment; restoration of civil rights. 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.

01/31/11 House: Defeated by Committee on Privileges and Elections

Notes: Position: Support

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

Patrons: McEachin; Delegates: Carr, Dance, Englin, Kory and McClellan

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.

02/02/11 Senate: Read third time and passed Senate (22-Y 18-N)

Notes: Position: Support

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

Patron: Petersen

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 introduced:

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, to meet standards at least as stringent as the LEED or Green Globes standards. 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.

02/02/11 Senate: Read third time and passed Senate (34-Y 6-N)

Notes: Position: Support

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

Patrons: McWaters and Wagner

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:

Sales and use tax revenue dedication; transportation in Northern Virginia and Hampton Roads. 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 certain persons.**

Patrons: Miller, Y.B., McEachin and Reynolds; Delegate: Englin

Proposing an amendment to the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Constitutional amendment; 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 set forth in that law.

02/02/11 Senate: Read third time and agreed to by Senate (27-Y 13-N)

Notes: Position: Support

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

Patrons: McEachin; Delegates: Englin and McClellan

Proposing an amendment to the Constitution of Virginia, relating to the qualifications of voters.

Summary as introduced:

Constitutional amendment; 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 set forth in that law.

02/02/11 Senate: Read third time and agreed to by Senate (27-Y 13-N)

Notes: Position: Support

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

Notes: Position: Support

**Current Status of Bills of Bills on Which the City Has Taken a Position  
February 4, 2011**

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**HB 1403 Eluding police; forfeiture of vehicle.**

Patrons: Loupassi, McQuinn, McClellan and Tyler

A BILL to amend and reenact §§ 4.1-340 and 19.2-386.16 of the Code of Virginia, relating to forfeiture of vehicle for felony offense of eluding police.

Summary as introduced:

Forfeiture of vehicle used to elude police. 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.

02/03/11 House: Engrossed by House - committee substitute

Notes: Position: Support

**HB 1404 Handheld personal communications devices; use while operating motor vehicle.**

Patron: Howell, A.T.

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to use of handheld personal communications devices while operating certain vehicles.

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.

08/25/10 House: Referred to Committee on Militia, Police and Public Safety

01/18/11 House: Assigned MPPS sub: #2

01/27/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

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

Patrons: Scott, J.M. and Kory

A BILL to amend and reenact §§ 58.1-2217, 58.1-2249, 58.1-2289, as it is currently effective and as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax rate.

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.

09/27/10 House: Referred to Committee on Finance

01/17/11 House: Assigned Finance sub: #1

01/31/11 House: Subcommittee recommends no action

Notes: Position: Support

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

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

Senator: Vogel

A BILL to amend the Code of Virginia by adding a section numbered 2.2-602.1 and by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-982, relating to enforcement of federal immigration law by the Commonwealth and by political subdivisions of the Commonwealth.

Summary as introduced:

Enforcement of federal immigration law by the Commonwealth and its political subdivisions.

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.

The bill also provides, in a second enactment, that the Governor may withhold the appropriation of state funds under his control to any agency, political subdivision of the Commonwealth, or locality in violation of this act, or to any agency, political subdivision of the Commonwealth, or locality whose employee is in violation of this act, in an amount deemed sufficient to ensure compliance, and shall release the funds to the entity when compliance is achieved.

10/25/10 House: Referred to Committee for Courts of Justice

01/19/11 House: Assigned Courts sub: #3 Immigration

01/28/11 House: Subcommittee recommends reporting with amendment(s) (4-Y 2-N)

Notes: Position: Oppose

**HB 1425 Taxes, local; collection.**

Patron: Albo

A BILL to amend and reenact §§ 58.1-3919.1 and 58.1-3934 of the Code of Virginia, relating to collection of delinquent local taxes.

Summary as introduced:

Local taxes; collection. 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.

The bill also removes the exclusion of real estate taxes from the local taxes that treasurers may refer to private collection agents for collection.

02/02/11 House: Reported from Finance with amendments (19-Y 2-N)

Notes: Position: Support

**HB 1430 Arresting officer to ascertain citizenship of arrestee; supplements existing law.**

Patrons: Albo, Anderson, Athey, Bell, Richard P., Cleaveland, Cox, J.A., Crockett-Stark, Hugo, Iaquinto, Lingamfelter, Merricks, Poindexter, Robinson, Rust and Wilt

A BILL to amend and reenact § 19.2-83.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.3, relating to

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, 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 and that, if the person responds he was born in another country and is not a citizen of the United States, the officer shall make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement and shall communicate the results of any immigration alien query to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

11/02/10 House: Referred to Committee for Courts of Justice

01/19/11 House: Assigned Courts sub: #3 Immigration

01/28/11 House: Subcommittee recommends reporting with amendment(s) (5-Y 1-N)

Notes: Position: Oppose

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

Patron: Albo

A BILL to amend and reenact § 58.1-803 of the Code of Virginia, relating to recordation taxes.

Summary as introduced:

Recordation tax. 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 business gross receipts or State taxable income.**

Patrons: Cole, Iaquinto and Peace

A BILL to amend and reenact § 58.1-3702 of the Code of Virginia, relating to localities' authority regarding the business, professional, and occupational license tax.

Summary as introduced:

Business, professional and occupational license tax; gross receipts or Virginia taxable income. Allows localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income.

01/27/11 House: Read third time and passed House (94-Y 5-N)

01/28/11 Senate: Referred to Committee on Finance

Notes: Position: Oppose

**HB 1479 Search warrant affidavit; public availability.**

Patron: Loupassi

A BILL to amend and reenact § 19.2-54 of the Code of Virginia, relating to public availability of search warrant affidavit.

Summary as introduced:

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

01/25/11 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

01/26/11 Senate: Referred to Committee for Courts of Justice

02/04/11 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 1485 Medical emergency response plan and automated external defibrillator; required in certain buildings.**

Patron: Hope

A BILL to amend and reenact § 22.1-274 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 2 of Title 2.2 a section numbered 2.2-214.2, by adding in Article 4 of Chapter 11 of Title 2.2 a section numbered 2.2-1161.2, and by adding sections numbered 15.2-922.2 and 59.1-296.2:2, relating to automated external defibrillators in health spas and state and local public buildings.

Summary as introduced:

Medical emergency response plan and automated external defibrillators; required in certain buildings. 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.

12/13/10 House: Referred to Committee on General Laws

01/12/11 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

01/25/11 House: Subcommittee recommends laying on the table

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

**HB 1489 Handheld personal communications device; texting while driving.**

Patron: Spruill

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to use of handheld personal communications devices while driving.

Summary as introduced:

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

12/13/10 House: Referred to Committee on Militia, Police and Public Safety

01/18/11 House: Assigned MPPS sub: #2

01/20/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

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

Patron: Herring

A BILL to amend and reenact § 4.1-306 of the Code of Virginia, relating to providing alcohol to underage persons; penalty.

Summary as introduced:

Providing alcohol to an underage person. Makes anyone who purchases alcoholic beverages for or otherwise gives, provides, or willfully assists by act of commission or omission in the provision of alcoholic beverages to or consumption of alcoholic beverages by another person, knowing or having reason to believe that such person was less than age 21, guilty of a Class 1

misdemeanor. Current law does not address “acts” of omission, consumption by an underage person, or a violation committed when the violator has reason to believe a person is underage.  
02/03/11 House: Engrossed by House - committee substitute  
Notes: Position: Support

**HB 1506 Foreclosure procedures; assignment of deed of trust.**

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

A BILL to amend and reenact §§ 26-15, 55-59.1, and 55-66.01 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-59.5 and 55-59.6, relating to foreclosure procedures; assignment of deed of trust.

Summary as introduced:

Foreclosure procedures; assignment of deed of trust. 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. The bill also creates a civil cause of action for such a violation in favor of the owner of the property foreclosed upon.

12/17/10 House: Referred to Committee for Courts of Justice

01/21/11 House: Assigned Courts sub: #2 Civil

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

Notes: Position: Support

**HB 1510 Pawnbrokers & precious metals dealers; records required to be maintained, daily electronic reports.**

Patron: Scott, J.M.

A BILL to amend and reenact §§ 54.1-4009, 54.1-4010, and 54.1-4101 of the Code of Virginia, relating to Pawnbrokers and Precious Metals Dealers; records required to be maintained; electronic reports.

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.

12/17/10 House: Referred to Committee on General Laws

01/12/11 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

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

Notes: Position: Support

**HB 1517 Criminal street gangs; broadens definition.**

Patron: Orrock

A BILL to amend and reenact § 18.2-46.1 of the Code of Virginia, relating to crimes by gangs; penalties.

Summary as introduced:

Criminal street gangs; penalties. 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.

12/17/10 House: Prefiled and ordered printed; offered 01/12/11

12/17/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

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

Patron: Landes

A BILL to amend and reenact § 58.1-610 of the Code of Virginia, relating to sales and use tax; collection by certain contractors.

Summary as introduced:

Sales and use tax; collection by certain contractors. Provides that any person or entity 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 and use 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.

02/02/11 House: Reported from Finance (21-Y 0-N)

Notes: Position: Support

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

Patron: Greason

A BILL to amend and reenact § 58.1-3294 of the Code of Virginia, relating to real property tax appeal; consideration of certain information.

Summary as introduced:

Real property tax; appeal. 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. Under current law, the information cannot be considered in court if it was not timely presented to the assessor.

02/02/11 House: Reported from Finance with amendment (21-Y 0-N)

Notes: Position: Oppose as introduced (has now been amended to address City concerns)

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

Patron: Bell, Richard P.

A BILL to amend and reenact § 54.1-4101 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-4101.01, relating to precious metals dealers; daily reports.

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 require a dealer to maintain and file a daily report electronically. 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. The fee cannot exceed the lesser of five percent of the amount paid by the dealer for an item or \$3.

12/22/10 House: Prefiled and ordered printed; offered 01/12/11

12/22/10 House: Referred to Committee on 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

A BILL to amend and reenact §§ 58.1-2217, 58.1-2249, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax and allocation of construction funds.

Summary as introduced:

Motor fuels tax; rate increase. Increases the motor fuels tax rate by \$0.10 per gallon.

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.**

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

A BILL to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to appointment of special commissioner to execute title to certain real estate in localities.

Summary as introduced:

Local tax administration; special commissioner to execute title to real estate. Lowers the threshold percentage of taxes and liens together on property from 50 percent to 20 percent of the assessed value of the parcel and, if only taxes, from 25 percent to 10 percent of the assessed

value of the parcel in order to allow more properties to be conveyed to the locality in lieu of a public sale at auction.

02/02/11 House: Reported from Finance with substitute (19-Y 2-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.

A BILL to amend and reenact §§ 33.1-23.03:2, 58.1-638, and 58.1-2425 of the Code of Virginia, relating to allocations from the Transportation Trust Fund to the Commonwealth Mass Transit Fund.

Summary as introduced:

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

01/03/11 House: Referred to Committee on Appropriations

01/13/11 House: Assigned App. sub: Transportation

01/31/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

**HB 1561 Zoning administrator; appeal of decisions.**

Patron: Cole

A BILL to amend and reenact §§ 15.2-2286 and 15.2-2311 of the Code of Virginia, relating to appeal of zoning administrator decisions.

Summary as introduced:

Appeal of zoning administrator decisions. Requires a zoning administrator to 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.

01/04/11 House: Referred to Committee on Counties, Cities and Towns

01/13/11 House: Assigned CC & T sub: #2

01/27/11 House: Subcommittee recommends passing by indefinitely

Notes: Position: Oppose

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

Patron: Dance

A BILL to amend and reenact § 36-96.3 of the Code of Virginia, relating to the Fair Housing Law; unlawful discriminatory housing practices.

Summary as introduced:

Fair Housing Law; unlawful discriminatory practice, affordable housing. 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 as affordable housing, solely on that basis.

02/01/11 House: Assigned GL sub: #1 Housing

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., Cole, Joannou, LeMunyon, Purkey and Villanueva;

Senators: McWaters, Northam, Puckett and Puller

A BILL to amend and reenact §§ 58.1-3379, 58.1-3381, and 58.1-3984 of the Code of Virginia, relating to real property tax assessments; appeals.

Summary as introduced:

Real property tax assessments; appeals. 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.

02/02/11 House: Reported from Finance with substitute (21-Y 0-N)

Notes: Position: Oppose (Amendments have removed the most objectionable parts of the bill)

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

Patrons: Albo, Rust, Lewis and May

A BILL to amend and reenact § 58.1-416 of the Code of Virginia, relating to corporate income tax; sourcing of sales, other than sales of tangible personal property.

Summary as introduced:

Corporate income tax; market-based sourcing. 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, which is the current method used.

01/07/11 House: Referred to Committee on Finance

01/17/11 House: Assigned Finance sub: #1

01/31/11 House: Subcommittee failed to recommend reporting (2-Y 7-N)

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

A BILL to amend the Code of Virginia by adding a section numbered 63.2-607.1, relating to TANF eligibility; drug-related felonies.

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.

01/20/11 House: Referred from Health, Welfare and Institutions

01/20/11 House: Referred to Committee for Courts of Justice

Notes: Position: Support

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

Patron: Merricks

A BILL to amend and reenact §§ 54.1-4005, 54.1-4009, 54.1-4010, 54.1-4101, and 54.1-4104 of the Code of Virginia, relating to pawnbrokers and precious metals dealers; records required to be maintained.

Summary as introduced:

Pawnbrokers and precious metals dealers; records required to be maintained. 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. The bill provides for pawnbrokers to retain a pawned or pledged item and for precious metal dealers to retain precious metals or gems purchased for 60 days. Currently pawnbrokers are required to 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; court may include in provisions prohibiting harm to companion animal, etc.**

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

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.

Summary as introduced:

Protective orders. 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.

01/10/11 House: Referred to Committee for Courts of Justice

01/28/11 House: Assigned Courts sub: #1 Criminal

02/02/11 House: Subcommittee recommends incorporating (HB2063-Bell, Robert B.)

Notes: Position: Support

**HB 1739 Municipal separate storm sewer facilities; right of entry of operators to certain properties.**

Patron: Bulova

A BILL to amend and reenact § 10.1-603.12:1 of the Code of Virginia, relating to right of entry of any operator of a municipal separate storm sewer system facility.

Summary as introduced:

Right of entry. 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.

01/24/11 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)

01/25/11 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

Notes: Position: Support

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

Patrons: Bulova and Watts; Senator: Petersen

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1315, relating to designation of special safety corridors for vehicles transporting explosives or inflammable gas or liquid.

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.

01/10/11 House: Referred to Committee on Transportation

01/14/11 House: Assigned Transportation sub: #2

01/26/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

**HB 1757 Victims of domestic violence; expands Address Confidentiality Program to all jurisdictions in State.**

Patrons: Wilt, Athey and Hugo

A BILL to amend and reenact § 2.2-515.2 of the Code of Virginia, to amend and reenact the second enactment of Chapter 599 of the Acts of Assembly of 2007, as amended by Chapter 649 of the Acts of Assembly of 2008, and to repeal the third enactment of Chapter 599 of the Acts of Assembly of 2007, as amended by Chapter 649 of the Acts of Assembly of 2008, relating to address confidentiality for victims of domestic violence.

Summary as introduced:

Address Confidentiality Program. Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth.

02/02/11 House: Reported from Appropriations (22-Y 0-N)

Notes: Position: Support

**HB 1775 Immigration status; parent enrolling student in public school must indicate citizenship.**

Patrons: Gilbert, Cole, Oder, Pogge and Poindexter

A BILL to amend and reenact § 22.1-3.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-208.01, relating to the immigration status of the parents of enrolled students.

Summary as introduced:

Immigration status of the parents of public school students. Requires that the person enrolling a pupil in a public school must indicate the citizenship or immigration status of such pupil's parents. The bill provides that the child of a parent lacking citizenship or lawful immigration status documentation must still be admitted into the public school, but the immigration status information must be reported to the Secretary of Education annually. Additionally, the Secretary of Education must submit an annual report to the Governor and the General Assembly on the number of children whose parents lack lawful status documentation attending public school in the Commonwealth and the cost of such students' education, aggregated by school division.

01/11/11 House: Referred to Committee for Courts of Justice

01/19/11 House: Assigned Courts sub: #3 Immigration

01/28/11 House: Subcommittee recommends reporting with amendment(s) (5-Y 1-N)

Notes: Position: Oppose

**HB 1781 Street gang; punishment for predicate act.**

Patrons: Gilbert, Lingamfelter and Poindexter

A BILL to amend and reenact § 18.2-46.2 of the Code of Virginia, relating to level of association with gang necessary for guilt for commission of predicate act.

Summary as introduced:

Street gang; punishment for predicate act. 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.

01/11/11 House: Prefiled and ordered printed; offered 01/12/11

01/11/11 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 1834 Statewide Fire Prevention Code; permissible fireworks.**

Patron: Scott, E.T.

A BILL to amend and reenact §§ 27-95, 27-96.1, and 27-97 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 27-96.1:1, relating to Statewide Fire Prevention Code; permissible fireworks.

Summary as introduced:

Statewide Fire Prevention Code; permissible fireworks. 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 solely by the Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles adopted by the National Fire Protection Association.

02/03/11 House: Reported from General Laws with substitute (14-Y 7-N)

Notes: Position: Oppose

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

Patron: Dance

A BILL to amend and reenact § 2.2-613 of the Code of Virginia, relating to local mandates.

Summary as introduced:

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

01/11/11 House: Referred to Committee on General Laws

01/17/11 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

01/25/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

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

Patron: Miller, J.H.

A BILL to amend and reenact § 15.2-1507 of the Code of Virginia, relating to local grievance procedure.

Summary as introduced:

Local grievance procedure. Provides that the circuit court, rather than the chief administrative officer, shall make the determination as to whether relief granted by a panel or hearing officer is consistent with written policy.

01/11/11 House: Referred to Committee for Courts of Justice

01/17/11 House: Assigned Courts sub: #2 Civil

01/24/11 House: Subcommittee recommends laying on the table

Notes: Position: Oppose

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

Patron: Merricks

A BILL to amend and reenact §§ 19.2-8 and 36-106 of the Code of Virginia, relating to the Uniform Statewide Building Code; limitation on prosecutions for violation.

Summary as introduced:

Uniform Statewide Building Code; limitation on prosecutions for violation. 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 a year of the discovery of the offense.

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

Notes: Position: Support

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

Patron: Ware, O.

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.

01/26/11 House: Referred to Committee on Counties, Cities and Towns

01/27/11 House: Assigned CC & T sub: #1

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

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

A BILL to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery against a family or household member; protective order.

Summary as introduced:

Family abuse protective orders. 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 not exceeding two years from the date of conviction.

02/04/11 House: Tabled in Courts of Justice by voice vote

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

A BILL to amend and reenact §§ 15.2-2201 and 15.2-2306 of the Code of Virginia, relating to local resident curator programs.

Summary as introduced:

Resident curator programs. 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.

01/26/11 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

01/27/11 Senate: Referred to Committee on Local Government

Notes: Position: Support

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

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

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:

Public employment; nondiscrimination. 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.

02/01/11 House: Defeated by Committee on General Laws

Notes: Position: Support

**HB 1984 Child welfare; placement of children.**

Patron: Kilgore

A BILL to amend and reenact § 63.2-900 of the Code of Virginia, relating to child welfare; placement of children.

Summary as passed House:

Child welfare; placement of children. 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.

01/25/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/04/11 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N)

Notes: Position: Support

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

Patron: Janis

A BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered

16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits, districts and judges.

Summary as introduced:

Courts of record; courts not of record; judicial circuits and districts; number of judges.

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.

01/11/11 House: Reported by Committee for Courts of Justice with amendments (12Y-8N)

Notes: Position: Oppose

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

Patron: Janis

A BILL to amend and reenact § 46.2-833 of the Code of Virginia, relating to traffic lights.

Summary as introduced:

Traffic lights. 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

A BILL to amend the Code of Virginia by adding a section numbered 33.1-13.03, relating to evaluation of transportation projects in the Northern Virginia Transportation District; reports.

Summary as introduced:

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

01/31/11 House: VOTE: PASSAGE (85-Y 13-N)

02/01/11 Senate: Referred to Committee on Transportation

Notes: Position: Support

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

Patrons: LeMunyon, Albo and Comstock

A BILL to amend and reenact §§ 15.2-4838.1 and 33.1-221.1:3 of the Code of Virginia, relating to use of revenues by the Northern Virginia Transportation Authority.

Summary as introduced:

Northern Virginia Transportation District. Revises criteria for allocation of revenues to highway projects within the Northern Virginia Transportation District.

02/02/11 House: Reported from Appropriations with amendment (22-Y 0-N)

Notes: Position: Oppose

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

Patron: Carrico

A BILL to amend and reenact §§ 16.1-308 and 19.2-389.1 of the Code of Virginia, relating to law-enforcement employment; disclosure of juvenile records.

Summary as introduced:

Law-enforcement employment; disclosure of juvenile records. 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.

01/31/11 House: Reported from Courts of Justice (22-Y 0-N)

02/03/11 House: Engrossed by House

Notes: Position: Support

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

Patron: Albo

A BILL to amend and reenact §§ 15.2-4503.1, 15.2-4507, 15.2-4515, 15.2-4832, 15.2-4839, 15.2-4840, 33.1-221.1:3, 46.2-753, 58.1-3, 58.1-638, and 58.1-815.1 of the Code of Virginia, relating to the consolidation of the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Potomac and Rappahannock Transportation Commission.

Summary as introduced:

Consolidation of the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Potomac and Rappahannock Transportation Commission. 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.

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

Notes: Position: Oppose

**HB 2036 Commitment on parole supervision; court services unit and local social services.**

Patrons: Peace and Keam

A BILL to amend and reenact § 16.1-293 of the Code of Virginia, relating to the release of persons from commitment on parole supervision.

Summary as introduced:

Release of persons from commitment on parole supervision. 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.

02/03/11 House: Engrossed by House - committee substitute

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.

A BILL to amend the Code of Virginia by adding a section numbered 54.1-3706.1, relating to the practice of social work.

Summary as introduced:

Social work; title protection. 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.

02/03/11 Senate: Rereferred to Education and Health

Notes: Position: Oppose

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

Patrons: Ebbin and Surovell

A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 9, consisting of sections numbered 58.1-1734, 58.1-1735, 58.1-1736 and 58.1-1737, relating to the Virginia Waterways Clean Up and Consumer Choice Act; paper and plastic bag fee.

Summary as introduced:

Paper and plastic bag fee. 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.

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

01/17/11 House: Assigned Finance sub: #1

01/26/11 House: Subcommittee recommends laying on the table

Notes: Position: Support

**HB 2050 Scrap metal processors; required to make and retain photograph of scrap, etc.**

Patrons: Carrico and Lewis

A BILL to amend and reenact § 59.1-136.3 of the Code of Virginia, relating to purchases by scrap metal processors.

Summary as introduced:

Scrap metal processors. Requires scrap metal processors to make and retain a photograph of nonferrous scrap, metal articles, and proprietary articles received from the seller. Also requires, in transactions where the seller is not an authorized scrap metal seller or his authorized agent or employee, that scrap metal processors (i) withhold payment for any sale of such items for five business days and (ii) not pay cash to the seller if the cost of the items exceeds \$100.

02/03/11 House: Reported from Commerce and Labor with substitute (21-Y 1-N)

Notes: Position: Support

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

Patrons: Bell, Robert B. and Filler-Corn

A BILL to amend and reenact §§ 16.1-69.55, 17.1-213, 17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; availability; penalty.

Summary as introduced:

Protective orders; availability; penalty. 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.

01/11/11 House: Reported from Courts of Justice with Substitute (21-Y 0-N)

Notes: Position: Support

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

Patron: Bell, Robert B.

A BILL to amend and reenact § 17.1-275.5 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 16.1-69.48:1.02, relating to criminal proceedings; costs of law-enforcement agency.

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.

01/11/11 House: Referred to Committee for Courts of Justice

01/18/11 House: Assigned Courts sub: #1 Criminal

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

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, Tyler and Ward; Senator: Howell

A BILL to amend and reenact § 16.1-264 of the Code of Virginia, relating to service of notice of emergency protective order.

Summary as introduced:

Service of notice of emergency protective orders. 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, which shall be on a form approved by the Supreme Court of Virginia.

02/03/11 House: Engrossed by House as amended

Notes: Position: Support

**HB 2090 Emergency custody orders; increases hours in which orders must be executed after its issuance.**

Patron: Herring

A BILL to amend and reenact §§ 16.1-340 and 37.2-808 of the Code of Virginia, relating to execution of emergency custody orders.

Summary as introduced:

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

01/31/11 House: Reported from Courts of Justice (22-Y 0-N)

02/03/11 House: Read second time and engrossed

Notes: Position: Support

**HB 2100 Child care facility; some localities require certification from national criminal background check.**

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

A BILL to amend and reenact § 15.2-914 of the Code of Virginia, relating to regulation of child-care facilities.

Summary as introduced:

Regulation of certain family day homes. 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.

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

02/03/11 Senate: Referred to Committee on Local Government

Notes: Position: Support

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

Patron: Cline

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.

01/12/11 House: Referred to Committee on Health, Welfare and Institutions

01/18/11 House: Assigned HWI sub: #2

01/26/11 House: Subcommittee recommends laying on the table

Notes: Position: Oppose

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

Patron: Abbitt

A BILL to amend and reenact §§ 19.2-8 and 36-106 of the Code of Virginia, relating to the Uniform Statewide Building Code; limitation on prosecutions for violation.

Summary as introduced:

Uniform Statewide Building Code; statute of limitations. 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.

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

02/03/11 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

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

Patron: McQuinn

A BILL to amend the Code of Virginia by adding a section numbered 15.2-907.2, relating to repairing derelict buildings.

Summary as introduced:

Repair of derelict buildings; authority of locality to appoint receivers. 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 shall constitute a lien against the property, which may be enforced by a sale of the property at public auction.

01/19/11 House: Assigned CC & T sub: #2

01/27/11 House: Subcommittee recommends striking from docket

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

A BILL to amend and reenact §§ 4.1-340 and 19.2-386.16 of the Code of Virginia, relating to forfeiture of vehicle for felony offense of eluding police.

Summary as introduced:

Forfeiture of vehicle used to elude police. 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.

01/18/11 House: Assigned Courts sub: #1 Criminal

01/19/11 House: Subcommittee recommends incorporating (HB1403-Loupassi)

01/31/11 House: Incorporated by Courts of Justice (HB1403-Loupassi)  
Notes: Position: Support

**HB 2269 Freedom of Information Act; criminal records are exempt from mandatory provisions.**

Patron: Keam (by request)

A BILL to amend and reenact § 2.2-3706 of the Code of Virginia, relating to the Virginia Freedom of Information Act; access to criminal records.

Summary as introduced:

Virginia Freedom of Information Act; access to criminal records. 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

01/12/11 House: Referred to Committee on General Laws

01/20/11 House: Assigned GL sub: #2 FOIA/Procurement

01/27/11 House: Subcommittee recommends laying on the table

Notes: Position: Oppose

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

Patron: Keam

A BILL to amend and reenact § 16.1-293 of the Code of Virginia, relating to the supervision of juveniles or persons during commitment and on parole.

Summary as introduced:

Supervision of juvenile or person during commitment and on parole. 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. Under current law, the court services unit shall make such consultation four weeks prior to such person's release.

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

A BILL to amend and reenact § 15.2-968.1 of the Code of Virginia, relating to photo-monitoring systems; limitations on adoption of systems.

Summary as introduced:

Photo monitoring systems; limitations on local adoption of systems. 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, Poindexter, Robinson and Rust  
A BILL to amend and reenact § 19.2-83.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.3, 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, 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, and that if the person responds he was born in another country and is not a citizen of the United States, the officer shall make an immigration alien query to the Law Enforcement Support Center of the U.S. Immigration and Customs Enforcement and shall communicate the results of any immigration alien query to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. 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 makes the further determination that the person will not appear for trial or hearing, the judicial officer may refuse to admit the person to bail.

01/31/11 House: Incorporated by Courts of Justice (HB1430-Albo)

Notes: Position: Oppose

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

Patron: Morrissey

A BILL to amend and reenact § 15.2-924.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.5, relating to fertilizer and deicing agents; regulation of application; penalty.

Summary as introduced:

Fertilizer and deicing agents; regulation of application; penalty. 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. The restrictions do not apply to newly established turf or lawn areas during their first growing season, turf or lawn areas where recent soil tests confirm the need for phosphorus, or gardens or to the application of compost. The sale of any deicing agent containing urea or other forms of nitrogen or phosphorus is also prohibited. A locality may impose a civil penalty not to exceed \$250 per violation per day, not to exceed a total of \$2,000 per year.

02/02/11 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB1831-Scott, E.T.)

Notes: Position: Oppose

**HB 2352 Motor fuels tax; rate increase.**

Patron: Morrissey

A BILL to amend and reenact §§ 58.1-2217, 58.1-2230, 58.1-2249, 58.1-2289, as it is currently effective and as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax rate and distribution of the revenue.

Summary as introduced:

Increases the motor fuels tax rate by \$0.10 per gallon and distributes the additional revenue within each locality on a pro rata basis according to the number of gallons sold in the locality.

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

01/19/11 House: Assigned Finance sub: #1

01/31/11 House: Subcommittee recommends passing by indefinitely

Notes: Position: Support

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

Patrons: Edmunds, Abbitt, Crockett-Stark and Poindexter

A BILL to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax assessment; notice.

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.

01/13/11 House: Referred to Committee on Finance

01/19/11 House: Assigned Finance sub: #2

Notes: Position: Oppose

**HB 2376 Agency mandates; DSS to eliminate those related to office space, etc..**

Patron: Habeeb

A BILL to require the Department of Social Services to eliminate certain mandates.

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.

02/03/11 House: Engrossed by House as amended HB2376E

Notes: Position: Oppose (Amendments have now addressed City concerns)

**HB 2381 Street gang prosecution; expands definition of predicate criminal act; burglary.**

Patron: Pogge

A BILL to amend and reenact § 18.2-46.1 of the Code of Virginia, relating to gang prosecution; criminal acts.

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).

01/13/11 House: Presented and ordered printed

01/13/11 House: Referred to Committee for Courts of Justice

Notes: Position: Support

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

Patron: Loupassi

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to limits on appropriations.

Summary as introduced:

Constitutional amendment; limit on appropriations. 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. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof.

09/08/10 House: Referred to Committee on Privileges and Elections

01/13/11 House: Assigned P & E sub: #1 Constitutional

01/24/11 House: Subcommittee recommends incorporating (HJ540-Cole)

Notes: Position: Oppose

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

Patrons: Cole, Athey and Cosgrove

Proposing amendments to Section 11 of Article IV and Section 7 of Article VII of the Constitution of Virginia, relating to the imposition of taxes and fees; three-fifths vote required.

Summary as introduced:

Constitutional amendment; imposition of taxes and fees. 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.

02/01/11 House: Agreed to by House (52-Y 44-N)

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

Notes: Position: Oppose

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

Patrons: Cole, Athey, Cosgrove and Loupassi

Proposing amendments to Section 7 of Article VII and to Article X of the Constitution of Virginia by adding a section numbered 7-B, relating to state and local budgets; limits on appropriations.

Summary as introduced:

Constitutional amendment (first resolution); state and local budgets; limits on appropriations.

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 on purchase & transport of firearms for certain persons.**

Patron: Reynolds

A BILL to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to the purchase or transportation of firearms by persons subject to preliminary protective orders; penalty.

Summary as introduced:

Preliminary protective orders. Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders that contain a finding of abuse.

Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any court finding.

02/03/11 Senate: Read third time and passed Senate (39-Y 1-N)

Notes: Position: Oppose

**SB 757 Pneumatic guns; regulations, exceptions.**

Patron: Reynolds

A BILL to amend and reenact § 15.2-915.4 of the Code of Virginia, relating to localities regulation of pneumatic guns.

Summary as introduced:

Pneumatic gun regulations; exceptions. Requires that any ordinance which prohibits the shooting of pneumatic guns in certain areas shall have 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.

02/01/11 Senate: Passed Senate (25-Y 14-N)

Notes: Position: Oppose

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

Patron: Reynolds

A BILL to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to the purchase or transportation of firearms by persons subject to preliminary protective orders; penalty.

Summary as introduced:

Preliminary protective orders. 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.

01/24/11 Senate: Stricken at the request of Patron in Courts of Justice

Notes: Position: Oppose

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

Patron: Marsden

A BILL to amend and reenact § 19.2-392.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-392.2:1; expungement of protective orders.

Summary as introduced:

Allows a person against whom a protective order has been issued to petition to have records relating to the protective order expunged if the order is subsequently dissolved by the court.

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

Notes: Position: Oppose

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

Patron: Reynolds

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 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.

02/03/11 Senate: Engrossed by Senate as amended

Notes: Position: Oppose

**SB 782 Magistrates; power to issue felony arrest warrants.**

Patron: Reynolds

A BILL to amend and reenact §§ 19.2-71 and 19.2-72 of the Code of Virginia, relating to power of magistrate to issue felony arrest warrant.

Summary as passed Senate:

Power of magistrates to issue felony arrest warrants. 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.

01/25/11 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: Position: Oppose

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

Patron: Watkins

A BILL to amend and reenact § 6.2-1700 of the Code of Virginia, relating to the definition of mortgage loan originator for residential mortgage loan.

Summary as introduced:

Definition of mortgage loan originator for residential mortgage loan; exception. 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.

01/21/11 Senate: Passed Senate (35-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

A BILL to amend and reenact §§ 2.2-3900 and 2.2-3901 of the Code of Virginia, relating to the Virginia Human Rights Act; unlawful discriminatory practice; sexual orientation.

Summary as introduced:

Virginia Human Rights Act; unlawful discriminatory practice; sexual orientation. 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

A BILL to amend and reenact §§ 3.2-6558, 3.2-6559, 3.2-6560, and 3.2-6561 of the Code of Virginia, relating to humane investigators.

Summary as introduced:

Humane investigators. 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.

01/07/11 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

Notes: Position: Oppose

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

Patron: Miller, Y.B.

A BILL to amend and reenact § 15.2-968.1 of the Code of Virginia, relating to photo-monitoring systems by localities.

Summary as introduced:

Photo-monitoring systems. 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 200,000 or more.

01/25/11 Senate: Read third time and passed Senate (25-Y 13-N)

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

A BILL to amend and reenact § 15.2-1507 of the Code of Virginia, relating to grievance procedures.

Summary as introduced:

Local grievance procedures. 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.  
02/01/11 Senate: Read third time and passed Senate (23-Y 17-N)  
Notes: Position: Support

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

Patrons: McDougle; Delegate: Armstrong  
A BILL to amend and reenact §§ 19.2-123, 19.2-152.4:3, and 19.2-303 of the Code of Virginia, relating to GPS tracking for persons on bond or probation.  
Summary as passed Senate:  
Bond; GPS tracking. Allows GPS (Global Positioning System) tracking for persons on bond or as a condition of probation.  
02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)  
Notes: Position: Support

**SB 941 Uniform Statewide Building Code; statute of limitations for criminal prosecutions.**

Patron: Miller, J.C.  
A BILL to amend and reenact § 36-106 of the Code of Virginia, relating to Uniform Statewide Building Code; statute of limitations.  
Summary as introduced:  
Uniform Statewide Building Code; statute of limitations. 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.  
01/25/11 Senate: Read third time and passed Senate (39-Y 0-N)  
Notes: Position: Support

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

Patron: Barker  
A BILL to amend and reenact §§ 63.2-100 and 63.2-901.1 of the Code of Virginia, relating to foster care placement.  
Summary as introduced:  
Foster care placement. Removes the placement of a child through an agreement between the parents or guardians and a public agency designated by a community policy and management team from the definition of "foster care placement" so that "foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. The bill also 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.  
01/26/11 Senate: Read third time and passed Senate (39-Y 0-N)  
Notes: Position: Support

**SB 1042 Handheld personal communications device; texting while driving.**

Patron: Barker

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to use of handheld personal communications devices while driving.

Summary as introduced:

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

02/02/11 Senate: Reported from Courts of Justice (11-Y 4-N)

Notes: Position: Support

**SB 1066 Judicial retirement; mandatory retirement.**

Patrons: Edwards; Delegates: Englin and Landes

A BILL to amend and reenact § 51.1-305 of the Code of Virginia; mandatory judicial retirement.

Summary as introduced:

Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70.

02/01/11 Senate: Reported from Finance (13-Y 1-N)

02/03/11 Senate: Read second time and engrossed

Notes: Position: Support

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

Patron: Barker

A BILL to amend and reenact § 54.1-3408 of the Code of Virginia, relating to administration of certain medications to a children.

Summary as introduced:

Local government run child care; administration of certain medicines. 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 approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (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 pertaining to dosage, frequency, and manner of administration; 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 to the child.

01/25/11 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: Position: Support

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

Patron: Marsden

A BILL to amend and reenact § 16.1-293 of the Code of Virginia, relating to the release of persons from commitment on parole supervision.

Summary as passed Senate:

Supervision of juvenile or person during commitment and on parole. 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.

02/03/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

**SB 1178 Child welfare; placement of children.**

Patron: Marsden

A BILL to amend and reenact § 63.2-900 of the Code of Virginia, relating to child welfare; placement of children.

Summary as introduced:

Child welfare; placement of children. Provides that in cases in which a child cannot be returned to his family and kinship care is not in the best interests of the child, the Department of Social Services shall consider other services that may be in the best interests of the child.

01/26/11 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: Position: Support

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

Patron: Obenshain

A BILL to amend and reenact § 2.2-515.2 of the Code of Virginia, to amend and reenact the second enactment of Chapter 599 of the Acts of Assembly of 2007, as amended by Chapter 649 of the Acts of Assembly of 2008, and to repeal the third enactment of Chapter 599 of the Acts of Assembly of 2007, as amended by Chapter 649 of the Acts of Assembly of 2008, relating to address confidentiality for victims of domestic violence.

Summary as introduced:

Address Confidentiality Program. Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth.

02/03/11 Senate: Read third time and passed Senate (40-Y 0-N)

Notes: Position: Support

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

Patron: Barker

A BILL to amend the Code of Virginia by adding a section numbered 55-248.15:01, relating to the Virginia Residential Landlord Tenant Act; notice to tenant in event of foreclosure.

Summary as introduced:

Requires a landlord to notify the tenant of a mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit. The bill also requires that the landlord disclose the same information to a prospective tenant at or before the commencement of a tenancy.

02/02/11 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N)

Notes: Position: Support

**SB 1222 Protective orders; person to seek if a victim of assault.**

Patrons: Barker, Hanger, Lucas and Reynolds

A BILL to amend and reenact §§ 16.1-69.55, 17.1-213, 17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders;

Summary as introduced:

Protective orders; acts of assault. Allows a person to seek a protective order if a victim of assault.

02/03/11 Senate: Engrossed by Senate - committee substitute

Notes: Position: Support

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

Patron: Edwards

A BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits and districts; number

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, effective July 1, 2012.

01/12/11 Senate: Referred to Committee for Courts of Justice

01/18/11 Senate: Assigned Courts sub: Civil

Notes: Position: Oppose

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

Patron: Herring

A BILL to amend the Code of Virginia by adding a section numbered 18.2-178.1 and by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.32, relating to financial exploitation of elderly persons or vulnerable adults; penalties.

Summary as introduced:

Makes it a felony to knowingly, by deception, etc., use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to deprive the adult of the use, benefit, or possession of the property or financial resources.

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

Notes: Position: Support

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

Patron: Stanley

A BILL to amend and reenact § 2.2-613 of the Code of Virginia, relating to state agency mandates on localities.

Summary as introduced:

Provides that the assessment of mandates imposed on local governments currently required include a detailed cost-benefit analysis and utilization of performance-based metrics to determine the value of the mandate in relation to the required or intended output or desired result.

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

Notes: Position: Support

## **Status of State Budget Issues of Relevance to the City February 7, 2011**

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1. Below is the status of several budget proposals supported or opposed by the City:

**The Governor's introduced budget amendments propose to change local match rates for the Comprehensive Services Act (CSA); the City opposed this reduction, which City staff estimated will cost the City approximately \$350,000 annually.**

- The Senate budget restores funding for some, if not all, of the CSA reductions that the City opposed.
- The House restores some CSA funding, but it appears to be a lesser amount than the Senate.

**The 2010 Session transferred the cost of the Line of Duty Act (it provides benefits for public safety employees who have been killed, or wounded and unable to work, in the line of duty) to localities. The City supports budget amendments to require the continuation of State funding for the program, which would cost Alexandria in excess of \$600,000 annually.**

- Neither the Senate nor the House agreed to reverse last Session's decision to transfer these costs to localities.

**The City supports full funding of the HB 599 local law enforcement program.**

- The Senate recommended additional appropriations to HB 599 local law enforcement funding, resulting in the same level of HB 599 funding to Alexandria--\$5.58 million—in FY 2011 and 2012 (the introduced budget would have reduced funding in FY 2012 to \$5.01 million).
- The House recommended no change to FY 2012 HB 599 funding; should the House prevail, the City will receive \$5.01 million for HB599 in FY 2012.

**The City supported an end to the Local Aid to the State program, which required the City to transfer \$1.3 million to the State to help the State balance its budget.**

- Neither the House nor the Senate proposed reducing or eliminating this program.

**The City supported full funding of the State portion of administrative costs for local social services programs.**

- The Senate added funding for local departments of social services.
- The House did not add additional funding for this purpose.

**The City supported full funding of the State portion of the cost of liability insurance for constitutional officers.**

- Neither the House nor the Senate proposed reducing or eliminating this program.

**The City opposed the elimination of state funding for Project Discovery.**

- The Senate did not propose to reduce or eliminate funding for this program.
- The House proposed eliminating State funding for the program.

2. Additional budget proposals relevant to the City of Alexandria include:

- The Senate added funding for Healthy Families and Northern Virginia Family Services.
- The Senate added funds for the Virginia Juvenile Crime Control Act.
- Alexandria City Public Schools (ACPS) receives nearly \$300,000 in additional funds in the Senate budget. It is impossible at this time to determine how much funding the House proposes for ACPS, although it appears that the House reduces ACPS funding by at least several hundred thousand dollars.
- The House and Senate increased funding for local sheriffs.
- The House included funds for a two percent bonus for constitutional officers and their employees.