

City of Alexandria

MEMORANDUM

DATE: FEBRUARY 27, 2012
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: RASHAD M. YOUNG, CITY MANAGER 
SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 3) ON LEGISLATION
INTRODUCED AT THE 2012 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 3) on legislation introduced at the 2012 General Assembly Session.

RECOMMENDATION: That City Council approve the positions on the State budget that are included in Attachment 1 (Recommended Positions on Budget Amendments), as recommended by City Council's Legislative Subcommittee (Vice Mayor Donley and Councilman Smedberg).

DISCUSSION: The 2012 General Assembly Session has now passed the halfway mark. As of Wednesday, February 15, the House may consider only Senate bills, and the Senate may consider only House bills. Committee action must be completed on all bills by March 5, and adjournment is scheduled for March 10. As discussed below, it is uncertain whether the General Assembly will approve a budget before the scheduled end of the Session.

City Package. The following are bills from the City's legislative package that the City asked members of the City's delegation to introduce or support (Attachment 2 is a status report on "City Package" bills):

- A number of bills were introduced in both the House and the Senate to change state law regarding the opening day of school. The Senate Education and Health Committee, on a vote of 9-6, defeated its proposals (including Senator Ebbin's SB 257) that would have allowed each local school board to determine the opening day of school. The House passed a bill (HB 1063), which is now before the Senate Education and Health Committee. At least two members of that Committee will have to reverse their earlier votes for the House bill to go to the Senate floor.
- SB 261, introduced by Senator Ebbin, seeks to create a grant program to improve preschool programs, using unused moneys that have been appropriated to the Virginia Preschool Initiative. SB 261 has been approved by the Senate and has been assigned to the House Appropriations Committee. HB 144, a similar bill introduced by Delegate David Englin, was defeated in the House Appropriations Committee several weeks ago.

- HB 894 and SB 493 are identical bills that direct the State Corporation Commission to evaluate potential energy saving and conservation projects based on the total energy savings and return on investment they create for the entire state. These bills have passed both the House and Senate.
- SB 263 (Ebbin), which would have prohibited discrimination against public employees based on sexual orientation, was defeated.
- HB 1099 (Delegate Herring) would amend the Virginia Human Rights Act to prohibit discriminatory actions with respect to hiring or the terms and conditions of employment; and prohibit the various types of employment discrimination, including age discrimination, for any employer with five or more employees. The bill was defeated.
- HB 1027 would allow two or more localities to enact a new 2.1 percent motor fuels tax to pay for the construction and operation of one or more high capacity transit lines. HJ 146 (Delegate Herring) and SJ 52 (Senator Ebbin) ask the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth. All three measures were defeated.
- Budget proposals from the City Package are addressed below, in the discussion of amendments to the State budget (including Attachment 4).

Attachment 3 is a status report on other bills on which the City has taken a position.

Eminent Domain. Legislation to continue the effort to amend Virginia's Constitution with respect to eminent domain has passed both the House and Senate, and will now go on the November ballot for voter approval.

Companion bills are also making their way through the House and Senate to define lost access and lost profits, and establish the framework for determining their value. This legislation will become effective January 1, 2013, if the constitutional amendment is approved.

Lost access is defined as a loss of direct access to property if a portion of the property has been taken or damaged. If a property owner's experience is the same as that of the general public with respect to lost access resulting from the locality's exercise of its police power (e.g., left turns at an intersection are prohibited, where they were formerly allowed), the property owner will not be compensated for this loss.

Lost profit is defined as a loss of business profits, using generally accepted accounting principles, for up to three years, as a result of the taking of a property, and the business is owned by the property owner, or by a tenant whose lease gives him exclusive possession of substantially all the property taken. Business profits are defined as the net income for federal tax purposes. Loss of profits does not have to be compensated if the loss can be prevented by

the relocation of the business; or if the owner can take steps that a reasonable person would take to prevent the loss.

Regional Transportation Governance. Bills that were introduced in both houses on behalf of the Governor to combine the Northern Virginia Transportation Authority (NVTA) and the Northern Virginia Transportation Commission (NVTC) have been substantially modified. Both measures proposed major governmental reorganizations, of which the NVTA/NVTC merger was but a small part. Northern Virginia localities, including Alexandria, have opposed similar proposals in the past.

What is likely to be enacted in place of the immediate NVTA-NVTC merger is legislation that will require the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Northern Virginia Regional Commission to develop a plan that will consolidate transportation planning and policy making, and consolidate these three agencies into one or two. The plan, and a timetable for its implementation, will be required to be submitted to the General Assembly by December 1, 2012. Other entities affected by the plan (e.g., the Secretary of Transportation and the Director of the Department of Rail and Public Transportation) will be involved in its development. The advantages and disadvantages of creating a sub-regional metropolitan (transportation) planning organization (the Council of Governments now serves this purpose for the DC region) must also be addressed as a part of this study.

Legislation (HB 601) to set qualifications and requirements for persons appointed to the WMATA Board has passed the House and is now before the Senate Committee on Local Government.

Transportation Funding. The House and Senate continue to be far apart on issues of transportation funding. The House continues to pursue a diversion of sales tax and other revenues from the general fund to the Transportation Trust Fund. The Senate believes that there is not sufficient general fund revenue to use a portion of it for transportation without harming general fund programs, such as education, public safety, and mental health. It has proposed indexing the gasoline tax as a means of increasing funds for transportation.

Delegate Vivian Watts (Fairfax) recently made a presentation to the Northern Virginia legislative delegation on transportation funding. She noted that if the House proposal were passed, Northern Virginia would provide 34 percent of the sales tax revenue, but get only 7 percent of the transportation spending. This compares to the 19 percent of transportation spending that goes to Northern Virginia when the distribution is made through the existing statutory formula (Attachment 4).

The House and Senate bills will likely be sent to a conference committee. There would also need to be a provision included in the budget if sales tax revenue is to be shifted from the general fund to the Transportation Trust Fund.

State Budget. The House Appropriations and Senate Finance Committees made their budget recommendations on February 19. The House Appropriations recommendations, with a few changes, were adopted by the full House. The Senate adopted its Finance Committee recommendations. The Senate was unable to pass the budget, since only 20 Senators voted for the budget, and 21 must support it for it to pass. Senate Democrats refused to support the budget until changes are made to the makeup of several Senate committees, to provide additional seats for the Democrats. (This is a continuing point of contention between Senate Democrats and Republicans that goes back to the first day of Session.)

The House Budget will now go to the Senate, where there is likely to be another stalemate, with the Republicans unlikely to get the necessary 21 votes. Since the Senate did not pass a budget, it had nothing to send to the House. If the Senate stalemate continues, the General Assembly may leave town with no budget. Among other things, this would make it difficult for local governments to adopt their FY 2013 budgets, since they would not know how much state aid to assume. The State needs a budget by June 30, since all appropriations cease at that time (the Governor could likely use emergency powers to continue some needed services, but this would not be a situation anyone would like, and it would probably result in the shutdown of many State [and some local] government functions). Staff has no way to predict when a budget will be enacted.

Attachment 1 is a chart showing budget recommendations from the Governor, the House, and the Senate (using the Senate's amended but unapproved budget), together with recommendations on the amendments by City Council's Legislative Subcommittee. (Note that funding for teen pregnancy was not included in either the House or Senate proposals, so it will not be in the final budget.)

As noted in Attachment 1, the House and Senate make different recommendations on funding K-12 education. In general, the Senate recommendations are more generous.

- The Senate provides a total of \$33.7 M to Alexandria City Public Schools, while the House total is \$33 M. (Both these totals include funding for the Virginia Preschool Initiative.) The Governor had proposed a total of \$32.8 M.
- The Senate fully restored the Cost of Competing funds for Northern Virginia, which the Governor had significantly reduced; this added approximately \$528 K to ACPS funding. The House restored about a third of this (approximately \$175 K). The Cost of Competing funds are included in the total funds shown in the first bullet (above).
- The Senate funds the Virginia Preschool Initiative (VPI) at \$6,800/student, while the House funds it at \$6,000/student. Some of the City's VPI appropriation is used by ACPS.
- The House also sets a lower VRS rate for teachers than does the Senate (it makes a direct State payment to VRS to make up the difference). This should result in some additional savings to ACPS, although staff cannot determine the specific amount.

Virginia Retirement System (VRS). The General Assembly is still considering the four VRS bills reviewed in the last staff memo. SB 497 would require (1) local government and school

employees to pay the five percent employee contribution to VRS; and (2) the employer to give a salary increase of at least the same amount. SB 498 would create a new optional hybrid retirement plan, including defined benefit and defined contribution components, for most new VRS-covered employees. HB 1129 would make changes to the current defined benefit plan for Pre-2010 (Plan 1) employees, including a lengthier period of for calculation of average final pay; smaller COLAs for retirees; and a reduction in the multiplier (the percentage of average salary multiplied by years of service to determine retirement benefits). HB 1130 would create an optional hybrid plan, but the plan would not be available to local employees or teachers.

ATTACHMENTS:

Attachment 1: Recommended Positions on Budget Amendments, February 24, 2012

Attachment 2: Current Status of City Package Bills, February 24, 2012

Attachment 3: Current Status of Bills of Bills on Which the City Has Taken a Position, February 24, 2012

Attachment 4: Potential Distribution of Transportation Funding in Northern Virginia

STAFF: Bernard Caton, Legislative Director

Attachment 1: Recommended Positions on Budget Amendments, February 24, 2012

Item	Governor	House	Senate	Legislative Committee Recommendation
Local aid to the State	Sets local payback at \$50 M statewide	Decreases local payback by \$22.5 M (FY 13)	Decreases local payback by up to \$50 M in FY 13	Support greatest decrease possible
K-12 -Cost of competing	Eliminated funding for non-instructional staff (\$32.5 M regionwide)	Restores about a third of the funding	Restores \$30 M (considered full funding)	Support Senate proposal
Total K-12 funding ¹	\$32.8 M	\$33 M	\$33.7 M	Support Senate proposal
Alexandria Neighborhood Health Services	Reduced funding	Restored funding	Restored funding	Support House and Senate proposals
Health Dept. dental services	Reduced/eliminated funding	Restored \$1 M	Restored \$1 M	Support House and Senate proposals
Child advocacy centers	Eliminated funding	Eliminated funding	Restored \$931 K	Support Senate proposal
Healthy Families	Reduces by \$380 K	Reduces by \$380 K	Restored \$380 K	Support Senate proposal
Northern VA Family Services	Does not address	Reduced funding by \$400 K	Does not address	Support Senate proposal
Community Action Agencies	Reduced funding by \$500 K annually	Restored funding	Restored funding	Support House and Senate proposals
Project Discovery	Eliminated funding	Eliminated funding	Restored half the funding	Support Senate proposal
AIDS Drug Assistance	Added no new funding	Added no new funding	Fully funded (added \$500 K)	Support Senate proposal
Comprehensive Services Act	Reduced funding for special education needs	Reduced funding for special education needs	Restored \$5.4 M	Support Senate proposal
Beds for mental health crises	Did not address	Did not address	Added \$900 K	Support Senate proposal

¹ The House pays back some of the VRS money for teachers that the State underpaid last biennium, and requires no local match; this appears to lower the VRS payment that will be required of Alexandria City Public Schools by an undetermined amount. The Senate provides some funding to help local schools with their VRS pay-backs.

Attachment 1: Recommended Positions on Budget Amendments, February 24, 2012

Item	Governor	House	Senate	Legislative Committee Recommendation
Social Services admin. costs	Did not address	Did not address	Added \$1.5 M	Support Senate proposal
Housing	Not addressed	Not addressed	Adds \$1.5M	Support Senate proposal
Virginia Preschool Initiative	\$6,000/student	\$6,000/student	\$6,800/student	Support Senate proposal
State Aid to Libraries	Reduced 2%	Reduced 2%	Restored 2%	Support Senate proposal
Area Agencies on Aging (AAA)	Did not address	Added \$500 K	Added \$1.4 M	Support Senate proposal
Litter Control Grants	Transferred \$200 M from this fund to general fund	Accepted Governor's proposal	Rejected Governor's proposal	Support Senate proposal
VRS-local employer contribution rates	Does not address locality contribution rates	Requires VRS to use same investment return assumptions for localities that General Assembly uses for State employee rates (8%, not 7%)	Does not address locality contribution rates	Oppose House proposal
Local fines to the State Literary Fund	Did not address	Did not address	Deposit a portion of court fines from violations of local ordinances into the State Literary Fund (estimated yearly loss to City: \$100,000 to \$200,000)	Oppose Senate proposal
Move sales tax revenues from general fund to transportation	Transfer \$110 M in current biennium, increasing amounts in future	Accepted Governor's proposal	Rejected Governor's proposal	Support Senate proposal

7

Current Status of City Package Bills February 24, 2012

HB 5 Constitutional amendment; taking or damaging of private property for public use (voter referendum).

Patrons: Bell, Robert B., Byron, Cole, Head, Hodges, Joannou, Massie, Morris, O'Bannon, Poindexter, Ramadan, Rush, Scott, E.T. and Webert

Summary as passed House:

Constitutional amendment (voter referendum); taking or damaging of private property; public use. Provides for a referendum at the November 6, 2012, election to approve or reject an amendment that revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged without just compensation. The bill is identical to SB 240.

02/24/12 Senate: Passed Senate (22-Y 16-N)

Notes: Position: Oppose

HB 15 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Habeeb, Greason, Albo, Anderson, BaCote, Brink, Bulova, Carr, Cline, Comstock, Cox, M.K., Crockett-Stark, Dance, Dudenhefer, Edmunds, Englin, Fariss, Filler-Corn, Garrett, Head, Helsel, Herring, Hodges, Hope, Howell, A.T., Johnson, Keam, Kilgore, Kory, LeMunyon, Lopez, Marshall, D.W., May, McClellan, McQuinn, Merricks, Minchew, Morefield, Morrissey, O'Quinn, Orrock, Plum, Putney, Ramadan, Robinson, Rush, Rust, Scott, J.M., Stolle, Surovell, Tata, Torian, Toscano, Tyler, Ward, Ware, O., Ware, R.L., Webert, Wilt, Wright and Yost

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

HB 43 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Tata, Kory and Rust

Summary as introduced:

Public schools; opening of the school year. Allows local school boards to set the school calendar so that the first day students are required to attend school shall be no earlier than two weeks prior to Labor Day and no later than the day after Labor Day.

02/14/12 House: Left in Education

Notes: Position: Support

HB 86 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Greason and Surovell

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

HB 113 School calendar; local school boards responsible for setting and determining opening of school year.

Patron: Morrissey

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

HB 144 Virginia Preschool Initiative Local Grant Program; created.

Patrons: Englin, Filler-Corn and Surovell

Summary as introduced:

Virginia Preschool Initiative Local Grant Program. Creates a grant program to be administered by the Virginia Department of Education to improve training for preschool educators; create, outfit, or expand preschool classrooms; implement the Virginia Quality Rating and Improvement System; ensure the availability of preschool education for the children of veterans; and create innovative early childhood programs for rural communities where access to services is difficult. The grant program shall be funded by the unused moneys allocated by the General Assembly towards the Virginia Preschool Initiative, which requires a local match in order for such funds to be utilized. Grants shall be awarded pursuant to a competitive request for proposals process designed to ensure that all service providers in the Commonwealth, regardless of size or geographic location, are afforded the opportunity to apply for funds.

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 254 School calendar; local school boards allowed to set opening of school year.

Patrons: Stolle and Surovell

Summary as introduced:

Public schools; opening of the school year. Allows local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day.

02/14/12 House: Left in Education

Notes: Position: Support

HB 312 Electric and natural gas utilities; energy efficiency programs.

Patron: Ware, R.L.

Summary as introduced:

Utility energy efficiency programs. Provides that an energy efficiency program proposed by an electric utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by any three of four benefit cost tests. The four tests to be considered are the Total Resource Cost Test, the Utility Cost Test (also referred to as the Program Administrator Test), the Participant Test, and the Ratepayer Impact Measure Test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

01/19/12 House: Stricken from docket by Commerce and Labor

Notes: Position: Support

HB 434 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Tata and Surovell

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

HB 602 School calendar; local school divisions to set.

Patron: LeMunyon

Summary as introduced:

Public schools; opening of the school year. Allows local school divisions to set the school calendar so that the first day students are required to attend must be no earlier than the fourth Monday in August. Current law requires the first day to be after Labor Day unless a waiver is granted for good cause shown.

02/14/12 House: Left in Education

Notes: Positon: Support

HB 613 Public employment; prohibits discrimination.

Patrons: LeMunyon, Lewis and Plum

Summary as introduced:

Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, political affiliation, national origin, sex, age, disability, or any other reason

except reasons related to qualifications, ability, or performance. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 653 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Kory, Albo, Brink, Bulova, Comstock, Filler-Corn, Scott, J.M. and Surovell; Senators: Ebbin, Favola and Petersen

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

HB 692 Public employment; prohibits discrimination based on sexual orientation, race, etc.

Patrons: Plum and Scott, J.M.

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, political affiliation, age, marital status, disability, sexual orientation, or status as a veteran. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 894 Electric and natural gas utilities; energy efficiency programs.

Patrons: Ware, R.L., Cosgrove, Alexander, Englin, Joannou, Keam, Kory, Lewis, Lopez, McClellan, Plum, Purkey, Tyler and Ward

Summary as passed:

Utility energy efficiency programs. Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

02/21/12 Passed House and Senate

Notes: Position: Support

HB 977 Virginia Human Rights Act; prohibits discrimination employment based on sexual orientation.

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

Summary as introduced:

Virginia Human Rights Act; prohibited discrimination; sexual orientation. Prohibits discrimination in employment based on sexual orientation. 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 also codifies existing prohibited discrimination in employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 1003 Employment discrimination; no employer shall discharge on basis of age.

Patrons: Ramadan and Herring

Summary as introduced:

Human Rights Council; causes of action for discrimination. Provides that no employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. Currently, the protection against age discrimination applies to an employer employing more than five but less than 15 persons. Federal law applies to workplaces with 20 or more employees.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 1027 Motor fuels tax; permits two or more localities to impose.

Patron: Englin

Summary as introduced:

Local motor fuels tax. Permits two or more localities that are constructing or operating high capacity transit systems to impose a local motor fuels tax at the rate of 2.1 percent of the wholesale price of fuels sold to retailers. The revenue generated from the tax shall be used to construct or operate high capacity transit systems.

02/06/12 House: Passed by indefinitely in Finance

Notes: Position: Support

HB 1063 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Tata, Greason, Habeeb, LeMunyon, Albo, BaCote, Bell, Richard P., Brink, Bulova, Carr, Comstock, Dance, Englin, Farrell, Filler-Corn, Garrett, Herring, Hope, Johnson, Keam, Kory, Lopez, McClellan, Merricks, Morrissey, Plum, Ramadan, Robinson, Rush, Rust, Scott, J.M., Sickles, Spruill, Surovell, Torian, Toscano, Ward, Ware, O., Watts, Wright and Yost

Summary as passed House:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/03/12 Senate: Referred to Committee on Education and Health

Notes: Position: Support

HB 1099 Employment discrimination; expands circumstances creating an individual cause of action.

Patron: Herring (by request)

Summary as introduced:

Employment discrimination; liability. Expands the circumstances creating an individual cause of action regarding employment discrimination by employers with more than five but fewer than 15 employees. Currently, discharging an employee on the basis of race, national origin, sex, and other status is actionable; the measure adds that the failure or refusal to hire or other discrimination against an individual on such a basis is actionable, and prohibits discrimination based on sexual orientation. Currently, discrimination against employees 40 years old or older is actionable if the employer has fewer than 15 employees; this measure increases the maximum to 20 employees. The measure adds that demonstrated compliance by an employer with any federal law or regulation is an affirmative defense to any claim. Remedies for cases involving violations other than those involving discharging employees are expanded to include injunctions and other equitable relief.

02/14/12 House: Left in General Laws

Notes: Position: Support

HJ 3 Constitutional amendment; taking or damaging of private property for public use (second reference).

Patrons: Bell, Robert B., Byron, Cole, Head, Helsel, Hodges, Landes, O'Bannon, Ramadan, Scott, E.T., Ware, R.L., Webert and Wilt

Summary as introduced:

Constitutional amendment (second resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

02/24/12 Senate: Passed by for the day

Notes: Position: Oppose

HJ 146 High capacity transit; Transportation Board to make priority for funding by State.

Patrons: Herring and Kory

Summary as introduced:

High capacity transit. Requests the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth.

02/20/12 House: Left in Appropriations

Notes: Position: Support

SB 240 Constitutional amendment; taking or damaging of private property for public use (voter referendum).

Patrons: Obenshain; Delegate: Joannou

Summary as passed Senate:

Constitutional amendment (voter referendum); taking or damaging of private property; public use. Provides for a referendum at the November 6, 2012, election to approve or reject an amendment that revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged without just compensation. The bill is identical to HB 5.

02/16/12 House: Assigned P & E sub: Constitutional Amendments Subcommittee

Notes: Position: Oppose

SB 257 School calendar; local school boards responsible for setting and determining opening of school year.

Patron: Ebbin

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. This bill was incorporated into SB 457 (Marsden).

01/26/12 Senate: Incorporated by Education and Health (SB457-Marsden) (15-Y 0-N)

Notes: Position: Support

SB 261 Virginia Preschool Initiative Local Grant Program; created.

Patron: Ebbin

Summary as introduced:

Virginia Preschool Initiative Local Grant Program. Creates a grant program to be administered by the Virginia Department of Education to improve training for preschool educators; create, outfit, or expand preschool classrooms; implement the Virginia Quality Rating and Improvement System; ensure the availability of preschool education for the children of veterans; and create innovative early childhood programs for rural communities where access to services is difficult. The grant program shall be funded by the unused moneys allocated by the General Assembly towards the Virginia Preschool Initiative, which requires a local match in order for such funds to be utilized. Grants shall be awarded pursuant to a competitive request for proposals process designed to ensure that all service providers in the Commonwealth, regardless of size or geographic location, are afforded the opportunity to apply for funds.

02/17/12 House: Assigned App. sub: Elementary & Secondary Education

Notes: Position: Support

SB 263 Public employment; prohibits discrimination based on sexual orientation, race, etc.

Patrons: Ebbin, McEachin and Herring

Summary as introduced:

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

01/30/12 Senate: Passed by for the day in General Laws and Technology (8-Y 7-N)

Notes: Position: Support

SB 456 School calendar; allows local school boards to determine opening date.

Patron: Vogel

Summary as introduced:

School calendar; allows local school boards to set. Allows local school boards to determine the opening date of the school year. This bill has been incorporated into SB 457 (Marsden).

01/26/12 Senate: Incorporated by Education and Health (SB457-Marsden) (15-Y 0-N)

Notes: Position: Support

SB 457 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Marsden, Ebbin, Vogel and Petersen

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. This bill incorporates SB 257 (Ebbin) and SB 456 (Vogel).

01/26/12 Senate: Passed by indefinitely in Education and Health (9-Y 6-N)

Notes: Position: Support

SB 493 Electric and natural gas utilities; energy efficiency programs.

Patrons: Watkins and Puckett

Summary as passed Senate:

Utility energy efficiency programs. Provides that an energy efficiency program proposed by an electric utility is in the public interest if among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a

single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

02/24/12 House: Passed House (96-Y 1-N 1-A)

Notes: Position: Support

SJ 3 Constitutional amendment; taking or damaging of private property for public use (second reference).

Patrons: Obenshain, Deeds, McDougle, Black, Carrico, Garrett, McWaters, Newman, Reeves, Ruff, Smith, Stanley and Stuart; Delegate: Cole

Summary as passed Senate:

Constitutional amendment (second resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. The Resolution incorporates SJR 67 and SJR 117.

02/16/12 House: Assigned P & E sub: Constitutional Amendments Subcommittee

Notes: Position: Oppose

SJ 52 High capacity transit; Transportation Board to make priority for funding by State.

Patron: Ebbin

Summary as introduced:

High capacity transit. Requests the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth.

02/03/12 Senate: Passed by indefinitely in Rules

**Current Status of Bills on Which the City Has Taken a Position
February 24, 2012**

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

Patrons: Cole, Watson and Webert

Summary as passed House:

BPOL tax; maximum fee and tax rates established. Prohibits a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year. The prohibition on increasing BPOL fees and taxes expires beginning with the 2015 license year. The bill also authorizes a locality to impose the BPOL tax on (i) gross receipts or (ii) the Virginia taxable income of a corporation, the net income of a sole proprietorship, and the net income of a pass-through entity.

02/03/12 Senate: Referred to Committee on Finance

Notes: Position: Oppose

HB 20 Emergency Services and Disaster Law; constitutional rights of citizens to keep and bear arms.

Patrons: Wilt and Watson

Summary as introduced:

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

02/21/12 Passed House and Senate (

Notes: Oppose

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

Patron: Cole

Summary as introduced:

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

02/20/12 House: Left in Appropriations

Notes: Position: Oppose

HB 26 Concealed handgun permits; failure to produce upon demand of a law-enforcement officer, penalty.

Patrons: Cole and Poindexter

Summary as passed House:

Failure to carry concealed handgun permit; penalty. Provides that failure to produce, upon demand of a law-enforcement officer, a concealed handgun permit and a government-issued photo identification while carrying a concealed handgun is punishable by a \$25 civil penalty. A court may waive this penalty if the person presents a valid concealed handgun permit and

government-issued photo identification to the court. The bill also introduces an affirmative defense of having a valid concealed handgun permit to a charge of violating the concealed weapons statute with a handgun.

02/22/12 Passed House and Senate

Notes: Position: Support

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

Patron: Marshall, R.G.

Summary as introduced:

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

02/14/12 House: Left in Finance

Notes: Position: Oppose

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

Patron: Bell, Richard P.

Summary as passed House:

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

02/22/12 Senate: Reported from Transportation with amendment (13-Y 0-N)

Notes: Position: Support

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

Patrons: Bell, Richard P., Crockett-Stark, Peace and Wilt

Summary as introduced:

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

Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill incorporates HB221, HB249, HB598, and HB955.

02/08/12 House: Continued to 2013 in Appropriations

Notes: Position: Oppose

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

Patron: Bell, Richard P.

Summary as passed House:

Mandatory report of suspected child abuse; time limit. Reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours. In addition, the bill provides that in cases in which the initial report of suspected abuse or neglect is made by a mandated reporter to the person in charge of the institution or department in which the mandated reporter works, as provided in current law, the person who receives the report shall notify the person who made the initial report when the suspected child abuse or neglect is reported to the local department or state hotline and of the name of the individual receiving the report and shall forward any communications or information about action taken regarding the report to the person who made the initial report.

02/24/12 Senate: Reported from Rehabilitation and Social Services with amendment (14-Y 0-N)

Notes: Position: Support

HB 86 School calendar; local school boards responsible for setting and determining opening of school year.

Patrons: Greason and Surovell

Summary as introduced:

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

02/14/12 House: Left in Education

Notes: Position: Support

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

Patrons: Albo, Bell, Robert B., Cole, Helsel and Poindexter

Summary as introduced:

Arresting officer to ascertain citizenship of arrestee. Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. This bill was incorporated into HB 958.

02/10/12 House: Incorporated by Courts of Justice (HB958-Bell, Robert B.)

Notes: Position: Oppose

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

Patrons: Wilt, Comstock, Cox, J.A., Dudenhefer, Edmunds, Fariss, Farrell, Greason, Head, Hodges, Knight, Morefield, Peace, Ramadan, Robinson, Rush, Tata, Webert, Wright and Yost

Summary as introduced:

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

02/16/12 House: Signed by Speaker
02/16/12 Senate: Signed by President
Notes: Position: Oppose

HB 117 Taxes, local; interest on refunds and delinquent taxes.

Patrons: Wilt, Sherwood and Crockett-Stark

Summary as introduced:

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

02/24/12 Senate: Passed Senate with substitute (38-Y 0-N)

Notes: Position: Support

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

Patrons: Morrissey and Herring

Summary as introduced:

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

02/20/12 House: Left in Appropriations

Notes: Position: Support

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

Patron: Englin

Summary as introduced:

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

02/14/12 House: Left in Counties, Cities and Towns

Notes: Position: Support

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

Patron: Toscano

Summary as introduced:

Statewide fraud control program; medical assistance. Provides that all overpayment moneys collected or recovered from recipients of medical assistance by local departments of social services shall be paid into the Fraud Recovery Special Fund and made available to local departments for fraud control activities. Currently, only overpayment moneys collected or recovered from recipients of food stamp, Temporary Assistance for Needy Families, and other federal programs administered by the Department of Social Services must be paid into the Fraud Recovery Special Fund.

02/20/12 House: Left in Appropriations

Notes: Position: Support

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

Patron: Ware, R.L.

Summary as introduced:

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

02/14/12 House: Left in Transportation

Notes: Position: Support

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

Patrons: Greason and Surovell

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

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

Patron: Hope

Summary as introduced:

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

02/07/12 House: Passed by indefinitely in General Laws

Notes: Position: Support

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

Patron: Cosgrove

Summary as introduced:

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

02/24/12 Senate: Passed Senate (36-Y 2-N)

Notes: Position: Oppose

HB 176 Nutrient credit; expansion of exchange program, procedures for certification, etc.

Patrons: Knight and Ransone

Summary as passed House:

Nutrient Trading Act; penalty. Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the

regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000.

02/14/12 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

Notes: Position: Support

HB 211 Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.

Patron: Miller

Summary as passed House:

Procurement; forward energy pricing. Authorizes, subject to available appropriation, any public body to use forward pricing mechanisms for budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument. Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures, and (v) the public body establishes an oversight process.

02/15/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

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

Patron: Miller

Summary as introduced:

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

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

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

Patron: Head

Summary as introduced:

Substance abuse screening and assessment of public assistance recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate

in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program. This bill was incorporated into HB73.

02/14/12 House: Left in Health, Welfare and Institutions

Notes: Position: Oppose

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

Patron: Head

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.

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

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

Patrons: Cline, Albo, Cole, Crockett-Stark, Edmunds, Helsel, Hodges, Massie and Poindexter

Summary as introduced:

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

Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year. This bill was incorporated into HB73.

02/14/12 House: Left in Health, Welfare and Institutions

Notes: Position: Oppose

HB 287 Gang-free zones; expansion of zone areas.

Patrons: Iaquinto, Helsel, Hodges, Minchew and Ramadan

Summary as introduced:

Expansion of gang-free zones. Adds school bus stops and publicly owned parks, libraries, and hospitals to the list of places denoted "gang-free zones." Criminal gang activity that occurs in gang-free zones receives additional punishment.

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 289 Handicapped parking; allows localities by ordinance to grant free parking.

Patron: Sherwood

Summary as introduced:

Handicapped parking. Allows localities by ordinance to grant four hours free parking to vehicles exhibiting disabled parking indicia in some places while not granting such free parking in other places.

02/15/12 House: Signed by Speaker

02/16/12 Senate: Signed by President

Notes: Position: Support

HB 309 Absentee voting; persons age 65 and older on day of election may vote absentee.

Patron: Crockett-Stark

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HB 315 Check cashers; practice for customer identification, civil penalty.

Patron: Ingram

Summary as introduced:

Check cashers; customer identification; civil penalty. Requires a person conducting business as a check casher to make a copy of each item cashed and either the customer's valid identification document or thumbprint. Records for each transaction are required to be retained for a period of one year and to be made available to law-enforcement officials. A violation of these requirements is punishable by a civil penalty not to exceed \$200.

02/07/12 House: Failed to report (defeated) in Commerce and Labor (1-Y 20-N)

Notes: Position: Support

HB 327 Historic structures; demolition.

Patrons: Peace and Surovell

Summary as passed House:

Historic structures; demolition. Provides that a locality may require by ordinance that certain structures within a historic district not be demolished until approved by the review board, or, on appeal, the governing body after consultation with the review board. The bill provides, however, that if the local maintenance code official in accordance with the USBC, Part III, Maintenance, determines that the structure constitutes a hazard, the historic structure shall be razed and removed. The bill defines contributing landmark, building or structure.

02/23/12 Senate: Passed Senate (36-Y 4-N)

Notes: Position: Support

HB 334 Public Procurement Act; bid match preference for State businesses.

Patrons: Villanueva, Carr, Surovell and Torian

Summary as introduced:

Virginia Public Procurement Act; bid match preference for Virginia businesses. Provides a bid match preference for Virginia business in procurements up to \$100,000. Under the bill, a

Virginia business has an opportunity to match the lowest bid of an out-of-state bidder if the bid of a Virginia business is within five percent or \$10,000 of the lowest bid of an out of state bidder, whichever is less.

02/09/12 House: Continued to 2013 with amendment(s) in General Laws

Notes: Position: Oppose

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

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

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HB 352 Emergency management plans; victims' rights.

Patron: Cox, J.A.

Summary as passed House:

Emergency management plans; victims' rights. Requires the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be the lead coordinating agencies for individuals determined to be victims during critical events and emergencies under emergency management plans developed by school boards, institutions of higher education, the Board of Health, the State Emergency Medical Services Advisory Board, the Department of Emergency Management, and political subdivisions.

02/15/12 Senate: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 361 Stalking; enhanced penalties.

Patrons: McClellan, Filler-Corn, Hope and Watts

Summary as introduced:

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

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 363 Protective orders; animals.

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

Summary as introduced:

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

02/20/12 House: Left in Appropriations
Notes: Position: Support

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

Patron: Pogge

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Oppose

HB 393 Motor fuels tax; dedicates additional revenue to operation, etc., of transportation system.

Patron: Howell, A.T.

Summary as introduced:

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

02/14/12 House: Left in Finance

Notes: Position: Support

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

Patron: Hope

Summary as introduced:

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

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 405 Planning commissions; appointments.

Patron: Torian

Summary as introduced:

Planning commissions; appointments. Provides that no member shall be appointed to a planning commission who holds a pecuniary interest or professional position with any organization to which the outcome of local planning and zoning policies is integral to the organization's mission.

02/14/12 House: Left in Counties, Cities and Towns

Notes: Position: Oppose

HB 409 Financial exploitation of elderly or incapacitated adults; penalty.

Patrons: Watts and Filler-Corn

Summary as introduced:

Financial exploitation of elderly and incapacitated; penalty. Provides that any person who knowingly exploits the impaired mental or physical capacity of an incapacitated adult or an adult (defined in the section as 60 years old or older) by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation to use, obtain, convert, or take control of or endeavor to use, obtain, convert, or take control of the incapacitated adult's or adult's money, assets, property, or financial resources with the intent to deprive the incapacitated adult or adult of the use, benefit, or possession of the money, assets, property, or financial resources and to convert such money, assets, property, or financial resources to the perpetrator's own use or benefit is guilty of a Class 5 felony. However, any responsible person or a person who has a fiduciary relationship with the incapacitated adult or adult who commits such a violation is guilty of a Class 3 felony. It is not a defense that the accused did not know the age of the victim.

01/30/12 House: Incorporated by Courts of Justice (HB987-Loupassi)

Notes: Position: Support

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

Patron: Watts

Summary as introduced:

Operation of moving motor vehicle while distracted; penalties. Prohibits the operation of a moving motor vehicle while engaged in other activities, such as using a wireless telephone or other wireless telecommunications device without a hands-free apparatus, searching for an item, or personal grooming. Current law specifically prohibits the use of a handheld personal communications device to send or read an email or text message while operating a moving motor vehicle. The bill allows for certain exceptions, including the use of a citizens band radio. The offense would be a secondary offense punishable by a \$40 fine on the first offense and a \$100 fine for each subsequent offense.

02/14/12 House: Left in Militia, Police and Public Safety

Notes: Position: Support

HB 420 Eligibility for TANF; drug-related felonies.

Patrons: Watts, Brink, Keam, Kory, Plum, Scott, J.M., Sickles and Surovell; Senators: Barker, Favola and Petersen

Summary as introduced:

Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families 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 and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 422 Transportation; additional funding by imposing and increasing certain taxes.

Patrons: Watts, Rust, Brink, Kory, Plum, Scott, J.M., Sickles and Surovell; Senator: Favola

Summary as introduced:

Transportation funding and administration. Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of five percent, phased in over five years, for highway maintenance; (ii) increasing the state sales tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) adding an additional recordation tax in Northern Virginia at a rate of \$0.40 per \$100 valuation. The motor fuels tax is not effective until the unemployment rate in the Commonwealth decreases for four consecutive quarters after July 1, 2011. The bill also reduces the sales and use tax rate on food for human consumption from 1.5 percent to one percent, and repeals the authority for certain localities to impose a local income tax. In addition, the bill removes the sunset date from the 2009 Act of Assembly that reduced the special real property tax rate on commercial property in the localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of assessed value to \$0.125 per \$100 of assessed value. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value.

02/14/12 House: Left in Finance

Notes: Position: Support

HB 449 Virginia Public Procurement Act; preferences by localities, etc.

Patrons: Toscano and Surovell

Summary as introduced:

Virginia Public Procurement Act; preferences by localities, public institutions of higher education and regional public bodies. Allows a locality to give a procurement preference for goods, services, and construction produced in the locality or by persons, firms, or corporations having principal places of business in the locality. The bill also allows public bodies that are public institutions of higher education or regional public bodies to give such a preference to goods, services, and construction produced in the localities in which the institution or regional public body is located. Currently such preference is allowed only in the case of a tie.

02/14/12 House: Left in General Laws

Notes: Position: Oppose

HB 451 Adoption; appointment of counsel if parent is determined to be indigent.

Patrons: Toscano and Scott, J.M.

Summary as passed House:

Adoption; appointment of counsel. Provides that a parent who does not consent to the adoption of the parent's child, but whose consent to the adoption is required, shall be appointed counsel upon the parent's request if such parent is determined to be indigent. The bill also provides that the court shall provide written notice to the birth parent withholding consent of the parent's right to counsel prior to any hearing or decision on a petition for adoption. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

02/24/12 Passed House and Senate

Notes: Position: Support

HB 459 Pawnbrokers and precious metals dealers; photograph required of person pawning, selling, etc.

Patrons: BaCote, Scott, J.M., McQuinn, Pogge and Ward

Summary as passed House:

Pawnbrokers and precious metal dealers; records required to be maintained; digital images. Requires pawnbrokers and precious metal dealers to take a digital image of (i) the form of identification used by the person involved in the transaction, which identification must bear a photograph of the person pawning or selling the goods and (ii) the article or thing pawned, pledged or sold.

02/02/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

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

Patron: Albo

Summary as passed House:

Involuntary commitment; mandatory outpatient treatment. Alters the criteria for ordering a person to mandatory outpatient treatment or discharging a person for a period of mandatory outpatient treatment following involuntary commitment, replacing the requirements that the person has the capacity to understand and comply with the treatment, has expressed an interest in outpatient treatment, and has agreed to comply with the treatment with a requirement that the person has agreed to abide by the treatment plan and has the ability to do so. The bill also eliminates the requirement that providers of mandatory outpatient treatment services must have actually agreed to deliver such services before mandatory outpatient treatment may be ordered, and requires a finding that such services will be delivered to the person on an outpatient basis. The bill also provides that the duration of mandatory outpatient treatment following involuntary commitment shall not exceed 90 days, unless the order is continued. The bill also provides that mandatory outpatient treatment shall not include the use of physical force or restraint in administering medication.

02/22/12 Senate: Reported from Courts of Justice (15-Y 0-N)

Notes: Position: Oppose

HB 476 Mandatory outpatient treatment hearing; determination of treatment prior to release from commitment.

Patron: Albo

Summary as passed House:

Mandatory outpatient treatment hearing prior to release from commitment. Provides that prior to the release of a person who has been involuntarily admitted or who has been the subject of a temporary detention order and chose to voluntarily admit himself, a hearing shall be held, upon the motion of the treating physician, a family member or personal representative of the person, or the community services board, to determine whether such person should be ordered to mandatory outpatient treatment upon release if such person has been involuntarily admitted or has been the subject of a temporary detention order and chose to voluntarily admit himself on at least two previous occasions within 36 months preceding the hearing. The hearing shall be held within 72 hours from the time the motion is received by the district court or special justice.

02/22/12 Senate: Reported from Courts of Justice (15-Y 0-N)

Notes: Position: Oppose

HB 477 Interstate Highway System; allocation of funds for maintenance.

Patrons: Albo, Bulova, Filler-Corn, Hugo, Keam, LeMunyon and Ramadan

Summary as passed House:

Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways that the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts. The bill also provides that the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district.

02/22/12 Senate: Reported from Transportation with amendment (7-Y 5-N)

Notes: Position: Oppose

HB 483 Real property tax; concerning validity of valuation of property, etc.

Patron: Iaquinto

Summary as introduced:

Real property tax; collection of certain taxes. Provides that the current authority to increase the assessment of real property taxes for three preceding tax years by increasing the amount of the valuation of the property applies only to errors related to (i) new construction or improvements to the property, (ii) a change in the use of the property, or (iii) fraud on the part of the taxpayer.

02/03/12 Senate: Referred to Committee on Finance

Notes: Position: Oppose

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

Patron: Ware, O.

Summary as introduced:

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

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

HB 491 Derelict and blighted buildings; authorizes locality to serve as receiver to repair.

Patrons: Dance, Marshall, D.W., Carr, McClellan, McQuinn, Morrissey and Spruill

Summary as passed House:

Receivership of derelict and blighted buildings. Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission and is identical to SB 122.

02/24/12 Senate: Passed Senate (38-Y 0-N)

Notes: Position: Support

HB 498 Funeral processions; sheriff and police escorts.

Patron: Dance

Summary as introduced:

Funeral processions; sheriff and police escorts. Provides that either the sheriff or the police department in a locality may provide traffic control for funeral processions. Currently, sheriffs may only provide traffic control in localities that do not have a separate police department.

02/15/12 House: Signed by Speaker

02/16/12 Senate: Signed by President

Notes: Position: Support

HB 499 Vacant building registration; increases annual fee.

Patron: Dance

Summary as introduced:

Vacant building registration. Increases the annual registration fee that cities may charge to owners of property that has been vacant for 12 months or more from \$25 to \$200.

01/20/12 House: Tabled in Counties, Cities and Towns

Notes: Position: Support

HB 502 Landlord and tenant laws; receipt required for payments in form of cash or money order.

Patrons: Dance and Spruill

Summary as introduced:

Receipt required for certain rental payments; upon request. Provides a tenant with a written receipt from the landlord, upon the tenant's request, whenever the tenant pays rent in the form of cash or a money order. This bill is recommended by the Virginia Housing Commission.

02/23/12 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 528 Drug-free and gang-free zones; penalties.

Patron: McQuinn

Summary as introduced:

Drug-free and gang-free zones; penalties. Provides enhanced penalties for gang activities or drug manufacture, distribution, or possession with intent to distribute within 1,000 feet of multifamily housing for older persons.

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

HB 529 Virginia Public Procurement Act; preference for local products and firms.

Patron: McQuinn

Summary as introduced:

Virginia Public Procurement Act; preference for local products and firms; applicability.

Authorizes localities to apply a preference for bidders or offerors located in the locality of up to 10 percent, provided (i) for competitive sealed bidding the percentage of the discount is stated in the Invitation to Bid, (ii) for competitive negotiations the percentage of the increase is stated in the Request for Proposal, and (iii) the discount percentage or increase percentage is included in the informal solicitation for small purchase.

02/14/12 House: Left in General Laws
Notes: Position: Oppose

HB 530 Virginia Public Procurement Act; permissive contract provisions for localities.

Patron: McQuinn

Summary as introduced:

Virginia Public Procurement Act; permissive contract provisions for localities; resident employment. Authorizes any locality to include in its contracts a provision requiring the contractor to ensure that a specified percentage, not to exceed 20 percent, of the work under the contract be performed by residents of the locality.

02/14/12 House: Left in General Laws

Notes: Position: Oppose

HB 532 Motor vehicles; prohibits operator from engaging in activities that impair operation of vehicle.

Patrons: Orrock and Torian

Summary as introduced:

Operation of moving motor vehicles while distracted; penalty. Prohibits the operator of a moving motor vehicle from being engaged in activities that are unnecessary to and that actually impair the operation of a motor vehicle. Certain exemptions apply. A violation of the statute would be a traffic offense.

02/14/12 House: Left in Militia, Police and Public Safety

Notes: Position: Support

HB 533 Four-for-Life; substantive review.

Patron: Orrock

Summary as introduced:

Four-for-Life; substantive review. Requires that a reallocation of moneys set aside from the Four-for-Life fees be made pursuant to legislation that has been reviewed by the House Health, Welfare and Institutions Committee and the Senate Committee on Education and Health. The bill includes technical amendments.

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 542 Highway maintenance projects; allows localities to use revenue-sharing funds.

Patron: Poindexter

Summary as introduced:

Highway maintenance projects. Allows counties, cities, and towns to use "revenue-sharing funds" for highway maintenance projects.

02/14/12 House: Left in Transportation

Notes: Position: Support

HB 546 Gang crimes; includes definition of predicate criminal act.

Patrons: Comstock, Albo, Bell, Robert B., Farrell, Helsel, Hugo, Iaquinto, Kilgore, LeMunyon, Minchew, Ramadan, Ransone, Robinson, Villanueva and Wilt; Senator: Garrett

Summary as introduced:

Crimes by gangs. Includes within the definition of "predicate criminal act" the offenses of the taking or detaining of any person into a place for the purpose of prostitution and the receiving of money from earnings of any person engaged in prostitution.

02/15/12 Senate: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 579 Applications for public assistance; may be made electronically.

Patrons: Helsel and Lopez

Summary as introduced:

Electronic application for public assistance. Provides that applications for public assistance may be made electronically.

02/24/12 Passed House and Senate

Notes: Position: Support

HB 582 VITA; excludes procurement of information technology and telecommunications goods and services.

Patrons: Watson and Yancey

Summary as introduced:

Procurement of information technology and telecommunications goods and services; Virginia Information Technologies Agency. Excludes procurements of information technology and telecommunications goods and services from certain requirements under methods of procurement for public bodies.

02/14/12 House: Left in Science and Technology

Notes: Position: Oppose

HB 599 Northern Virginia Transportation District; responsibility of VDOT, et. al., for long-range planning.

Patrons: LeMunyon, Albo, Anderson, Bulova, Comstock, Filler-Corn, Greason, Hugo, Keam, Miller, Minchew, Ramadan and Rust

Summary as introduced:

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

02/22/12 Senate: Reported from Transportation with substitute (13-Y 0-N)

Notes: Position: Oppose

HB 601 Washington Metropolitan Area Transit Authority; board membership.

Patrons: LeMunyon, Albo and Ramadan

Summary as introduced:

Washington Metropolitan Area Transit Authority; board membership. Provides that in appointing Virginia members of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA Board of Directors. Other requirements for appointment and removal from the board are also specified.

02/22/12 Senate: Reported from Transportation (9-Y 4-N)

Notes: Position: Oppose

HB 613 Public employment; prohibits discrimination.

Patrons: LeMunyon, Lewis and Plum

Summary as introduced:

Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, political affiliation, national origin, sex, age, disability, or any other reason except reasons related to qualifications, ability, or performance. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 615 Zoning; clarifies that localities may approve by special exception all modifications to property.

Patron: LeMunyon

Summary as introduced:

Zoning; special exceptions. Clarifies that localities may approve by special exception all modifications to property that may currently also be granted by variance.

02/14/12 House: Left in Counties, Cities and Towns

Notes: Position: Support

HB 622 Elections; party identification on ballots in local elections.

Patron: LeMunyon

Summary as introduced:

Elections; form of ballots; local elections. Authorizes any locality to provide for party identification of candidates for local offices who are nominated by a political party or in a primary. Currently, party identification on the ballot applies only to ballots for federal, statewide, and General Assembly elections.

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HB 625 Transportation planning; proposed comprehensive plans in Northern Virginia.

Patrons: LeMunyon, Hugo and Kory

Summary as passed House:

Transportation planning; comprehensive plan. Provides that when a locality in Planning District 8 (Northern Virginia) submits a proposed comprehensive plan or amendment to the Department of Transportation for review, the Department will determine the extent to which the proposal will increase traffic congestion or reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan as amendment. The bill contains technical amendments.

02/09/12 Senate: Referred to Committee on Local Government

Notes: Position: Oppose

HB 667 Political contributions; prohibitions during procurement process.

Patron: Surovell

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

02/07/12 House: Passed by indefinitely in General Laws

Notes: Position: Oppose

HB 669 Absentee voting; persons age 65 and older on day of election may vote absentee.

Patron: Surovell

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HB 674 Protective orders; minor may petition on his own behalf without consent of parent or guardian.

Patrons: Surovell and Kory; Senator: Petersen

Summary as introduced:

Protective orders; minors; jurisdiction. Provides that a minor may petition for a protective order on his own behalf without the consent of a parent or guardian. The bill also provides that protective orders sought against individuals who are not family or household members of the person seeking the order may be brought in juvenile and domestic relations district court where the person seeking the order or the respondent is a juvenile.

02/14/12 House: Left in Courts of Justice

Notes: Position: Oppose

HB 690 Financial exploitation of elderly or vulnerable adults; penalty.

Patrons: Plum and Scott, J.M.

Summary as introduced:

Financial exploitation of elderly or vulnerable adults; penalty. Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's

property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony. The bill also allows forfeiture of personal property used in connection with the crime.

01/30/12 House: Incorporated by Courts of Justice (HB987-Loupassi)

Notes: Position: Support

HB 694 Virginia Human Rights Act; policy of State.

Patron: Plum

Summary as introduced:

Virginia Human Rights Act; policy of the Commonwealth. Adds sexual orientation and gender identity to the safeguards for all individuals in the Commonwealth from unlawful discrimination. The bill defines sexual orientation and gender identity.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 699 Highway maintenance funds; allocation of funds.

Patrons: Filler-Corn, Bulova, LeMunyon, Plum, Surovell and Watts

Summary as introduced:

Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.

02/14/12 House: Left in Transportation

Notes: Position: Oppose

HB 700 Crimes against incapacitated or elder adults; penalty.

Patrons: Filler-Corn, Bulova, Plum and Scott, J.M.

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.

01/30/12 House: Incorporated by Courts of Justice (HB987-Loupassi)

Notes: Position: Support

HB 751 Criminal street gang; recruitment of persons by telephone or electronic communication, penalty.

Patrons: Cline, Byron, Helsel, Merricks, Poindexter and Ramadan

Summary as introduced:

Recruitment of persons for criminal street gang; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 5 felony.

02/10/12 House: Tabled in Appropriations

Notes: Position: Support

HB 752 Strangulation of another; penalty.

Patron: Cline

Summary as passed House:

Strangulation; penalty. Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally and unlawfully applying pressure to the neck of such person, resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony.

02/15/12 Senate: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 769 Elections; party identification on ballots in local elections.

Patrons: Landes, Greason and Lingamfelter

Summary as introduced:

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

01/27/12 House: Failed to report (defeated) in Privileges and Elections (10-Y 12-N)

Notes: Position: Support

HB 773 Local government; publication of notices for charter changes, etc.

Patrons: Landes and Head

Summary as introduced:

Local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives. Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on the locality's website; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request

shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. In selecting the methods of publication, the bill requires the locality to publish and advertise in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

02/14/12 House: Left in Counties, Cities and Towns

Notes: Position: Support

HB 779 In-state tuition; undocumented persons eligibility.

Patron: Lopez

Summary as introduced:

In-state tuition; undocumented persons. Establishes that an undocumented person who is unlawfully present in the United States shall not be eligible for in-state tuition unless he meets all of the following criteria: (i) he has resided with his parent, guardian, or other person standing in loco parentis while attending a public or private high school in this state; (ii) he has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) he has resided in the Commonwealth for at least three years since the date he graduated from high school, or for one year if a veteran or an active duty member of the United States armed forces; (iv) he has registered as an entering student in an institution of higher education; (v) he has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (vi) he has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

HB 785 Following too closely; includes bicycles, electric personal assistive mobility devices, mopeds, etc.

Patron: Lopez

Summary as introduced:

Following too closely. Includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable.

02/14/12 House: Left in Transportation

Notes: Position: Support

HB 788 Green Public Buildings Act; created.

Patron: Lopez

Summary as introduced:

Department of General Services; Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new building greater than 7,500 gross square feet in size, or renovating such a building where the cost of renovation exceeds 75 percent of the value of the building, to build to either the LEED Silver or Green Globes two globe standard. Exemptions from the requirement may be granted by the Director of the Department of General Services for

state construction projects or by the governing body of a locality or school board for local projects. The bill provides for a delayed effective date for localities of July 1, 2013.

02/09/12 House: Incorporated by General Laws (HB1167-Jones)

Notes: Position: Support

HB 802 Virginia Pump Toll; established.

Patrons: May, Albo and Rust

Summary as introduced:

Transportation funding and administration; Virginia Pump Toll ("FareShare"). Imposes the Virginia Pump Toll ("FareShare"), in the amount of (i) \$0.50 on each use of a retail motor fuels pump and an additional \$0.50 when purchasing 35 or more gallons; (ii) \$1.00 on each 12-gallon sale of gasoline (other than for resale) from a transport truck or tank wagon and on each 60-gallon sale of diesel fuel (other than for resale) from a transport truck or tank wagon; (iii) an amount to be determined by the Commissioner of the Department of Motor Vehicles on the bulk purchase of clean fuel other than electricity at a rate equivalent to \$1.00 times the volume of clean fuel required to fill the average size fuel tank to three quarters full; and (iv) \$0.50 on each sale of clean fuel at an electric vehicle charging service facility. Revenue from the FareShare shall be used for highway maintenance and operation in the highway construction district in which the motor fuel is sold. The amount of the FareShare increases by 10 percent every five years. The bill has a delayed effective date of January 1, 2013.

02/14/12 House: Left in Finance

Notes: Position: Support

HB 806 Overweight and oversize vehicle permits and fees; provides a method of assigning cost-based fees.

Patrons: May and Keam

Summary as introduced:

Overweight vehicle permits and fees. Provides a uniform method of assigning cost-based fees based on the amount that a vehicle is overweight. The bill also allocates payment of fees into specific funds. The bill has a delayed effective date of January 1, 2013.

02/22/12 Senate: Reported from Transportation (12-Y 0-N)

Notes: Position: Support

HB 834 Fines and fees; imposed under certain local ordinances are to be paid to school division, etc.

Patron: Carr

Summary as introduced:

Fines under certain local ordinances paid to local school division and Literary Fund. Provides that fines imposed under certain local ordinances dealing with DUI, disposition of children in juvenile and domestic relations district courts, and appropriate provisions of Title 46.2, when those ordinances incorporate Code of Virginia provisions, are to be paid to the school division of the locality in which the fines were imposed and into the state treasury to the credit of the Literary Fund in the proportions as follows: beginning July 1, 2012, and through June 30, 2013, 67% to the local school division and 33% to the Literary Fund; beginning July 1, 2013, and through June 30, 2014, 33% to the local school board and 67% to the Literary Fund; and beginning July 1, 2014, 100% to the Literary Fund.

02/14/12 House: Left in Courts of Justice
Notes: Position: Oppose

HB 861 Vehicle and trailer immobilization; subject to removal for outstanding parking violations.

Patrons: Rust; Senator: Herring

Summary as introduced:

Vehicle and trailer immobilization. Makes all vehicles and trailers, in addition to motor vehicles, subject to removal or immobilization for outstanding parking violations. This bill is identical to SB 228.

02/23/12 Passed House and Senate

Notes: Position: Support

HB 882 Financial exploitation of elderly or vulnerable adults; penalty.

Patron: Sickles

Summary as introduced:

Financial exploitation of elderly or vulnerable adults; barrier crimes; penalty. Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship, it is a Class 3 felony. The bill also prohibits a person convicted of the offense from working at a nursing home, home care organization, hospice, assisted living facility, adult day care center, or state facility of the Department of Behavioral Health and Developmental Services.

01/30/12 House: Incorporated by Courts of Justice (HB987-Loupassi)

Notes: Position: Support

HB 888 Companion animals, tethering of; allows any locality to regulate by ordinance.

Patron: Alexander

Summary as introduced:

Tethering of companion animals. Allows any locality to regulate by ordinance the tethering of companion animals.

02/14/12 House: Left in Agriculture, Chesapeake and Natural Resources

Notes: Position: Support

HB 894 Electric and natural gas utilities; energy efficiency programs.

Patrons: Ware, R.L., Cosgrove, Alexander, Englin, Joannou, Keam, Kory, Lewis, Lopez, McClellan, Plum, Purkey, Tyler and Ward

Summary as passed:

Utility energy efficiency programs. Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all

four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

02/21/12 Passed House and Senate

Notes: Position: Support

HB 898 Highway Maintenance and Operating Fund; for transportation funding.

Patron: Albo

Summary as introduced:

Transportation funding. Dedicates to the Highway Maintenance and Operating Fund (i) one-third of the total revenue from the insurance license tax and (ii) the amount of current state sales and use tax revenue attributable to a 0.25 percent sales and use tax rate.

02/20/12 House: Left in Appropriations

Notes: Position: Oppose

HB 909 Highway maintenance and construction; allocation of funds.

Patron: Minchew

Summary as introduced:

Highway maintenance and construction. Prohibits allocation by the Commonwealth Transportation Board (CTB) of any funds in the Transportation Trust Fund for highway maintenance purposes.

02/14/12 House: Left in Transportation

Notes: Position: Oppose

HB 927 Secondhand articles; includes certain telecommunications cable.

Patron: Lingamfelter

Summary as passed House:

Purchasers of secondhand metal items. Adds to the definition of proprietary articles any telecommunications cable that is one-half of one inch or greater in diameter and that contains 50 or more individual strands of solid, insulated, color-coded copper wire.

02/23/12 Senate: Passed Senate (40-Y 0-N)

Notes: Position: Support

HB 931 Elections; party identification on ballots in local elections.

Patron: Lingamfelter

Summary as introduced:

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

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HB 945 Virginia Public Procurement Act; performance and payment bonds on transportation-related projects.

Patrons: Villanueva, Cole and Helsel

Summary as passed House:

Public Procurement; performance and payment bonds on transportation-related projects. Raises from \$250,000 to \$350,000 the contract amount for which performance and payment bonds are required on transportation-related projects partially or wholly funded by the Commonwealth. The bill further provides that for such projects valued in excess of \$250,000 but less than \$350,000, the payment and performance bond can only be waived by a public body if the bid is accompanied by evidence that a surety company has declined an application from the contractor for a bid bond. The bill requires the Commissioner of Highways and the Department of the Treasury to establish a prequalification program that is agreeable to both agencies, pursuant to the Department of the Treasury, Division of Risk Management, VaWorks Program (self-bonding program). The bill further provides that prospective bidders for transportation-related construction projects that are valued in excess of \$250,000 but less than \$350,000 who have submitted evidence of denial of a bid bond shall participate in the prequalification program agreed to by the Commissioner of Highways and the Department of the Treasury. The bill requires the Virginia Department of Transportation to report by December 1 of each year to the Chairmen of the House Committee on General Laws and the Senate Committee on Transportation (i) the number of companies that were unable to procure a bid bond, (ii) the number of waivers granted by the Department and (iii) the number of companies that were enrolled in any Department of the Treasury, Division of Risk Management self-bonding program for Department projects.

02/15/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

HB 977 Virginia Human Rights Act; prohibits discrimination employment based on sexual orientation.

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

Summary as introduced:

Virginia Human Rights Act; prohibited discrimination; sexual orientation. Prohibits discrimination in employment based on sexual orientation. 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 also codifies existing prohibited discrimination in employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 982 Crimes against incapacitated adults; penalty.

Patron: Scott, J.M.

Summary as introduced:

Crimes against incapacitated 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 adult is guilty of a separate and distinct Class 1 misdemeanor. The bill adds that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and a mandatory minimum term of confinement of six months if the underlying offense is a felony.

02/03/12 House: Incorporated by Courts of Justice (HB987-Loupassi)

Notes: Position: Support

HB 983 Motor fuels tax rate; converts rate from cents per gallon to a percentage rate.

Patron: Scott, J.M.

Summary as introduced:

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

02/14/12 House: Left in Finance

Notes: Position: Support

HB 987 Financial exploitation of incapacitated adults; penalties.

Patrons: Loupassi, Cole, Comstock, Filler-Corn, Helsel, Hodges, Massie, Minchew, Peace, Poindexter, Ramadan, Scott, J.M., Torian, Villanueva and Watson

Summary as introduced:

Financial exploitation of elderly or incapacitated adults; penalty. Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or incapacitated adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime.

02/20/12 House: Left in Appropriations

Notes: Position: Support

HB 1003 Employment discrimination; no employer shall discharge on basis of age.

Patrons: Ramadan and Herring

Summary as introduced:

Human Rights Council; causes of action for discrimination. Provides that no employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. Currently, the protection against age discrimination applies to an employer employing more than five but less than 15 persons.

Federal law applies to workplaces with 20 or more employees.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 1020 Precious metal dealers; retention of purchases for a minimum of 15 calendar days.

Patrons: Spruill, Cosgrove and Dance

Summary as passed House:

Precious metal dealers; retention of purchases. Increases from 10 to 15 calendar days the period that precious metal dealers must retain purchases of all precious metals or gems purchased by the dealer before they may be sold.

02/02/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

HB 1038 Overweight and oversize vehicle permits and fees; provides a method of assigning cost-based fees.

Patron: Keam

Summary as introduced:

Overweight and oversize vehicle permits and fees. Allows temporary registration of overweight and oversize vehicles and assigns fees based on the amount that a vehicle is overweight or oversize. The bill also designates fees into specific funds. The bill has a delayed effective date of January 1, 2013.

02/14/12 House: Left in Transportation

Notes: Position: Support

HB 1051 Primary elections; adds party affiliation to application when registering to vote.

Patron: Anderson

Summary as introduced:

Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2013, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the party rules governing who may participate in the party primary.

02/14/12 House: Left in Privileges and Elections

Notes: Position: Oppose

HB 1060 Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.

Patrons: Anderson, Lingamfelter, Cole, Cox, J.A., Crockett-Stark, Helsel, Hodges and Poindexter

Summary as passed House:

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 that an arresting officer inquire of every arrestee whether he is in the country legally. The bill further provides that when a law-enforcement officer believes 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.

02/22/12 Senate: Failed to report (defeated) in Courts of Justice (7-Y 7-N)

Notes: Position: Oppose

HB 1069 Primary elections; adds party affiliation to application when registering to vote.

Patrons: Hugo and Anderson

Summary as introduced:

Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2013, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the party rules governing who may participate in the party primary.

02/14/12 House: Left in Privileges and Elections

Notes: Position: Oppose

HB 1073 Residential rental properties; appeal of real property assessments, fair market value.

Patron: Hugo

Summary as passed House:

Real property tax; valuation of residential rental apartments. Requires that, in any appeal to a board of equalization concerning the fair market value of residential apartments in excess of four units, the board use the income approach to valuation, unless certain specified exceptions exist. Criteria to be used in making this determination include actual gross income generated, losses due to vacancies, collection losses, and rent concessions, as well as actual operating expenses and expenditures.

EMERGENCY

02/15/12 Senate: Referred to Committee on Finance

Notes: Position: Oppose

HB 1088 Reduced cigarette ignition propensity; eliminates an exemption.

Patron: O'Bannon

Summary as passed House:

Reduced cigarette ignition propensity. Eliminates an exemption that currently allows retailers to sell from their inventory cigarettes that do not comply with reduced ignition propensity standards if the cigarettes were stamped prior to January 1, 2010, which was the effective date of the legislation establishing the standards. This measure provides that retailers will not be subject to the requirements regarding the sale of reduced ignition propensity cigarettes only with respect to sales occurring prior to January 1, 2013.

02/17/12 House: Signed by Speaker

02/20/12 Senate: Signed by President

Notes: Position: Support

HB 1098 Civil rights; automatically restored to certain persons for eligibility to register to vote.

Patron: Herring

Summary as introduced:

Restoration of civil rights. Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting election fraud crimes) upon completion of sentence, including any term of probation or parole, and the payment of all restitution, fines, costs, and fees assessed as a result of the felony conviction.

02/14/12 House: Left in Militia, Police and Public Safety

Notes: Position: Support

HB 1100 Virginia Housing Trust Fund Authority; created, report.

Patron: Herring

Summary as introduced:

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

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 1105 Freedom of Information Act; electronic communication meetings.

Patron: Greason

Summary as introduced:

Virginia Freedom of Information Act; electronic communication meetings. Revises the rules for which meetings of state public bodies may be conducted by audio or video means. The bill provides that (i) at least one member of the public body must be physically assembled at the principal meeting location, (ii) the quorum of the public body is determined by members participating in person or by electronic means in the meeting, (iii) a member of the public shall pay for the documented marginal cost that a public body may incur in expanding public

participation to the meeting, and (iv) the number of meetings a public body may conduct through electronic communications means is limited to 50 percent of its regular meetings in any calendar year. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Oppose

HB 1110 Landlord and tenant laws; dwelling units.

Patron: Greason

Summary as passed House:

Landlord and tenant law; dwelling units. Allows a plaintiff in an unlawful detainer action to submit copies of the lease under certain circumstances. The bill also (i) removes the four-residential-unit limitation on the exemption from licensure as a mold inspector or remediator; (ii) revises the definition of dwelling unit; (iii) allows a tenant to stay in the dwelling unit after foreclosure of the property containing the dwelling unit under certain circumstances; (iv) provides in unlawful detainer actions, the proceeding shall be dismissed if the tenant pays the landlord or his attorney, or pays into court all: (a) rent due and owing as of the court date, (b) damages and other charges contracted for in the rental agreement, (c) late charges contracted for in the rental agreement, (d) reasonable attorney fees, and (e) costs of the proceeding; and (v) allows the landlord to recover from the tenant the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, including the landlord's administrative or other fees associated with the administration of such coverages.

02/15/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Oppose

HB 1111 Statewide Fire Prevention Code & Uniform Statewide Building Code; fees for enforcement and appeals.

Patron: Greason

Summary as passed House:

Fees for enforcement and appeals under Statewide Fire Prevention Code and Uniform Statewide Building Code. Defines the term "defray the cost" for purposes of fees authorized to be collected by a locality for costs for enforcement and appeals of the application of the Statewide Fire Prevention Code and the Uniform Statewide Building Code. Under the bill, the cost may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. The bill provides that it does not prohibit a private entity from conducting the inspections provided the private entity has been approved in accordance with the written policy of the fire official for the locality.

02/15/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Oppose

HB 1122 Derelict and blighted buildings; authorizes locality to serve as receiver to repair.

Patron: Morrissey

Summary as introduced:

Receivership of derelict and blighted buildings. Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner

of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission.

02/14/12 House: Left in Courts of Justice

Notes: Position: Support

HB 1137 Historic districts; any locality that establishes or expands district shall identify all landmarks.

Patron: Marshall, D.W.

Summary as passed House:

Designation of historic districts. Provides that before any locality designates by ordinance any building, structure, district, object, or site as part of a local historic district, the owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance. A locality shall identify and inventory all structures being considered for inclusion in such a district and shall establish written criteria to be used in making such determination.

02/15/12 Senate: Referred to Committee on Local Government

Notes: Position: Oppose

HB 1149 Freedom of Information Act; electronic communication meetings by local and regional public bodies.

Patron: Dudenhefer

Summary as introduced:

Freedom of Information Act; electronic communication meetings by local and regional public bodies. Expands the authority for the conduct of electronic communication meetings to all public bodies. Currently, local public bodies are prohibited from conducting public meetings in this manner, except when the Governor declares a state of emergency. The bill contains technical amendments.

02/14/12 House: Left in General Laws

Notes: Position: Support

HB 1193 Public procurement; posting by local public bodies of procurement opportunities.

Patron: Villanueva

Summary as introduced:

Public procurement; posting by local public bodies of procurement opportunities. Requires local public bodies to post required procurement notices on the Department of General Services' central electronic procurement website and makes newspaper publication optional. Currently, only state public bodies are required to post procurement notices on the Department of General Services' central electronic procurement website.

02/15/12 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

HB 1196 Zoning provisions; private schools and child day centers operated by religious institutions.

Patron: Cole

Summary as introduced:

Zoning provisions for private schools and child day centers; religious institutions. Provides that zoning ordinances for all purposes shall consider (i) private schools operated by a religious institution and (ii) certain child day centers operated by a religious institution as permitted uses in any zoning classification in which religious institutions are a permitted use.

02/14/12 House: Left in Counties, Cities and Towns

Notes: Position: Oppose

HB 1232 Virginia Public Procurement Act; resident employment and apprenticeship participation, required.

Patron: Morrissey

Summary as introduced:

Virginia Public Procurement Act; resident employment and apprenticeship participation; required contract provisions. Requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree (i) that 51 percent of all positions created in performance of the contract be filled by Virginia residents, (ii) that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and (iii) to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who was previously laid off by the contractor.

02/14/12 House: Left in General Laws

Notes: Position: Oppose

HB 1235 Virginia Public Procurement Act; contract pricing arrangements.

Patron: Massie

Summary as introduced:

Virginia Public Procurement Act; contract pricing arrangements. Provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the Public-Private Transportation Act or a qualifying project under the Public-Private Education Facilities and Infrastructure Act, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project."

02/10/12 House: Tabled in Appropriations

Notes: Position: Oppose

HB 1241 Motor fuels tax; required to be indexed starting on January 1, 2014.

Patron: Purkey

Summary as introduced:

Motor fuels tax; indexed. Requires that the motor fuels tax rate be indexed on January 1, 2014, and each year thereafter, to the average percentage change in the U.S. Department of Transportation's Transportation Services Index for the three years ending October 31 of the year immediately preceding the affected year.

02/14/12 House: Left in Finance

Notes: Position: Support

HB 1248 Transportation; assignment of general fund revenue, report.

Patrons: Lingamfelter, Rust, Cole, Albo and Cox, M.K.

Summary as passed House:

Transportation construction, operation and maintenance, and funding. Provides for the construction, maintenance, and funding of transportation by (i) increasing the dedicated transportation allocation of the sales and use tax from 0.5 percent to 0.75 percent, phased in over seven years, with the additional revenue dedicated for highway maintenance and operation, (ii) increasing transportation's share of year-end surpluses to 75 percent, and (iii) allowing the Governor to provide appropriations each year to transportation from a portion of revenue growth.

The bill also authorizes the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill also provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. It also provides for the performance of maintenance projects directly by VDOT when it can be demonstrated to the Commissioner or the CTB that VDOT can do it at lesser cost than an outside contractor.

02/22/12 Senate: Rereferred to Finance

Notes: Position: Oppose

HB 1252 Construction of structures affecting navigable airspace; technical review.

Patron: Knight

Summary as introduced:

Construction of structures affecting navigable airspace; technical review. Requires the Virginia Aviation Board, upon request by a locality, to issue a nonbinding technical review of the effects that certain proposed construction will have on navigable airspace. The bill provides that for each proposed structure that does not require a Board permit under § 5.1-25.1 but nevertheless will stand at least 200 feet high or within 20,000 feet of an airport, the locality in which the structure is to be located is required to obtain and consider a technical airspace review from the Board. The bill also requires each political subdivision in the Commonwealth to protect airspace within its jurisdiction by ordinance or action.

02/02/12 House: Passed by indefinitely in Transportation

Notes: Position: Oppose

HB 1280 Psychiatric hospital admissions; local inmates.

Patron: Stolle

Summary as introduced:

Psychiatric hospital admissions; local inmates. Amends the criteria for psychiatric inpatient admission for inmates at local correctional facilities to add mentally ill inmates for whom there exists a substantial likelihood that they will suffer serious harm due to their lack of capacity to protect themselves from harm or to provide for their basic human needs. Under current law the standard is that the mentally ill inmate will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting or threatening harm.

02/15/12 Senate: Referred to Committee for Courts of Justice

Notes: Position: Support

HB 1282 Tuition, in-state; and educational benefits for unlawfully present aliens.

Patron: Cline

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.

02/14/12 House: Left in Courts of Justice

Notes: Position: Oppose

HB 1294 Churches, synagogues, etc.; localities shall not charge an assembly fee or any similar fee.

Patrons: Spruill, Alexander, Anderson, Cline, Cosgrove, Cox, J.A., Cox, M.K., Dance, Garrett, Gilbert, Herring, Iaquinto, Ingram, James, Joannou, Jones, Kilgore, Knight, Landes, Marshall, D.W., Morris, O'Bannon, Peace, Robinson, Rush, Torian, Villanueva and Ware, O.; Senators: Blevins, Lucas and Miller, Y.B.

Summary as passed House:

Prohibition of certain local fees. Provides that localities shall not charge an assembly fee, or any similar fee to any church, synagogue, or other place of worship.

02/09/12 Senate: Referred to Committee on Local Government

Notes: Position: Oppose

HJ 17 Constitutional amendment; restoration of civil rights to persons convicted of felonies, etc.

Patron: Morrissey

Summary as introduced:

Constitutional amendment (first resolution); 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. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

HJ 49 Governor's Executive Reorganization Plan; approval by each house of General Assembly.

Patrons: Gilbert, Albo, Anderson, Bell, Richard P., Cole, Cox, J.A., Dudenhefer, Farrell, Garrett, Greason, Habeeb, Head, Helsel, Hodges, Ingram, Jones, Kilgore, Knight, Landes, Lingamfelter, Marshall, D.W., Merricks, Minchew, Morris, O'Bannon, O'Quinn, Peace, Pogge, Poindexter, Ramadan, Robinson, Rush, Scott, E.T., Sherwood, Stolle, Villanueva, Watson, Wilt, Wright and Yancey

Summary as passed House:

Governor's Executive Reorganization Plan. Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan.

02/16/12 House: Conferees appointed by House

02/16/12 House: Delegates: Gilbert, Jones, James

02/17/12 Senate: Conferees appointed by Senate

02/17/12 Senate: Senators: Vogel, Martin, Black, McDougale

Notes: Position: Oppose

HJ 125 Constitutional amendment; restoration of civil rights to persons convicted of felonies, etc.

Patron: Carr

Summary as introduced:

Constitutional amendment (first resolution); 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. Currently the Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

02/14/12 House: Left in Privileges and Elections

Notes: Position: Support

SB 6 VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Patrons: Martin, Carrico, McWaters, Black, Garrett and Ruff; Delegate: Peace

Summary as passed Senate:

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

Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to

comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill. This bill incorporates SB83 and SB318.

02/24/12 House: Assigned App. sub: Health & Human Resources

Notes: Position: Oppose

SB 12 Elections; absentee voting.

Patrons: Howell and Miller, J.C.

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. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

01/17/12 Senate: Failed to report (defeated) in Privileges and Elections (7-Y 8-N)

Notes: Position: Support

SB 22 Real estate tax; exemption for disabled veterans.

Patrons: Stuart and McDougle

Summary as passed Senate:

Real property tax; exemption for disabled veterans. Provides that the real property tax exemption for veterans whose disability rating occurs after January 1, 2011, begins on the date of the rating. The bill also clarifies that a locality is not liable for interest or penalties on any refund due to the veteran for taxes paid prior to the filing of the affidavit or written statement concerning the veteran's disability.

02/24/12 Senate: House amendment agreed to by Senate (38-Y 0-N)

Notes: Position: Support

SB 34 Rental payments; landlord accounting of tenant credits and debits upon written request.

Patron: Locke

Summary as introduced:

Landlord accounting of tenant credits and debits; upon request. Compels a landlord, upon the written request of a tenant, to produce a written accounting of charges and payments from the tenant over the tenancy or the past 12 months, whichever is shorter. This bill is recommended by the Virginia Housing Commission.

02/23/12 House: Reported from General Laws (22-Y 0-N)

Notes: Position: Support

SB 35 Landlords; recovery of possession limited.

Patron: Locke

Summary as introduced:

Recovery of possession by landlord. Clarifies that an unlawful detainer action and the execution of a writ of possession is needed to evict a tenant from a residential rental unit. A provision in a rental agreement saying otherwise is unenforceable. "Dwelling unit" and "residential dwelling unit" are defined. This bill is recommended by the Virginia Housing Commission.

02/23/12 House: Reported from General Laws with amendment (21-Y 1-N)

Notes: Position: Support

SB 48 Residential rental properties; establishes criteria by which an assessor determines market value.

Patron: Watkins

Summary as introduced:

Assessment of residential rental properties. Establishes criteria by which an assessor shall determine fair market value for real estate used in whole or in part as residential rental property as defined by ordinance or the locality. Criteria include actual gross income generated, losses due to vacancies, collection losses, and rent concessions as well as actual operating expenses and expenditures. Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment.

01/24/12 Senate: Stricken at request of Patron in Finance (15-Y 0-N)

Notes: Position: Oppose

SB 62 Primary elections; adds party affiliation to application when registering to vote.

Patrons: Stanley, Obenshain, Black and Ruff

Summary as introduced:

Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2013, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the party rules governing who may participate in the party primary.

02/09/12 Senate: Defeated by Senate (16-Y 24-N)

Notes: Position: Oppose

SB 73 Residential rental housing; establishes criteria by which an assessor determines fair market value.

Patron: Watkins

Summary as passed Senate:

Appeal of assessment of residential rental properties. Provides that in an appeal of an assessment of real property containing more than four residential units, certain criteria relating to fair market value shall be considered. These criteria include actual gross income generated, actual operating expenses and expenditures, and any other evidence relevant to determining fair market value.

Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment. The bill also provides that the income approach shall be used in assessing such property.

EMERGENCY

02/23/12 House: Passed House with substitute BLOCK VOTE (100-Y 0-N)

Notes: Position: Oppose

SB 75 Mortgage loan originators; exempts from licensing employees of bona fide nonprofit organizations.

Patron: Watkins

Summary as passed Senate:

Mortgage loan originators; bona fide nonprofit organizations. Exempts employees of bona fide nonprofit organizations from licensing and registration requirements applicable to mortgage loan originators. The State Corporation Commission is directed to prescribe, by regulation, procedures and criteria to be used to determine whether an organization is a bona fide nonprofit organization. In doing so, the Commission shall consider criteria adopted by the Consumer Financial Protection Bureau or other federal agency with rulemaking authority under the Secure and Fair Enforcement for Mortgage Licensing Act. The measure includes technical changes. This measure is a recommendation of the Virginia Housing Commission.

02/23/12 Passed Senate and House

Notes: Position: Support

SB 83 VIEW; screening and assessment of public assistance recipients for use of illegal substances.

Patrons: McWaters and Black

Summary as introduced:

Substance abuse screening and assessment of public assistance recipients. Requires local departments of social services to screen each participant in the Virginia Initiative for Employment Not Welfare (VIEW) to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. In cases in which drug testing is required, the participant shall pay the cost of such testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill was incorporated into SB6.

02/03/12 Senate: Incorporated by Rehabilitation and Social Services (SB6-Martin) (15-Y 0-N)

Notes: Position: Oppose

SB 84 Foster care; extends option of independent living services to person between 18 and 21 years old.

Patron: Favola

Summary as passed Senate:

Foster care; independent living services. Extends the time during which a person who was in foster care on his eighteenth birthday and who has not reached the age of 21 years may request restoration of independent living services from 60 days to 180 days after the date on which independent living services were previously terminated. This bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.

02/17/12 House: Assigned App. sub: Health & Human Resources

Notes: Position: Support

SB 107 Freedom of Information Act; criminal investigative records.

Patron: Edwards

Summary as introduced:

Freedom of Information Act; criminal investigative records. Amends the definition of "criminal investigative file" so that the exemption applies to records relating to active or ongoing investigations or prosecutions.

02/13/12 Senate: Passed by indefinitely in General Laws and Technology (7-Y 6-N)

Notes: Position: Oppose

SB 122 Derelict and blighted buildings; authorizes locality to serve as receiver to repair.

Patron: Watkins

Summary as passed Senate:

Receivership of derelict and blighted buildings. Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission and is identical to HB 491.

02/23/12 Passed Senate and House

Notes: Position: Support

SB 162 Fuels taxes; indexing of tax rates.

Patron: Petersen

Summary as introduced:

Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation.

The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes.

Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel.

This bill was incorporated into SB 631.

02/08/12 Senate: Incorporated by Finance (SB631-Watkins) (15-Y 0-N)

Notes: Position: Support

SB 193 Freedom of Information Act; exemption for cell phone numbers for EMS personnel and firefighters.

Patrons: Miller, J.C. and Locke

Summary as introduced:

Freedom of Information Act; exemption for cell phone numbers for EMS personnel and firefighters. Provides an exemption from the mandatory disclosure provisions of the Freedom of Information Act for records of a fire/EMS company or fire/EMS department, to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

02/20/12 House: Assigned GL sub: #2 FOIA/Procurement

Notes: Position: Support

SB 224 Assault and battery; Class 1 misdemeanor against a family or household member.

Patron: Herring

Summary as passed Senate:

Assault and battery of a family or household member; penalties. Provides for a Class 1 misdemeanor for a battery through the application of physical force against a member of a family or household member. This provision addresses the decision in U.S. v. White from the Fourth Circuit Court of Appeals in 2010. The proposal also expands the list of offenses that may be counted as prior convictions for the purposes of enhancing the penalty for assault and battery of a family or household member to include unlawful wounding under § 18.2-51 and non-malicious injury by a caustic substance or fire, in violation of § 18.2-52.

02/24/12 House: Continued to 2013 in Militia, Police and Public Safety

Notes: Position: Oppose

SB 228 Vehicle and trailer immobilization; subject to removal for outstanding parking violations.

Patron: Herring

Summary as introduced:

Vehicle and trailer immobilization. Makes all vehicles and trailers, in addition to motor vehicles, subject to removal or immobilization for outstanding parking violations. This bill is identical to HB 861.

02/22/12 Passed Senate and House

Notes: Position: Support

SB 231 Taxicabs; local regulation.

Patron: Herring

Summary as passed Senate:

Local regulation of taxicabs. Disallows counties, cities, and towns from reducing the number of taxicabs that are permitted or authorized under the local ordinance, except for non-use or cause as defined by the ordinance. This bill is identical to HB 865.

02/22/12 Passed Senate and House

Notes: Position: Oppose

SB 244 Primary elections; adds party affiliation to information an applicant to provide when registering.

Patron: Obenshain

Summary as introduced:

Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. The bill requires the State Board of Elections, in September 2012, to notify all registered voters of the new party registration law and send them a return card to indicate their party affiliation or independent status. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed in advance of an election. The state party chairman must notify the State Board by January 31 of each year whether the party will close or open its primaries. Further, the bill (i) adds a requirement that primary candidate petitions must be signed by voters registered as members of the party conducting the primary, (ii) sets the required number of petition signatures at one percent of the number of voters registered as members of the party in the election district where the primary is being held, and (iii) allows an official political party to retain that status so long as at least 15 percent of the Commonwealth's registered voters are registered as members of that party.

01/31/12 Senate: Incorporated by Privileges and Elections (SB62-Stanley) (15-Y 0-N)

Notes: Position: Oppose

SB 252 Elections; party identification on ballots in local elections.

Patron: Martin

Summary as introduced:

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

01/24/12 Senate: Incorporated by Privileges and Elections (SB56-Obenshain) (8-Y 7-N)

Notes: Position: Support

SB 285 Crimes against incapacitated or elder adults; penalty.

Patron: Herring

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. This bill was incorporated into SB 431.

02/01/12 Senate: Incorporated by Courts of Justice (SB431-Stuart) (14-Y 0-N)

Notes: Position: Support

SB 298 Virginia Retirement System; fiscal impact analysis of employer contribution rates.

Patron: Howell

Summary as introduced:

Virginia Retirement System; fiscal impact analysis of employer contribution rates. Requires the Board of the Virginia Retirement System to conduct a fiscal impact analysis whenever the appropriation for employer contribution rates included in the budget bill submitted by the Governor to the General Assembly is less than the Board-certified contribution rate, or when either house of the General Assembly adopts an amendment to the budget appropriating less than the Board-certified contribution rate.

02/17/12 House: Assigned App. sub: Compensation and Retirement

Notes: Position: Support

SB 299 Kinship foster care placements; Commissioner of Social Services may grant variance from requirement.

Patron: Howell

Summary as passed Senate:

Kinship foster care placements. Provides that the Commissioner of Social Services may grant a variance from requirements governing approval of foster care placements and may approve an arrangement for kinship foster care or a kinship foster care provider when he determines (i) the requirement would impose a hardship on the kinship foster care provider, and (ii) the variance will not adversely affect the safety and well-being of the child. The bill also provides that a local board of social services or child-placing agency may approve an application for approval as an arrangement for kinship care or a kinship foster care provider when the applicant has been convicted of a felony related to the possession of drugs other than felony offenses related to possession with the intent to distribute drugs, a misdemeanor conviction for arson, or an equivalent offense in another state, provided 10 years have elapsed since the date of the conviction and the local board or child-placing agency makes a specific finding that the placement would not endanger the safety or well-being of the child.

02/22/12 Senate: House amendments agreed to by Senate (36-Y 1-N)

Notes: Position: Support

SB 301 Sexual assault response teams; State attorney to invite chiefs of campus police to annual meeting.

Patron: Howell

Summary as introduced:

Sexual assault response teams; addition of campus police. Requires each attorney for the Commonwealth to invite any chiefs of campus police located within the jurisdiction to the annual SART meeting.

02/24/12 House: Reported from Counties, Cities and Towns (20-Y 0-N)

Notes: Position: Support

SB 302 Campus police; mutual aid agreements with local law-enforcement agencies and State Police.

Patron: Howell

Summary as introduced:

Campus police; MAAs with local law-enforcement agencies. Requires campus police to enter into mutual aid agreements with a local law-enforcement agency or the State Police for cooperation in providing assistance with the investigation of deaths and alleged rapes occurring on college campuses.

02/23/12 Senate: House substitute agreed to by Senate (40-Y 0-N)

Notes: Position: Support

SB 307 Reduced cigarette ignition propensity; eliminates an exemption.

Patron: Blevins

Summary as passed Senate:

Reduced cigarette ignition propensity. Eliminates an exemption that currently allows retailers to sell from their inventory cigarettes that do not comply with reduced ignition propensity standards if the cigarettes were stamped prior to January 1, 2010, which was the effective date of the legislation establishing the standards. This measure provides that retailers will not be subject to the requirements regarding the sale of reduced ignition propensity cigarettes only with respect to sales occurring prior to January 1, 2013.

02/24/12 Passed Senate and House

Notes: Position: Support

SB 312 Four-for-Life; substantive review.

Patron: Blevins

Summary as introduced:

Four-for-Life; substantive review. Requires that a reallocation of moneys set aside from the Four-for-Life fees be made pursuant to legislation that has been reviewed by the House Health, Welfare and Institutions Committee and the Senate Committee on Education and Health. The bill includes technical amendments.

01/31/12 Senate: Continued to 2013 in Finance (15-Y 0-N)

Notes: Position: Support

SB 364 Towing; allows police-requested towing to be initiated by employees authorized by local agency.

Patron: Deeds

Summary as passed Senate:

Police-requested vehicular towing. Allows "police-requested towing" to be initiated by uniformed employees of the local police department who are authorized to do so by the chief local law enforcement officer.

02/23/12 House: Reported from Transportation with amendment (22-Y 0-N)

Notes: Position: Support

SB 407 Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.

Patrons: Hanger and Stuart

Summary as introduced:

Integration of agencies' programs. Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-

stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. This bill is identical to HB 1065.

02/17/12 House: Passed House (90-Y 8-N)

Notes: Position: Support

SB 431 Financial exploitation of elderly or incapacitated adults; penalty.

Patrons: Stuart, Herring, Vogel, Ebbin, Favola, Howell, Locke and Ruff

Summary as passed Senate:

Financial exploitation of elderly or incapacitated adults; penalty. Provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime. This bill incorporates SB 222, SB 285 and SB 443.

02/17/12 House: Assigned Courts sub: #1 Criminal

Notes: Position: Support

SB 443 Financial exploitation of elderly or vulnerable adults; penalty.

Patron: Vogel

Summary as introduced:

Financial exploitation of elderly or vulnerable adults; penalty. Provides that it unlawful to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. A violation is deemed larceny unless the violation is by a caregiver or person with a fiduciary relationship in which case it is a Class 3 felony. The bill also allows forfeiture of personal property used in connection with the crime. This bill was incorporated into SB 431.

02/01/12 Senate: Incorporated by Courts of Justice (SB431-Stuart) (14-Y 0-N)

Notes: Position: Support

SB 445 Protective orders, permanent; provides circuit court jurisdiction to hear petitions to modify.

Patron: Vogel

Summary as passed Senate:

Permanent protective orders. Provides a circuit court jurisdiction to hear petitions to modify, dissolve, or extend a permanent protective order if the circuit court issued the order. The bill requires the court, when a protective order is issued, to enter and transfer identifying information to the Virginia Criminal Information Network (VCIN) system. Circuit court clerks who are not currently using the Statewide Case Management System shall provide protective orders directly to the Virginia Criminal Information Network in an electronic format approved by the Department of State Police.

02/22/12 Senate: House amendment agreed to by Senate (38-Y 0-N)
Notes: Position: Support

SB 454 Handicapped parking; allows localities by ordinance to grant free parking.

Patron: Vogel

Summary as introduced:

Handicapped parking. Allows localities by ordinance to grant four hours free parking to vehicles exhibiting disabled parking indicia in some places while not granting such free parking in other places.

02/24/12 House: Passed House BLOCK VOTE (98-Y 0-N)

Notes: Position: Support

SB 468 Virginia Indoor Clean Air Act; smoking in certain public buildings prohibited, penalty.

Patron: Northam

Summary as passed Senate:

Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty. Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof, and authorizes each locality to enact ordinances prohibiting smoking in any building owned or leased by the locality. The bill contains numerous technical amendments.

02/20/12 House: Assigned GL sub: #3 ABC/Gaming

Notes: Position: Support

SB 525 Virginia Public Procurement Act; preference for local products and firms.

Patron: Marsh

Summary as introduced:

Virginia Public Procurement Act; preference for local products and firms; applicability.

Authorizes localities to apply a preference for bidders or offerors located in the locality of up to 10 percent, provided (i) for competitive sealed bidding the percentage of the discount is stated in the Invitation to Bid, (ii) for competitive negotiations the percentage of the increase is stated in the Request for Proposal, and (iii) the discount percentage or increase percentage is included in the informal solicitation for small purchase.

01/30/12 Senate: Passed by indefinitely in General Laws and Technology (14-Y 0-N)

Notes: Position: Oppose

SB 526 Virginia Public Procurement Act; permissive contract provisions for localities.

Patron: Marsh

Summary as introduced:

Virginia Public Procurement Act; permissive contract provisions for localities; resident employment. Authorizes any locality to include in its contracts a provision requiring the contractor to ensure that a specified percentage, not to exceed 20 percent, of the work under the contract be performed by residents of the locality.

01/30/12 Senate: Passed by indefinitely in General Laws and Technology (14-Y 0-N)

Notes: Position: Oppose

SB 531 Northern Virginia Transportation District; establishes responsibilities for various entities.

Patron: Marsden

Summary as introduced:

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

02/23/12 House: Reported from Transportation with substitute (20-Y 2-N)

Notes: Position: Oppose

SB 539 Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.

Patron: Puller

Summary as passed Senate:

Procurement; forward energy pricing. Authorizes any public body to use forward pricing mechanisms for budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument.

Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures that are made available to the public, and (v) the public body establishes an oversight process.

02/24/12 Passed Senate and House

Notes: Position: Support

SB 551 Real estate tax; counties may establish discount no greater than 5 percent for payment in full.

Patron: Puller

Summary as passed Senate:

Real property tax; discount for payment in full. Allows a locality to provide, by ordinance, a discount of no greater than five percent for the payment of real estate taxes in full on or before the due date.

02/24/12 House: Reported from Counties, Cities and Towns (20-Y 0-N)

Notes: Position: Support

SB 552 Eligibility for TANF; drug-related felonies.

Patron: Favola

Summary as passed Senate:

Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided he is not engaged in the use of illegal drugs and he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings conducted at least once

ever three months or more frequently if there is reason to believe the individual may be engaged in the use of illegal drugs. The bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.

02/17/12 House: Assigned App. sub: Health & Human Resources

Notes: Position: Support

SB 553 School divisions, local; may use unexpended state funds to provide one-time bonus to teachers.

Patron: Favola

Summary as introduced:

Local school divisions; unexpended state funds. Provides that local school divisions may elect to use any unexpended state funds to provide a one-time bonus to all teachers of up to three percent of the annual base salary.

02/09/12 Senate: Continued to 2013 in Finance (15-Y 0-N)

Notes: Position: Oppose

SB 554 Firearms; possession within residence of victim by persons subject to protective orders.

Patron: Favola

Summary as passed Senate:

Possession or transportation of firearms; certain emergency protective orders; penalty. Creates a Class 1 misdemeanor for the physical possession of a firearm while in the residence of the alleged victim or the transport of a firearm by a person subject to an emergency protective order issued as a result of an assault and battery against a family or household member.

02/17/12 House: Continued to 2013 in Militia, Police and Public Safety

Notes: Position: Support

SB 556 Pawnbrokers; holding period for purchases.

Patron: Miller, Y.B.

Summary as introduced:

Pawnbrokers; holding period for purchases. Requires pawnbrokers to retain all purchased goods intact for a minimum of 15 calendar days from the date the goods were purchased.

02/23/12 House: Reported from General Laws with substitute (22-Y 0-N)

Notes: Position: Support

SB 558 Forfeited drug assets; redirection of assets to construction of Public Safety Memorial.

Patrons: Colgan and Obenshain

Summary as passed Senate:

Redirection of forfeited drug assets to construction of Commonwealth Public Safety Memorial. Provides that between July 1, 2012, and July 1, 2014, local agencies may direct cash funds and proceeds from forfeited drug assets to the Virginia Public Safety Foundation to support the construction of the Commonwealth Public Safety Memorial. Funding decisions shall be made following an internal analysis that determines contributions will not negatively impact law-enforcement training or operations. This bill incorporates SB 574.

02/22/12 Passed Senate and House

Notes: Position: Oppose

SB 572 Virginia Public Procurement Act; preference for local businesses.

Patron: Vogel

Summary as introduced:

Virginia Public Procurement Act; preference for local businesses. Allows a locality to give a procurement preference to persons, firms, or corporations having principal places of business in the locality if such bidder's bid is within five percent of the lowest bid. The bill provides that prior to awarding a contract under the preference, the locality must certify in writing that (i) exercising the preference provides goods, services, and construction comparable in quality to that of other non-local bids and (ii) using a local business provides beneficial economic effects in the community through creating and sustaining local jobs and by generating local tax revenues.

01/30/12 Senate: Passed by indefinitely in General Laws and Technology (14-Y 0-N)

Notes: Position: Oppose

SB 589 Virginia Public Procurement Act; resident employment and apprenticeship participation.

Patrons: Deeds and Edwards

Summary as introduced:

Virginia Public Procurement Act; resident employment and apprenticeship participation; required contract provisions. Requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree (i) that 51 percent of all positions created in performance of the contract be filled by Virginia residents, (ii) that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and (iii) to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who was previously laid off by the contractor.

01/30/12 Senate: Passed by indefinitely in General Laws and Technology (12-Y 2-N)

Notes: Position: Oppose

SB 614 Local sales tax distribution; correction of erroneous payments.

Patron: Edwards

Summary as introduced:

Local sales tax distribution; correction of erroneous payments. Requires the state to make adjustments in the next month's distribution of sales tax revenues to a locality after it is discovered that an error in payment was made. Current law allows the adjustment to be made over a period of six months.

02/22/12 House: Passed House (98-Y 0-N)

Notes: Position: Support

SB 640 Capital improvements; no locality shall approve project involving locality's courthouse, etc.

Patron: Ruff

Summary as introduced:

Capital improvement; courthouses. Provides that no locality shall approve a capital project involving the locality's courthouse until such time as the United States Gross Domestic Product Annual Growth Rate is three percent or greater.

02/07/12 Senate: Failed to report (defeated) in Local Government (6-Y 9-N)

Notes: Position: Oppose

SB 671 Retail sales and transient occupancy taxes; taxes on room rentals based upon charges for use, etc.

Patron: Hanger

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. The effective date of the bill is January 1, 2013.

02/07/12 Senate: Continued to 2013 in Finance (15-Y 0-N)

Notes: Position: Support

SJ 5 Constitutional amendment; contributions to defined benefit retirement plan maintained for employees.

Patron: Howell

Summary as introduced:

Constitutional amendment (first resolution); contributions to defined benefit retirement plans maintained for employees. Requires that contributions to defined benefit retirement plans that are maintained for state employees and employees of participating political subdivisions and school divisions be made in strict adherence with contribution rates and times for the payment of the contributions as recommended by the Board of Trustees of the Virginia Retirement System (VRS).

Under the resolution, for the six fiscal years beginning on and after July 1, 2014, the General Assembly could make contributions at a rate that is less than the VRS recommended contribution rate without any deferred contributions being recognized so long as the contributions are at least equal to certain minimum amounts. In addition, for fiscal years beginning on or after July 1, 2020, the General Assembly could provide for the deferral of all or any portion of such contributions for any fiscal year in which the maximum amount is appropriated from the Revenue Stabilization Fund by a separate vote of a majority of all the members voting in each house. All contributions deferred would be required to be repaid within 10 years at an annual interest rate equal to the current actuarially calculated long-term rate of return as determined by VRS. The resolution also requires that retirement contributions deferred in 2010 be repaid by June 30, 2022.

The resolution also specifies how certain other factors and variables used in setting contribution rates are to be determined.

01/17/12 Senate: Continued to 2013 in Privileges and Elections (15-Y 0-N)
Notes: Position: Support

SJ 96 ICPRB; joint subcommittee to study State's withdrawal & effects upon source of drinking water, etc.

Patron: Marsden

Summary as introduced:

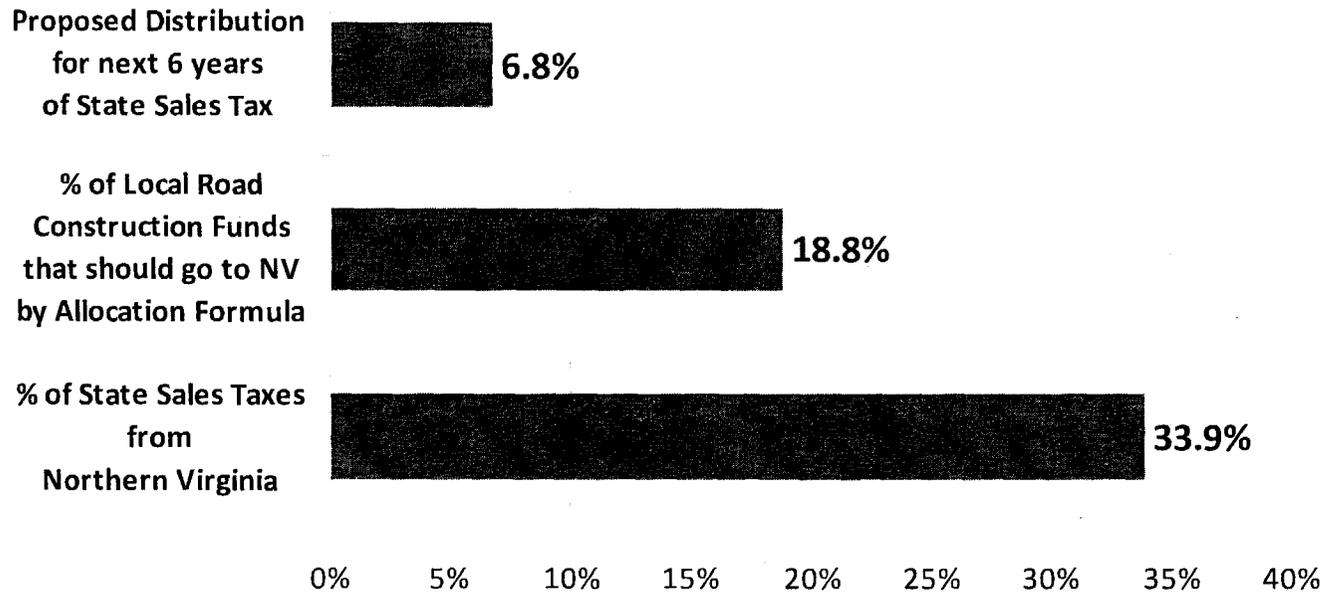
Study; joint subcommittee to study Virginia's withdrawal from ICPRB; report. Establishes a joint subcommittee to study Virginia's withdrawal from the Interstate Commission on the Potomac River Basin and its effects upon the viability of the Potomac as a source of drinking water, recreation, and other benefits.

02/10/12 Senate: Continued to 2013 in Rules

Notes: Position: Support

Governor's Funding List

Governor's 2012 Proposed Road Funds to Northern Virginia out of Sales Taxes Taken from General Fund



68

■ Sources:
"Sales Tax List 1/30/12" Office of the Secretary of Transportation
"An Overview of the Highway Construction Allocation Formula" VDOT 9/22/11
"Virginia Department of Taxation 2010 Annual Report" pgs 29-30