

City of Alexandria

MEMORANDUM

DATE: MARCH 12, 2012

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER *R. Young*

SUBJECT: STATUS REPORT (NO. 4) ON LEGISLATION INTRODUCED AT THE 2012 GENERAL ASSEMBLY SESSION

ISSUE: Status report (No. 4) on legislation introduced at the 2012 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2012 General Assembly Session adjourned as scheduled on March 10. Unfortunately, the House and Senate failed to pass a budget or to fill judicial vacancies. As a result, the General Assembly convened a Special Session—to deal with these two issues—immediately after it adjourned. The Special Session recessed immediately and is scheduled to reconvene on March 21.

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 1 is a status report on "City Package" bills):

- The final bill (HB 1063) that would have allowed local school boards to set the opening day of school was defeated by the Senate Education and Health Committee on a vote of 9-6.
- SB 261, introduced by Senator Ebbin, sought to create a grant program to improve preschool programs, using unused moneys that have been appropriated to the Virginia Preschool Initiative. It passed the Senate, but was defeated by the House Appropriations Committee, which had defeated an identical bill (patroned by Delegate Englin) 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 total energy savings and the return on investment they create for the entire state. The bills passed both the House and Senate. The Governor proposed an amendment (which was accepted by the General Assembly) to make the legislation effective immediately.

Attachment 2 is a report on other bills on which the City has taken a position.

Resolution Commending the Alexandria Library. Senator Ebbin introduced a resolution commending the Alexandria Library as it celebrates its 75th anniversary as a public library. Copatrons on the resolution were the other members of the City's delegation. Attachment 3 is a copy of the resolution.

Regional Transportation Governance—NVTC and NVTA. Bills were introduced in both houses on behalf of the Governor to make a number of changes relating to government organization. One of these was a proposal to combine the Northern Virginia Transportation Authority (NVTA) and the Northern Virginia Transportation Commission (NVTC). After much discussion, the proposal was modified to have NVTA, NVTC and the Northern Virginia Regional Commission (NVRC) undertake a study and propose an implementation plan that would combine NVTA, NVTC, and NVRC into one or two organizations.

When the bill was considered by the House and Senate, each body included different language in a number of the bill's provisions. Because of this, it was sent to a Conference Committee to develop compromise language. Some of the proponents of the NVTA-NVTC merger sought to have the three organizations merged into one—rather than one or two. Others opposed this change, noting that the original language seeking one or two organizations had been developed after negotiation with local officials on VML Day. Furthermore, they said, it is premature to assume the best alternative is to combine all three existing organizations into one.

As a result, a group of Senators agreed not to support inclusion of the NVTA-NVTC merger in the reorganization legislation. Instead, they developed a letter (Attachment 4) that is being sent to the Chairs of NVTA, NVTC, NVRC, and the Potomac and Rappahannock Transportation Commission (PRTC), which performs some of the same functions as NVTC for localities between Prince William and Spotsylvania Counties. The letter, signed by nearly all members of the Northern Virginia delegation, asks that the four organizations study whether any consolidation of these organizations is advisable, and address issues such as governance, membership, voting procedures, geographical representation, legal obstacles, funding matters, and the role of the Transportation Planning Board in the regional transportation planning process. The letter also asks that the study be completed by October 1, 2012.

Regional Transportation Governance—WMATA Board. Legislation (HB 601) to set qualifications and requirements for persons appointed to the WMATA Board has passed the House and the Senate. In the Senate, it was modified to:

- Specifically require that the Governor's designee to the WMATA Board be a resident of a locality served by WMATA.
- Clarify that persons already serving on the WMATA Board will not have their service prior to July 1, 2012, counted toward the term limit of two consecutive four-year terms.
- State that any person appointed to an initial one or two-year term will not have that term counted toward the term limit of two consecutive four-year terms.

- Make anyone appointed to an unexpired term, in which two years or less is remaining, eligible to serve two consecutive four year terms after completing the unexpired term.

Transportation Funding. The House and Senate reached agreement on the Governor's transportation proposal. The most controversial portion of the bill, which would have used general fund sales tax revenues for transportation, was removed from bill. Components that remain include the following:

- The Commonwealth will sell naming rights to private entities for state highways, bridges, interchanges, and other transportation facilities.
- The VDOT revenue sharing program (the State provides a match equal to local revenue being spent on projects) will be available for maintenance projects; prior to now, it was limited to construction projects. Alexandria has participated in this program.
- The Commonwealth Transportation Board (CTB) may allocate up to \$500 million annually, outside the normal funding formula, for what it deems to be priority projects including bridge reconstruction and rehabilitation, reconstructing deteriorated interstate and primary system pavements, Public-Private Transportation Act projects, and paving unpaved roads.
- Every locality must ensure that its transportation plan, which is a component of its comprehensive plan, is consistent with the Commonwealth Transportation Board's Statewide Transportation Plan and Six Year Plan. Prior to the adoption of the transportation plan or any amendment thereto, each locality must submit the plan or amendment to VDOT for review and comment. VDOT then has 90 days (or another deadline if agreed upon by both parties) to provide written comments to the locality. Once the plan or amendment is adopted, the locality must resubmit it to VDOT for "informational" purposes. If VDOT finds that the submission is inconsistent with the VDOT Statewide or Six Year plans, it can allocate funds away from any non-conforming projects in the locality.
- If a locality asks the CTB to terminate an active federal or State-funded project, or fails to advance a project once it is underway, the CTB may require the locality to reimburse the State for any funds that have been spent.
- If a locality requests changes to a project once it is underway (even if this is due to unforeseen circumstances), and the changes will cost more than 10 percent of total project costs, the CTB can require the locality to pay for the additional costs.

State Budget. As Council is aware, adoption of a 2012-2014 State budget did not occur prior to the close of Session. The Senate membership is evenly split between Democrats and Republicans, and both party caucuses are voting as a bloc on the budget. Since 21 Senators must

vote to approve the budget (the Lieutenant Governor cannot break a tie on the budget), the Senate was unable to enact a budget bill. There are, however, informal talks taking place between House Appropriations and Senate Finance Committee members, aimed at resolving differences between the House budget and the Senate Finance Committee budget. The General Assembly is scheduled to return to Richmond on March 21 to continue the Special Session.

Virginia Retirement System (VRS). The General Assembly considered four bills proposing significant changes to the Virginia Retirement System during the 2012 Session. SB 497 sought to require local government and school employees to pay the five percent employee contribution to VRS, and local governments to give their employees a salary increase equal to the employee contribution amount. SB 498 would have created a new hybrid retirement plan that would be mandatory for most new VRS-covered employees and would include defined benefit and defined contribution components. HB 1129 proposed major changes to the current defined benefit plan for Pre-2010 (Plan A) employees, including a lengthier period of time for calculation of average final pay; caps on cost of living adjustments; and a reduction in the multiplier (the percentage of average salary multiplied by years of service to determine retirement benefits). HB 1130 would have created a new optional hybrid retirement plan with defined benefit and defined contribution components for state employees.

On the last day of Session, the House and Senate agreed on compromise legislation. As a result:

- Teachers and local employees will be required to pay five percent of their salary as the employee contribution beginning July 1, 2012 (localities and school boards may choose to phase in the employee contributions and raises over a 5-year period for employees who were hired prior to July 1, 2012). Local governments and school boards will be required to increase employee salaries by a like percentage to cover this contribution.
- New employees (state and local, including teachers) not vested prior to January 1, 2014¹ will be required to participate in a hybrid plan (defined benefit/defined contribution); existing employees will be given the opportunity to participate in the plan if they choose to do so. The hybrid plan will require an employee contribution of 4 percent, and an employer contribution rate for the defined benefit component that will be determined actuarially. The defined benefit pension will be based on a multiplier of 1 (as opposed to 1.7 currently), so the benefit will be lower than under the current defined benefit plan.² For the defined contribution component, employees will have to contribute at least one percent and may contribute up to 5 percent of salary. The employer will be required to provide an equal match for the first 2 percent, and must contribute 0.5 percent for every 1.0 percent contributed by the employee in excess of 2 percent; the maximum employer

¹ Vesting occurs once an employee has been a member of VRS for 5 years.

² For example, an employee under the current VRS defined benefit plan who works for 30 years and whose average salary for the last 3 years was \$100,000 will receive \$51,000 annually (not counting COLAs) once he retires ($\$100,000 \times 30 \times 1.7 = \$51,000$). Under the new defined benefit portion of the plan, the same person will receive \$30,000 annually ($\$100,000 \times 30 \times 1 = \$30,000$). Under the hybrid plan, the employee will receive additional retirement income from the defined contribution plan.

contribution for each employee under the defined contribution portion of the plan will be 3.5 percent. Local governments will be required to participate in the VRS deferred compensation plan to the extent necessary to provide benefits under the hybrid retirement plan.

- Changes were also made to the existing defined benefit plan. For Plan 2 employees (those hired after June 30, 2010) and non-vested Plan 1 employees (those hired into a VRS-covered position prior to 7/1/10 who currently have less than 5 years' service), the multiplier used to determine benefits is lowered from 1.7 to 1.65; the average final compensation will be determined by the average salary over 60 months (it is now 36 months); and the annual COLA is capped at 3 percent.
- In the future, the State must use the VRS Board actuarial assumptions³ (although the requirement to do so is being phased in over 6 years). More often than not in the past, the State assumed a rate of return on investments that was higher than the VRS actuary assumption. This has resulted in a large unfunded liability for the teacher and state employee plans.

Staff is continuing to review the VRS legislation, and will provide Council with some additional information at the March 13 meeting. A more comprehensive review, with greater analysis of the impact of the legislation on the City budget and City employees, will take place at the budget work session on employee compensation and school issues planned for March 28.

ATTACHMENTS:

Attachment 1: Final Status of City Package Bills, March 10, 2012

Attachment 2: Current Status of Bills of Bills on Which the City Has Taken a Position, March 10, 2012

Attachment 3: Senate Joint Resolution 231, "Commending the Alexandria Library on the Occasion of its 75th Anniversary as a Public Library"

Attachment 4: Letter Regarding Study of the Merger of Northern Virginia Transportation Organizations

STAFF: Bernard Caton, Legislative Director

³ The VRS Board recently set the investment return rate at 7 percent. The Governor and General Assembly overrode the Board decision and set it at 8 percent. Once the requirement to follow the VRS Board decision is phased in, the Governor and General Assembly will not be able to set a different rate.

**Current Status of City Package Bills
March 10, 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.

03/03/12 Passed House and Senate

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 (defeated)

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 (defeated)

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 (defeated)

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 (defeated)

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 (defeated)

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 (defeated)

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 (defeated)

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 (defeated)

Notes: Position: 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 (defeated)

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 (defeated)

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 (defeated)

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. This bill is identical to SB 493.

03/08/12 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 (defeated)

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 (defeated)

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 (defeated)

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.

03/01/12 Senate: Failed to report (defeated) in Education and Health (6-Y 9-N)

Notes: Position: Support

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

Patron: Herring

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 (defeated)

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.

02/27/12 Senate: Agreed to by Senate (24-Y 16-N)

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 (defeated)

Notes: Position: Support

SB 240 Constitutional amendment; taking or damaging of private property for public use.

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.

03/08/12 Passed Senate and House

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 into SB457, which was defeated

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.

02/29/12 House: Subcommittee recommends laying on the table (defeated)

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 (defeated)

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 Incorporated by Education and Health into SB457, which was defeated

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 (defeated)

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. This bill is identical to HB 894.

02/29/12 Passed Senate and House

Notes: Position: Support

SJ 3 Constitutional amendment; taking or damaging of private property for public use.

Patrons: Obenshain, Deeds, McDougale, 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.

03/06/12 Passed Senate and House

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 (defeated)

Notes: Position: Support

**Current Status of Bills on Which the City Has Taken a Position
March 10, 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.

02/29/12 Senate: Continued to 2013 in Finance (11-Y 2-N)

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 passed:

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. This bill is identical to SB 245.

03/01/12 Governor: Approved by Governor-Chapter 42

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

