

City of Alexandria
MEMORANDUM

DATE: JANUARY 21, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2008 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 1) on legislation introduced at the 2008 General Assembly Session.

RECOMMENDATION: That City Council take the following actions, as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilman Smedberg):

1. Approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City); and
2. Support the Budget Amendment for Rental Assistance proposed by the Virginia Coalition to End Homelessness and SALT (Attachment 4).

DISCUSSION: The 2008 General Assembly Session began on January 9, and is scheduled to adjourn on March 8. The deadline for introduction of legislation was Friday, January 18.¹ As of that day, at least 2,338 bills and 405 resolutions have been introduced (it is possible that additional bills and resolutions were introduced but have not yet appeared on the Legislative Information System). Major issues for this General Assembly Session include mental health, immigration, smoking in restaurants and other public places, abusive driver fees, payday loans, and the State Budget. As in recent Sessions, several bills have also been introduced that directly affect the Mirant Power Plant.

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

- HB 93 and SB 634 would allow localities that have public defender offices to supplement their salaries with local funds. HB 93 is scheduled to be heard in a Courts of Justice

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

Subcommittee Monday afternoon; consideration of SB 634 by the Senate Courts of Justice Committee (to which it has been assigned) has not yet been scheduled.

- HB 686, which would exempt energy-saving compact fluorescent light bulbs from the sales tax, has been assigned to the House Finance Committee but has not yet been heard. At least two other legislators have submitted identical legislation.
- HB 800 and HB 860 are almost identical bills that seek to allow the suspension of new election laws that would otherwise go into effect while a special election is under way. HB 800 would give the State Board of Elections the authority to suspend the new law, and HB 860 would give this authority to the Board's Secretary; either approach will achieve the City's goal. The Kaine Administration appears to favor HB 800.
- HB 858 and SB 647 would exempt from the Freedom of Information Act the records of a publicly owned museum that can be used to identify an individual who donates or loans one or more items of personal property to the museum. The Virginia Press Association has indicated that it will oppose this bill, since the Association does not believe that donor/loaner information should be shielded. Both bills have been assigned to the General Laws Committees, and neither has yet been heard.
- HB 864 would allow the ABC Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey (e.g., Gadsby's Tavern). The bill has been assigned to the General Laws Committee. Staff from the ABC Board has indicated that the Board will not object to the bill.
- HB 1270 and SB 644 rewrite Virginia's pedestrian safety laws and would require drivers to stop, not just yield, for pedestrians. Both bills have been assigned to the Transportation Committees and could be heard at any time.
- HB 1271 exempts trade secrets and proprietary information of certain franchisees (e.g., franchisees for local government wireless networks) from disclosure under the Freedom of Information Act. The bill has been assigned to the House General Laws Committee, but has not been considered. The Virginia Press Association has indicated that it will not oppose this legislation.
- Budget amendments have been submitted in the House and Senate seeking \$100,000 for capital improvement projects at Fort Ward. Depending on the amount of State revenue received, funds would be used for one or more of these projects: restoration of the wooden revetment, restoration of the gun carriages, and erosion control.

Mental Health Reform. As expected, dozens of bills have been introduced to reform the state and local mental health system in response to the April tragedy at Virginia Tech. Among the

topics they deal with are the criteria for involuntary commitment; emergency custody orders; presence of CSB staffers at commitment hearings; outpatient treatment; possession of firearms; crisis intervention and stabilization; and case management. Many of the recommended practices in the various bills are already followed by CSBs such as ours. City CSB staff is working with staff from other CSBs in the region and the state to develop “omnibus” reform legislation from the various proposals that have been submitted. Although it is too early to make any specific recommendations to Council, City staff will continue to monitor this legislation closely, and report to Council in future legislative updates.

Immigration. Not surprisingly, over 100 bills have been introduced dealing with immigration. Issues that these bills seek to address include overcrowding of residential dwellings; the admission of undocumented aliens into colleges and universities; verifying legal presence for those seeking government benefits; admission to bail of undocumented aliens; the use of English in the business place and in dealings with government; ensuring that government contractors verify their employees’ legal presence; and verifying the legal presence of jail inmates. In an unusual move, the House Speaker has assigned most bills dealing with immigration to the Rules Committee, which he chairs, and which generally considers legislation pertaining to House governance and proposed General Assembly studies.

Attachment 1 includes recommendations from Council’s Legislative Subcommittee on a number of the Immigration bills that have been introduced.

Smoking in Public. At least a dozen bills have been introduced—more than in any previous Session—seeking to restrict smoking in public. Some of these apply to specific localities, others to regions, and still others statewide. Some do not ban smoking, but allow localities to do so by ordinance. As set out in its 2008 Legislative Package, the City is supporting all of these approaches.

Abusive Driver Fees. At least 25 bills have been introduced to repeal the abusive driver fees that were enacted as part of the 2007 General Assembly’s transportation funding package. In his State of the Commonwealth address, Governor Kaine endorsed the repeal of these fees, and there has been no opposition to doing so from members of either party (although several members introduced measures to “reform” the fees in various ways rather than repeal them). It is unclear yet whether legislation will be passed to provide an alternative source for the transportation revenues these fees would have supplied. Within several years, the Commonwealth will be unable to provide the required match for federal transportation funds without additional revenue sources.

Legislation Affecting Mirant. HB 1332 and SB 423, identical bills, are the 2008 revisions of the 2007 legislation that would have transferred permitting authority from the Air and Water Control Boards to the Director of the Department of Environmental Quality (DEQ) and merged the three environmental boards. The 2008 bills no longer seek to merge the three boards, but they do seek to transfer permitting authority from the Air and Water Control Boards to the DEQ Director (the DEQ Director has always issued waste permits). In addition, they seek to expand

the Air Board from five to seven members. Staff, together with the contract lobbyists that are assisting the City with environmental legislation, is working hard to defeat these bills.

HB 650 has been introduced by Delegate Clarke Hogan as an alternative to these bills (Delegate Hogan represents the Southside Virginia area where the Chairman of the Water Control Board, who opposes HB 1332 and SB 423, lives). HB 650 would allow the Air Pollution Control Board and the State Water Control Board to delegate their authority to make permitting decisions to the Director of the Department of Environmental Quality (which they already do for most permits). It would also reconfigure the membership of all three boards so that each board includes at least one member from the other two boards. The City supports passage of this bill, or of no bill at all. If no legislation is passed, there will be no change in the authority or procedures of the three boards.

SB 712 would allow emissions trading in Northern Virginia. The City already adopted a position in its 2008 Legislative Package opposing any legislative proposals that would allow emissions trading for facilities in non-attainment areas to meet their nitrous oxide and sulfur dioxide permit limits. This legislation would harm both the City and the region, and the City will vigorously oppose it.

Payday Loans. Over a dozen bills have been introduced to eliminate or regulate payday lenders. Most of these seek either to outlaw payday loans or to cap them at 36 percent; the City supports both these approaches. Several bills seek to “reform” the payday loan industry by putting limits on the number of loans a borrower may make, or the size of a loan with respect to a borrower’s income. Opponents of payday lending have not been convinced that these “reform” efforts will actually protect borrowers.

State Budget. As noted in an earlier memorandum to Council (Attachment 3), Governor Kaine’s proposed biennial budget provides funding for several initiatives, including enhancements to the state and local mental health system, and expansion of pre-K education.

Unfortunately, the Governor has proposed several funding reductions which will negatively impact local governments, including cuts to HB 599 local law enforcement funding (a reduction of \$337,000 a year to the City), and a suspension of the payment of revenues from the taxes on wine and alcoholic beverages to cities and counties (this will have a \$153,000 impact annually on Alexandria).

Of much greater significance and concern to the City is a proposal by the Governor that would require the City to share with the State the per diems it receives from the federal government for housing federal prisoners at the Alexandria jail. This would have a negative impact on the City of approximately \$1 million annually—and not just for the upcoming biennium, but indefinitely into the future. Staff has worked with the delegation to prepare budget amendments asking the General Assembly to reject this proposal, and the Mayor has discussed his concerns about this proposal with the Governor.

Last Thursday was the deadline for House and Senate members to propose budget amendments. The proposed amendments have not yet been tabulated or made public.

The House Appropriations and Senate Finance Committees are scheduled to announce their budget recommendations on February 17.

Staff will continue to update Council on the budget throughout Session.

STAFF:

Bernard Caton, Legislative Director

ATTACHMENTS:

Attachment 1 - Recommended Positions on Bills of Importance to the City, January 20, 2008

Attachment 2 - Current Status of City Package Bills, January 20, 2008

Attachment 3 – Memorandum, December 20, 2007, “Governor Kaine’s Proposed Biennial Budget”

Attachment 4 – Budget Amendment for Rental Assistance proposed by the Virginia Coalition to End Homelessness and SALT

Recommended positions on Bills of Importance to the City January 21, 2008

HB 3 Child Care Provider Registry; created.

Summary as introduced:

Child Care Provider Registry. Creates the Virginia Child Care Provider Registry. Allows child care providers to voluntarily register with the Registry and to authorize the Registry to run criminal background checks and checks to determine whether applicants are the subject of founded complaints of child abuse or neglect and to make the results of such searches available to the public. Requires local departments to report founded complaints to the Department of Social Services and the Department to update the Registry upon receipt of such reports.

Patrons: Tata, Armstrong, Iaquinto and Miller, P.J.

11/19/07 House: Prefiled and ordered printed; offered 01/09/08

11/19/07 House: Referred to Committee on Health, Welfare and Institutions

Notes: City Position: Support

HB 13 Stalking; enhanced penalty if victim is a minor.

Summary as introduced:

Enhanced penalty for stalking of a minor. Provides that if at the time of the offense of stalking, the victim is a minor and the offender is 10 or more years older than the victim, the sentence imposed shall include a mandatory minimum term of confinement of 30 days. The bill also provides that (i) for a second such conviction occurring within five years the penalty shall include a mandatory minimum term of confinement of 60 days and (ii) for a third conviction of stalking occurring within five years the penalty shall include a mandatory minimum term of confinement of 90 days.

Patrons: Peace, Crockett-Stark, Frederick, Hargrove, Iaquinto, Janis, Kilgore and Wittman

11/27/07 House: Prefiled and ordered printed; offered 01/09/08

11/27/07 House: Referred to Committee for Courts of Justice

01/10/08 House: Assigned Courts sub: Criminal

01/17/08 House: Impact statement from DPB (HB13)

Notes: City Position: Support

HB 36 Fair housing law; unlawful discriminatory housing practice.

Summary as introduced:

Fair Housing Law; unlawful discrimination; sexual orientation. Adds discrimination based on sexual orientation as an unlawful discriminatory housing practice.

Patron: Scott, J.M.

12/05/07 House: Prefiled and ordered printed; offered 01/09/08

12/05/07 House: Referred to Committee on General Laws

01/10/08 House: Impact statement from DPB (HB36)

Notes: City Position: Support

HB 55 English; designating as official language of State.

Summary as introduced:

English as the official language of the Commonwealth. States that, except as provided by federal law, English is the official language of the Commonwealth, and no state agency or local government shall provide or otherwise assist in providing any documents, information, literature, or other written materials in any language other than English. The bill provides exceptions to this general rule for any documents, information, literature, or other written materials in a language other than English used in connection with foreign language instruction, administration of justice in the courts of the Commonwealth, law-enforcement purposes, or the provision of health care services.

Patrons: Lingamfelter and Wright

12/05/07 House: Prefiled and ordered printed; offered 01/09/08

12/05/07 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 74 Real estate tax; limitation on rates by localities.

Summary as introduced:

Real estate tax rates. Requires each locality to lower its real estate tax rate for the forthcoming tax year to produce no more than the previous year's real property tax levies when any annual assessment, biennial assessment, or general reassessment of real property by the locality would result in an increase in the total real property tax levied. The locality may increase the rate above the reduced rate after a public hearing held no sooner than 30 days after the rate reduction. The bill has a delayed effective date of January 1, 2009.

Patrons: Purkey and Frederick

12/07/07 House: Prefiled and ordered printed; offered 01/09/08 082201692

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

01/12/08 House: Impact statement from TAX (HB74)

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 76 Recordation tax; changes basis on which are calculated.

Summary as introduced:

Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

Patron: Toscano

12/07/07 House: Prefiled and ordered printed; offered 01/09/08 087909752

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

01/15/08 House: Assigned Finance sub: 1

01/19/08 House: Impact statement from TAX (HB76)

Notes: City Position: Oppose

HB 100 Law-Enforcement Officers Procedural Guarantee Act; includes deputy sheriffs under coverage.

Summary as introduced:

Law-Enforcement Officers Procedural Guarantee Act; definitions. Includes deputy sheriffs under the coverage of the Law-Enforcement Officers Procedural Guarantee Act.
Patrons: Poisson, BaCote, Bowling, Brink, Caputo, Englin, Hugo, Marsden, Mathieson, Sickles and Watts

12/17/07 House: Prefiled and ordered printed; offered 01/09/08

12/17/07 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Oppose

HB 102 Real estate tax; limitation on tax rate in localities.

Summary as introduced:

Real estate tax; limitation on tax rate. Provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body. The bill applies for tax years beginning on or after January 1, 2009.

Patrons: Albo and Frederick

12/17/07 House: Prefiled and ordered printed; offered 01/09/08

12/17/07 House: Referred to Committee on Finance

01/12/08 House: Impact statement from TAX (HB102)

01/15/08 House: Assigned Finance sub: 1

01/15/08 House: Impact statement from DHCD (HB102)

Notes: City Position: Oppose

HB 103 Correctional facility; verification of citizenship and alien status of person committed.

Summary as introduced:

Verification of citizenship and alien status of a person committed to a correctional facility. Clarifies the mandate that any person in charge of a correctional facility shall inquire as to the citizenship status of a person in his facility and to inquire of the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security as to the person's alien status, for purposes of reporting alien status to the Central Criminal Records Exchange.

Patrons: Albo, Rust and Frederick

12/17/07 House: Prefiled and ordered printed; offered 01/09/08

12/17/07 House: Referred to Committee on Rules

Notes: City Position: Support

HB 121 Mental health treatment for minors; parental notification required.

Summary as introduced:

Parental notification of minor's mental health treatment. Requires any state or local government employee providing mental health treatment to a minor to notify the minor's parent, legal guardian, or person standing in loco parentis of the provision of services within five days of the provision of services.

Patron: Lingamfelter

12/17/07 House: Prefiled and ordered printed; offered 01/09/08

12/17/07 House: Referred to Committee on Health, Welfare and Institutions

Notes: City Position: Oppose

HB 124 Machinery and tools taxation; exempts certified pollution control equipment and facilities.

Summary as introduced:

Machinery and tools taxation. Exempts certified pollution control equipment and facilities, placed in service on or after January 1, 2010, from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. The measure also provides that certain machinery and tools placed in service on or after January 1, 2010, are taxable as intangible personal property, thereby excluding such property from local taxation.

Patron: Purkey

12/20/07 House: Prefiled and ordered printed; offered 01/09/08

12/20/07 House: Referred to Committee on Finance

01/14/08 House: Impact statement from TAX (HB124)

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 149 Independent living services & arrangements; require inclusion of plan for children 14 yrs. or older.

Summary as introduced:

Independent living services and independent living arrangements. Requires inclusion of an independent living plan in all service plans for children who are 14 years of age or older. This bill also defines the terms "independent living services" and "independent living arrangements" and replaces the term "independent living placement" with the term "independent living arrangement."

Patron: Fralin

12/21/07 House: Prefiled and ordered printed; offered 01/09/08

12/21/07 House: Referred to Committee on Health, Welfare and Institutions

Notes: City Position: Support

HB 173 Emergency custody orders; magistrate may designate police department or sheriff to execute.

Summary as introduced:

Execution of emergency custody orders; sheriffs. Provides that a magistrate issuing an emergency custody order or temporary detention order may designate either a jurisdiction's police department or sheriff to execute the order.

Patron: Ware, O.

12/26/07 House: Prefiled and ordered printed; offered 01/09/08

01/02/08 House: Referred to Committee for Courts of Justice

01/10/08 House: Assigned Courts sub: Mental Health

Notes: City Position: Oppose

HB 184 Real estate tax; relief for certain rehabilitated, renovated, or replacement real property.

Summary as introduced:

Real property tax relief for certain rehabilitated, renovated, or replacement real property. Requires that a person seeking partial tax exemptions or credits on real property taxes for certain rehabilitated, renovated, or replacement property demonstrate that he has the right to be legally present in the United States.

Patron: Marshall, R.G.

12/26/07 House: Prefiled and ordered printed; offered 01/09/08

12/26/07 House: Referred to Committee on Rules

01/13/08 House: Impact statement from TAX (HB184)

Notes: City Position: Oppose

HB 215 Real estate tax; classification of residential property.

Summary as introduced:

Classification of taxable real property. Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. If a locality imposes a lower tax rate on residential property, then thereafter the locality shall not increase the rate of taxation on the general class of real property.

Patron: Alexander

12/27/07 House: Prefiled and ordered printed; offered 01/09/08

12/27/07 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

01/19/08 House: Impact statement from TAX (HB215)

Notes: City Position: Oppose

HB 221 Residential Landlord and Tenant Act; landlord and managing agent immunity for mold claims.

Summary as introduced:

Landlord and managing agent immunity for mold claims. Provides immunity for landlords and managing agents if they are in compliance with the Virginia Residential Landlord and Tenant Act. Managing agents can be held liable for affirmative acts of negligence. Any party who pleads a defense pursuant to this immunity shall be entitled to

a hearing on the merits after limited discovery and before adjudication of the underlying claim.

Patron: Kilgore

12/28/07 House: Prefiled and ordered printed; offered 01/09/08

12/28/07 House: Referred to Committee for Courts of Justice

01/10/08 House: Assigned Courts sub: Civil

Notes: City Position: Oppose

HB 281 Protective orders; possession of firearms.

Summary as introduced:

Protective orders; possession of firearms. Prohibits a person subject to a protective order from possessing a firearm. Currently, persons subject to such orders are prohibiting from purchasing and transporting firearms.

Patron: Toscano

01/02/08 House: Prefiled and ordered printed; offered 01/09/08

01/02/08 House: Referred to Committee on Militia, Police and Public Safety

01/17/08 House: Impact statement from DPB (HB281)

Notes: City Position: Support

HB 289 Rental assistance pilot project; Department of Housing and Community Development to establish.

Summary as introduced:

Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission.

Patrons: Englin, Ebbin, McClellan, Scott, J.M. and Toscano

01/03/08 House: Prefiled and ordered printed; offered 01/09/08

01/03/08 House: Referred to Committee on General Laws

01/15/08 House: Impact statement from DPB (HB289)

01/17/08 House: Assigned GL sub: Housing

Notes: City Position: Support

HB 306 Animal control officers; training.

Summary as introduced:

Animal control officers; training. Requires that animal control officers receive training in a basic animal control course within one year of appointment. Currently, animal control officers are not required to receive such training for two years after appointment. Animal control officers will also receive continuing education every year, instead of every three years. The content of continuing education courses will contain training on enforcement and animal care laws.

Patron: Eisenberg

01/03/08 House: Prefiled and ordered printed; offered 01/09/08

01/03/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/16/08 House: Impact statement from DHCD (HB306)

01/18/08 House: Impact statement from DPB (HB306)

Notes: City Position: Support

HB 307 Crime victims and witnesses; immigration status.

Summary as introduced:

Crime victims and witnesses; immigration status. Prohibits law enforcement from questioning or investigating the immigration status of a person who reports that he was a victim of or witness to a crime.

Patron: Eisenberg

01/03/08 House: Referred to Committee on Rules

Notes: City Position: Support

HB 309 Absentee voting; qualified voters may vote absentee without providing a reason.

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.

Patrons: Eisenberg, Dance, Ebbin, Englin, Marsden and Shuler

01/03/08 House: Referred to Committee on Privileges and Elections

01/11/08 House: Assigned P & E sub: Elections

Notes: City Position: Support

HB 310 Absentee voting; persons with a disability or illness may vote absentee.

Summary as introduced:

Elections; absentee voting. Extends to persons with any disability or illness, rather than only a "physical" disability or illness, the ability to obtain an absentee ballot and provides a definition for "person with a disability."

Patron: Eisenberg

01/03/08 House: Referred to Committee on Privileges and Elections

01/11/08 House: Assigned P & E sub: Elections

Notes: City Position: Support

HB 333 Automatic sprinkler systems; tax credit for initial installation.

Summary as introduced:

Installation of automatic sprinkler systems; tax credit for initial installation.

Requires that all buildings that (i) are more than 75 feet high or more than six stories

high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promulgate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years.

Patron: McClellan

01/04/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 3

01/18/08 House: Impact statement from TAX (HB333)

Notes: City Position: Oppose. Staff believes that this legislation would require the installation of sprinklers in 47 buildings within the City.

HB 335 Stalking; enhanced penalties.

Summary as introduced:

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

Patrons: McClellan, Miller, P.J., Valentine and Watts

01/04/08 House: Prefiled and ordered printed; offered 01/09/08

01/04/08 House: Referred to Committee for Courts of Justice

01/07/08 House: Impact statement from VCSC (HB335)

01/10/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 338 Emergency plans; fee for review.

Summary as introduced:

Emergency plans; fee for review. Allows a locality to charge an administrative fee for the review of the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers located within the locality. Localities that have an emergency management agency are currently authorized to require such a review.

Patron: McClellan

01/04/08 House: Prefiled and ordered printed; offered 01/09/08

01/04/08 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Support

HB 341 Dishwashing detergents; bans use of phosphorus therein for household dishwashing machines.

Summary as introduced:

Phosphorus prohibition; dishwashing detergents. Bans the use of phosphorus in detergents for household dishwashing machines. Phosphorus is one of the primary sources of water pollution. The bill contains a delayed effective date of July 1, 2010.

Patrons: Plum, Bulova, Scott, J.M. and Vanderhye

01/04/08 House: Prefiled and ordered printed; offered 01/09/08

01/04/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/16/08 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB233-Cosgrove)

Notes: City Position: Support

HB 367 Sanctuary cities; prohibits localities from adopting policy that protects undocumented immigrants.

Summary as introduced:

Sanctuary cities prohibited. Prohibits a local governing body from adopting a policy that serves to protect undocumented immigrants from deportation. Furthermore, no locality shall prohibit its employees from asking a person about his immigration status.

Patrons: Carrico; Senator: Ruff

01/04/08 House: Prefiled and ordered printed; offered 01/09/08

01/04/08 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 436 Arrest or summons; charge for misdemeanor at discretion of law-enforcement officer.

Summary as introduced:

Misdemeanor arrest or summons at discretion of law-enforcement officer. Gives a law-enforcement officer the choice of issuing a summons and releasing the person or arresting him for Class 1 and 2 misdemeanors. Under current law, the law-enforcement officer must release the person on a summons for most Class 1 and 2 misdemeanors unless the person fails to stop the unlawful act or indicates that he will not appear as directed in the summons. The bill also requires the officer to arrest the person if he fails to stop the unlawful act; currently arrest is discretionary when the person fails to stop the unlawful act.

Patron: Miller, J.H.

01/04/08 House: Prefiled and ordered printed; offered 01/09/08

01/04/08 House: Referred to Committee for Courts of Justice

01/16/08 House: Assigned Courts sub: Criminal

01/17/08 House: Impact statement from DPB (HB436)

Notes: City Position: Support

HB 485 Carbon monoxide detectors; locality to require installation in certain buildings.

Summary as introduced:

Carbon monoxide detectors in certain buildings. Provides that any locality may, by ordinance, require that carbon monoxide detectors be installed in the following structures or buildings: (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used or offered for or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Patrons: Shuler; Senators: Deeds and Ruff

01/07/08 House: Prefiled and ordered printed; offered 01/09/08

01/07/08 House: Referred to Committee on Counties, Cities and Towns

01/18/08 House: Referred from Counties, Cities and Towns

01/18/08 House: Referred to Committee on General Laws

Notes: City Position: Support

HB 496 Crimes by Gangs Act; definition of predicate criminal act .

Summary as introduced:

Crimes; the definition of "predicate criminal act" under the Crimes by Gangs Act.

Includes within the definition the shooting at certain vehicles (§ 18.2-154) and the shooting within an occupied dwelling (§ 18.2-279).

Patrons: Cosgrove and Jones, S.C.

01/07/08 House: Prefiled and ordered printed; offered 01/09/08

01/07/08 House: Referred to Committee for Courts of Justice

01/08/08 House: Impact statement from VCSC (HB496)

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 503 Comprehensive Services Act Program; case management and residential care plan.

Summary as introduced:

Comprehensive Services Act Program; case management and residential care plan.

Requires the State Executive Council to develop, and localities to implement, a program of case management for residential care to include a provision for residential care plans. Requires family assessment and planning teams to develop, and community policy and management teams to review, residential care plans that include goals for residential care treatment, a provision for monitoring and review of plans, evaluation of progress toward identified goals, and a plan for returning the youth to his home or community at the earliest appropriate time.

Patron: Hamilton

01/07/08 House: Prefiled and ordered printed; offered 01/09/08

01/07/08 House: Referred to Committee on General Laws

01/11/08 House: Impact statement from DPB (HB503)

01/16/08 House: Assigned GL sub: ABC/Gaming

Notes: City Position: Support

HB 589 Gangs; voluntarily submitting to hazing as part of initiation.

Summary as introduced:

Hazing and gangs; penalty. Provides that voluntarily submitting to hazing as a part of gang initiation is a Class 3 misdemeanor and that engaging in an act of carnal knowledge with the subject of such hazing is a Class 1 misdemeanor.

Patron: Marsden

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee for Courts of Justice

01/17/08 House: Impact statement from DPB (HB589)

Notes: City Position: Support

HB 590 Predicate criminal act; adds simple larceny of motor vehicle to list.

Summary as introduced:

Crimes by gangs; predicate criminal act. Adds to the list of predicate criminal acts the simple larceny of a motor vehicle.

Patron: Marsden

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee for Courts of Justice

01/09/08 House: Impact statement from VCSC (HB590)

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 591 Probation officers; removes court services staff from list to advise child of right to counsel.

Summary as introduced:

Advisement of right to counsel; determination of indigency; probation officers.

Removes probation officers and other court services staff from the list of persons who are permitted to advise a child of his right to counsel in cases in which the child is alleged to be in need of services, in need of supervision, or delinquent and from the list of persons who are permitted to advise a parent or guardian of his right to counsel in cases in which a child is alleged to be abused or neglected or at risk of abuse or neglect or in which a parent could be subjected to the loss of residual parental rights. The bill also provides that probation officers and other court services staff are not responsible for determining whether or not parties who request court-appointed counsel are indigent.

Patron: Marsden

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee for Courts of Justice

01/14/08 House: Impact statement from DJJ (HB591)

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 598 Uniform Statewide Building Code; notice to owner prior to issuance of building permits.

Summary as introduced:

Uniform Statewide Building Code; building permits; notice to owner. Requires a county, city, or town, prior to the issuance of a building permit for any single-family residential dwelling unit, to notify the owner of the subject property that a building permit application has been filed in such owner's name. The bill also requires a contractor when applying for a building permit to file a written statement, supported by an affidavit, that he is the owner or has been given authority by the owner to make application in the owner's name.

Patron: McClellan

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: Housing

01/17/08 House: Impact statement from DPB (HB598)

Notes: City Position: Oppose

HB 602 Real estate assessments; burden of proof on appeal.

Summary as introduced:

Real estate assessments; burden of proof on appeal. Provides that when any assessment of real property is 20% greater than the previous assessment, in any appeal of the assessment to a board of equalization or circuit court, the burden of proof is on the commissioner of revenue or other local assessing official to show that the assessment was accurately computed according to generally accepted appraisal practices.

Patrons: O'Bannon, Albo, Crockett-Stark, Frederick, Howell, W.J., Janis, Kilgore, Landes, Lingamfelter, Nixon, Pogge, Purkey and Rust

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 617 Virginia Housing Trust Fund; creates dedicated source of funding via percentage of recordation tax.

Summary as introduced:

Virginia Housing Trust Fund. Creates a dedicated source of funding through a percentage of the recordation tax to be used for the purpose of developing or preserving affordable or assessable housing in localities. Also, changes the name of the Fund from Virginia Housing Partnership Revolving Fund and establishes provisions for providing matching funds to localities.

Patrons: Amundson, Marsden, Scott, J.M., Sickles and Toscano; Senator: Whipple

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Appropriations

01/15/08 House: Assigned App. sub: Economic Development, Agriculture and Natural Resources(Cox)

Notes: City Position: Support

HB 621 Voters; those registered may vote prior to election day.

Summary as introduced:

Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2009.

Patron: Brink

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Elections

Notes: City Position: Support

HB 649 Motor vehicle dealers; collection of annual license and registration fees in certain localities.

Summary as introduced:

Collection of annual license and registration fees in certain localities; civil remedial fees on certain drivers. Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority; and repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

Patron: Hogan

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Transportation

01/17/08 House: Reported from Transportation (21-Y 1-N)

01/18/08 House: Read first time

Notes: City Position: Oppose

HB 650 Environmental Quality, Department of; authority of citizen boards.

Summary as introduced:

Department of Environmental Quality; authority of citizen boards. Provides that the Air Pollution Control Board and the State Water Control Board may delegate their authority to make permitting decisions to the Director of the Department of Environmental Quality (the authority to issue permits related to waste management is already vested with the Director). Either Board has the discretion to make a final permitting decision if it finds significant public interest in the permit, substantial and disputed issues within the scope of the Board's statutory authority, and that the time required for a public hearing and decision by the Board would not create an unreasonable delay. The membership of all three citizen environmental boards would also be reconfigured so that the membership of each board—the Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board—includes at least one member from the other two boards.

Patron: Hogan

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/17/08 House: Assigned ACNRsub: #2 Natural Resource

01/18/08 House: Impact statement from DPB (HB650)

Notes: City Position: Support

HB 699 Real estate tax; classification of residential property from commercial property.

Summary as introduced:

Real property tax rates; classifications. Permits localities to (i) tax single family dwellings, (ii) multifamily dwellings, and (iii) commercial property at different rates from each other and from all other real property. Requires certain portions of these revenues to be used for transportation projects.

Patron: BaCote

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

01/18/08 House: Impact statement from TAX (HB699)

Notes: City Position: Oppose because of the lack of flexibility in use of revenues

HB 713 Protective orders, preliminary; court to extend if respondent fails to appear at hearing.

Summary as introduced:

Preliminary protective orders; stalking; extension. Allows the court to extend a preliminary protective order for a period of up to six months if the respondent fails to appear at the hearing. Language mirrors subsection B of § 16.2-253.1, relating to preliminary protective orders in family abuse cases.

Patron: Janis

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee for Courts of Justice

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 720 Landlord and tenant; definition of application fee & provides that such fee is nonrefundable.

Summary as introduced:

Landlord and tenant law; definitions; payment of rent; landlord remedies. Adds, among other things, a definition of "application fee," caps the fee at \$50, and provides that such fee is nonrefundable. The bill also defines "written notice" as notice, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium,

retrievable in a perceivable form, and regardless of whether an electronic signature is affixed. In cases where a tenant pays rent with a bad check, the bill also allows a landlord to seek an award of costs or attorney fees or the lesser of \$250 or three times the amount of the bad check, draft or order as part of the damages requested on an unlawful detainer action, provided the landlord has given notice. The bill allows such notice to be included in the five-day termination notice at the option of the landlord. The bill contains specific provisions if the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development. The bill contains technical amendments.

Patron: Oder

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: Housing

Notes: City Position: Oppose

HB 736 Retirement System; average final compensation retirement multiplier for teachers.

Summary as introduced:

Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with five or more years of creditable service earned as a teacher. The bill applies to current and future retirees.

Patron: Caputo

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Appropriations

01/15/08 House: Assigned App. sub: Compensation and Retirement (Jones, S.C.)

Notes: City Position: Oppose

HB 761 Charter; Town of Herndon.

Summary as introduced:

Charter; Town of Herndon. Provides that no excise tax shall be imposed or be effective in the town unless approved by the town council. There is a delayed effective date of January 1, 2010.

Patron: Rust

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Counties, Cities and Towns

Notes: City Position: Oppose because bill would prevent NVT A from collecting some of its authorized taxes

HB 814 Protective orders; to include information on whether or not respondent possesses firearm.

Summary as introduced:

Information in protective orders. Provides that protective orders of all types shall include information on whether or not the respondent possesses a firearm.

Patron: Ward

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Support

HB 822 Dishwashing detergents; bans use of phosphorus therein for household dishwashing machines.

Summary as introduced:

Phosphorus prohibition; dishwashing detergents. Bans the use of phosphorus in detergents in for household dishwashing machines. Phosphorus is one of the primary sources of water pollution. The ban will take effect on January 1, 2010.

Patrons: Morgan and Moran

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/16/08 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB233-Cosgrove)

Notes: City Position: Support

HB 868 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.

Summary as introduced:

Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.

Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.

Patrons: Johnson; Senators: Puckett and Wampler

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/12/08 House: Impact statement from TAX (HB868)

01/15/08 House: Assigned Finance sub: 2

Notes: City Position: Support

HB 895 Uniform Statewide Building Code; definition of amusement devices.

Summary as introduced:

Uniform Statewide Building Code; amusement devices; definitions. Provides that the definition of "amusement device" shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while in use for a private meeting or party

limited in attendance to members of the organization sponsoring the event and invited guests.

Patron: Lohr

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: Housing

01/18/08 House: Impact statement from DPB (HB895)

Notes: City Position: Oppose

HB 907 Absentee voting; qualified voters may vote absentee for any reason.

Summary as introduced:

Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

Patron: Jones, D.C.

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Elections

Notes: City Position: Support

HB 911 Intangible personal property; classifies certain items thereas.

Summary as introduced:

Classification of certain items as intangible personal property. Classifies as intangible personal property idle equipment, hardware or software, of a research and development or technology, high technology, or nanotechnology business.

Patron: Purkey

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/14/08 House: Impact statement from TAX (HB911)

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 927 Tax rates; requires localities to fix for ensuing year at least 30 days prior to approval of budget.

Summary as introduced:

Tax rates. Requires each locality to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings. The bill also requires each locality to lower its real estate tax rate for the forthcoming tax year to produce no more than the previous year's real property tax levies when any annual assessment, biennial assessment, or general reassessment of real property by the locality would result in an increase in the total real property tax levied.

The locality may increase the rate above the reduced rate after a public hearing held no sooner than 30 days after the rate reduction. The bill has a delayed effective date of January 1, 2009.

Patrons: Nixon, Albo, Frederick, Griffith, Howell, W.J., Janis, Kilgore, Landes, Lingamfelter, O'Bannon, Oder, Pogge and Purkey; Senator: Martin

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 928 Illegal immigration; adopts several measures aimed at curbing in State, report.

Summary as introduced:

Illegal immigration; penalty. Adopts several measures aimed at curbing illegal immigration in the Commonwealth. The bill requires all public bodies and their contractors to register and participate in a federal work authorization program operated by the United States Department of Homeland Security to verify information on all new employees, and requires all agencies providing benefits to verify the recipient's immigration status. State institutions of higher education would be prohibited from providing in-state tuition to illegal aliens.

The bill requires that if an independent contractor fails to provide documentation of the contractor's employment authorization, the contracting entity must withhold state income tax at the top marginal income tax rate from any compensation paid to the contractor.

The bill makes it a Class 6 felony to harbor, transport, or conceal an illegal alien. In addition, the immigration status of any individual arrested on suspicion of a felony or of driving under the influence must be verified.

To aid in the enforcement of immigration laws, the Attorney General is authorized to negotiate the terms of a memorandum of understanding with the Department of Homeland Security that would allow law-enforcement officers in the Commonwealth to perform certain immigration functions. In addition, the Department of State Police is directed to establish a division of fraudulent document identification to investigate the sale and distribution of fraudulent documents in the Commonwealth.

Patrons: Gilbert, Byron, Cline and Frederick

01/08/08 House: Referred to Committee on Rules

01/09/08 House: Impact statement from VCSC (HB928)

Notes: City Position: Oppose

HB 1009 Real estate taxes; assessments, bills, and deferral by localities.

Summary as introduced:

Property taxes; assessments, bills, and deferral. Requires localities (i) to include the tax rate that will apply to reassessed real property in the notice to taxpayers regarding the reassessment, (ii) to attach to each property tax bill the tax rate that will apply, the assessed value of the property, the total amount of the new tax levy, the total amount of the prior year's tax levy, and the percentage change in the new tax levy from the

immediately prior year's tax levy, and (iii) to permit taxpayers to defer a portion of the increase in real property taxes on the primary dwelling owned and occupied by the taxpayer until the property is transferred or until the taxpayer's death. The bill has a delayed effective date of January 1, 2009.

Patrons: Hugo, Albo, Frederick, Griffith, Howell, W.J., Janis, Kilgore, Landes, Lingamfelter, Nixon, O'Bannon, Pogge and Purkey

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

01/18/08 House: Impact statement from TAX (HB1009)

Notes: City Position: Oppose

HB 1029 Inmates; officer of correctional facility to inquire of alien status.

Summary as introduced:

Verification of citizen status. Requires that a jailer shall reasonably attempt to verify the citizen status of persons who have been arrested and who are confined in jail. The jailer is required to report any person determined to be in the United States illegally to the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement. The bill provides further that the Department of Corrections shall issue guidelines for such verifications. The bill also requires the Virginia State Bar to investigate the practice of providing legal advice to illegal immigrants and to establish related guidelines on unauthorized practice of law.

Patron: Frederick

01/08/08 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 1036 Tax rates; localities to fix before approval of budget and notices of reassessments.

Summary as introduced:

Property tax rates; assessments; bills. Requires: (i) localities to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings; (ii) localities to attach to each real and personal property tax bill information showing how the amount of the tax bill has been apportioned in the current fiscal year on the major categories of spending; and (iii) localities to provide more detailed information on notices of reassessments. The bill has a delayed effective date of January 1, 2009.

Patron: Frederick

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Oppose

HB 1138 Petitioner during civil commitment hearing; representation by an attorney from local State office.

Summary as introduced:

Representation of petitioner during civil commitment hearing; Commonwealth's attorney. Provides that a petitioner during a civil commitment hearing shall be represented by an attorney from the local Commonwealth's attorney's office.

Patron: Fralin

01/09/08 House: Referred to Committee for Courts of Justice

Notes: City Position: Oppose

HB 1180 Assault and battery; second offense against family member, penalty.

Summary as introduced:

Second offense of assault and battery against a family member; penalty. Adds a five-day minimum mandatory term of confinement for a second (Class 1 misdemeanor) offense of assault and battery against a family or household member within 20 years. Currently, a third offense within 20 years is a Class 6 felony.

Patron: Lingamfelter

01/09/08 House: Referred to Committee for Courts of Justice

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 1292 Concealed weapons; possession in vehicles.

Summary as introduced:

Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment.

Patron: Athey

01/09/08 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Oppose

HB 1302 Incident management; makes several changes to law in order to increase effectiveness & efficiency.

Summary as introduced:

Incident management. Makes several changes to the law in order to increase the effectiveness and efficiency of various aspects of incident management in the Commonwealth.

Patrons: Nichols and Fralin

01/09/08 House: Prefiled and ordered printed; offered 01/09/08

01/09/08 House: Referred to Committee on Transportation

Notes: City Position: Support

HB 1328 Stalking; enhanced penalties.

Summary as introduced:

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

Patron: Peace

01/09/08 House: Referred to Committee for Courts of Justice

01/10/08 House: Impact statement from VCSC (HB1328)

01/16/08 House: Assigned Courts sub: Criminal

Notes: City Position: Support

HB 1394 Recordation taxes; changes basis of calculation on transfer of real estate.

Summary as introduced:

Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

Patron: Miller, J.H.

01/09/08 House: Referred to Committee on Finance

01/17/08 House: Assigned Finance sub: 1

01/19/08 House: Impact statement from TAX (HB1394)

Notes: City Position: Oppose

HB 1395 State Police, Department of; policies for responding to crimes involving sexual assault.

Summary as introduced:

Policies for responding to crimes involving sexual assault. Requires that the Department of State Police and local law-enforcement agencies establish written policies and procedures regarding response to incidents involving sexual assault. The Department of Criminal Justice Services is directed to provide law-enforcement agencies with technical support and assistance in developing the policies and procedures.

Patron: Bell

01/09/08 House: Referred to Committee for Courts of Justice

01/16/08 House: Assigned Courts sub: Criminal

01/16/08 House: Impact statement from DHCD (HB1395)

Notes: City Position: Support

SB 27 Temporary Assistance for Needy Families (TANF); time limit on receipt thereof.

Summary as introduced:

Social services; time limit on receipt of TANF. Allows the child of a VIEW participant to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW-participating parent is no longer the child's legal guardian, (ii) legal custody of the child has been placed with a relative of the child after a complaint of child abuse or neglect filed against the child's parent has been deemed founded or after an order for removal of the child from the child's home has been issued pursuant to § 16.1-251 or 16.1-252, and (iii) the child otherwise meets the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds.

Patron: Miller, Y.B.

12/17/07 Senate: Referred to Committee on Rehabilitation and Social Services

01/18/08 Senate: Impact statement from DPB (SB27)

Notes: City Position: Support

SB 69 Absentee voting; qualified voters may vote absentee without providing reason.

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.

Patron: Howell

12/21/07 Senate: Referred to Committee on Privileges and Elections

Notes: City Position: Support

SB 76 Law-Enforcement Officers Procedural Guarantee Act; changes to process and procedures.

Summary as introduced:

Law-Enforcement Officers Procedural Guarantee Act. Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

Patrons: Cuccinelli, Deeds, Edwards, Lucas, Petersen and Puller; Delegate: Watts

12/26/07 Senate: Referred to Committee for Courts of Justice

01/10/08 Senate: Assigned Courts sub: Civil

Notes: City Position: Oppose

SB 162 Vacant building registration; enhances penalties for failure to register.

Summary as introduced:

Vacant building registration; penalties. Provides for enhanced penalties for failure to register vacant buildings.

Patron: Lucas

01/07/08 Senate: Referred to Committee on Local Government

Notes: City Position: Support

SB 232 Residential Landlord and Tenant Act; landlord and managing agent immunity for mold claims.

Summary as introduced:

Landlord and managing agent immunity for mold claims. Provides immunity for landlords and managing agents if they are in compliance with the Virginia Residential Landlord and Tenant Act. Managing agents can be held liable for affirmative acts of negligence. Any party who pleads a defense pursuant to this immunity shall be entitled to a hearing on the merits after limited discovery and before adjudication of the underlying claim.

Patron: McDougle

01/07/08 Senate: Referred to Committee for Courts of Justice

01/10/08 Senate: Assigned Courts sub: Civil

Notes: City Position: Oppose

SB 334 Property tax bills; localities to include additional information.

Summary as introduced:

Property tax bills; notice. Requires localities to include with all property tax bills, comparative information regarding tax rates, assessed values, and tax amounts owed for the current year and the previous year, as well as information indicating how the revenue derived from the amount of the taxpayer's bill is apportioned among the various services and governmental functions provided by the locality, including debt service.

Patron: Cuccinelli

01/08/08 Senate: Referred to Committee on Finance

01/18/08 Senate: Impact statement from TAX (SB334)

Notes: City Position: Oppose

SB 339 Unemployment compensation; employee's inability to speak English at workplace is misconduct.

Summary as introduced:

Unemployment compensation; not speaking English is misconduct. Provides that an employee's inability or refusal to speak English at the workplace, in violation of a known policy of the employer, constitutes misconduct. An individual who is found by the Virginia Employment Commission (VEC) to have been discharged for misconduct connected with his work is disqualified from receiving unemployment compensation benefits. The VEC may consider evidence of mitigating circumstances in determining whether misconduct occurred.

Patron: Cuccinelli

01/08/08 Senate: Referred to Committee on Commerce and Labor

01/15/08 Senate: Impact statement from DPB (SB339)

Notes: City Position: Oppose

SB 355 Law-Enforcement Officers Procedural Guarantee Act; changes process and procedures.

Summary as introduced:

Law-Enforcement Officers Procedural Guarantee Act. Makes several changes in the process and procedures afforded to officers under the procedural guarantee act, including right to counsel, notice of allegations, and a prohibition against a complaining officer being in charge of an investigation. The bill also grants the officer under investigation an opportunity to review the file at the conclusion of the investigation.

Patrons: Deeds, Barker, Cuccinelli, Edwards, Lucas, Petersen and Puller; Delegate: Mathieson

01/08/08 Senate: Referred to Committee for Courts of Justice

01/11/08 Senate: Assigned Courts sub: Civil

Notes: City Position: Oppose

SB 363 Automatic sprinkler systems; tax credit for initial installation.

Summary as introduced:

Installation of automatic sprinkler systems; tax credit for initial installation. Requires that all buildings that (i) are more than 75 feet high or more than six stories high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promulgate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years.

Patron: Watkins

01/08/08 Senate: Referred to Committee on General Laws and Technology

01/15/08 Senate: Impact statement from TAX (SB363)

SB 426 Public Procurement Act; verification of legal presence for eligibility of employment.

Summary as introduced:

Public Procurement Act; verification of legal presence. Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

Patrons: Barker; Delegate: Nichols

01/08/08 Senate: Referred to Committee on General Laws and Technology

Notes: City Position: Oppose

SB 476 Concealed handguns; prohibits person from carrying into a restaurant.

Summary as introduced:

Concealed handguns; restaurants. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

Patron: Hanger

01/09/08 Senate: Referred to Committee for Courts of Justice

01/14/08 Senate: Assigned Courts sub: Criminal

Notes: City Position: Oppose

SB 551 Recordation taxes; changes basis of calculation on transfer of real estate.

Summary as introduced:

Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

Patron: Hurt

01/09/08 Senate: Referred to Committee on Finance

01/19/08 Senate: Impact statement from TAX (SB551)

Notes: City Position: Oppose

SB 565 Motor vehicle equity loans; caps interest thereon.

Summary as introduced:

Motor vehicle equity loans; penalties. Regulates motor vehicle equity loans, which are closed-end loans secured by an interest in a motor vehicle. The measure caps the interest on such loans at 20 percent per month for the first two months and three percent per month for the balance of the term. If such a loan is repaid in full within 48 hours, the loan shall not bear interest. The maximum term of such a loan is 12 months. The maximum amount of a motor vehicle equity loan is 50 percent of the value of the motor vehicle. Lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed motor vehicle equity loans, or arranging or brokering motor vehicle equity loans, is punishable as a Class 1 misdemeanor.

Patron: Obenshain

01/09/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Oppose

SB 637 Child abuse; animal control officers required to report.

Summary as introduced:

Required reporting of child abuse; animal control officers. Adds animal control officers to the list of persons with the duty to report suspected child abuse. Animal control officers already receive training in the recognition of child abuse and neglect and information on how complaints are filed.

Patrons: Ticer; *Delegates:* Marsden, Scott, J.M. and Watts

01/09/08 Senate: Referred to Committee on Rehabilitation and Social Services

01/18/08 Senate: Impact statement from DPB (SB637)

Notes: City Position: Support

SB 638 Protective order; notification of service.

Summary as introduced:

Notification of service of protective order. Provides that persons who have obtained a protective order shall receive notice of the service of such order by the local police department, sheriff's office, or other law-enforcement agency that served the order on the person subject to the order. The notification may be made through the Virginia Statewide VINE (Virginia Information and Notification Everyday) System.

Patrons: Ticer; *Delegates:* Caputo, Marsden, Moran and Scott, J.M.

01/09/08 Senate: Referred to Committee for Courts of Justice

01/17/08 Senate: Assigned Courts sub: Criminal

Notes: City Position: Support

SB 724 Hampton Roads and Northern Virginia Transportation Authorities.

Summary as introduced:

Hampton Roads and Northern Virginia Transportation Authorities. Repeals the authority of the Hampton Roads and Northern Virginia Transportation Authorities to impose fees or taxes, and provides that each local governing body embraced by the Hampton Roads or the Northern Virginia Transportation Authority may impose the taxes and fees that were previously authorized for imposition by the respective Authorities. All revenues from such local taxes and fees would be required to be transferred to the respective Authority.

Patron: Cuccinelli

01/17/08 Senate: Referred to Committee on Finance

Notes: City Position: Oppose

Current Status of City Package Bills January 21, 2008

HB 11 Constitutional amendment; exempts certain homeowners from taxation (voter referendum).

Summary as introduced: Provides for a referendum at the November 2009 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. If approved by the voters, the amendment will take effect January 1, 2010.

Patrons: Albo, Howell, W.J., Janis, Kilgore, Landes, O'Bannon and Pogge

11/26/07 House: Referred to Committee on Privileges and Elections

01/11/08 House: Assigned P & E sub: Constitutional

01/14/08 House: Impact statement from DPB (HB11)

Notes: City Position: Support

HB 12 Payday lending charges; establishes maximum annual interest rate.

Summary as introduced: Establishes a maximum annual interest rate for payday loans of 36 percent. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

Patrons: Oder, Alexander, Bouchard, Cosgrove, Cox, Crockett-Stark, Landes, Miller, P.J., Morgan, Nutter, Pogge, Rust and Toscano

11/27/07 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 14 Institutions of higher education; aliens unlawfully present not eligible for admission thereto.

Summary as introduced: Provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth.

Patrons: Peace and Frederick

11/27/07 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 93 Public defenders; permits counties or cities offices to supplement compensation thereof.

Summary as introduced:

Supplementing compensation of public defenders. Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission.

Patron: Moran

12/14/07 House: Referred to Committee for Courts of Justice

01/10/08 House: Assigned Courts sub: Civil

01/18/08 House: Impact statement from DPB (HB93)

Notes: City Position: Support

HB 189 Payday lending charges; power of localities to regulate.

Summary as introduced:

Payday lending; power of localities to regulate. Authorizes each locality to establish (i) a maximum annual interest rate for payday loans made within its jurisdiction and (ii) the maximum number of payday loans that payday lenders operating within its jurisdiction may, in a calendar year, make to a borrower residing in the locality. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

Patron: Marshall, R.G.

12/26/07 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 228 Fire-safe cigarettes; prohibits manufacture, etc. unless tested to meet performance standard.

Summary as introduced:

Fire-safe cigarettes; civil penalties. Prohibits the manufacture, sale, or offer for sale of cigarettes unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant with these requirements and that manufacturers may use the same package markings they use in that state. Manufacturers are assessed a fee of \$250 per brand, the proceeds from which are divided between the Commissioner of Agriculture and Consumer Services and the State Fire Marshal. Violators are subject to civil penalties. The measure will become effective 13 months after its enactment, and will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure.

Patron: Cosgrove

12/28/07 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 249 Payday lending charges; maximum annual interest rate.

Summary as introduced:

Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36 percent.

Patron: O'Bannon

12/28/07 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 272 Constitutional amendment; exempts certain homeowners from taxation (submitting to qualified voters).

Summary as introduced:

Constitutional amendment (voter referendum); property exempt from taxation.

Provides for a referendum at the November 2008 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously.

Patron: Miller, P.J.

01/02/08 House: Referred to Committee on Privileges and Elections

01/11/08 House: Assigned P & E sub: Constitutional

01/14/08 House: Impact statement from DPB (HB272)

Notes: City Position: Support

HB 274 Parental rights; appeal when terminated.

Summary as introduced:

Termination of parental rights; appeal. Allows a person whose parental rights have been terminated by a ruling of the juvenile and domestic relations district court to appeal the matter directly to the court of appeals as opposed to appealing the matter to the circuit court.

Patron: Toscano

01/02/08 House: Referred to Committee for Courts of Justice

01/10/08 House: Assigned Courts sub: Civil

Notes: City Position: Support

HB 572 Smoke Free Air Act; smoking in public places.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-

based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patrons: Howell, A.T., Alexander, Barlow, Bulova, Ebbin, Eisenberg, Englin, Morrissey, Sickles, Spruill and Watts

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on General Laws

01/16/08 House: Assigned GL sub: ABC/Gaming

01/16/08 House: Impact statement from DPB (HB572)

Notes: City Position: Support

HB 681 Real estate tax; exemptions and deferrals for certain residential or farm property.

Summary as introduced:

Real property tax exemptions and deferrals for certain residential or farm property. Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of real property of up to 20 percent of the fair market value of real property that is residential or farm property designed for continuous habitation and occupied as the primary dwelling of the individual owners. The bill is contingent on a constitutional amendment authorizing the exemption.

Patrons: Miller, P.J. and Brink

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

Notes: City Position: Support

HB 686 Retail Sales and Use Tax; exemptions include Energy Star-rated fluorescent light bulbs.

Summary as introduced:

Sales and use tax exemption; compact fluorescent light bulbs. Exempts from sales and use tax Energy Star-rated fluorescent light bulbs. The bill sunsets on July 1, 2013

Patrons: Englin and Moran

01/08/08 House: Referred to Committee on Finance

01/15/08 House: Assigned Finance sub: 1

01/17/08 House: Impact statement from TAX (HB686)

Notes: City Position: Support

HB 730 Payday Loan Act; repealing Act referring thereto.

Summary as introduced:

Payday Loan Act. Repeals the Payday Loan Act effective July 1, 2010.

Patron: McClellan

01/08/08 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 750 Parental rights; appeal when terminated.

Summary as introduced:

Termination of parental rights; juvenile court as court of record. Establishes that a juvenile and domestic relations district court functions as a court of record in cases involving termination of residual parental rights. The bill further provides that juvenile court decisions in such cases are appealed directly to the Court of Appeals.

Patrons: Toscano and Kilgore

01/08/08 House: Referred to Committee for Courts of Justice

01/16/08 House: Assigned Courts sub: Civil

Notes: City Position: Support

HB 800 Elections, Board of; uniform application of election laws to special elections.

Summary as introduced:

Special emergency power of the State Board of Elections to maintain uniform application of election laws to special elections. Provides that the Board may suspend the implementation of an amendment to the election laws that takes effect after a writ has been issued for a special election to fill a vacancy. The suspension shall be effective only for that special election.

Patron: Englin

01/08/08 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Elections

Notes: City Position: Support

HB 821 Smoke Free Air Act; smoking in public places.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v)

tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron: Morgan

01/08/08 House: Referred to Committee on General Laws

01/16/08 House: Assigned GL sub: ABC/Gaming

01/16/08 House: Impact statement from DPB (HB821)

Notes: City Position: Support

HB 854 Freedom of Information Act; local public bodies may meet by electronic communication.

Summary as introduced:

Freedom of Information Act; electronic meetings; authority of local public bodies.

Allows any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The local public body convening the meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions for electronic communication meetings. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council.

Patron: Ebbin

01/08/08 House: Referred to Committee on General Laws

01/15/08 House: Impact statement from DPB (HB854)

01/17/08 House: Assigned GL sub: FOIA

Notes: City Position: Support

HB 858 Freedom of Information Act; exemption for certain publicly owned museum records.

Summary as introduced:

Freedom of Information Act (FOIA); exemption for certain publicly owned museum records. Exempts from FOIA records of a publicly owned museum that can be used to identify an individual who donates or loans personal property to the museum.

Patron: Ebbin

01/08/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: FOIA

Notes: City Position: Support

HB 864 Alcoholic mixed beverages; ABC Board to grant special events licenses to local governments.

Summary as introduced:

Alcoholic beverage control; mixed beverage licenses; local governments and historic buildings. Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey.

Patron: Ebbin

01/08/08 House: Referred to Committee on General Laws

01/16/08 House: Assigned GL sub: ABC/Gaming

Notes: City Position: Support

HB 944 Public Procurement Act; procurement of professional services for certain transportation projects.

Summary as introduced:

Virginia Public Procurement Act; procurement of professional services for certain transportation projects. Increases the monetary limits for architectural and professional engineering contracts associated with transportation projects that any locality and certain authorities and sanitation districts may enter into under the Virginia Public Procurement Act. The bill raises the amount for a single contract from \$1 million to \$5 million and increases the maximum amount for each task order from \$200,000 to \$1 million.

Patron: Albo

01/08/08 House: Referred to Committee on General Laws

01/15/08 House: Impact statement from DPB (HB944)

01/17/08 House: Assigned GL sub: FOIA

Notes: City Position: Support

HB 1010 Illegal aliens; denial of in-state tuition.

Summary as introduced:

In-state tuition for aliens. Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope without regard to whether such citizens or nationals are Virginia residents.

Patrons: Hugo and Frederick

01/08/08 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 1063 Indoor Clean Air Act; smoking in restaurants in Northern Virginia.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants in Northern Virginia. Allows localities in Northern Virginia to adopt concurrent ordinances containing standards or provisions relating to smoking in restaurants which exceed those established in the Virginia Indoor Clean Air Act.

Patrons: Brink, Amundson, Barlow, Bulova, Ebbin, Eisenberg, Englin, Plum, Poisson, Scott, J.M., Sickles, Vanderhye and Watts

01/09/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: ABC/Gaming

Notes: City Position: Support

HB 1072 Fire-safe cigarettes; prohibits manufacture, etc. unless tested to meet performance standard.

Summary as introduced:

Fire-safe cigarettes; civil penalties. Prohibits the manufacture, sale, or offer for sale of cigarettes unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant with these requirements and that manufacturers may use the same package markings they use in that state. Violators are subject to civil penalties. The measure will become effective January 1, 2010, and will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure.

Patron: Caputo

01/09/08 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 1085 Fair housing law; unlawful discriminatory housing practice.

Summary as introduced:

Fair housing law; unlawful discriminatory housing practice. Adds source of income to the list of unlawful discriminatory housing practices. The bill defines source of income as any lawful income used by a person to meet his obligation to pay for the purchase or lease of a dwelling, including payment with (i) federal funds received pursuant to public housing or Section 8 programs of the United States Housing Act of 1937, as amended; (ii) funds received from assistance made available under Chapter 1.2 (§ 36-55.24 et seq.) of Title 36; (iii) proceeds from a bequest, life insurance policy, annuity, or other like

source; or (iv) funds received from child or spousal support payments. The bill contains technical amendments.

Patron: Englin

01/09/08 House: Referred to Committee on General Laws

Notes: City Position: Support

HB 1253 Smoking; prohibited in restaurants.

Summary as introduced:

Smoking in restaurants. Prohibits smoking in restaurants.

Patron: Marsden

01/09/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: ABC/Gaming

Notes: City Position: Support

HB 1270 Pedestrians and drivers; sets out responsibilities at marked and unmarked crosswalks.

Summary as introduced:

Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patrons: Ebbin, Bouchard, Brink, Eisenberg, Englin, Marsden, Miller, P.J., Moran, Plum, Sickles, Toscano and Valentine

01/09/08 House: Referred to Committee on Transportation

01/18/08 House: Assigned Transportation sub: 2

Notes: City Position: Support

HB 1271 Freedom of Information Act; exemption for local franchises.

Summary as introduced:

Freedom of Information Act (FOIA); exemption for local franchises. Broadens the current FOIA exemption to apply to any type of franchise and protects trade secrets and confidential proprietary information from both bidders for the franchise and the person who is ultimately awarded the franchise. Currently, the exemption is limited to cable TV franchises.

Patron: Ebbin

01/09/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: FOIA

Notes: City Position: Support

HB 1332 DEQ; authority to issue and enforce permits, etc. related to air and water pollution.

Summary as introduced:

Department of Environmental Quality; State Air Pollution Control Board and State Water Control Board. Vests the authority to issue and enforce permits related to air and

water pollution with the Director of the Department of Environmental Quality. The Board may make recommendations to the Director, who may incorporate such conditions into the permit if they: (i) are within the statutory authority of the Department; (ii) were not addressed by the Department in preparing the draft permit; (iii) either provide substantial additional protection to the environment, public health, or natural resources or provide substantially the same level of protection in a more effective or efficient manner; (iv) are consistent with the statutory and regulatory program under which the permit is issued; (v) are technologically and economically feasible; and (vi) do not unfairly or unreasonably burden the applicant with costs or delays that would, in the Director's judgment, be disproportionate to the benefits reasonably to be expected from them. Additionally, the membership of the State Air Pollution Control Board is increased from five to seven.

Patron: Landes

01/09/08 House: Prefiled and ordered printed; offered 01/09/08

01/09/08 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

Notes: City Position: Oppose

HB 1341 Smoking; localities to adopt ordinances containing standards, etc. relating thereto in restaurants.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.

Patron: Barlow

01/09/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: ABC/Gaming

Notes: City Position: Support

HB 1377 Payday lending charges; maximum annual interest rate.

Summary as introduced:

Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36 percent.

Patrons: Morrissey and Bouchard

01/09/08 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 1404 Payday lending charges; maximum annual interest rate.

Summary as introduced:

Payday loans; interest cap. Limits the interest that may be charged on a payday loan to a maximum rate of 36 percent annually.

Patron: Jones, D.C.

01/10/08 House: Referred to Committee on Commerce and Labor

Notes: City Position: Support

HB 1505 Payday Loan Act; requires SCC to contract with one or more parties to develop, etc. database.

Summary as introduced:

Payday Loan Act; database. Requires the State Corporation Commission, by January 1, 2009, to certify and contract with one or more third parties to develop, implement, and maintain an Internet-accessible database, and requires payday lenders to query the database prior to making any loan to determine whether an applicant is eligible for the loan. A fee of not more than \$1 may be charged to defray the costs of using the database. The proceeds from the fees shall be used only for the payment of the expenses of the administration of the Payday Loan Act and of the performance of other functions of the Bureau of Financial Institutions.

Patrons: Nixon and Byron

01/17/08 House: Presented and ordered printed

01/17/08 House: Committee Referral Pending

Notes: City Position: Oppose

HJ 3 Constitutional amendment; exempts certain homeowners from taxation (second reference).

Summary as introduced:

Constitutional amendment (second resolution); property exempt from taxation.

Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously.

Patron: Brink

11/21/07 House: Prefiled and ordered printed; offered 01/09/08

11/21/07 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Constitutional

Notes: City Position: Support

HJ 4 Constitutional amendment; exempts certain homeowners from taxation (second reference).

Summary as introduced:

Constitutional amendment (second resolution); property exempt from taxation.

Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously.

Patrons: Albo, Howell, W.J., Iaquinto, Kilgore, Landes, O'Bannon and Purkey

11/26/07 House: Prefiled and ordered printed; offered 01/09/08

11/26/07 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Constitutional

Notes: City Position: Support

HJ 121 Constitutional amendment; exempts certain homeowners from taxation (second reference).

Summary as introduced:

Constitutional amendment (second resolution); property exempt from taxation.

Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously.

Patron: Moran

01/08/08 House: Prefiled and ordered printed; offered 01/09/08

1/08/08 House: Referred to Committee on Privileges and Elections

01/15/08 House: Assigned P & E sub: Constitutional

Notes: City Position: Support

SB 24 Payday lending charges; establishing maximum annual interest rate.

Summary as introduced:

Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36 percent. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

Patrons: Reynolds; Delegate: Eisenberg

12/12/07 Senate: Prefiled and ordered printed; offered 01/09/08

12/12/07 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 25 Payday Loan Act; repealing Act referring thereto.

Summary as introduced:

Payday Loan Act. Repeals the Payday Loan Act effective July 1, 2008.

Patrons: Reynolds and Petersen

12/12/07 Senate: Prefiled and ordered printed; offered 01/09/08

12/12/07 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 131 Freedom of Information Act; local public bodies may meet by electronic communication.

Summary as introduced:

Freedom of Information Act; electronic meetings; authority of local public bodies.

Allows any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address

the emergency. The local public body convening the meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions for electronic communication meetings. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council.

Patron: Houck

01/03/08 Senate: Prefiled and ordered printed; offered 01/09/08

01/03/08 Senate: Referred to Committee on General Laws and Technology

01/11/08 Senate: Impact statement from DPB (SB131)

Notes: City Position: Support

SB 156 Payday Loan Act; repealing Act referring thereto.

Summary as introduced:

Payday Loan Act. Repeals the Payday Loan Act effective July 1, 2010.

Patron: McEachin

01/07/08 Senate: Prefiled and ordered printed; offered 01/09/08

01/07/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 189 Highway construction; increases cost of project using state or local employees.

Summary as introduced:

Highway construction by state or local employees. Increases the maximum cost of project that may be undertaken using state or local employees to \$1 million.

Patrons: Herring, Barker, Cuccinelli, Howell, Petersen and Ticer; *Delegates:* Bulova, Hull, Marsden, Plum, Scott, J.M. and Watts

01/07/08 Senate: Referred to Committee on Transportation

01/17/08 Senate: Reported from Transportation (14-Y 0-N)

Notes: City Position: Support

SB 202 Indoor Clean Air Act; smoking in restaurants.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.

Patron: Quayle

01/07/08 Senate: Referred to Committee on Education and Health

01/18/08 Senate: Assigned Education sub: Public Smoking Legislation

Notes: City Position: Support

SB 208 Reduced cigarette ignition propensity; prohibits manufacture, etc. thereof unless meets standards.

Summary as introduced:

Reduced cigarette ignition propensity; civil penalties. Prohibits the manufacture, sale, or offer for sale of cigarettes unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact.

Patrons: Stosch; *Delegate:* O'Bannon

01/07/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 278 Payday Loan Act; repealing Act referring thereto.

Summary as introduced:

Payday Loan Act. Repeals the Payday Loan Act effective January 1, 2009.

Patron: Locke

01/08/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 279 Payday lending charges; establishes maximum annual interest rate.

Summary as introduced:

Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36%.

Patron: Miller, J.C.

01/08/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SB 280 Retail Sales and Use Tax; exemptions include EnergyStar-rated light bulbs.

Summary as introduced:

Sales and use tax exemption; energy-efficient light bulbs. Exempts from sales and use tax Energy Star-rated light bulbs.

Patron: Miller, J.C.

01/08/08 Senate: Referred to Committee on Finance

Notes: City Position: Support

SB 298 Smoke Free Air Act; smoking in public places.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking

indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron: Whipple

01/08/08 Senate: Prefiled and ordered printed; offered 01/09/08

01/08/08 Senate: Referred to Committee on Education and Health

01/16/08 Senate: Impact statement from DPB (SB298)

01/18/08 Senate: Assigned Education sub: Public Smoking Legislation

Notes: City Position: Support

SB 394 Parental rights; appeal when terminated.

Summary as introduced:

Termination of parental rights; juvenile court as court of record. Establishes that a juvenile and domestic relations district court functions as a court of record in cases involving termination of residual parental rights. The bill further provides that juvenile court decisions in such cases are appealed directly to the Court of Appeals.

Patron: Edwards

01/08/08 Senate: Prefiled and ordered printed; offered 01/09/08

01/08/08 Senate: Referred to Committee for Courts of Justice

01/10/08 Senate: Assigned Courts sub: Civil

Notes: City Position: Support

SB 423 DEQ; authority to issue and enforce permits, etc. related to air and water pollution.

Summary as introduced:

Department of Environmental Quality; State Air Pollution Control Board and State Water Control Board. Vests the authority to issue and enforce related to air and water pollution with the Director of the Department of Environmental Quality. The Board may make recommendations to the Director, who may incorporate such conditions into the permit if they: (i) are within the statutory authority of the Department; (ii) were not addressed by the Department in preparing the draft permit; (iii) either provide substantial additional protection to the environment, public health, or natural resources or provide substantially the same level of protection in a more effective or efficient manner; (iv) are consistent with the statutory and regulatory program under which the permit is issued; (v)

are technologically and economically feasible; and (vi) do not unfairly or unreasonably burden the applicant with costs or delays that would, in the Director's judgment, be disproportionate to the benefits reasonably to be expected from them. Additionally, the membership of the State Air Pollution Control Board is increased from five to seven.

Patron: Puckett

01/08/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

Notes: City Position: Oppose

SB 434 Illegal aliens; ineligibility for in-state tuition and educational benefits.

Summary as introduced:

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

Patrons: Vogel and Smith

01/08/08 Senate: Referred to Committee on Education and Health

Notes: City Position: Oppose

SB 501 Indoor Clean Air Act; prohibits smoking in any food establishment in State.

Summary as introduced:

Virginia Indoor Clean Air Act; penalty. Adds a prohibition against smoking in any food establishment in the Commonwealth and provides heightened penalties for violation. The bill defines food establishment.

Patrons: Locke and Northam

01/09/08 Senate: Referred to Committee on Education and Health

01/18/08 Senate: Assigned Education sub: Public Smoking Legislation

Notes: City Position: Support

SB 588 Payday Loan Act; SCC to contract with third party to develop Internet accessible database.

Summary as introduced:

Payday Loan Act. Requires the State Corporation Commission, by July 1, 2009, to certify and contract with one or more third parties to develop, implement, and maintain an Internet-accessible database, and requires payday lenders to query the database prior to making any loan to determine whether an applicant is eligible for the loan. Fifty cents may be charged to defray the costs of using the database. A payday lender is prohibited from making a payday loan to a person who has terminated a payday loan on the loan application date, or if the loan would cause the borrower to have more than three payday

loans outstanding at the same time. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse or dependent of such person. If a borrower obtains three or more consecutive payday loans, the borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least two equal installments over 60 days. A payday loan may not be made to a borrower in an extended payment plan. Other provisions (i) prohibit a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (ii) require a lender, when collecting or attempting to collect a payday loan when the check given as security for such loan is dishonored, to comply with certain restrictions and prohibitions contained in the Fair Debt Collection Practices Act; (iii) provide that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; (iv) state that the provisions of the Payday Loan Act apply to Internet lenders; and (v) allow licensees to secure payday loans with the borrower's electronic debit authorization.

Patron: Puckett

01/09/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Oppose

SB 634 Public defenders; permits localities to supplement compensation.

Summary as introduced:

Supplementing compensation of public defenders. Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission.

Patrons: Ticer, Barker and Petersen; *Delegates:* Bulova, Caputo, Marsden, Moran and Scott, J.M.

01/09/08 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 644 Pedestrians and drivers; sets out responsibilities at marked and unmarked crosswalks.

Summary as introduced:

Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patrons: Ticer; *Delegates:* Brink and Marsden

01/09/08 Senate: Referred to Committee on Transportation

Notes: City Position: Support

SB 646 Absentee voting; qualified voters may vote absentee in person without providing reason.

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.

Patrons: Ticer and Petersen; *Delegates:* Caputo, Marsden and Watts
01/09/08 Senate: Referred to Committee on Privileges and Elections

Notes: City Position: Support

SB 647 Freedom of Information Act; exemption for certain publicly-owned museum records.

Summary as introduced:

Freedom of Information Act (FOIA); exemption for certain publicly-owned museum records. Exempts from FOIA records of a publicly-owned museum that can be used to identify an individual who donates or loans one or more items of personal property to the museum.

Patrons: Ticer, Barker, Petersen; *Delegates:* Bulova, Caputo, Hull, Moran and Scott, J.M.
01/09/08 Senate: Referred to Committee on General Laws and Technology

Notes: City Position: Support

SB 652 Higher educational institutions; prohibits certain persons from eligibility for in-state tuition.

Summary as introduced

In-state tuition; prohibiting certain individuals from eligibility. Provides that (ii) an individual who is not either (a) a citizen or national of the United States, (b) a lawful permanent resident of the United States, or (c) an alien who submits documentary evidence of (1) a valid, unexpired nonimmigrant visa status, (2) a pending or approved application for asylum in the United States, (3) refugee status, (4) temporary protected status, (5) a pending application for adjustment of status to lawful permanent resident, or (6) otherwise lawfully present in the United States as defined in federal law or regulations, shall not be eligible for in-state tuition rates at any public institution of higher education in the Commonwealth. Establishes additional standards that must be met by a student who is actively pursuing legal permanent residency.

Patron: Hanger

01/09/08 Senate: Referred to Committee on Education and Health

Notes: City Position: Support (includes the amendments proposed by Governor Warner in 2003)

SB 670 Payday lending charges; establishes maximum annual interest rate therefor.

Summary as introduced:

Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36 percent. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

Patron: McEachin

01/10/08 Senate: Presented and ordered printed 088798628

01/10/08 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support

SJ 6 Constitutional amendment; exempts certain homeowners from taxation (second reference).

Summary as introduced:

Constitutional amendment (second resolution); property exempt from taxation.

Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously.

Patrons: Whipple; Delegate: Eisenberg

11/28/07 Senate: Prefiled and ordered printed; offered 01/09/08

11/28/07 Senate: Referred to Committee on Privileges and Elections


Notes: City Position: Support


City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 20, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JIM HARTMANN, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR 

SUBJECT: GOVERNOR KAINE'S PROPOSED BIENNIAL BUDGET

On December 17, Governor Kaine released his proposed budget for the upcoming biennium. It provides for several new, but relatively modest, initiatives: enhancements to the state and local mental health system, expansion of pre-K education, and modest initiatives to provide health care to those who lack health insurance. Because of the downturn in state revenues, the Governor has proposed two controversial ways to help balance the budget: first, he proposes to make use of the State's "Rainy Day Fund" (the funds set aside under the Constitution to provide additional funds when revenues drop below official state revenue projections); and second, he proposes to "borrow" from general funds that have been allocated for transportation, and repay these funds when the economy improves. Both these proposals are sure to generate significant opposition from a number of General Assembly members.

For the most part, the Governor's budget continues existing programs at their current levels, with increases in appropriations that are needed due to unavoidable growth (e.g., more public school students, more people using the Medicaid program).

A number of the Governor's proposals have a specific impact on the City of Alexandria. Unfortunately, some of these are significant and negative:

- The worst of these is a proposal that would require the City to share with the State the per diems it receives from the federal government for housing federal prisoners at the Alexandria jail. Although the State has not advised the City as to the amount of money it projects from this proposal, it appears to be approximately \$1 million annually (and not just for the upcoming biennium, but indefinitely into the future).
- HB599 funding, which assists localities with their law enforcement costs and has already been reduced by five percent (approximately \$337,000) in the current year, would be frozen at this level (it is supposed to increase regularly in proportion to growth in the state general fund).

- The State proposes to suspend the payment of revenues from the taxes on wine and alcoholic beverages (\$153,000 annually to Alexandria) to cities and counties for the biennium.

There are also some additions to the budget that could have a positive impact on Alexandria and its residents:

- Additional funding is included for mental health programs. It appears that the Alexandria CSB would receive funds to support several new staff positions. It is unclear whether additional match would be required for these.
- Changes are proposed for the State/local Pre-K education program (VPI). The composite index for all localities will be capped at .50, as opposed to the current .80 for Alexandria (.50 means the City will pay half of all State-recognized costs of the program, and the State will pay half; with the current .80 index, the City pays 80 percent and the State pays 20 percent). The State is also increasing what it recognizes as the maximum cost of the program per child from the current \$5,700 to \$6,790 (still lower than the actual cost of approximately \$10,000 per child). Finally, children who are eligible for free or reduced lunch will be eligible for this program; current eligibility is limited to those who are eligible for free lunch.
- For Alexandria Schools, Basic Aid funding is projected to be \$27.4 million in FY09 (compared to \$24.1 million that the State has projected for ACPS Basic Aid funding in the current fiscal year). This funding is predicated on student enrollment of 10,292 students, which may or may not match actual enrollment data.
- The Governor has proposed (as he did last year at the City's request) increases in payments to foster parents (a 15 percent increase in FY 09, and an additional 10 percent increase in FY10).

We will share additional information on the State budget as we receive it, and especially in each of the Legislative Updates that are prepared during Session.

cc: Michele Evans, Deputy City Manager
Mark Jinks, Deputy City Manager
Sheriff Dana Lawhorne
Bruce Johnson, Director, OMB
Kendel Taylor, Budget Analyst, OMB
Department Heads
Rebecca Perry, Superintendent, ACPS

BUDGET AMENDMENT FOR RENTAL ASSISTANCE

The Virginia Coalition to End Homelessness and SALT requests a \$4.8 million budget amendment to create a three year pilot project to provide temporary rental assistance to fill the gap between income and housing costs for working poor families and individuals.

The program would provide rental assistance to fill the gap between 30% of an eligible family's income and Fair Market Rent. This assistance would be limited to 3-years. The expectation is that the assistance would decline in this period, as the family's income (and housing contribution) increases.

Example:

The Smith family earns \$1,161/month¹

Their housing budget is \$348.²

Fair Market Rent in their area is \$891.³

Rental Assistance, equal to the difference between their housing budget and

Fair Market Rent, would be \$543/month

It is estimated that 750 families could be served through a \$4.8 million pilot project, and that the cost per family for rental assistance would be less than the cost of emergency shelter over the same period.

Preference would be given to families leaving welfare for work and working families and individuals unable to leave shelter due the difference between their housing budget and area rents.

The Department of Housing and Community Development could manage this pilot project through its existing Homeless Intervention Program (HIP) sites, minimizing administrative costs, preventing the need for additional bureaucracy, and ensuring that funds go directly to families in need.

Built into the project will be rigorous, appropriate and ongoing accountability mechanisms to evaluate whether the program is effectively moving Virginia families from welfare to economic independence through work, supporting working families and individuals in moving from shelter to independent housing, and complying with TANF regulations.

¹ Hourly wage \$6.70, VA Independence Program, VA Dept Social Services, 8/2007

² Nat'l standard for housing budget, one-third of income, HUD, 2007

³ FMR for 2 bedrm apt in VA, HUD, 2007