

City of Alexandria, Virginia

2-12-08

MEMORANDUM

DATE: FEBRUARY 11, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION INTRODUCED AT THE 2008 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 2) 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 compromise legislation to reform the Payday Lending industry (HB 12, Attachment 4).

DISCUSSION: The 2008 General Assembly Session has passed the halfway mark and is scheduled to adjourn on March 8. Beginning this Wednesday, each house may consider only bills that were introduced in the other house, except for appropriation and revenue bills. Work on appropriation and revenue bills, other than the budget, must be completed by this Friday. On Sunday, the House Appropriation and Senate Finance Committees will announce their suggested amendments to the budget proposed by Governor Kaine on December 17. Major issues for this General Assembly Session continue to be mental health, immigration, smoking in restaurants and other public places, abusive driver fees, payday loans, and the State Budget. Attachment 3 contains updates bills on which the City has taken a position.

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 has passed the House and is now awaiting action

by the Senate Courts of Justice Committee; SB 634 is on the docket for the February 11 meeting of the Senate Courts of Justice Committee.

- HB 686, which would exempt energy-saving compact fluorescent light bulbs from the sales tax, was defeated by the House Finance Committee; committee members who opposed the bill said that consumers already save money by using these bulbs, so a sales tax exemption is not needed; and that it would be difficult to turn down proposals to exempt other "green" products if this bill were passed. Identical bills introduced by other legislators have also been defeated.
- HB 800, which will suspend new election laws that would otherwise go into effect while a special election is under way, has passed the House and awaits action by the Senate Committee on Privileges and Elections.
- 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 opposed these bills, arguing that donor/loaner information should not be shielded. HB 858 passed the House and now goes to the Senate, which referred SB 647 to the Freedom of Information Advisory Committee for further study.
- HB 864 would have allowed 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 House General Laws Committee plans to study the licensing provisions of the ABC laws, and will include this proposal as part of that study.
- HB 1270 and SB 644 rewrite Virginia's pedestrian safety laws and would require drivers to stop, not just yield, for pedestrians. The Senate passed SB 644. HB 1270 was approved by the House Transportation Committee on a vote of 11-8. It is scheduled for votes on the House floor on Monday and Tuesday.
- 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. It has passed the House.
- Action will not be taken on budget amendments for capital improvement projects at Fort Ward until February 17.

Mental Health Reform. Consensus appears to be developing on mental health reform legislation. On Friday (February 8), the Senate passed SB 246, an omnibus bill that revises many current involuntary outpatient commitment standards. The bill incorporates many other bills introduced to change outpatient commitment laws. Under this proposal, a person may be

involuntarily required to undergo treatment if the person has mental illness and there is reason to assume that there is a “substantial likelihood” that the person will (1) cause harm to himself or others, or (2) “suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs.”

The bill also creates new requirements for disclosing mental health records to court officials, law enforcement officers, and the CSB, and it authorizes a single four-hour extension of an emergency custody order. Finally, it imposes new requirements on CSB participation in commitment hearings, as well as additional requirements for CSBs to monitor individuals who have been ordered into outpatient treatment.

Most of the new requirements for CSBs in this legislation are practices already followed by the Alexandria CSB.

Immigration. In the 2008 Session, more than 100 bills have been introduced dealing with immigration issues, and most of these bills run counter to the sentiments expressed in Council Resolution 2246 (adopted October 9, 2007), which set out the City’s position on immigration issues. Few of these bills appear to be moving forward. Those that have come out of Committee or been approved by the Senate and House include the following:

- The House has passed legislation (opposed by the City) that will prohibit any alien who is unlawfully present in the United States from being eligible for admission to any of Virginia’s public colleges and universities. The Senate passed legislation (supported by the City) that would allow undocumented aliens access to these schools only if they: had residency in Virginia during high school and at least 5 years prior to graduation; graduated from a Virginia high school; are pursuing permanent U.S. residency; are not the subject of deportation proceedings; and paid (or their family paid) Virginia income taxes for at least 3 years prior to college enrollment. The House is expected to reject the Senate legislation, and the Senate is expected to defeat the House legislation.
- The House is expected to approve legislation that will prohibit bail for most persons (1) who are charged with violent felonies and weapons offenses, certain drug-related crimes, murder or manslaughter, or driving while intoxicated; and (2) who have been determined by the court to be illegally present in this country. In addition, the person’s offense must be one for which the U.S. Immigration and Customs Enforcement (ICE) has guaranteed that it will issue a detainer for the initiation of removal proceedings; and ICE has agreed to reimburse the cost of incarceration. A similar Senate bill will be considered by the Senate Courts of Justice Committee on February 11.
- Other bills that have been approved by the House or Senate will require the verification of the legal presence of jail inmates; require public bodies to include a provision in contracts prohibiting the contractor from knowingly employing illegal aliens; and allow for the dissolution of a corporation for a “pattern or practice” of violating federal laws dealing with the employment of illegal aliens.

Bills prohibiting the use of any language other than English in public documents or materials, and terminating the provision of state funds to localities that do not ensure the legal presence of their beneficiaries, appear to be dead.

Smoking in Public. As in past years, legislation prohibiting smoking in restaurants or other public places has fared well in the Senate and poorly in the House. The Senate passed legislation that would either (1) ban smoking in most public buildings and areas (including restaurants), (2) ban smoking in restaurants statewide, or (3) allow localities to ban smoking in restaurants. The House defeated all House bills that would have restricted smoking in public, and is expected to kill the Senate legislation that would restrict smoking when it reaches the House.

Abusive Driver Fees. The abusive driver fees that were enacted as part of the 2007 General Assembly's transportation funding package are being repealed by both the House and the Senate. Unfortunately, no legislation is being passed to replace the revenue that would have been provided by these fees. As noted in the last Update, it will be only a few years until the Commonwealth cannot provide the required match for federal transportation funds.

Legislation Affecting Mirant. Legislation (HB 1332 and SB 423) to transfer permitting authority from the Air and Water Control Boards to the Director of the Department of Environmental Quality (DEQ) has been drastically revised so that it makes far less significant changes to the Commonwealth's environmental laws. Major components of the revised legislation include:

- The State Air Pollution Control Board and the State Water Control Board will retain their current permitting authority.
- A standardized process and deadlines for either of the Boards to take control of and make decisions on a permit.
- A requirement that the State Air Pollution Control Board and the State Water Control provide a clear and concise statement of the legal basis and justification for any permitting decision they make.
- An increase, from five to seven, in the membership of the State Air Pollution Control Board. The two new members will not be allowed to vote on any action related to a permit for which the State Air Pollution Control Board had taken jurisdiction as of January 1, 2008 (e.g., the Mirant permit).

Most proponents and opponents of HB 1332 and SB 423, including the Governor, have agreed to support the revised legislation. It has now been approved unanimously by the House Committee on Agriculture, Chesapeake, and Natural Resources and is expected to be approved by the full House no later than February 12. A subcommittee of the Senate Committee on Agriculture, Conservation, and Natural Resources has also approved it unanimously. Approval by the full Senate Committee should occur on February 11, with Senate concurrence the following day.

SB 712, which would have allowed emissions trading in Northern Virginia and was opposed by the City, was carried over to the 2009 Session at the request of the patron.

Payday Loans. The House of Delegates has passed compromise legislation on payday loans. Major components of the legislation include:

- A 36 percent annual interest rate cap will be imposed on payday loans.
- Payday lenders will be allowed to charge a loan fee equal to 10% of the amount borrowed and a verification fee of \$5 per loan.
- Each loan will have a minimum payback period of at least double the pay cycle of the borrower (e.g., someone who is paid monthly would have at least two months to repay the loan).
- An independent database will be created to enforce two other provisions: a borrower will not be allowed more than one outstanding payday loan, with a 24-hour “cooling off” period between loans; and no borrower will be allowed more than five loans annually.

This legislation is supported by opponents of payday loans (and Council’s Legislative Subcommittee recommends that the City support it), and opposed by the payday loan industry.

The Senate is expected to take up payday loan legislation on Monday; it is unclear whether they will support the compromise legislation, or at least major portions of it.

State Budget. There is no good news on the State Budget. As Council members who attended VML/VACo Legislative Day on February 7 heard from Governor Kaine, his revised revenue forecast to be released next week will require further reductions in the FY08, FY09, and FY10 budgets. The Governor indicated that revenue forecasts for the three years could be reduced by a total of nearly a billion dollars (this is beyond the reductions already announced last December). While the Governor pledged to do as much as he could to protect localities from further reductions in state aid, he said that it is unlikely that local governments would be immune from further reductions.

Of continued concern to the City is a proposal by the Governor in his introduced budget 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. Staff will continue to work with the delegation to do everything possible to amend this provision out of the budget, but with declining revenue forecasts, this will become increasingly difficult.

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.

ATTACHMENTS:

Attachment 1 - Recommended Positions on Bills of Importance to the City, February 8, 2008

Attachment 2 - Current Status of City Package Bills, February 8, 2008

Attachment 3 – Current Status of Bills on Which the City Has Taken a Position, February 8,
2008

Attachment 4 – House Bill No. 12 (Amendment in the Nature of a Substitute) – Payday Loans

Recommended Positions on Bills of Importance to the City February 8, 2008

HB 90 Public Procurement Act; verification of legal presence of contractors for 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: Nichols and Bouchard

12/13/07 House: Referred to Committee on Rules

Notes: City Position: Oppose

HB 197 Recordation tax; refinancing or modification of terms of debt.

Summary as introduced:

State recordation tax; refinances. Provides that in any case in which a debt is refinanced, the state recordation tax shall only apply to the principal amount of the new debt which is in addition to the original debt. Under current law, only in cases in which a debt is refinanced with the same lender is there an exemption from the tax on the principal amount of the original debt. The bill also would provide refunds to certain persons who refinanced a debt between January 1, 2007, and June 30, 2008, and paid a state recordation tax on the total principal amount of the new debt.

Patron: Marshall, R.G.

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

Notes: City Position: Oppose

HB 233 Dishwashing detergents; bans use of phosphorus therein for household dishwashing machines.

Summary as passed House:

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. This bill incorporates HB 822 (Delegate Morgan) and HB 341 (Delegate Plum).

Patrons: Cosgrove, Hugo, Rust and Vanderhye
01/21/08 House: Read third time and passed House (96-Y 0-N)
01/21/08 House: VOTE: --- PASSAGE (96-Y 0-N)
01/21/08 House: Communicated to Senate
01/23/08 Senate: Constitutional reading dispensed
1/23/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources
Notes: City Position: Support

HB 343 Cathode ray tubes; disposal bans.

Summary as introduced:

Cathode ray tubes; disposal bans. Permits localities to prohibit the disposal of cathode ray tubes in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within its jurisdiction. Previously the ban only applied to privately operated landfills.

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

01/21/08 House: Read third time and passed House BLOCK VOTE (96-Y 0-N)
01/23/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources
Notes: City Position: Support

HB 365 Substance abuse screening; person become ineligible for public assistance if using illegal drugs.

Summary as introduced:

Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to conduct a screening of all applicants or recipients of public assistance. This bill provides that, where a screening indicates reasonable cause to believe an applicant or recipient is using illegal drugs, the applicant or recipient may be required to submit to drug testing. Where a drug test indicates that the applicant or recipient is using illegal drugs, the person shall become ineligible for public assistance. The person may reapply for public assistance once 12 months have elapsed from the date of initial ineligibility.

Patrons: Carrico and Marshall, D.W.

01/24/08 House: Reported from Health, Welfare and Institutions with substitute 01/24/08
House: Referred to Committee on Appropriations
Notes: City Position: Oppose

HB 392 Stormwater ordinances; authorizes for localities classified as MS4.

Summary as passed House:

Stormwater ordinance. Authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits. The bill would give these localities the

authority to seek civil charges and injunctive relief, and impose civil penalties. Any person who willingly and knowingly violates the ordinance would be subject to a criminal penalty of a Class 1 misdemeanor.

Patron: Bulova

02/04/08 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/05/08 Senate: Referred to Committee on Agriculture, Conservation and Natural

Notes: City Position: Support

HB 434 Defacement of buildings; immunity.

Summary as introduced:

Defacement of buildings; immunity. Provides that local employees and agents of a locality who remove graffiti from buildings shall have any and all immunity normally provided to an employee of the locality.

Patron: Miller, J.H.

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

01/04/08 House: Referred to Committee on Counties, Cities and Towns

Notes: City Position: Support

HB 445 Single-family dwellings; no action taken against owner if has taken legal action against tenant.

Summary as introduced:

Occupancy limits. Provides that no enforcement action shall be taken against the owner or managing agent of a single-family residential dwelling unit if such owner or managing agent has taken legal action against the tenants or occupants of such dwelling unit to terminate the tenancy with regard to the number of persons occupying the dwelling unit.

Patrons: Rust, Athey, Cole, Gilbert, Hugo, Lingamfelter, Purkey, Scott, E.T. and Sherwood

01/22/08 House: Referred from Rules

01/22/08 House: Referred to Committee on Counties, Cities and Towns

Notes: City Position: Oppose

HB 465 Real estate tax; exemptions for certain elderly and disabled persons with income limits.

Summary as introduced:

Real property tax exemptions for certain elderly and disabled persons. Provides a local option formula for determining net combined financial worth that allows individuals who depend on investment income rather than pension income to qualify for tax relief.

Patron: Watts

01/28/08 House: Continued to 2009 in Finance

Notes: City Position: Support

HB 582 Psychiatric inpatient treatment of minors; petition and hearing.

Summary as introduced:

Psychiatric inpatient treatment of minors; timing of petition and hearing. Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the filing of the petition for such hearing. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission.

Patron: Marsden

01/31/08 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

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

Notes: City Position: Support

HB 707 Involuntary commitment hearings; person shall be held in custody until released to secure facility.

Summary as passed House:

Temporary custody orders; secure facility. Provides that a person who is subject to a temporary detention order shall remain in the custody of a law enforcement officer until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the order.

Patron: Janis

01/29/08 House: Read third time and passed House (98-Y 0-N)

01/30/08 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Oppose as introduced; bill was amended to address City concerns

HB 813 Independent living services; person shall not become ineligible for services upon refusing.

Summary as introduced:

Independent living services. Provides that a person who is otherwise eligible for independent living services from the Department of Social Services shall not become ineligible for services upon refusing services. A person who is otherwise eligible and who refuses services may, following such refusal, request and receive services.

Patron: Ward

01/31/08 House: Incorporated by Health, Welfare and Institutions into HB1141-Fralin

Notes: City Position: Support

HB 850 Foster care; require code of ethics agreement.

Summary as passed House:

Foster care; Code of Ethics agreement. Requires Board of Social Services to approve, in foster care policy, the language of the written agreement to be entered into by local boards and licensed child-placing agencies. This bill also provides that such agreements shall include at a minimum a Code of Ethics and mutual responsibilities for all parties.

Patrons: Orrock, Alexander, Amundson, Howell, A.T., Nutter, Peace and Poisson;
Senators: Edwards, Herring and Ticer

01/29/08 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

01/30/08 Senate: Referred to Committee on Rehabilitation and Social Services

Notes: City Position: Support

HB 901 Employee benefits; provision for funding of employee's principal residence in City of Alexandria.

Summary as introduced:

Employee benefits; residence in certain localities. Allows localities in Planning District 8 (Northern VA) to provide for the use of local funds to provide grants, loans, and other assistance for employees of local governments, and school boards, and local constitutional officers, to purchase or rent residences for use as the employee's principal residence within the locality.

Patrons: Scott, J.M., Amundson and Brink

02/07/08 House: Defeated by Committee on Counties, Cities and Towns

Notes: City Position: Support

HB 947 Homeowners foreclosure protection; Attorney General may enforce violations.

Summary as introduced:

Foreclosure protection; Attorney General may enforce violation; penalty. Provides protection for homeowners during the foreclosure process by requiring persons who advertise services to assist persons to escape foreclosure to disclose fully the nature of their services and the homeowners' right to rescind a contract entered into with such persons. Also allows the Attorney General to enforce any violation of this article and provides that a violation of the article is a Class 5 felony.

Patrons: Iaquinto, Athey, Carrico, Cole, Crockett-Stark, Lohr, Massie, Merricks, Morgan, Sherwood and Tata

01/28/08 House: Referred to Committee on General Laws

02/04/08 House: Assigned GL sub: Professional/Occupational/Adminstrative Process

Notes: City Position: Support

HB 953 Abuse or neglect proceedings; videotaped statement.

Summary as introduced:

Abuse or neglect proceedings; videotaped statement. Allows a videotaped statement of an alleged victim to be admissible into evidence in a criminal proceeding for child abuse or neglect if the child is 12 years of age or younger at the time the statement is

offered and a number of other conditions are met, including having the alleged victim and all persons present at the time the statement was taken available to testify or be cross-examined at the proceeding where the recording is offered. The proponent of the videotaped statement must give the adverse party 10 days notice prior to the proceeding of his intent to offer the statement as evidence.

Patrons: Iaquinto, Athey, Carrico, Cole, Cosgrove, Lohr, Massie, Merricks, Saxman and Sherwood

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

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

Notes: City Position: Support

HB 1043 Polygraph; no sexual offense victim shall be requested to submit for investigation to proceed.

Summary as introduced:

Use of polygraph on sex offense victims. Provides that no complaining witness of any alleged offense involving criminal sexual activity shall be requested to submit to a polygraph examination as a condition of proceeding with an investigation of the offense.

Patrons: Watts, Marsden, Mathieson, McClellan, Poisson, Shannon and Sherwood;

Senators: Houck, Howell and Puller

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

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

Notes: City Position: Support

HB 1137 Green roof incentive programs; Board of Housing & Community Development to develop guidelines.

Summary as introduced:

Green roof incentive programs. Requires the Board of Housing and Community Development to develop guidelines for incentive programs for use by localities to encourage the use of green roofs in the construction and remodeling of residential and commercial buildings. The bill defines a green roof as a roof of a building that is partially or completely covered with soil and vegetation. The bill also authorizes localities to establish green roof incentive programs.

Patron: Fralin

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

Notes: City Position: Support

HB 1203 Mental health and substance abuse treatment providers; background checks.

Summary as passed House:

Mental health and substance abuse treatment providers; background checks.

Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has

been convicted of a misdemeanor violation relating to assault and battery as long as such offences were substantially related to substance abuse or mental illness and the applicant has been rehabilitated.

Patrons: Melvin, Brink, Hamilton, Morgan and O'Bannon; *Senators:* Blevins and Puller
01/29/08 House: Read third time and passed House (75-Y 22-N)

01/30/08 Senate: Referred to Committee on Education and Health

Notes: City Position: Support

HB 1252 Child custody; court ordered investigations.

Summary as introduced:

Court ordered investigations; child custody. Clarifies that child custody investigations shall only be conducted by local department of social services.

Patron: Marsden

02/01/08 House: Continued to 2009 in Courts of Justice

Notes: City Position: Oppose

HB 1255 Juveniles; transfer of jurisdiction.

Summary as introduced:

Venue; transfer of jurisdiction of a juvenile. Provides that a child released to a legal residence in a court services unit jurisdiction other than the committing jurisdiction shall be the responsibility of the court services unit in the jurisdiction of the legal residence.

Patron: Marsden

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

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

Notes: City Position: Support

HB 1285 Protective orders; transport of firearms by certain law-enforcement officers.

Summary as introduced:

Protective orders; transport of firearms by certain law-enforcement officers.

Allows, at the discretion of the sheriff or chief law-enforcement officer, a law-enforcement officer subject to a protective or restraining order to transport a firearm while on-duty.

Patrons: Athey, Cosgrove, Gilbert, Lingamfelter and Sherwood

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

Notes: City Position: Oppose

HB 1321 Foster care; transition plan for children 16 years of age or older.

Summary as introduced:

Foster care plan for children 16 years of age or older; opt out. Clarifies that a foster care plan can provide, for children 16 and older, no substitute parental supervision and

allows for educational or vocational training to help the child transition out of the foster care system. Also delineates the procedure by which any person 18 to 21 who is in the independent living system may choose to opt out of the independent living system and the procedure for disqualification from independent living system.

Patron: Toscano

02/01/08 House: Continued to 2009 in Courts of Justice

Notes: City Position: Support

HB 1327 Custody and visitation; ex parte orders.

Summary as introduced:

Custody and visitation; ex parte orders. Limits when an ex parte order establishing or modifying custody or visitation to situations where the child would be (i) subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result, or (ii) in cases to establish custody or visitation, removed from the court's jurisdiction to the child's immediate detriment. The party applying for an ex parte order must show that he has made a good faith attempt to give notice to the other party or that giving such notice would compound the threat to the child. If an ex parte order is entered, a preliminary hearing must be held within five business days where the party applying for the ex parte order must present his application de novo.

Patron: Peace

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

Notes: City Position: Support

HB 1382 Social Services, Department of; nonattorney employees to complete, sign, and file petitions.

Summary as introduced:

Department of Social Services; petitions.

Authorizes nonattorney employees of the Department of Social Services to complete, sign and file petitions in Department cases and provides that any orders entered prior to the effective date of this bill are not deemed void or voidable solely because the petitions and motions were signed by nonattorney employees.

Patrons: Iaquinto and Toscano

02/07/08 House: Engrossed by House as amended HB1382E

Notes: City Position: Support

HB 1488 Polygraph; no sexual offense victim shall be requested to submit for investigation to proceed.

Summary as introduced:

Use of polygraph on sex offense victims. Provides that no complaining witness of any alleged offense involving criminal sexual activity shall be requested to submit to a polygraph examination as a condition of proceeding with an investigation of the offense.

Patrons: Sherwood and Poisson

02/01/08 House: Incorporated by Courts of Justice into HB1043-Watts

HB 1510 Gang-related criminal information; law-enforcement agencies to forward to Department of State Police.

Summary as introduced:

Gang-related criminal information. Requires law-enforcement agencies to forward gang-related criminal information to the Department of State Police for inclusion in the annual Crime in Virginia report.

Patron: May

01/17/08 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Support

HB 1533 Television Waste Recycling Act; established.

Summary as introduced:

Television recycling programs; manufacturer fees; disposal ban. Bans the disposal of covered televisions and component parts as solid waste effective January 1, 2009. The bill requires manufacturers of televisions covered by the act to pay a \$5,000 per year state registration fee and report to the Department of Environmental Quality on the weight, in pounds, of televisions sold in the Commonwealth. DEQ will use the fees collected to reimburse localities implementing television recycling programs in compliance with criteria established by the Department. If a locality does not implement a television recycling program, the Department shall initiate a program for residents in that locality.

Patron: Plum

01/30/08 House: Continued to 2009 in Agriculture, Chesapeake and Natural Resources

Notes: City Position: Support

HB 1549 Glass containers; on-premises licensees required to recycle.

Summary as introduced:

Recycling glass containers. Requires all "on-premises" licensees of the Virginia Alcoholic Beverage Control Board to recycle their glass containers, if the locality in which they are located is within 50 miles of a recycling center.

Patron: Cosgrove

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

Notes: City Position: Support

HB 1560 Real estate taxes; requires localities to permit real property owners to defer portion thereof.

Summary as introduced:

Real estate taxes; deferral. Requires localities to permit real property owners to defer that portion of real estate taxes that exceed 105 percent of the previous year's tax.

Patron: Lingamfelter

02/07/08 House: Incorporated by Finance into HB1009, which the City also opposes

Notes: City Position: Oppose

HB 1561 Local license tax; exemption for new businesses.

Summary as introduced:

Local license tax; exemption for new businesses. Permits any locality to provide an exemption from local license taxes, to any business that has not previously been licensed in the locality, for the first five years that the business operates in the locality.

Patron: Lingamfelter

01/18/08 House: Referred to Committee on Finance

01/22/08 House: Assigned Finance sub: 2

Notes: City Position: Oppose

SB 67 Inpatient treatment; parental admission of minors incapable of giving consent.

Summary as introduced:

Parental admission of minors for inpatient treatment; minors incapable of giving consent. Provides that minors 14 years of age or older who are incapable of giving informed consent may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of giving informed consent."

Patron: Howell

01/28/08 Senate: Reported from Courts of Justice (12-Y 0-N)

02/06/08 Senate: Reported from Finance (16-Y 0-N)

Notes: City Position: Support

SB 78 Involuntary commitment; time frame for examination of person by independent examiner.

Summary as introduced:

Examination by independent examiner; time frame. Requires that the examination of a person who is the subject of an involuntary commitment hearing be completed within 48 hours of the execution of the temporary detention order but sufficiently in advance of the hearing so as to ensure sufficient time for a thorough examination.

Patron: Cuccinelli

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 79 Independent examiner; records to be reviewed.

Summary as introduced:

Independent examiner, records to be reviewed. Requires that the independent examiner review, at minimum, the medical records of the person who is the subject of an

involuntary commitment hearing, the prescreening report, and any other relevant, readily accessible reports, records and evidence related to the person who is the subject of an involuntary commitment hearing, prior to conducting an examination. This bill also requires that the independent examiner certify at the hearing that he has reviewed the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and all other relevant, readily accessible reports, records and evidence related to the person who is the subject of the hearing.

Patrons: Cuccinelli and Ticer; Delegate: Watts

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 96 Involuntary commitment hearings; confidentiality of records.

Summary as introduced:

Involuntary commitment hearings; confidentiality of records. Clarifies that recordings of any involuntary commitment hearing shall be held by the clerk of the general district court where the hearing is held, and that all recordings and records of such hearings shall be confidential, unless such confidentiality is waived, in a signed writing, by the subject of such a hearing. The bill provides that the dispositional order of such hearing may be made available by court order, if such disclosure is in the best interest of the subject of the hearing or the public. The bill also directs the judge or special justice to order that copies of the relevant records of the person be released to (i) the facility in which he is placed; (ii) the community services board or behavioral health authority of the jurisdiction where the person resides or which is ordered to monitor any mandatory outpatient treatment order; (iii) any treatment providers identified in a treatment plan incorporated into any mandatory outpatient treatment order; and (iv) any other treatment providers or entities.

Patron: Lucas

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 97 Mental health records; disclosure.

Summary as introduced:

Mental health records; disclosure. Mandates disclosure of the subject of an involuntary commitment procedure's health records to any magistrate, court, mental health examiner, community services board or behavioral health authority, or law-enforcement officer involved in the proceeding, whether the proceeding involves a minor, a criminal defendant, or other individual.

Patron: Lucas

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 101 Emergency custody order; renewal.

Summary as introduced:

Emergency custody order; renewal. Allows a magistrate, for good cause, to grant a single, four-hour extension of an emergency custody order.

Patrons: Cuccinelli, Barker, Petersen, Smith and Ticer; *Delegates:* Bulova, Caputo, Marsden and Watts

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 129 Emergency custody orders, temporary detention orders, and involuntary commitment; criteria.

Summary as introduced:

Involuntary commitment; criteria. Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. The bill also changes the criteria for the involuntary commitment of criminal defendants prior to trial, after conviction but before sentencing, and after sentencing to conform with clause (i) and (ii) (a) discussed above.

Patrons: Cuccinelli and Ticer; *Delegates:* Bulova, Caputo, Marsden and Watts

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 220 Outpatient treatment order; community services board to monitor person's compliance with order.

Summary as introduced:

Monitoring of compliance with outpatient treatment order. Provides that the community services board or behavioral health authority that serves the city or county in which a person subject to an outpatient treatment order resides shall develop an outpatient treatment plan, which shall identify the community services board, behavioral health authority, or other provider designated to monitor the person's compliance with the order. This bill also provides that upon receiving notification of noncompliance with the order, the court shall issue a show cause order regarding the person's noncompliance with the order and may amend the involuntary outpatient treatment order or revoke the outpatient treatment order.

Patron: Edwards

01/28/08 Senate: Incorporated by Courts of Justice into SB246-Howell

Notes: City Position: Support

SB 322 Electric Utility Restructuring Act; defines municipal solid waste as source of renewable energy.

Summary as introduced:

Renewable energy source. Defines municipal solid waste as source of renewable energy under the Virginia Electric Utility Restructuring Act.

Patron: Wagner

02/04/08 Senate: Reported from Commerce and Labor (15-Y 0-N)

02/07/08 Senate: Read second time and engrossed

Notes: City Position: Support

SB 381 Mental health and substance abuse treatment providers; background checks.

Summary as introduced:

Mental health and substance abuse treatment providers; background checks.

Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs someone with certain misdemeanor assault and battery convictions as long as such offences were substantially related to substance abuse or mental illness and the applicant has been rehabilitated.

Patrons: Martin and Puller; Delegates: Brink, Hamilton, Morgan and O'Bannon

01/29/08 Senate: Read third time and passed Senate (40-Y 0-N)

01/29/08 Senate: Communicated to House

Notes: City Position: Support

SB 480 Comprehensive Services Act; utilization review.

Summary as introduced:

Comprehensive Services Act; utilization review. Requires the State Executive Council to oversee development and implementation of uniform standards of utilization review to include review of how individual need for services is determined, how services are procured, and how services are delivered.

Patrons: Hanger and Howell; Delegate: Hamilton

01/25/08 Senate: Incorporated by Rehabilitation and Social Services into SB487-Hanger

Notes: City Position: Support

SB 489 Community policy and management teams; required to identify children in residential care facilities.

Summary as introduced:

Community Policy and Management Teams; duties. Requires CPMTs to identify children in residential care facilities who can be appropriately served in their homes and communities and to develop a plan for the return of such children from residential care to their homes and communities. Plans shall identify any community-based services which may be necessary for each child and provide for the coordination of services and the monitoring of children returning to their homes or communities from residential care.

Patrons: Hanger and Howell; Delegate: Hamilton

01/25/08 Senate: Incorporated by Rehabilitation and Social Services into SB487-Hanger
Notes: City Position: Support

SB 499 Inmates; permitting work on public or private property.

Summary as introduced:

Sheriffs; permitting work on public or private property by inmates. Allows jail inmates to perform work on private property utilized by a nonprofit organization.

Patron: Northam

01/23/08 Senate: Read third time and passed Senate (40-Y 0-N)

01/23/08 Senate: Communicated to House

Notes: City Position: Support

SB 517 Public Procurement Act; contractors to certify immigration status verification on all employees.

Summary as introduced:

Virginia Public Procurement Act; required contract provisions; immigration status verification. Requires contractors to certify that they have undertaken immigration status verification on all of their employees, and that all employees are legally authorized to work in the United States

Patrons: Cuccinelli, Newman and Obenshain; Delegate: Merricks

02/06/08 Senate: Reported from Courts of Justice with substitute (12-Y 0-N)

Notes: City Position: Oppose

SB 519 Zoning appeals, Board of; petitioner to be awarded reasonable attorney fees and court costs.

Summary as introduced:

Board of zoning appeals decisions. Allows the petitioner to be awarded reasonable attorney fees and court costs in a successful action against the board of zoning appeals.

Patron: Watkins

02/05/08 Senate: Reported from Local Government (8-Y 6-N)

Notes: City Position: Oppose

SB 604 Secondhand dealers; regulation thereof to current statutes regulating pawnbrokers.

Summary as introduced:

Pawnbrokers and secondhand dealers; penalty. Adds the regulation of secondhand dealers to current statutes regulating pawnbrokers. The bill also (i) requires secondhand dealers to prepare a daily report of goods and items sold to them, (ii) requires a pawnbroker to maintain records of each loan or transaction in the course of business for a

period of one year, (iii) authorizes the chief law-enforcement officer of a locality to designate alternative means of submitting required daily reports, and (iv) adds secondhand dealers to the existing penalty provisions for pawnbrokers.

Patron: Stolle

01/29/08 Senate: Read third time and passed Senate (40-Y 0-N)

01/29/08 Senate: Communicated to House

Notes: City Position: Support

SB 643 Foster care; require code of ethics agreement signed by head of every foster home, etc.

Summary as introduced:

Foster care; Code of Ethics agreement. Requires the agreement signed by the head of every foster home or children's residential facility to set forth the conditions and mutual responsibilities of foster parents, foster care workers, and directors of child-placing agencies, including local departments. Requires the Board of Social Services to develop and promulgate regulations implementing the provisions of this Act with the assistance of an advisory committee comprised of representatives from foster and adoptive families, local boards and departments, child-placing agencies, judicial staff, youth in foster and adoptive homes, and other advocates or experts as the Board deems necessary.

Patrons: Ticer; Delegate: Alexander

01/30/08 Senate: Read third time and passed Senate (40-Y 0-N)

01/30/08 Senate: Communicated to House

Notes: City Position: Support

SB 649 Motor vehicle safety belt systems; repeals language that makes nonuse secondary offense.

Summary as introduced:

Motor vehicle safety belt systems. Repeals language that makes nonuse of motor vehicle safety belt systems a secondary offense.

Patrons: Ticer; Delegate: Marsden

01/23/08 Senate: Read third time and passed Senate (22-Y 18-N)

01/23/08 Senate: Communicated to House

Notes: City Position: Support

SB 658 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: Howell

01/25/08 Senate: Incorporated by Rehabilitation and Social Services into SB487-Hanger

Notes: City Position: Support

SB 729 Retail Sales & Use Tax; Northern Virginia Transportation Authority authorized to impose.

Summary as introduced:

Northern Virginia Transportation Authority. Allows the Authority to impose a 0.50 percent sales and use tax with the revenues dedicated to the Authority. If this tax is imposed, the Authority cannot impose the (i) additional, one-time vehicle registration fee of one percent of the value of the vehicle; (ii) five percent sales tax on labor or services charged in the repair of motor vehicles; or (iii) additional \$10 vehicle inspection .

Patron: Saslaw

02/07/08 Senate: Engrossed by Senate, amended to exempt food from the tax

Notes: City Position: Support

SB 768 Conditional zoning; replaces cash proffer system with system of impact fees.

Summary as introduced:

Conditional zoning; impact fees. Replaces the current cash proffer system with a system of impact fees.

Patrons: Watkins; Delegates: Hall and Hull

02/06/08 Senate: Reported from Finance (12-Y 2-N 2-A)

Notes: City Position: Oppose

SB 779 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.

Patron: Smith

01/29/08 Senate: Continued to 2009 in Finance (16-Y 0-N)

Notes: City Position: Oppose

SB 783 Tax rates; locality to fix at least 30 days prior to approval of budget for ensuing year.

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.

Patron: Martin

01/29/08 Senate: Continued to 2009 in Finance (16-Y 0-N)

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

Summary as passed Senate:

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. This bill is identical to SB 8 and HB 309. This bill incorporates SBs 8 and 646.

Patron: Howell

02/01/08 Senate: Engrossed by Senate - committee substitute SB69S1
02/04/08 Senate: Read third time and passed Senate (31-Y 8-N)
02/04/08 Senate: Reconsideration of passage agreed to by Senate (40-Y 0-N)
02/04/08 Senate: Passed Senate (31-Y 9-N)
02/04/08 Senate: Communicated to House
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

**Current Status of Bills on which The City Has Taken a Position
February 8, 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, Amundson, Armstrong, Fralin, Iaquinto and Miller, P.J.

01/24/08 House: Reported from Health, Welfare and Institutions with substitute (21-Y 1-N)

01/24/08 House: Referred to Committee on Appropriations

01/25/08 House: Committee substitute printed 088560748-H1

01/29/08 House: Assigned App. sub: Health & Human Resources (Hamilton)

02/04/08 House: Impact statement from DPB (HB3H1)

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, Albo, Athey, Bell, Carrico, Crockett-Stark, Frederick, Gilbert, Hargrove, Iaquinto, Janis, Kilgore, Massie, Merricks, Scott, E.T., Sherwood and Wittman

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

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

02/01/08 House: Reported from Courts of Justice with amendment (22-Y 0-N)

02/01/08 House: Referred to Committee on Appropriations

02/05/08 House: Assigned App. sub: Public Safety (Sherwood)

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.

Patrons: Scott, J.M., Brink and Englin

12/05/07 House: Prefiled and ordered printed; offered 01/09/08 082306720

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; Senator: Ruff

12/05/07 House: Prefiled and ordered printed; offered 01/09/08 081753600

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

01/22/08 House: Impact statement from DPB (HB55)

02/05/08 House: Continued to 2009 in 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

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

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)

02/04/08 House: Continued to 2009 in Finance

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

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

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

01/23/08 House: Impact statement from DPB (HB103)

Notes: City Position: Support

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

Summary as passed House:

Parental notification of minor's mental health treatment. Requires any employee or designee of any community services board or behavioral health authority, or any other state or local employee other than an employee of a local school board who provides 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, unless the employee or designee of the community services board or behavioral health authority or other state or local employee providing mental health treatment determines that, in their professional judgment, notice to the parent, guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person.

Patrons: Lingamfelter, Athey, Cole, Cosgrove, Crockett-Stark, Gilbert, Marshall, R.G., Massie, Merricks, Morgan and Sherwood

01/29/08 House: Read third time and passed House (88-Y 10-N)

01/29/08 House: VOTE: --- PASSAGE (88-Y 10-N)

01/29/08 House: Communicated to Senate

01/30/08 Senate: Constitutional reading dispensed

01/30/08 Senate: Referred to Committee on Education and Health

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.

Patrons: Purkey and Moran

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
02/04/08 House: Reported from Finance (22-Y 0-N)
02/04/08 House: Referred to Committee on Appropriations
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."

Patrons: Fralin, Amundson, Crockett-Stark and Englin
02/01/08 House: Assigned App. sub: Health & Human Resources (Hamilton)
02/04/08 House: Impact statement from DPB (HB149H1)
02/06/08 House: Reported from Appropriations with substitute (24-Y 0-N)
02/07/08 House: Committee substitute printed 082575504-H2
02/08/08 House: Impact statement from DPB (HB149H2)
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 081039776
01/02/08 House: Referred to Committee for Courts of Justice
01/10/08 House: Assigned Courts sub: Mental Health
01/21/08 House: Stricken from docket by Courts of Justice
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 082525616

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 088361408
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)
02/07/08 House: Continued to 2009 in Finance
Notes: City Position: Oppose

HB 221 Residential Landlord and Tenant Act; duty of landlord and managing agent for visible mold.

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

02/06/08 House: Committee substitute agreed to 081490588-H1
02/06/08 House: Engrossed by House - committee substitute HB221H1
02/07/08 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/07/08 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)
02/07/08 House: Communicated to Senate
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 085927752

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, Dance, Ebbin, McClellan, Scott, J.M. and Toscano

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

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

01/29/08 House: Reported from General Laws (22-Y 0-N)

01/29/08 House: Referred to Committee on Appropriations

02/01/08 House: Assigned App. sub: Economic Development, Agriculture and Natural Resources(Cox)

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: 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)

01/29/08 House: Fiscal impact review from JLARC (HB306)

01/30/08 House: Tabled in Agriculture, Chesapeake and Natural Resources (12-Y 9-N)

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

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

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."

Patrons: Eisenberg, Plum, Shannon and Watts

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

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

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

02/08/08 House: Continued to 2009 in Privileges and 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)
01/28/08 House: Referred from Finance
01/28/08 House: Referred to Committee on General Laws

Notes: 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
01/28/08 House: Incorporated by Courts of Justice (HB1328-Peace)
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
02/01/08 House: Continued to 2009 in 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.

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

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

02/04/08 House: Reported from Courts of Justice (19-Y 2-N)

02/04/08 House: Referred to Committee on Appropriations

02/06/08 House: Assigned App. sub: Public Safety (Sherwood)

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

02/04/08 House: Assigned GL sub: Housing

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, Jones, S.C. and Marsden

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

01/28/08 House: Impact statement from DPB (HB496)

02/04/08 House: Reported from Courts of Justice with amendments (21-Y 0-N)

02/04/08 House: Referred to Committee on Appropriations

02/06/08 House: Assigned App. sub: Public Safety (Sherwood)

Notes: City Position: Support

HB 503 Comprehensive Services Act; intensive care coordination and service planning.

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

02/07/08 House: Impact statement from DPB (HB503H1)

02/07/08 House: Read second time

02/07/08 House: Committee substitute agreed to 081847528-H1

02/07/08 House: Engrossed by House - committee substitute HB503H1

02/08/08 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

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

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

01/28/08 House: Impact statement from DPB (HB590)

02/01/08 House: Reported from Courts of Justice (20-Y 0-N)

02/01/08 House: Referred to Committee on Appropriations

02/05/08 House: Assigned App. sub: Public Safety (Sherwood)

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, Athey, Byron, Carrico, Cole, Crockett-Stark, Frederick, Gear, Gilbert, Griffith, Hamilton, Hogan, Howell, W.J., Hugo, Janis, Kilgore, Landes, Lingamfelter, Loupassi, Marshall, R.G., Nixon, Oder, Pogge, Purkey, Putney, Rust, Saxman, Sherwood and Tata

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

01/28/08 House: Impact statement from TAX (HB602)

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, Toscano and Ware, O.; 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)

01/20/08 House: Impact statement from DPB (HB617)

02/04/08 House: Incorporated by Appropriations (HB1082-Suit)

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

02/08/08 House: Continued to 2009 in Privileges and 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.

Patrons: Hogan, Athey, Cole, Crockett-Stark and Nutter

01/22/08 House: VOTE: --- PASSAGE (95-Y 2-N)

01/22/08 House: Communicated to Senate

01/23/08 Senate: Constitutional reading dispensed

01/23/08 Senate: Referred to Committee on Transportation

01/25/08 House: Impact statement from DPB (HB649)

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)

02/06/08 House: Tabled in Agriculture, Chesapeake and Natural Resources

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.

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)

02/07/08 House: Continued to 2009 in Finance

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

02/05/08 House: Read first time

02/06/08 House: Read second time and engrossed
02/07/08 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/07/08 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)
02/07/08 House: Communicated to Senate
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

02/06/08 House: Read first time
02/07/08 House: Read second time
02/07/08 House: Committee substitute agreed to 081851668-H1
02/07/08 House: Engrossed by House - committee substitute HB720H1
02/08/08 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
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.)
01/21/08 House: Impact statement from VRS (HB736)
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

01/31/08 House: Impact statement from TAX (HB761)

02/08/08 House: Continued to 2009 in Counties, Cities and Towns

Notes: City Position: Oppose because bill would prevent NVTAs 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, Athey, Byron, Carrico, Frederick, Gear, Gilbert, Griffith, Hamilton, Hogan, Howell, W.J., Hugo, Janis, Jones, S.C., Kilgore, Landes, Lingamfelter, Loupassi, Marshall, R.G., O'Bannon, Oder, Pogge, Purkey, Saxman, Sherwood and Tata; 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

01/20/08 House: Impact statement from TAX (HB927)

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, Athey, Byron, Carrico, Cline, Cole, Cosgrove, Frederick, Ingram, Lingamfelter, Massie, Merricks, Miller, J.H. and Sherwood

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

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, Athey, Byron, Frederick, Gear, Gilbert, Griffith, Hamilton, Hogan, Howell, W.J., Janis, Kilgore, Landes, Lingamfelter, Loupassi, Marshall, R.G., Nixon, O'Bannon, Oder, Pogge, Purkey, Saxman, Sherwood and Tata

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)

02/07/08 House: Reported from Finance with substitute (18-Y 4-N)

02/07/08 House: Committee substitute printed 082580692-H1

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

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

01/29/08 House: Incorporated by Rules (HB820-Albo)

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: 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

01/20/08 House: Impact statement from TAX (HB1036)

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

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

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

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

02/06/08 House: Engrossed by House as amended HB1302E

02/06/08 House: Printed as engrossed 081173828-E

02/07/08 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/07/08 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/07/08 House: Communicated to Senate

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.

Patrons: Peace, McClellan and Crockett-Stark

02/01/08 House: Reported from Courts of Justice with substitute (22-Y 0-N)

02/01/08 House: Referred to Committee on Appropriations

02/04/08 House: Committee substitute printed 080835676-H1

02/04/08 House: Impact statement from VCSC (HB1328H1)

02/05/08 House: Assigned App. sub: Public Safety (Sherwood)

Notes: City Position: Support

HB 1394 Recordation tax; 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.

Patrons: Miller, J.H., Athey, Cole, Lingamfelter and Sherwood

01/09/08 House: Presented and ordered printed

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)

02/04/08 House: Continued to 2009 in Finance

Notes: City Position: Oppose

HB 1395 Sexual assault; Dept. of State Police, etc. establish policies for responding to crimes involving.

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.

Patrons: Bell, Athey, Cole, Kilgore, Lingamfelter, Massie, Merricks and Sherwood

01/23/08 House: Impact statement from DPB (HB1395)

02/01/08 House: Reported from Courts of Justice with substitute (22-Y 0-N)

02/01/08 House: Referred to Committee on Appropriations

02/04/08 House: Committee substitute printed 080530432-H1

02/05/08 House: Assigned App. sub: Public Safety (Sherwood)

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

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

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

02/01/08 Senate: Stricken at request of Patron in Rehabilitation and Social Services (14-Y 0-N)

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

02/01/08 Senate: Engrossed by Senate - committee substitute SB69S1

02/04/08 Senate: Read third time and passed Senate (31-Y 8-N)

02/04/08 Senate: Reconsideration of passage agreed to by Senate (40-Y 0-N)

02/04/08 Senate: Passed Senate (31-Y 9-N)

02/04/08 Senate: Communicated to House

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

02/05/08 Senate: Substitute by Senator Stosch withdrawn 085997284-S3

02/05/08 Senate: Floor substitute printed 080284216-S4 (Cuccinelli)

02/05/08 Senate: Reading of substitute waived

02/05/08 Senate: Motion to recommit to committee agreed to

02/05/08 Senate: Recommitted to Courts of Justice

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

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

02/05/08 Senate: Passed by in Local Government with letter (14-Y 0-N)

Notes: City Position: Support

SB 232 Residential Landlord and Tenant Act; duty of landlord and managing agent for visible mold.

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

02/06/08 Senate: Reading of substitute waived

02/06/08 Senate: Committee substitute agreed to 080283272-S1

02/06/08 Senate: Engrossed by Senate - committee substitute SB232S1

02/07/08 Senate: Read third time and passed Senate (39-Y 0-N)

02/07/08 Senate: Communicated to House

Notes: City Position: Support

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

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

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

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

01/28/08 Senate: Passed by indefinitely in Commerce and Labor (15-Y 0-N)

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

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

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

01/21/08 Senate: Incorporated by Courts of Justice (SB76-Cuccinelli) (14-Y 0-N)

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

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

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

01/23/08 Senate: Continued to 2009 in General Laws and Technology (15-Y 0-N)

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

SB 426 Public Procurement Act; verification of legal presence of contractors for 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

01/22/08 Senate: Impact statement from DPB (SB426)

01/23/08 Senate: Rereferred from General Laws and Technology (15-Y 0-N)

01/23/08 Senate: Rereferred to Courts of Justice

01/28/08 Senate: Assigned Courts sub: Special on Immigration

01/30/08 Senate: Passed by indefinitely in Courts of Justice (15-Y 0-N)

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

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

02/06/08 Senate: Reported from Courts of Justice (9-Y 4-N)

02/08/08 Senate: Constitutional reading dispensed (40-Y 0-N)

Notes: City Position: Oppose

SB 551 Recordation tax; 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: Prefiled and ordered printed; offered 01/09/08

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

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

01/30/08 Senate: Continued to 2009 in Finance (16-Y 0-N)

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

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

02/01/08 Senate: Impact statement from SCC (SB565)

02/04/08 Senate: Passed by indefinitely in 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

01/25/08 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N)

01/28/08 Senate: Constitutional reading dispensed (40-Y 0-N)

01/29/08 Senate: Read second time and engrossed
01/30/08 Senate: Read third time and passed Senate (40-Y 0-N)
01/30/08 Senate: Communicated to House
Notes: City Position: Support

SB 638 Protective orders; 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: Prefiled and ordered printed; offered 01/09/08

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 & Northern Virginia Transportation Authorities; repeal authority impose fees or taxes.

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: Presented and ordered printed

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

01/28/08 Senate: Impact statement from TAX (SB724)

Notes: City Position: Oppose

SB 761 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 for certain needy and working families and individuals and to report its findings and recommendations to the Governor and the Housing Commission.

Patrons: Colgan; *Delegate:* Eisenberg

01/18/08 Senate: Presented and ordered printed

01/18/08 Senate: Referred to Committee on General Laws and Technology

01/23/08 Senate: Impact statement from DPB (SB761)

01/30/08 Senate: Reported from General Laws and Technology (15-Y 0-N)

01/30/08 Senate: Rereferred to Finance

Notes: City Position: Support

2008 SESSION

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HOUSE BILL NO. 12
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 5, 2008)

(Patrons Prior to Substitute—Delegates Oder, Jones, D.C. [HB 1404], McClellan [HB 730], O'Bannon [HB 249] and Ware, O. [HB 176])

A BILL to amend and reenact §§ 6.1-459, 6.1-460, and 6.1-461 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 6.1-453.1 and 6.1-469.1, relating to the Payday Loan Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.1-459, 6.1-460, and 6.1-461 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.1-453.1 and 6.1-469.1, as follows:

§ 6.1-453.1. Payday lending database.

On or before January 1, 2009, the Commission shall certify and contract with one or more third parties to develop, implement, and maintain a real-time, Internet-accessible database that contains such payday loan information as the Commission may require from time to time by administrative rule or policy statement. The following shall apply to the database:

1. Before making a payday loan, a licensee shall query the database through a Commission-certified database provider and shall retain evidence of the query for the Commission's supervisory review. The database will allow a licensee to make a payday loan only if the loan complies with the provisions of this chapter. Prior to the Commission's implementation of the database, and during any period that the database is unavailable due to technical problems beyond the licensee's control, a licensee may rely on the payday loan applicant's written representations, rather than the database's information, to verify that the loan applied for will comply with the provisions of this chapter. Because a licensee may rely on the accuracy of the applicant's representations and the database's information, a licensee is not subject to any administrative penalty or civil liability if that information is later determined to be inaccurate.

2. The database provider will determine the content and functional specifications of the database, will take all actions it deems necessary to protect the confidentiality and security of the information contained in the database, and will own the information contained in the database. The Commission will utilize the database as an enforcement tool to ensure licensees' compliance with the provisions of this chapter.

3. Upon a licensee's query, the database will advise the licensee whether the applicant is eligible for a new payday loan and, if the applicant is ineligible, the reason for such ineligibility. If the database advises the licensee that the applicant is ineligible for a payday loan, then the applicant shall direct any inquiry regarding the specific reason for such ineligibility to the database provider rather than to the licensee. The information contained in the payday loan database is confidential and exempt from the Freedom of Information Act (§ 2.2-3700 et seq.).

4. If a licensee and borrower consummate a payday loan, then the licensee shall pay a fee, not to exceed one dollar, to defray the costs of submitting the database inquiry. If a licensee submits a database inquiry but does not consummate a payday loan with the applicant, then the licensee shall not pay the database inquiry fee.

5. The Commission shall collect and turn in to the state treasury all database inquiry fees, and all amounts so collected and the unexpended balances thereof may be used only for the payment of the expenses of the administration of this chapter and of the performance of other functions of the Bureau of Financial Institutions of the Commission. The Commission may employ such examiners or clerks to assist it and the Commissioner as it from time to time deems necessary and may fix their compensation. All salaries and expenses necessarily incurred in the administration of this chapter shall be paid out of the license and other fees collected and turned in to the state treasury under the provisions of this chapter, upon the basis of duly verified itemized vouchers, approved by the Commission. The Comptroller shall issue his warrant on the State Treasurer for, and the State Treasurer shall pay, the salaries and expenses out of the proceeds in the state treasury from these fees, in accordance with appropriations as from time to time are made.

6. If a borrower enters into a payday loan or pays or otherwise satisfies a payday loan in full, then the licensee making the loan shall report such payment to the database not later than the close of business on the date the loan is made or satisfied.

§ 6.1-459. Required and prohibited business methods.

Each licensee shall comply with the following requirements:

1. Each payday loan shall be evidenced by a written loan agreement, which shall be signed by the

HOUSE SUBSTITUTE

HB12H1

2/8/08 14:14

73

HB12H1

2 of 4

60 borrower and a person authorized by the licensee to sign such agreements and dated the same day the
 61 loan is made and disbursed. The loan agreement shall set forth, at a minimum: (i) the principal amount
 62 of the loan; (ii) the *interest and any fee* charged; (iii) the annual percentage rate, which shall be stated
 63 using that term, applicable to the transaction calculated in accordance with Federal Reserve Board
 64 Regulation Z; (iv) evidence of receipt from the borrower of a check, dated the same date, as security for
 65 the loan, stating the amount of the check; (v) an agreement by the licensee not to present the check for
 66 payment or deposit until a specified maturity date, which date shall be at least seven days after the date
 67 ~~the loan is made~~ produce a loan term of at least two times the borrower's pay cycle, and after which
 68 date interest shall not accrue on the amount advanced at a greater rate than six percent per year; (vi) an
 69 agreement by the licensee that the borrower shall have the right to cancel the loan transaction at any
 70 time before the close of business on the next business day following the date of the transaction by
 71 paying to the licensee, in the form of cash or other good funds instrument, the amount advanced to the
 72 borrower; and (vii) an agreement that the borrower shall have the right to prepay the loan prior to
 73 maturity by paying the licensee the principal amount advanced and any accrued and unpaid *interest,*
 74 *fees, and charges.*

75 2. The licensee shall give a duplicate original of the loan agreement to the borrower at the time of
 76 the transaction.

77 3. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third
 78 person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee
 79 or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii)
 80 waiving any right the borrower has under this chapter.

81 4. A licensee shall not require, or accept, more than one check from the borrower as security for any
 82 loan at any one time.

83 5. A licensee shall not cause any person to be obligated to the licensee in any capacity at any time
 84 in the principal amount of more than \$500.

85 6. A licensee shall not (i) refinance, renew or extend any loan, (ii) make a loan to a borrower if the
 86 loan would cause the borrower to have more than one loan from any licensee outstanding at the same
 87 time, (iii) make a loan to a borrower if the loan would cause the borrower to have more than five loans
 88 from any licensee within the preceding year, or (iv) make a loan to a borrower until not less than 24
 89 hours has elapsed since the borrower satisfied in full any prior payday loan.

90 7. A licensee shall not cause a borrower to be obligated upon more than one loan at any time ~~for the~~
 91 ~~purpose of increasing charges payable by the borrower.~~

92 8. A licensee shall not require or accept a post-dated check as security for, or in payment of, a loan.

93 9. A licensee shall not threaten, or cause to be instigated, criminal proceedings against a borrower if
 94 a check given as security for a loan is dishonored.

95 10. A licensee shall not take an interest in any property other than a check payable to the licensee as
 96 security for a loan.

97 11. A licensee shall not make a loan to a borrower to enable the borrower to pay for any other
 98 product or service sold at the licensee's business location.

99 12. Loan proceeds shall be disbursed in cash or by the licensee's business check. No fee shall be
 100 charged by the licensee or an affiliated check casher for cashing a loan proceeds check.

101 13. A check given as security for a loan shall not be negotiated to a third party.

102 14. Upon receipt of a check given as security for a loan, the licensee shall stamp the check with an
 103 endorsement stating: "This check is being negotiated as part of a payday loan pursuant to Chapter 18
 104 (§ 6.1-444 et seq.) of this title, and any holder of this check takes it subject to all claims and defenses
 105 of the maker."

106 15. Before entering into a payday loan, the licensee shall provide each borrower with (i) a pamphlet,
 107 in form consistent with regulations promulgated by the Commission, explaining in plain language the
 108 rights and responsibilities of the borrower and providing a toll-free number at the Commission for
 109 assistance with complaints.

110 16. Before disbursing funds pursuant to a payday loan, a licensee shall provide a clear and
 111 conspicuous printed notice to the borrower indicating that a payday loan is not intended to meet
 112 long-term financial needs and that the borrower should use a payday loan only to meet short-term cash
 113 needs.

114 17. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on
 115 the loan at any time prior to maturity, without charge. The licensee shall give the borrower signed, dated
 116 receipts for each payment made, which shall state the balance due on the loan. Upon repayment of the
 117 loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled,"
 118 return it to the borrower, and retain a copy in its records.

119 18. Each licensee shall conspicuously post in its licensed location a schedule of fees and interest
 120 charges, with examples using a \$300 loan payable in 14 days and 30 days.

121 19. Any advertising materials used to promote payday loans that includes the amount of any

122 payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall
 123 also include a statement of the *interest*, fees and charges, expressed as an annual percentage rate,
 124 payable using as an example a \$300 loan payable in 4 30 days.

125 20. In any print media advertisement, including any web page, used to promote payday loans, the
 126 disclosure statements shall be conspicuous. "Conspicuous" shall have the meaning set forth in
 127 subdivision (a) (14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces,
 128 the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to
 129 promote payday loans, the visual disclosure legend shall include 20 scan lines in size. In a radio
 130 advertisement or advertisement communicated by telephone used to promote payday loans, the disclosure
 131 statement shall last at least two seconds and the statement shall be spoken so that its contents may be
 132 easily understood.

133 21. If the borrower is a member of the military services of the United States or the spouse of a
 134 member of the military services of the United States, the licensee:

135 a. Shall not garnish any military wages or salary;

136 b. Shall not conduct any collection activity against a borrower who is a member of the military
 137 services of the United States or the spouse of such a member, when the member has been deployed to a
 138 combat or combat support posting or is a member of the Reserves or National Guard and has been
 139 called to active duty, for the duration of the deployment or active duty service;

140 c. Shall not contact the commanding officer of a borrower who is a member of the military services
 141 of the United States or anyone in the borrower's chain of command in an effort to collect on a loan
 142 made to the member or the member's spouse;

143 d. Shall be bound by the terms of any repayment agreement that the licensee negotiates with respect
 144 to such borrower through military counselors or third-party credit counselors; and

145 e. Shall not make a loan to a member of the military services of the United States if a military base
 146 commander has declared that a specific location of the licensee's business is off limits to military
 147 personnel.

148 22. *In collecting or attempting to collect a payday loan, a licensee shall comply with the restrictions*
 149 *and prohibitions contained in the Fair Debt Collections Practices Act (15 U.S.C. § 1692 et seq.)*
 150 *regarding harassment or abuse, false or misleading misrepresentations, and unfair practices in*
 151 *collections.*

152 23. *A licensee may not file or initiate a legal proceeding of any kind against a borrower until 60*
 153 *days after the date of default on a payday loan, during which period the licensee and borrower may*
 154 *voluntarily enter into a repayment arrangement.*

155 24. *A borrower may pay any outstanding payday loan by means of a voluntary payment plan. A*
 156 *licensee shall enter into a voluntary payment plan with the borrower, upon the borrower's request, if the*
 157 *borrower agrees, within seven days of written notification by the licensee that the borrower is in default,*
 158 *to repay the principal and any interest and fees owed in at least two equal installments over an*
 159 *aggregate term of at least 60 days. Interest shall not accrue on the indebtedness during the term of the*
 160 *voluntary payment plan. The borrower may prepay a voluntary payment plan in full at any time without*
 161 *penalty. If the borrower fails to pay the voluntary payment plan when due, then the licensee may*
 162 *immediately accelerate the unpaid loan balance.*

163 § 6.1-460. Rate of interest, processing fee, and verification fee.

164 A. A licensee may charge, as a fee for and receive on each loan, an amount interest at a simple
 165 annual rate not to exceed ~~fifteen~~ 36 percent of the amount of the loan proceeds advanced to the
 166 borrower. A licensee may also charge (i) a loan fee as provided in subsection B and (ii) a verification
 167 fee as provided in subsection C.

168 B. A licensee may charge and receive a loan fee in an amount not to exceed 10 percent of the
 169 amount of the loan proceeds advanced to the borrower.

170 C. A licensee may charge and receive a verification fee in an amount not to exceed \$5 for a loan
 171 made under this chapter. The verification fee shall be used in part to defray the costs of submitting a
 172 database inquiry as provided in subdivision 4 of § 6.1-453.1.

173 § 6.1-461. Additional charges.

174 In addition to the loan principal, *interest*, and ~~the fee fees~~ permitted under § 6.1-460, no further or
 175 other amount whatsoever shall be directly or indirectly charged, contracted for, collected, received or
 176 recovered except (i) any deposit item return fee incurred by the licensee, not to exceed \$25, if the check
 177 given by the borrower as security is returned because the account on which it was drawn was closed by
 178 the borrower or contained insufficient funds, or the borrower stopped payment on the check, and (ii) if
 179 judgment is obtained against the borrower, court costs and reasonable attorneys' fees if awarded by the
 180 court, incurred as a result of the returned check in an amount not to exceed \$250. A licensee shall not
 181 be entitled to collect or recover from a borrower any sum otherwise permitted pursuant to §§ 6.1-330.54,
 182 8.01-27.2, or § 8.01-382.

HB12H1

4 of 4

183 *§ 6.1-469.1. Application of chapter to Internet loans.*
184 *The provisions of this chapter, including specifically the licensure requirements of § 6.1-445, shall*
185 *apply to persons making payday loans over the Internet to Virginia residents, whether or not the person*
186 *making the loan maintains a physical presence in the Commonwealth.*