



## City of Alexandria, Virginia

## MEMORANDUM

DATE: FEBRUARY 25, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR 

SUBJECT: STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2008 GENERAL ASSEMBLY SESSION

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**ISSUE:** Status report (No. 3) on legislation introduced at the 2008 General Assembly Session.

**RECOMMENDATION:** That City Council receive this report.

**DISCUSSION:** The 2008 General Assembly Session is nearing completion. It is scheduled to adjourn on March 8. All legislation that is still alive must be acted on in Committee no later than next Monday, March 3. The Senate must complete floor action on House bills, and the House must complete floor action on Senate bills, by Thursday, March 6. The last two days of Session are reserved for votes on conference reports, which are required for all bills for which the House and Senate adopted differing versions. As noted in earlier status reports, major issues for this Session have been mental health, immigration, smoking in restaurants and other public places, abusive driver fees, payday loans, and the State Budget. Local governments are also concerned about legislation (SB 768) that seeks to eliminate proffers and replace them with impact fees that in many cases produce far less revenue. Attachments 1 and 2 contain updates on City Package bills and 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:

- HB 93 and SB 634 will allow localities that have public defender offices to supplement their salaries with local funds. HB 93 has passed the House and is now before the Senate Courts of Justice Committee; SB 634 has passed the Senate and is now before the House Courts of Justice Committee.
- HB 686, which would have exempted energy-saving compact fluorescent light bulbs from the sales tax, was defeated.

- HB 800, which will suspend new election laws that would otherwise go into effect while a special election is under way, has now passed both the House and the Senate and awaits the Governor's signature.
- 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 will be considered by a subcommittee of the Senate Committee on General Laws and Technology on February 25. This Committee referred SB 647 to the Freedom of Information Advisory Council for further study.
- HB 864, which would have allowed the ABC Board to grant annual mixed beverage special events licenses to local governments for use in certain historical buildings, will be incorporated into a legislative study of the ABC licensing laws.
- HB 1270 and SB 644 rewrite Virginia's pedestrian safety laws and would require drivers to stop, not just yield, for pedestrians on roads where the speed limit is 35 mph or less. HB 1270 was defeated in the House. SB 644 was heard by a subcommittee of the House Transportation Committee on February 25 and failed 3-3. Unless the bill is brought up in the full committee, which rarely happens when a Subcommittee fails to report a bill, the bill is dead. Many supporters of this legislation are working hard to convince some of those who voted against the House bill to support SB 644.
- 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 and will be considered by a subcommittee of the Senate Committee on General Laws and Technology on February 25.
- Due to the serious decline in state revenues, no historic restoration or cultural projects were funded by either the House or the Senate. Consequently, there will be no State appropriation for capital improvements at Fort Ward.

**Mental Health Reform.** Mental health reform legislation continues to move forward. Omnibus legislation in both houses revises many current involuntary outpatient commitment standards. Under this legislation, persons with a substantial likelihood of harming themselves or others, or persons suffering "substantial deterioration" may be required to undergo treatment for mental illness.

Although this legislation imposes new requirements on CSBs, most of the new requirements, as noted in the last Status Report, are practices already followed by the Alexandria CSB.

**Immigration.** As noted in earlier reports, more than 100 bills have been introduced this year dealing with immigration issues, most of them running counter to City positions. The following bills that were still alive at the time of this report:

- House 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 has passed the House and is now awaiting Senate action. Senate legislation (supported by the City) that would allow undocumented aliens access to these schools only if they meet certain residency and taxpaying requirements has passed the Senate and awaits action by the House. Both bills are likely to die before Session ends.
- The House and Senate have approved slightly different versions of legislation that will prohibit bail for persons who have been charged with certain violent or otherwise serious felonies and 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 locality for the cost of incarceration. Proponents of the legislation will use the remaining days of Session to develop common language that the House and Senate can both support.
- Bills are still alive that 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.
- The Senate General Laws Committee defeated HB 1472, which would have allowed an employer to avoid being charged with discrimination for firing an employee who fails to speak English "for business purposes" on the job.

**Smoking in Public.** As in past years, legislation prohibiting smoking in restaurants or other public places fared well in the Senate and poorly in the House. The Senate passed four bills that would ban smoking in restaurants or other public places. These were all defeated in the House. The House also defeated all anti-smoking legislation introduced by House members.

**Abusive Driver Fees.** Legislation repealing abusive driver fees has passed both the House and the Senate, and awaits the Governor's signature. As noted in earlier reports, this will result in a loss to the City of nearly a million dollars a year that had been projected to come from these fees. Other localities are losing similar amounts.

The Senate passed legislation (SB 713) that would have made up for this shortfall by increasing the motor fuels tax by one cent per gallon each year for the next five years, for a total increase of five cents per gallon. This bill will be considered on February 25 by the House Finance Committee, which is not expected to look on it favorably.

**Legislation Affecting Mirant.** As noted in the last Status Report, all legislation that would have hurt the City's efforts to reduce pollution coming from Mirant's Potomac River power plant was defeated.

**Payday Loans.** The House of Delegates and the Senate have passed differing versions of "compromise" legislation on payday loans. Major components of the House legislation (HB 12) 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).
- A lender may only hold the borrower's check as security.
- An independent database will be created to enforce two other provisions: a borrower will not be allowed more than one payday loan outstanding, with a 24-hour "cooling off" period between loans; and no borrower will be allowed more than five loans annually.

This House bill is supported by opponents of payday loans (and City Council voted to support it at the February 12 meeting), and opposed by the payday loan industry.

The Senate enacted legislation (SB 588) that incorporated some, but not all, of the House provisions. It included:

- A 36 percent annual interest rate cap.
- Payday lenders would be allowed to charge a loan fee equal to 10% of the amount borrowed and a verification fee of \$10 per loan.
- Each loan will have a minimum payback period of at least seven days (which is current law).
- A lender may only hold the borrower's check or an authorization to electronically debit the borrower's bank account as security.
- No new payday lender could open an office within one and a half miles of a current office.
- An independent database will be created to ensure that no borrower has more than one payday loan outstanding.
- No borrower would be allowed to take out a new loan on the same day that he paid off an old one.
- Borrowers would be allowed to enter into extended payment plans, but those who do so would be required to wait 90 days after paying off a loan before taking out another one.

The Senate bill is supported by the payday loan industry but opposed by opponents of payday loans.

The next action that must be taken on each of these bills is for the Senate to consider the House bill, and the House to consider the Senate bill. It is still too early to predict whether compromise reform legislation will pass this year.

**Proffer's Legislation (SB 768).** SB 768, which proposes to eliminate cash proffers for new homes and replace them with impact fees, is strongly opposed by local governments. The major objection of the opponents is that the impact fees generated under the proposed legislation would provide far less revenue than proffers do for localities such as Prince William and Loudoun. Revenue from proffers is used to pay for capital improvements, such as schools, roads, libraries, and parks, which will be used by people who move into new homes. If SB 768 passes in its current form, localities that make significant use of cash proffers would likely be forced to significantly increase their real estate tax rate to make up for lost revenues.

SB 768 was narrowly approved by the Senate. It is now being considered by the House Rules Committee, which is chaired by Speaker William Howell. Howell has publicly indicated that he has concerns about the legislation, and has suggested that it may need further study and is not ready for approval this Session. The City does not take cash proffers.

**State Budget.** The House Appropriations and Senate Finance Committees made their budget recommendations on February 17, and they were significantly different.

- *Federal Jail Per Diems.* The Senate granted the City's request to restore our exemption from sharing federal jail per diems with the State, but the House did not. If the Senate prevails, it will result in the addition of nearly \$1 million to currently anticipated revenues for FY 09. Neither budget addressed the issue for FY 10, so this will likely be an item for the City's 2009 Legislative Package.
- *Capital Improvement Projects at Fort Ward:* As noted above, due to the serious decline in state revenues, no historic restoration or cultural projects were funded by either the House or the Senate.
- *Alexandria City Public Schools.* One of the most damaging long-term funding proposals for the City and all other counties and cities throughout the State is found in the House budget amendments on elementary and secondary education.

As part of the biennial budget process in even-year Sessions, the General Assembly "rebenchmarks" the salary costs for school teacher and support personnel, as well as other K-12 education costs. For many years now, it has used actual data from school divisions, including expenditures for salaries, for this rebenchmarking. This year, the House has used a new methodology that will, in the long run, significantly shift additional education costs from the State to localities. Instead of using the most recent salary data, it proposes to use as a base 2003-4 salary data. It will then recognize only state salary increases in future benchmarking. No longer will rebenchmarking result in the State paying any portion of locally granted salary increases. Alexandria City Public Schools (ACPS) has estimated that this could reduce its state funding for teachers' salaries by over \$1 million annually starting

with the 2011-12 biennial budget. Since the State would never again recognize local salary increases greater than those given by the state, the effects of this would be compounded year after year, and the percentage of the ACPS budget consisting of state funds would decrease annually. The only good news about the House proposal is that it will not be fully implemented until the FY 11-12 State budget.

Both the House and Senate have recommended a 30-year amortization plan for calculating state and local VRS contributions for teachers (the current amortization period is 24 years). While this will lower both state and local VRS contributions for FY 09, it will not change long-term liability.

For FY 09-10, the Senate has proposed \$32,488,368 in funding for Alexandria City Public Schools (ACPS), and the House has proposed \$31,564, 865. Both proposals include funding for Pre-K programs, which does not actually go to ACPS. The Governor's budget had included \$32,919,583 for ACPS.

- *Salaries for state-supported local employees.* The House has proposed a two percent salary increase for State-supported local employees, effective December 1, 2008. The Senate has proposed no salary increase for State-supported local employees in FY 09.
- *Reductions in HB 599 Aid to Local Governments.* The House has proposed using approximately \$7 million in statewide HB 599 (local law enforcement) funds to pay for Line of Duty benefits for local public safety employees; criminal justice academies; school resource officers; and efforts to combat internet crimes against children. Staff estimates that these HB 599 earmarks will cost the City about \$200,000 beyond the Governor's previous five percent reduction in HB 599 funds. The Senate has proposed increasing HB 599 funding for FY 09 by \$2.5 million statewide, with an estimated \$75,000 to City. The Senate has not proposed using HB 599 funds for other programs, as the House has.
- *Transportation projects.* The Senate proposed the following funding for Alexandria's transportation needs: (i) that the State give priority consideration to providing \$1.2 million for two trolleys for King Street; (ii) that the State give priority consideration to providing City with \$750,000 M for improvements to aid persons with disabilities who use City transit stations; and (iii) \$2 million to reconstruct portions of Edsall Road. The House included no Alexandria-specific transportation projects.
- *Pre-K education.* Neither side included all the funding the Governor sought for Pre-K education, but both increased funding above its current levels. Neither side accepted the Governor's proposal to cap the local match (currently, the City must spend at least \$4 for every state dollar; the Governor had recommended a dollar-for-dollar match).

Much of the remaining days of Session will be used by the House and Senate to try and reach agreement on the budget. Since their proposals are significantly different, this may not be possible by adjournment on March 8. In that case, the General Assembly would likely go back into Session between adjournment and the end of the fiscal year (June 30) to approve a

budget. Any delay beyond March 8 will make it difficult for localities to adopt their budgets, since they will not know how much state aid they will receive.

**ATTACHMENTS:**

Attachment 1 - Current Status of City Package Bills

Attachment 2 – Current Status of Bills on Which the City Has Taken a Position

## **Current Status of City Package Bills February 22, 2008**

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

*Summary as passed House:*

**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. If approved by the voters, the amendment will take effect January 1, 2009. This bill incorporates HB 6 and HB 272.

*Patrons:* Albo, Armstrong, Athey, BaCote, Barlow, Bell, Bouchard, Brink, Byron, Cole, Cosgrove, Cox, Dance, Ebbin, Eisenberg, Englin, Gilbert, Howell, A.T., Howell, W.J., Hull, Iaquinto, Janis, Johnson, Jones, D.C., Kilgore, Landes, Lingamfelter, Lohr, Marsden, Mathieson, May, McClellan, Melvin, Miller, P.J., Moran, Nichols, O'Bannon, Pogge, Poindexter, Rust, Scott, J.M., Sherwood, Sickles, Tyler, Vanderhye and Watts  
02/19/08 Senate: Reported from Privileges and Elections with amendment (14-Y 1-N)

**Notes:** City Position: Support

### **HB 12 Payday Loan Act; establishes a maximum annual interest rate.**

*Summary as passed House:*

**Payday Loans.** Provides that payday lenders may charge a fee of not more than 10% of the amount of the loan proceeds, plus a \$5 verification fee and interest at an annual rate not to exceed 36%. The measure 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 payday lender is prohibited from making a payday loan if the loan would cause the borrower to have more than one payday loan outstanding at the same time, or more than five loans in a year. The minimum term of a payday loan is revised from seven days to a period two times the borrower's pay cycle. A borrower may enter into a voluntary payment plan to repay any payday loan, under which the borrower may repay the loan without interest in at least two equal installments over 60 days. Other provisions (i) prohibit a lender from making a payday loan to a borrower within 24 hours from when the borrower pays or otherwise satisfies a previous payday loan; (ii) require a lender, when collecting or attempting to collect a payday loan, to comply with certain restrictions and prohibitions contained in the Fair Debt Collection Practices Act; (iii) make the Payday Loan Act apply to Internet lending, and (iv) prohibit a lender from filing or



initiating a legal proceeding against a borrower until 60 days after the date of default on a payday loan.

*Patrons:* Oder, Alexander, Bouchard, Cosgrove, Cox, Jones, S.C., Landes, McClellan, Miller, P.J., Morgan, Nutter, Pogge, Rust and Toscano

02/11/08 House: VOTE: --- PASSAGE (91-Y 7-N)

02/12/08 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

### **HB 14 Higher educational institutions; aliens unlawfully present not eligible for admission thereto.**

*Summary as introduced:*

**Admission of illegal aliens to public institutions of higher education.** 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. This bill incorporates HB 123 (Hargrove), HB 425 (Marshall, R.G.), and HB 1010 (Hugo).

*Patrons:* Peace, Abbitt, Albo, Athey, Byron, Carrico, Cole, Cosgrove, Crockett-Stark, Frederick, Gear, Gilbert, Hugo, Kilgore, Lingamfelter, Marshall, D.W., Massie, Merricks, Miller, J.H., Poindexter, Sherwood and Ware, R.L.

02/05/08 Senate: Referred to Committee on Education and Health

02/19/08 Senate: Assigned Education sub: Public Education

**Notes:** City Position: Oppose

### **HB 19 Environmental Quality, Department of;consolidation of various boards, increase of authority.**

*Summary as introduced:*

**Department of Environmental Quality.** Repeals legislation passed during the 2007 Session of the General Assembly to consolidate the existing three citizen boards—the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board—into one 11-member citizen board.

*Patron:* Englin

02/06/08 House: Stricken from docket by Agriculture, Chesapeake and Natural Resources

**Notes:** City Position: Support

### **HB 93 Public defenders; permits county or city 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

02/01/08 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/04/08 Senate: Referred to Committee for Courts of Justice

**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.

02/05/08 House: Tabled in Commerce and Labor

**Notes:** City Position: Support

### **HB 228 Reduced cigarette ignition propensity; prohibits manufacture, etc. thereof unless meets standards.**

*Summary as passed House:*

**Fire-safe cigarettes; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes within the Commonwealth, or to persons located in the Commonwealth, 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. The requirements do not apply to cigarettes sold in North Carolina or South Carolina, or packaged for sale outside the United States. 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. Fees assessed on manufacturers and civil penalties collected from violators are deposited in a Cigarette Fire Safety Standard and Firefighter Protection Act Fund, to be split between implementation of this measure and use by the State Fire Marshal in carrying out the Statewide Fire Prevention Code. 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. SB 208 is identical.

*Patrons:* Cosgrove and Caputo

02/21/08 Senate: Passed Senate (40-Y 0-N)

**Notes:** City Position: Support

**HB 249 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 percent. In addition, the measure requires each prospective borrower to acknowledge in writing that he has received and read a copy of the most recent version of the State Corporation Commission's Consumer Guide to Payday Lending before entering into a payday loan.

*Patron:* O'Bannon

02/05/08 House: Incorporated by Commerce and Labor (HB12-Oder)

**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.

01/25/08 House: Incorporated by Privileges and Elections (HB11-Albo)

**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

01/21/08 House: Stricken from docket by Courts of Justice

**Notes:** City Position: Support

**HB 500 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:* Hamilton

02/12/08 House: Left in General Laws

**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

02/12/08 House: Left in General Laws

**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. This bill is identical to SB 10.

*Patrons:* Miller, P.J. and Brink

02/07/08 House: Stricken from docket by Finance

**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, Moran and Bouchard

02/12/08 House: Left in Finance

**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

02/05/08 House: Incorporated by Commerce and Labor (HB12-Oder)

**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, Kilgore and Watts

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

**Notes:** City Position: Support

### **HB 800 Acts of Assembly; implementation of certain laws to special elections.**

*Summary as passed House:*

**Implementation of election law changes with respect to special elections.** Provides that a change in the election laws enacted at a regular session will not take effect for a special election when the writ for the special election has been issued before the effective date of the law.

*Patron:* Englin

02/06/08 House: Passed  
02/21/08 Senate: Passed (40-Y 0-N)  
**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

02/12/08 House: Left in General Laws

**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

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

02/11/08 Senate: Referred to Committee on General Laws and Technology

02/19/08 Senate: Assigned GL&T sub: Subcommittee #1 (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 one or more items of personal property to the museum.

*Patron:* Ebbin

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

02/11/08 Senate: Referred to Committee on General Laws and Technology

02/19/08 Senate: Assigned GL&T sub: Subcommittee #1 (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

02/12/08 House: Left in General Laws

**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

02/01/08 House: VOTE: --- PASSAGE (98-Y 1-N)

02/20/08 Senate: Reported from General Laws and Technology (15-Y 0-N)

**Notes:** City Position: Support

**HB 1010 Illegal aliens; ineligibility for in-state tuition and educational benefits.**

*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. This bill was incorporated into HB 14 (Peace).

*Patrons:* Hugo, Albo, Athey, Bell, Carrico, Cole, Cosgrove, Frederick, Gilbert, Iaquinto, Ingram, Lingamfelter, Massie, Merricks, Miller, J.H., Poindexter and Sherwood

01/29/08 House: Incorporated by Rules (HB14-Peace)

**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, Marsden, Plum, Poisson, Scott, J.M., Sickles, Vanderhye and Watts; Senators: Puller and Ticer

02/12/08 House: Left in General Laws

**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

01/29/08 House: Incorporated by Commerce and Labor (HB228-Cosgrove)

**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

02/12/08 House: Left in General Laws

**Notes:** City Position: Support

### **HB 1103 Payday Loan Act; requires SCC to contract with one or more parties to develop, etc. database.**

*Summary as introduced:*

**Payday Loan Act.** Requires the State Corporation Commission, by January 1, 2009, to contract with a third party 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 ineligible for the loan. The measure also (i) caps the maximum amount of a payday loan at the lesser of 25% of the borrower's gross monthly income or \$1,000, or \$500 if it is a second payday loan; (ii) requires the lender to keep records of the pay stubs used in determining gross monthly income; (iii) limits a borrower to having no more than two payday loans outstanding at any time; (iv) allows borrowers to enter into a 60-day, interest-free payment plan on a second payday loan; (v) increases the minimum term of a payday loan from seven to 14 days; (vi) requires a one day waiting period between the repayment of a loan and making a new loan; (vii) clarifies and expands the disclosure requirements for borrower's right to cancel or rescind a payday loan by 5:00 pm of the business day following the date a loan is made; (viii) assesses licensees a fee of \$1 per payday loan to defray the costs of the database; (ix) requires lender to distribute the State Corporation Commission's Consumer Guide to Payday Lending to loan applicants; (x) requires lenders to notify a borrower by telephone call prior to depositing a check given as security for a payday loan; (xi) prohibits lenders from knowingly making loans to a member of the military service or to the spouse of

such person; (xii) prohibits a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (xiii) requires 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; (xiv) provides that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; (xv) states that the provisions of the Payday Loan Act apply to Internet lenders; and (xvi) allows licensees to secure payday loans with the borrower's electronic debit authorization or wire transfer authorizations.

*Patron:* Sickles

02/12/08 House: Left in Commerce and Labor

**Notes:** City Position: Oppose

### **HB 1253 Smoking; prohibited in restaurants.**

*Summary as introduced:*

**Smoking in restaurants.** Prohibits smoking in restaurants.

*Patron:* Marsden

02/12/08 House: Left in General Laws

**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, Mathieson, Miller, P.J., Moran, Plum, Sickles, Toscano and Valentine

02/11/08 House: VOTE: --- ENGROSSMENT REFUSED (47-Y 48-N) (bill died)

**Notes:** City Position: Support

### **HB 1271 Freedom of Information Act; exemption for local franchises, exception.**

*Summary as passed House:*

**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. The bill provides that no bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

*Patron:* Ebbin

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

02/11/08 Senate: Referred to Committee on General Laws and Technology

02/19/08 Senate: Assigned GL&T sub: Subcommittee #1 (FOIA)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Air and Water Boards permit issuance process.** Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The bill also increases membership on the Air Pollution Control Board from five to seven members. However, the two new members are prohibited from voting on any action related to a permit that is under consideration as of January 1, 2008. A qualification of the Air Board members is changed so that no member can be a current employee of an entity subject to a permit or enforcement order of the Air Board.

Currently, a majority of the members appointed to the Air Board can represent the public interest and not derive any significant positions of their income from entities subject to permit or enforcement actions. The qualifications of the membership of the Water Board and the Virginia Waste Management Board are changed to require that the members, by their education, training, or experience, be knowledgeable of water quality or waste management, respectively, and shall be fairly representative of conservation, public health, business, and agriculture. *Patrons:* Landes, Hall and Peace; Senator: Puckett

02/12/08 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/13/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

**Notes:** City Position: Oppose

### **HB 1341 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:* Barlow

02/12/08 House: Left in General Laws

**Notes:** City Position: Support

**HB 1377 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 percent.

*Patrons:* Morrissey and Bouchard

02/05/08 House: Passed by indefinitely in Commerce and Labor

**Notes:** City Position: Support

**HB 1404 Payday lending charges; establishes 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.

02/05/08 House: Incorporated by Commerce and Labor (HB12-Oder)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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 database provider will own the information contained in the database and be responsible for protecting the confidentiality and security of information in 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

02/11/08 House: VOTE: BLOCK VOTE PASSAGE #2 (98-Y 0-N)

02/12/08 Senate: Referred to Committee on Commerce and Labor

**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. This resolution is identical to HJR 56 and HJR 121.

This resolution has been incorporated into HJR 4.

*Patron:* Brink

01/25/08 House: Incorporated by Privileges and Elections (HJ4-Albo)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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. This resolution incorporates HJR 3, HJR 56, and HJR 121.

*Patrons:* Albo, Alexander, Armstrong, Athey, BaCote, Barlow, Bell, Bouchard, Brink, Byron, Carrico, Cole, Cox, Dance, Ebbin, Eisenberg, Englin, Frederick, Gilbert, Howell, W.J., Hugo, Hull, Iaquinto, Jones, D.C., Kilgore, Landes, Lingamfelter, Marsden, Marshall, R.G., Mathieson, May, McClellan, Melvin, Miller, P.J., Morrissey, Nichols, O'Bannon, Purkey, Scott, J.M., Sherwood, Sickles, Vanderhye, Ward and Watts

02/19/08 Senate: Reported from Privileges and Elections (11-Y 4-N)

**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. This resolution is identical to HJR 3 and HJR 56.

This resolution has been incorporated into HJR 4.

*Patron:* Moran

01/25/08 House: Incorporated by Privileges and Elections (HJ4-Albo)

**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.

02/12/08 Senate: Left in 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

02/12/08 Senate: Left in 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 SB 8 and SB 646.

*Patron:* Howell

02/12/08 House: Referred to Committee on Privileges and Elections

02/12/08 House: Assigned P & E sub: Elections

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**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. This bill is identical to HB 854.

*Patron:* Houck

02/21/08 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

**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

02/12/08 Senate: Left in 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

02/21/08 House: Reported from Transportation with amendment (22-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

02/14/08 House: Defeated in Committee on General Laws

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**Reduced cigarette ignition propensity; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes within the Commonwealth, or to persons located in the Commonwealth, 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. The requirements do not apply to cigarettes sold in North Carolina or South Carolina, or packaged for sale outside the United States. Violators are subject to civil penalties. Fees assessed on manufacturers and civil penalties collected from violators are deposited in a Cigarette Fire Safety Standard and Firefighter Protection Act Fund, to be split between implementation of this measure and use by the State Fire Marshal in carrying out the Statewide Fire Prevention Code. The measure will become effective on January 1, 2010, except that a provision prohibiting localities from enacting or enforcing conflicting provisions becomes effective July 1, 2008. The measure will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure. HB 228 is identical.

*Patrons:* Stosch; *Delegate:* O'Bannon

02/19/08 House: Passed House BLOCK VOTE (97-Y 0-N)

**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

02/12/08 Senate: Left in 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.

02/12/08 Senate: Left in Commerce and Labor

**Notes:** City Position: Support

### **SB 280 Retail Sales and Use Tax; exemptions include EnergyStar-rated fluorescent 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.

02/13/08 Senate: Left in 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

02/14/08 House: Defeated in Committee on General Laws

**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

02/11/08 Senate: Continued to 2009 in Courts of Justice (15-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**Air and Water Boards permit issuance process.** Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The

Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The bill also increases membership on the Air Pollution Control Board from five to seven members. However, the two new members are prohibited from voting on any action related to a permit that is under consideration as of January 1, 2008. A qualification of the Air Board members is changed so that no member can be a current employee of an entity subject to a permit or enforcement order of the Air Board.

Currently, a majority of the members appointed to the Air Board can represent the public interest and not derive any significant positions of their income from entities subject to permit or enforcement actions. The qualifications of the membership of the Water Board and the Virginia Waste Management Board are changed to require that the members, by their education, training, or experience, be knowledgeable of water quality or waste management, respectively, and shall be fairly representative of conservation, public health, business, and agriculture.

*Patrons:* Puckett; *Delegate:* Landes

02/20/08 House: Reported from Agriculture, Chesapeake and Natural Resources (21-Y 0-N)

**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

01/31/08 Senate: Passed by indefinitely in Education and Health (9-Y 6-N)

**Notes:** City Position: Oppose

### **SB 501 Smoking; prohibited in restaurants.**

*Summary as passed Senate:*

**Virginia Indoor Clean Air Act; penalty.** Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

*Patrons:* Locke and Northam

02/12/08 House: Referred to Committee on General Laws

02/12/08 House: Assigned GL sub: ABC/Gaming

**Notes:** City Position: Support

**SB 588 Payday Loan Act; requires SCC to contract with one or more parties to develop, etc. database.**

*Summary as passed Senate:*

**Payday Loan Act.** 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 the loan is permissible. Licensees are required to pay a database inquiry fee of not more than \$1. A payday lender is prohibited from making a payday loan to a person if the loan would cause the borrower to have more than one payday loans outstanding at the same time and from making a payday loan on the same day that the person has paid a previous payday loan. Payday lenders are permitted to charge, on any payday loan, interest at an annual rate of 36 percent, a loan fee of not more than 10 percent of the loan proceeds, and a \$10 verification fee. The Commission is prohibited from licensing a new payday lending office within 1.5 miles of an existing payday loan office. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse or dependent of such person. A borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least four equal installments over a period of not less than 60 days. A borrower may not enter into more than two extended payment plans in any 12-month period. A payday loan may not be made to a borrower in an extended payment plan or within 90 days after payment of an extended payment plan, or to a borrower within 90 days after the person has paid a payday loan by means other than an extended payment plan if that person was in default on such loan for 60 or more days. 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.

*Patron:* Puckett

02/14/08 House: Referred to Committee on Commerce and Labor

**Notes:** City Position: Oppose

**SB 634 Public defenders; permits county or city 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.

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

02/12/08 Senate: Passed Senate (40-Y 0-N)

02/14/08 House: 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

02/13/08 House: Referred to Committee on Transportation

02/20/08 House: Assigned Transportation sub: 2

**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. This bill has been incorporated into SB 69.

*Patrons:* Ticer and Petersen; *Delegates:* Caputo, Marsden and Watts

01/29/08 Senate: Incorporated by Privileges and Elections (SB69-Howell) (10-Y 3-N)

**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 and Petersen; *Delegates:* Bulova, Caputo, Hull, Moran and Scott, J.M.

02/06/08 Senate: Passed by in General Laws and Technology with letter (14-Y 0-N)

02/06/08 Senate: Subject matter referred by letter to FOIA Council pursuant to Senate Rule 20 (L)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**In-state tuition; eligibility of certain individuals.** Allows any person to be eligible for in-state tuition who (i) resided with his parent while attending high school in Virginia, (ii) graduated from a public or private high school or received a GED in Virginia, (iii) resided in Virginia for at least three years, (iv) registered as an entering student in an institution of higher education, (v) is not currently in removal proceedings and has petitioned to become a permanent resident, and (vi) has filed, or has a parent who has filed, Virginia tax returns for at least three years.

*Patron:* Hanger

02/08/08 Senate: Passed Senate (30-Y 10-N)

02/13/08 House: Referred to Committee on Education

**Notes:** City Position: Support

**SB 670 Payday lending charges; establishes a 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.

*Patron:* McEachin

02/12/08 Senate: Left in 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

02/07/08 Senate: Failed to report (defeated) in Finance (8-Y 8-N)

**Notes:** City Position: Support

## **Current Status of Bills on Which The City Has Taken A Position February 22, 2008**

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### **HB 3 Screened Family Day Home Provider List; created.**

*Summary as passed House:*

**Screened Family Day Home Provider List.** Requires the Department of Social Services to establish and maintain, on a website created by the Department, the Screened Family Day Home Provider List. This bill provides that the List shall include the names of individuals who wish to offer their services as family day home providers, who are not required to be licensed or regulated, who voluntarily apply for inclusion on the List, and who have been found, after a national criminal history background check and review of the records maintained by the Child Protective Services registry, to have no convictions for certain offenses or founded complaints of child abuse or neglect. This bill also establishes a Screened Family Day Home Provider Fund to receive application fees and disburse funds for the administration of the List.

*Patrons:* Tata, Amundson, Armstrong, Fralin, Iaquinto and Miller, P.J.

02/12/08 House: VOTE: --- PASSAGE (87-Y 12-N)

02/13/08 Senate: Referred to Committee on Rehabilitation and Social Services

**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

02/08/08 House: Continued to 2009 in Appropriations

**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

02/12/08 House: Left in General Laws

**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. This bill was continued to the 2009 Regular Session of the General Assembly.

*Patrons:* Lingamfelter and Wright; *Senator:* Ruff

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

02/12/08 House: Left in Finance

**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

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

**Notes:** City Position: Oppose

**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.

02/12/08 House: Left in Rules

**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

02/12/08 House: Left in 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

02/12/08 House: Left in Finance

**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  
02/12/08 House: Left in Rules  
**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  
02/21/08 Senate: Passed by indefinitely in Education and Health (11-Y 3-N)  
**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  
02/08/08 House: Continued to 2009 in Appropriations  
**Notes:** City Position: Oppose

### **HB 133 Vehicle registration; refusal to issue or renew because of fees or taxes owed to counties, etc.**

*Summary as introduced:*

**Taxes and license fees imposed by counties, cities, and towns; vehicle registration.** Allows the Commissioner to consider any parking citation, not just those issued only to residents of such county, city, or town, when refusing to issue or renew any vehicle

registration to any applicant who owes fees or taxes to such county, city, or town. This bill incorporates HB 786 (Brink).

*Patrons:* Ware, O. and Brink

02/06/08 House: Engrossment refused by House (bill died)

**Notes:** City Position: Support

### **HB 149 Independent living services & arrangements; require inclusion of plan for children 16 yrs. or older.**

*Summary as passed House:*

**Independent living services and independent living arrangements.** Defines independent living arrangement as placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child placing agency in a living arrangement which does not include daily parental supervision. Defines independent living services to include services and activities provided to a child in foster care who is 16 years of age or older or to a person who was in foster care on his 18th birthday and has not yet reached the age of 21. This bill requires, for children aged 16 years and older that the child's needs and goals in specified areas are included in the written foster care plan for that child.

*Patrons:* Fralin, Amundson, Crockett-Stark and Englin

02/19/08 Senate: Passed Senate with amendments (39-Y 0-N)

02/21/08 House: Passed by for the day

**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.

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.

02/12/08 House: Left in 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. The refund would equal that portion of the state recordation tax that relates to the principal amount of the original debt.

*Patron:* Marshall, R.G.

02/12/08 House: Left in Appropriations

**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

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 passed House:*

**Landlord and managing agent immunity for mold claims.** Provides immunity for landlords and managing agents if a mold condition was caused by the negligence of the tenant. Also states that there is a presumption against the existence of mold if the move-in inspection report reflects no visible evidence of mold and the bill provides that the landlord or managing agent shall remedy the mold condition.

*Patron:* Kilgore

02/20/08 House: Senate amendment agreed to by House (97-Y 0-N)

**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

02/13/08 Senate: Passed Senate (40-Y 0-N)

02/15/08 House: Signed by Speaker

02/15/08 Senate: Signed by President

**Notes:** City Position: Support

### **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

02/12/08 House: Left in Militia, Police and Public Safety

**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

02/12/08 House: Left in Appropriations

**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

01/30/08 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

02/12/08 House: Left in 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. This bill is identical to SB 8 and SB 69.

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

02/12/08 House: Left in Privileges and 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." This bill is identical to SB 7.

*Patrons:* Eisenberg, Plum, Shannon and Watts

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

02/12/08 House: Left in General Laws

**Notes:** Oppose. Staff believes that this legislation as introduced would have required the installation of sprinklers in 48 buildings within the City. Patron plans to significantly narrow its application during 2008 interim study.

### **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

01/28/08 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

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. This bill was incorporated into HB 233 (Delegate Cosgrove).

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

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

**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.

02/13/08 Senate: Passed Senate (40-Y 0-N)

02/15/08 House: Signed by Speaker

02/15/08 Senate: Signed by President

**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.

02/12/08 House: Left in Appropriations

**Notes:** City Position: Oppose

**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

02/12/08 House: Left in Rules

**Notes:** City Position: Oppose

**HB 392 Stormwater ordinances; authorizes localities classified as MS4 to enact.**

*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

02/15/08 House: Enrolled

02/15/08 House: Signed by Speaker

02/15/08 Senate: Signed by President

**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.

02/12/08 House: Read third time and passed House (71-Y 27-N)

02/13/08 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

### **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.

02/12/08 House: VOTE: --- PASSAGE (87-Y 12-N)

02/13/08 Senate: Referred to Committee for Courts of Justice

02/14/08 Senate: Assigned Courts sub: Criminal

**Notes:** City Position: Support

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

*Summary as passed House:*

**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 is diligently pursuing certain legal remedies against the tenant.



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

02/19/08 Senate: Reported from Local Government with amendment (12-Y 2-N 1-A)

**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; income limits.** 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 real estate tax relief.

*Patron:* Watts

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

**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

02/12/08 House: Left in General Laws

**Notes:** City Position: Support

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

*Summary as introduced:*

**Crimes; the definition of "predicate criminal act" under the Crimes by Gangs Act.** Includes within the definition the shooting at certain vehicles (§ 18.2-154) and the shooting within an occupied dwelling (§ 18.2-279).

*Patrons:* Cosgrove, Jones, S.C. and Marsden

02/12/08 House: Left in Appropriations

**Notes:** City Position: Support

**HB 503 Comprehensive Services Act; Executive Council oversee development of services for at-risk children.**

*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

02/19/08 Senate: Passed Senate (39-Y 0-N)

02/20/08 House: Enrolled

**Notes:** City Position: Support

**HB 582 Psychiatric inpatient treatment of minors; timing of 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: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

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

02/14/08 Senate: Assigned Courts sub: Special on Proposed Mental Health Legislation

**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

02/12/08 House: Left in Courts of Justice

**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  
02/12/08 House: Left in Appropriations  
**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  
02/08/08 House: Stricken from docket by Courts of Justice  
**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  
02/12/08 House: Left in General Laws  
**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  
02/12/08 House: Left in Finance  
**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

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. This bill is identical to HB 1278.

*Patron:* Brink

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

02/19/08 Senate: Passed Senate with substitute (39-Y 0-N)

02/20/08 House: Placed on Calendar

**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

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

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

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

**HB 706 Temporary detention order; transportation to medical facility for assessment.**

*Summary as introduced:*

**Temporary detention order; transportation to a medical facility for assessment.**

Allows a magistrate to issue a temporary detention order, without a face-to-face evaluation, for the purposes of transportation to a medical facility for assessment.

*Patron:* Janis

01/24/08 House: Stricken from docket by Health, Welfare and Institutions

**Notes:** City Position: Oppose

**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 temporary detention order.

*Patron:* Janis

01/29/08 House: VOTE: --- PASSAGE (98-Y 0-N)

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

02/14/08 Senate: Assigned Courts sub: Special on Proposed Mental Health Legislation

**Notes:** City Position: Oppose as introduced; Substitute has been amended to address City concerns

### **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

02/20/08 Senate: Passed Senate (40-Y 0-N)

**Notes:** City Position: Support

### **HB 720 Landlord and tenant; definition of application fee, etc. and manner of serving notice to tenants.**

*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

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

02/20/08 Senate: Reported from General Laws and Technology (15-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

02/12/08 House: Left in Appropriations

**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

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

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

**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. This bill provides that a person who is otherwise eligible and who refuses services may, following such refusal, request and receive services. This bill was incorporated into HB 1141.

*Patron:* Ward

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

**Notes:** City Position: Support

**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

02/12/08 House: Left in 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. This bill was incorporated into HB 233 (Delegate Cosgrove).

*Patrons:* Morgan and Moran

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

**Notes:** City Position: Support

**HB 850 Foster care; require code of ethics agreement signed by head of every foster home, etc.**

*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 to the agreement.

*Patrons:* Orrock, Alexander, Amundson, Howell, A.T., Nutter, Peace and Poisson;

*Senators:* Edwards, Herring and Ticer

02/19/08 Senate: Passed Senate with amendments (39-Y 0-N)

02/20/08 House: Placed on Calendar02/21/08 House: Passed by for the day

**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 allowing such debt to be offset against federal income tax refunds.

*Patrons:* Johnson; *Senators:* Puckett and Wampler

02/12/08 House: Left in Finance

**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

02/12/08 House: Left in General Laws

**Notes:** City Position: Oppose

**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 comprising Planning District 8, which is composed of the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the towns of Dumfries, Herndon, Leesburg, Purcellville, and Vienna; and the counties of Arlington, Fairfax, Loudoun, and Prince William, to provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for local government and school board employees, as well as employees of 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

02/12/08 House: Left in Counties, Cities and Towns

**Notes:** City Position: Support

**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.

02/12/08 House: Left in Privileges and 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

02/12/08 House: Left in Finance

**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

02/12/08 House: Left in Finance

**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

02/12/08 House: Left in Rules

**Notes:** City Position: Oppose

### **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

02/08/08 House: Incorporated by General Laws (HB408-Oder) (0-Y 0-N)

**Notes:** City Position: Support

### **HB 953 Abuse or neglect proceedings; videotaped statement.**

*Summary as passed House:*

**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 testify prior to entry of the statement and having 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, Sherwood and Watts

02/12/08 House: VOTE: --- PASSAGE (97-Y 1-N)

02/13/08 Senate: Referred to Committee for Courts of Justice

02/14/08 Senate: Assigned Courts sub: Criminal

**Notes:** City Position: Support

### **HB 1008 Derelict structures; locality authorized to impose fee on record owner.**

*Summary as introduced:*

**Housing; spot blight abatement; derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, an annual fee not to exceed three percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated, provided (i) the locality has established a housing fund in accordance with subdivision B 6 of § 15.2-2305 and (ii) the annual fee is deposited in the housing fund. The bill provides for notice to the owner of such property and an opportunity to abate or remove the derelict structure within a certain time frame. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron:* McClellan

02/05/08 House: Passed by in General Laws with letter

**Notes:** City Position: Support

### **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. The bill incorporates HB 1560.

*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

02/12/08 House: VOTE: --- PASSAGE (74-Y 24-N)

02/13/08 Senate: Referred to Committee on Finance

**Notes:** City Position: Oppose

### **HB 1028 Speed limits; signs posted in school zones.**

*Summary as introduced:*

**Posting of school zone speed limits.** Requires that signs posting school zone speed limits be located not less than 1,000 feet from the school entrance.

*Patron:* Frederick

02/05/08 House: Tabled in Transportation

**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 certain 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. This bill was incorporated into HB 820 (Albo).

*Patron:* Frederick

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

02/12/08 House: Left in Finance

**Notes:** City Position: Oppose

**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

02/12/08 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/13/08 Senate: Referred to Committee for Courts of Justice

**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

02/12/08 House: Left in General Laws

**Notes:** City Position: Support

**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

02/12/08 House: Left in 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

02/08/08 House: Failed to report (defeated) in Courts of Justice (10-Y 12-N)

**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: VOTE: --- PASSAGE (75-Y 22-N)

02/21/08 Senate: Reported from Education and Health (15-Y 0-N)

**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

02/12/08 House: Left in Courts of Justice

**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

02/12/08 House: Left in Militia, Police and Public Safety

**Notes:** City Position: Oppose

### **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

02/12/08 House: Left in 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 passed House:*

**Incident management.** Provides that if a vehicle accident occurs on a highway, each vehicle shall be removed to the nearest exit ramp or parking area and also includes the nearest exit ramp or parking area in the definition of "scene of the accident." Also makes other technical amendments to increase the effectiveness and efficiency of incident management in the Commonwealth.

*Patrons:* Nichols and Fralin

02/14/08 Senate: Referred to Courts of Justice

**Notes:** City Position: Support

**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 option.** Clarifies that a foster care plan can provide, for children 16 years and older, no substitute parental supervision and allows for, under the same plan, 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 years of age 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

02/12/08 House: Left in Courts of Justice

**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

02/12/08 House: Left in Appropriations

**Notes:** City Position: Support

### **HB 1353 Fire Prevention Code; prohibits locality from restricting manufacture, etc. of permissible firework.**

*Summary as introduced:*

**Fire Prevention Code; fireworks.** Essentially prohibits a locality from restricting the manufacture, transportation, storage, sale or use of any permissible firework. Defines permissible firework as any ground-based or hand-held sparkler, fountain, snake, cap for pistols, spinner or smoke item.

*Patron:* Gear

02/05/08 House: Stricken from docket by General Laws

**Notes:** City Position: Oppose

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

*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

02/20/08 House: Senate amendments agreed to by House (96-Y 1-N)

**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

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

02/12/08 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/13/08 Senate: Referred to Committee for Courts of Justice

**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 (HB1043-Watts)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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. This bill incorporates HB 531.

*Patrons:* May and Mathieson

02/13/08 Senate: Referred to Committee for Courts of Justice

02/14/08 Senate: Assigned Courts sub: Criminal

**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. The Department will use the fees collected to provide reimbursements to 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. Both the Department and the Office of the Attorney General have authority to enforce the provisions of this act.

*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. A \$50 civil penalty is assessed on anyone who violates this requirement.

*Patron:* Cosgrove

02/12/08 House: Left in 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 (HB1009-Hugo)

**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

02/12/08 House: Left in Finance

**Notes:** City Position: Oppose

### **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.

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

**Notes:** City Position: Support

**SB 64 Community services board; adds crisis stabilization, outpatient, etc. to list of core services.**

*Summary as introduced:*

**Community services boards; core services.** Adds crisis stabilization, outpatient, respite, in-home, and residential and housing services to the list of core services required to be provided by community services boards.

Patron: Howell

01/31/08 Senate: Left in Education and Health (15-Y 0-N)

01/31/08 Senate: Subject matter referred to Commission on Mental Health Law Reform pursuant to Senate Rule 20 (L)

**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 making an informed decision.** Provides that minors 14 years of age or older who are incapable of making an informed decision may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of making an informed decision."

Patron: Howell

02/20/08 House: Passed House BLOCK VOTE (97-Y 0-N)

**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 SB 8 and SB 646.

*Patron:* Howell

02/12/08 House: Referred to Committee on Privileges and Elections

02/12/08 House: Assigned P & E sub: Elections

**Notes:** City Position: Support

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

*Summary as introduced:*

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

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

02/13/08 Senate: Left in Courts of Justice

**Notes:** City Position: Oppose

**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 (SB246-Howell) (13-Y 0-N)

**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 (SB246-Howell) (13-Y 0-N)

**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 (SB246-Howell) (13-Y 0-N)

**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 (SB246-Howell) (13-Y 0-N)

**Notes:** City Position: Support

## **SB 100 Protective orders; child custody and visitation.**

*Summary as introduced:*

**Protective orders; custody and visitation; access to child.** Requires a court, when entering an order on behalf of another petitioner, to independently determine whether such order should prohibit contacts between a child and the person subject to a protective order, who is the parent or other custodian of the child. The court shall determine whether prohibiting such contacts in the protective order is necessary to protect the health and safety of the child and that there are no less drastic alternatives available. If the court determines that such contacts should not be prohibited, the court shall include in the protective order how such contacts will be maintained without violating the terms of the order.

*Patron:* Cuccinelli

01/30/08 Senate: Passed by indefinitely in Courts of Justice (12-Y 2-N)

**Notes:** City Position: Support

**SB 101 Emergency custody order; renewal.**

*Summary as introduced:*

**Emergency custody order; renewal.** Allows a single, four-hour extension of an emergency custody order upon a finding by a magistrate that good cause exists for such an extension.

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

01/28/08 Senate: Incorporated by Courts of Justice (SB246-Howell) (13-Y 0-N)

**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 (SB246-Howell) (13-Y 0-N)

**Notes:** City Position: Support

**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

02/05/08 Senate: Subject matter referred by letter to Housing Commission pursuant to Senate Rule 20 (L)

**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 (SB246-Howell) (13-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 passed Senate:*

**Landlord and managing agent immunity for mold claims.** Provides that landlords and managing agents are not liable for civil damages in an action for exposure to mold arising from the condition within the interior of a dwelling unit brought by a tenant, authorized occupant, or guest or invitee if the mold condition is caused solely by the negligence of the tenant. The bill also provides that managing agents with no maintenance responsibilities are not liable for damages unless the agents have actual knowledge of the mold condition and fail to disclose the existence of the condition to the landlord and any prospective or actual tenants. The bill provides further that if a written move-in inspection report reflects that there is no visible evidence of mold in a dwelling unit, and the tenant does not object in writing to such report within five days of his receipt of the report, there shall be a rebuttable presumption that no mold existed at the time of the move-in inspection. The bill also requires landlords and managing agents with maintenance responsibilities to perform mold remediation if visible evidence of mold occurs within a dwelling unit.

*Patron:* McDougle

02/20/08 House: Passed House with amendment BLOCK VOTE (97-Y 0-N)

**Notes:** City Position: Oppose

**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

02/19/08 House: Reported from Commerce and Labor (22-Y 0-N)

02/21/08 House: Read second time

**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

02/13/08 Senate: Left in Finance

**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

01/28/08 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

01/21/08 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

01/23/08 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 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

02/21/08 House: Read third time

02/21/08 House: Passed House with amendments (81-Y 15-N)

**Notes:** City Position: Support

### **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

01/30/08 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 passed Senate:*

**Concealed handguns; restaurants; penalty.** 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. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact. A person consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

*Patron:* Hanger

02/21/08 House: Passed House (62-Y 36-N)

**Notes:** City Position: Oppose

**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. This bill has been incorporated into SB 487 (Senator Hanger).

*Patrons:* Hanger and Howell; Delegate: Hamilton

01/25/08 Senate: Incorporated by Rehabilitation and Social Services (SB487-Hanger) (15-Y 0-N)

**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. This bill has been incorporated into SB 487 (Senator Hanger).

*Patrons:* Hanger and Howell; Delegate: Hamilton

01/25/08 Senate: Incorporated by Rehabilitation and Social Services (SB487-Hanger) (15-Y 0-N)

**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)

02/12/08 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**SB 517 Contractors; shall not knowingly employ unauthorized alien.**

*Summary as passed Senate:*

**Virginia Public Procurement Act; required contract provisions.** Requires that all public bodies shall include in every contract of more than \$10,000 the following provisions: (i) that the contractor shall comply with all applicable federal, state and local laws, rules and regulations during the performance of the contract, and (ii) that the contractor does not, and shall not during the performance of the contract, knowingly employ an unauthorized alien.

*Patrons:* Cuccinelli, Newman and Obenshain; Delegate: Merricks

02/12/08 House: Referred to Committee for Courts of Justice

02/14/08 House: Assigned Courts sub: Civil

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

*Patron:* Watkins

02/13/08 House: Referred to Committee for Courts of Justice

02/14/08 House: Assigned Courts sub: Civil

**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

01/30/08 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

02/04/08 Senate: Passed by indefinitely in Commerce and Labor

**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

02/12/08 House: Referred to Committee on General Laws

02/13/08 House: Assigned GL sub: Professional/Occupational/Administrative Process

**Notes:** City Position: Support

### **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

02/18/08 House: Passed House Block Vote (97-Y 0-N)

02/19/08 Senate: Bill text as passed Senate and House (SB637ER)

**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.

02/11/08 Senate: Continued to 2009 in Courts of Justice (15-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**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 to the agreement. This bill is identical to HB 850.

*Patrons:* Ticer; *Delegate:* Alexander

02/18/08 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

02/20/08 Senate: House amendments agreed to by Senate (40-Y 0-N)

02/22/08 Senate: Bill text as passed Senate and House (SB643ER)

**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

02/12/08 House: Referred to Committee on Militia, Police and Public Safety

**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. This bill has been incorporated into SB 487 (Senator Hanger).

*Patron:* Howell

01/25/08 Senate: Incorporated by Rehabilitation and Social Services (SB487-Hanger)  
(15-Y 0-N)

**Notes:** City Position: Support

**SB 711 Plastic carryout bags; retail merchant shall provide durable plastic bag, with handles, etc.**

*Summary as introduced:*

**Plastic carryout bags.** Authorizes a locality to provide that a retail merchant located within its jurisdiction shall not provide to any of its customers at the point of sale any plastic carryout bag in which a product or products purchased by any such customer from such store is placed unless such plastic carryout bag is a durable plastic bag, with handles, that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

*Patron:* Quayle

02/05/08 Senate: Subject matter referred by letter to DEQ pursuant to Senate Rule 20 (L)

**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

02/13/08 Senate: Left in Finance

**Notes:** City Position: Oppose

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

*Summary as passed Senate:*

**Northern Virginia Transportation Authority; revenues of the Authority.** Authorizes the Authority to impose a 0.50 percent retail sales and use tax in the counties and cities embraced by the Authority with the revenues therefrom dedicated to the Authority. Any

such tax imposed by the Authority shall not apply to “food purchased for human consumption.

The bill provides that if the Authority imposes the retail sales and use tax, then, beginning at such time that the tax is first imposed, the Authority shall no longer be authorized to impose the (i) additional, one-time vehicle registration fee of one percent of the value of the vehicle for vehicles registered in a county or city embraced by the Authority; (ii) five percent sales tax on labor or services charged in the repair of motor vehicles occurring within a county or city embraced by the Authority; or (iii) additional annual \$10 vehicle inspection fee for vehicles inspected in a county or city embraced by the Authority.

*Patron:* Saslaw

02/14/08 House: Referred to Committee on Finance

02/15/08 House: Assigned Finance sub: 1

**Notes:** City Position: Support

### **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

02/14/08 House: Referred to Committee on General Laws

02/18/08 House: Assigned GL sub: Housing

**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

02/12/08 Senate: Passed Senate (21-Y 19-N)

02/14/08 House: Referred to Committee on Rules

**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. The bill has a delayed effective date of January 1, 2009.

*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