

*City of Alexandria***MEMORANDUM**

DATE: JANUARY 24, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2009 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 1) on legislation introduced at the 2009 General Assembly Session.

**RECOMMENDATION:** That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilman Smedberg).

**DISCUSSION:** The 2009 General Assembly Session began on January 14 and is scheduled to adjourn on February 28. The deadline for introduction of legislation was Friday, January 23.<sup>1</sup> As of that day, at least 1,832 bills and 313 resolutions had been introduced (it is possible that additional bills and resolutions were introduced but have not yet appeared on the Legislative Information System). This compares to 2,291 bills and 373 resolutions that had been introduced by this time in 2007, the last 46-day Session. The main reason why the number of bills has decreased is a change in the House Rules that limits each Delegate to a maximum of 15 bills (in 2007, at least one Delegate had over 50 bills).

There is only one major issue for the General Assembly this year—the state budget. Other issues that are receiving significant but lesser attention include smoking in restaurants, the use of cell phones and other wireless devices by drivers, and early voting. Although several bills pertaining to illegal aliens have been submitted, immigration is not getting the attention it did in recent sessions.

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

**City Package.** The following are bills (or in the case of the first bullet, a significant budget issue) from the City's legislative package that the City asked members of the City's delegation to introduce (Attachment 2 is a status report on these and other "City Package" bills):

- The Governor proposed in his amendments to the State budget to restore the City's exemption from giving the state a portion of its federal jail per diem revenues (if this remains in the budget, it will save the City about \$1 million that was to be taken by the State).
- HB 2014 sought to allow the ABC Board to grant an annual mixed beverage special events license to a local government for use in an 18<sup>th</sup> century building owned by the government and listed on the National Historic Landmarks Survey (e.g., Gadsby's Tavern). The bill was heard in a subcommittee of the General Laws Committee, where it met strong opposition from Delegate David Albo, who opposes creating a new category for a licensee. However, Curtis Coleburn, the Chief Operating Officer of the Department of Alcoholic Beverage Control, indicated that Northern Virginia ABC staff members were misinformed when they advised City staff that beverages left over from an event could not be stored on-site (this was the major problem that led the City to seek this legislation). Mr. Coleburn will work with ABC staff on resolving this issue. If on-site storage is allowed, the City will no longer need the legislation. Staff will follow up with Mr. Coleburn.
- HB 1643, which would allow as many poll watchers as there are sections of a poll book in a precinct, was considered recently by a subcommittee of the House Privileges and Elections Committee. The bill was opposed by the registrar from the City of Charlottesville, who said some of her precincts did not have room for additional poll watchers. Staff is meeting with Delegate Englin and the Secretary of the State Board of Elections to try and resolve this issue, and will give an oral update to Council at the January 27 meeting.
- SB 929 seeks to amend the Charter to allow Council to (1) set term limits for members of Boards and Commissions, and (2) set disclosure requirements for land use applicants. This bill was reported unanimously by the Senate Committee on Local Government, and is now on the Senate floor.
- SB 873 proposes to ban the use of plastic carryout bags by retailers unless the bags are specifically designed and manufactured for multiple reuse. Similar legislation was introduced but defeated last year. Representatives of retail merchants have been meeting with proponents of last year's legislation (City staff was not aware of these meetings) in recent months to design an educational program that would seek to promote the recycling of plastic bags. Proponents and opponents of last year's bills have agreed not to seek legislation again this year, so it appears that the City bill will not pass. In its place,

Senator Ticer has worked with City staff and retail merchants to develop a budget amendment that, if successful, could provide the City with a small amount of money to further promote the recycling of plastic bags within Alexandria.

- SB 874 seeks to prohibit the use of cell phones by drivers unless they are being used in their hands-free mode. The bill was favorably reported (10-5) by the Senate Committee on Transportation, and will be considered by the full Senate next week. Council's Legislative Committee has also recommended that the City generally support all legislation that would require any use of cell phones or other wireless communication devices by drivers to be hands-free, and oppose legislation that would allow drivers to use these devices by any means that is not hands-free.

**Smoking in Public.** Many bills have been introduced that seek to restrict smoking in public, especially in restaurants. Some of these would authorize localities or regions to adopt ordinances banning smoking in restaurants, while others would enact a statewide ban. One or more of these bills is expected to pass the Senate; favorable action in the House, as in the past, is much less likely. The City is supporting any approach that will result in a prohibition on smoking in restaurants in Alexandria.

**Early Voting.** At least 12 bills have been introduced this Session to allow early voting in any election without requiring the voter to give a specific reason for doing so. Approximately two-thirds of the states already allow no-excuse pre-Election Day in-person voting—either early voting on a voting machine or in-person absentee voting. While no-excuse voting is not authorized in Virginia (the State Code lists nine reasons why an individual may vote absentee; most of these involve the person's absence from the locality in which he lives on election day), it is clear from the numbers of absentee ballots that many voters practiced no-excuse absentee voting in the recent presidential election.

The bills that have been introduced will likely meet the same fate in the General Assembly that such bills have in the past. The Senate will approve the legislation, but the House of Delegates will reject it (the House has already done so with some of these bills).

**Pedestrian Safety.** Three bills (HB 2386, HB 2520, and SB 1239) have been introduced that seek to rewrite Virginia's pedestrian safety laws to require drivers to stop, not just yield, for pedestrians. In past years, the City has included such legislation in its legislative package. Council's Legislative Committee has again recommended support for these bills, as indicated in Attachment 1.

The Senate bill was approved in Committee by a vote of 11-4, and awaits action on the Senate floor. HB 2386 and HB 2520 were scheduled to be heard in Subcommittee on January 26, and staff will update Council verbally on the status of these bills at the January 27 Council meeting. In the past, the Senate has approved similar legislation, but the House has rejected it.

**Transportation Funding.** A number of measures have again been introduced to increase funding for transportation, but nothing significant is expected to pass. Delegate Joe May of Loudoun County has introduced a proposal (HJR 770) to initiate another study of transportation funding, to be co-chaired by former Governors Gerald Baliles and George Allen. Whether the General Assembly will agree to undertake this study, or whether the study will shed any new light on the issue if it is undertaken, remains to be seen.

**Payday Loans.** Although last Session's General Assembly passed legislation to "reform" payday lending, payday lenders have found a loophole in the law that allows them to extend credit at a high rate of interest (up to 360 percent annually), as long as the person borrowing the money is provided an interest-free grace period. This has angered many legislators, including those on both sides of the issue, and Senator Richard Saslaw has introduced legislation (SB 1470) to close this loophole.

**State Budget.** Like the City of Alexandria, the Commonwealth is facing a significant shortfall in revenues. When the Governor proposed amendments to the current biennial budget last month, his proposals were based on a projected \$2.9 billion biennial revenue deficit.

The Governor included the following proposals that will directly affect the City:

- As noted above, the Governor proposed a restoration of the City's exemption from giving the state a portion of Alexandria's federal jail per diem revenues;
- He reduced State Compensation Board funds for sheriffs and commonwealth's attorneys by seven percent, and cut funding for finance and circuit court clerk's offices by 10 percent.
- He eliminated any contribution by the State toward health insurance costs for retired constitutional officers.
- He proposed a transfer to the State of half of the revenues that are now kept by localities from court clerks' fees.
- He reduced HB 599 local law enforcement funding by seven percent. As a result, Alexandria will receive \$5.95 million in HB599 funds for FY 10 (compared to \$6.16 million that we are getting in the current year).
- K-12 funding is being cut statewide by about \$400 million; most of this is done by limiting "support" positions that the state will help fund (one support position for every four teaching positions; support positions do not include bus drivers, cafeteria workers, school nurses, or positions required by the standards of quality; support positions do include much of a system's central office staff, as well as some other positions such as custodians). The State projects that ACPS will receive \$31.8 million in FY09 and \$32.5 million in FY10 (this is based on enrollment increases in each year). Alexandria City Public Schools believes that this projection is overly optimistic.
- Salary increases that had been planned for state employees and state-supported local employees have been eliminated.

The House Appropriations and Senate Finance Committees are now considering the Governor's proposals. It appears likely that they will increase the anticipated deficit above the Governor's

projection. In addition, it appears that they may not go along with several of the Governor's revenue-enhancing initiatives, including a proposal to increase the cigarette tax. Consequently, the City may suffer further reductions in state revenues before the budget is finalized. The House and Senate Committees are scheduled to announce their budget recommendations on February 5. There are always differences between the amendments approved by the House and Senate, and these differences are never reconciled until the final days of Session. Even then, further changes can be proposed by the Governor prior to the Veto (or Reconvened) Session, now scheduled for April 8.

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

**STAFF:**

Bernard Caton, Legislative Director

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, January 23, 2009

Attachment 2 - Current Status of City Package Bills, January 23, 2009

**Recommended positions on Bills of Importance to the City  
January 23, 2009**

**HB 1579 Transportation funding, etc; certain revenues attributable to economic growth in Hampton Roads, etc.**

*Summary as introduced:*

**Transportation funding and administration for Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District.** Provides funds for transportation in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District by capturing a portion of economic growth attributable to or facilitated by the marine terminal for Hampton Roads, by Dulles International Airport and the Ronald Reagan National Airport for Northern Virginia, by the Port of Richmond for the Richmond Highway Construction District, and by the Inland Port at Front Royal for the Staunton Highway Construction District.

The bill repeals the Hampton Roads Transportation Authority and repeals certain fees and taxes authorized pursuant to Chapter 896 of the Acts of Assembly of 2007 that are within the ambit of the Supreme Court of Virginia's decision on February 29, 2008, that they are unconstitutional.

*Patrons:* Oder, Gear and Hugo

07/23/08 House: Prefiled and ordered printed; offered 01/14/09

07/23/08 House: Referred to Committee on Transportation

01/16/09 House: Assigned Transportation sub: 4

**Notes:** Position: Oppose

**HB 1582 Home access businesses; owner/operator thereof to conduct criminal background check of employees.**

*Summary as introduced:*

**Employees of home access businesses; penalty.** Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor.

*Patron:* Howell, A.T.

08/05/08 House: Prefiled and ordered printed; offered 01/14/09

08/05/08 House: Referred to Committee on Militia, Police and Public Safety

01/20/09 House: Assigned MPPS sub: #2

**Notes:** Position: Support

**HB 1589 Retirement System; duty of employers to provide accurate information to correct erroneous records.**

*Summary as introduced:*

**Virginia Retirement System; duty of employers to correct erroneous records.**

Requires employers participating in the Virginia Retirement System (VRS) to use due diligence to provide accurate records to the VRS Board and to correct any such records that are erroneous. If the employer fails to use due diligence to correct any such erroneous records after notification by the employee adversely affected, then the employee may recover reasonable attorney fees incurred in correcting the records.

*Patron:* Orrock

10/08/08 House: Prefiled and ordered printed; offered 01/14/09

10/08/08 House: Referred to Committee on Appropriations

01/19/09 House: Assigned App. sub: Compensation and Retirement (Jones, S.C.)

**Notes:** Position: Oppose

**HB 1613 Polygraph examiners; only federal, state or local law-enforcement officer shall operate device.**

*Summary as introduced:*

**Department of Professional and Occupational Regulation; regulation of polygraph examiners.** Provides that no person, other than a federal, state, or local law-enforcement officer, shall operate any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805 or use any title or make any representation tending to indicate that he is qualified to detect deception or verify the truth of statements through the use of such instrument or device. The bill specifies the conditions under which law-enforcement officers may use other types of polygraph instruments.

*Patron:* Wright

11/14/08 House: Prefiled and ordered printed; offered 01/14/09

11/14/08 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Position: Oppose

**HB 1615 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.**

*Summary as introduced:*

**Text messaging while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunication device for the purpose of sending, receiving, or reading any text message. The prohibition, however, does not extend to entering names or numbers for making telephone calls and does not apply to the operator of emergency vehicles. Violations are punishable by fines of \$20 for first offenses and \$50 for subsequent offenses.

*Patron:* Howell, A.T.

11/19/08 House: Prefiled and ordered printed; offered 01/14/09

11/19/08 House: Referred to Committee on Transportation

**Notes:** Position: The City supports all legislation that would require any use of cell phones or other wireless communication devices by drivers to be hands-free. The City

opposes legislation that would allow drivers to use these devices by any means that is not hands-free.

**HB 1659 Wireless telecommunications devices; prohibits use of while driving except in an emergency.**

*Summary as introduced:*

**Use of wireless telecommunications devices while driving.** Prohibits use of wireless telecommunications devices, whether handheld or otherwise, while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth, except in an emergency.

*Patron:* Howell, A.T.

12/15/08 House: Prefiled and ordered printed; offered 01/14/09

12/15/08 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Position: The City supports all legislation that would require any use of cell phones or other wireless communication devices by drivers to be hands-free. The City opposes legislation that would allow drivers to use these devices by any means that is not hands-free.

**HB 1673 Law-Enforcement Officers Procedural Guarantee Act; includes certain deputy sheriffs under coverage.**

*Summary as introduced:*

**Law-Enforcement Officers Procedural Guarantee Act; definitions.** Includes certain deputy sheriffs under the coverage of the Law-Enforcement Officers Procedural Guarantee Act.

*Patron:* Poisson

12/22/08 House: Prefiled and ordered printed; offered 01/14/09

12/22/08 House: Referred to Committee on General Laws

01/20/09 House: Referred from General Laws

01/20/09 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Poairion: Oppose

**HB 1677 Contractor performance bonds; amount for locally administered transportation improvement projects.**

*Summary as introduced:*

**Contractor performance bonds for locally administered transportation improvement projects.** Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as an additional insured, the amount of such bonds shall be no greater than would have been required had the Department not been included as an additional insured.

*Patron:* Orrock

12/23/08 House: Prefiled and ordered printed; offered 01/14/09

12/23/08 House: Referred to Committee on Transportation

**Notes:** Position: Support



**HB 1695 Driving without a license; person may be placed under arrest and vehicle to be impounded.**

*Summary as introduced:*

**Driving without an operator's license.** Provides that any person who drives without an operator's license may be placed under arrest, fingerprinted and the arrest reported to the Central Criminal Records Exchange if the general district court for the jurisdiction has approved arrest for the offense of driving without an operator's license. The bill also provides for administrative impoundment of the vehicle of a person who drives without an operator's license if he has been previously convicted of the offense.

*Patron:* Albo

01/05/09 House: Prefiled and ordered printed; offered 01/14/09

01/05/09 House: Referred to Committee for Courts of Justice

01/16/09 House: Assigned Courts sub: Criminal

**Notes:** Position: Oppose

**HB 1698 Scrap metal processors; prohibits sale/purchase of certain metal that seller knows is copper, etc.**

*Summary as introduced:*

**Scrap metal processors.** Prohibits the sale to or purchase of any scrap metal that the seller or scrap metal processor knows is copper, aluminum, brass, lead, or other nonferrous metal of any kind, including catalytic converters or any materials derived from a catalytic converter, steel railroad track and track material, metal beverage containers with a capacity of more than two liters that are marketed as returnable, or other specific categories of scrap metal, unless the person attempting to sell the scrap metal provides documentation establishing or acknowledging that the seller is the owner of the scrap metal or is an employee, agent, or other person authorized to sell the scrap metal on behalf of the owner. The measure authorizes law-enforcement officers during the regular business hours of a scrap metal processor to inspect, without a warrant or subpoena, any scrap metal in the possession of a scrap metal processor, any records required to be maintained by a scrap metal processor, or both. Each seller of scrap metal is required to provide his driver's license number to the scrap metal processor in connection with each sale of nonferrous scrap, metal articles, and proprietary articles. Sales where the seller is unable or refuses to provide the required identification and information are prohibited. Scrap metal processors are required to keep a record of the total price paid for items purchased and the price paid per unit of measurement for the items. The penalty for any violation of the chapter is increased to a Class 1 misdemeanor; currently, negligent violations are subject to a civil penalty not to exceed \$7,500 while knowing violations are a Class 1 misdemeanor.

*Patron:* Lohr

01/22/09 House: Reported from Commerce and Labor with substitute (22-Y 0-N)

01/22/09 House: Referred to Committee for Courts of Justice

01/22/09 House: Committee substitute printed 090153604-H1

**Notes:** Position: Support

**HB 1726 Group life insurance; allows coverage to be extended to insure any class of persons.**

*Summary as introduced:*

**Group life insurance coverage.** Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

*Patrons:* Rust, Ebbin and Loupassi

01/06/09 House: Prefiled and ordered printed; offered 01/14/09

01/06/09 House: Referred to Committee on Commerce and Labor

**Notes:** Position: Support

**HB 1730 Tax legislation; requires a sunset date of no more than four years on all.**

*Summary as introduced:*

**Tax legislation; sunset date.** Requires a sunset date of no more than four years on all taxation bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly.

*Patrons:* Cole and Frederick

01/06/09 House: Prefiled and ordered printed; offered 01/14/09

01/06/09 House: Referred to Committee on Finance

01/16/09 House: Assigned Finance sub: 2

**Notes:** Position: Oppose

**HB 1821 Concealed handguns; prohibits person who carries in restaurant from consuming alcoholic beverages.**

*Summary as introduced:*

**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 who 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.

*Patrons:* Johnson (by request); Senator: Ruff

01/12/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

01/21/09 House: Referred from Courts of Justice

01/21/09 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Position: Oppose

**HB 1830 Setoff Debt Collection Act; allows local governments to collect past due local taxes.**

*Summary as introduced:*

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

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

*Patron:* Fralin

01/12/09 House: Prefiled and ordered printed; offered 01/14/09  
01/12/09 House: Referred to Committee on Finance  
01/16/09 House: Assigned Finance sub: 1  
**Notes:** Position: Support

**HB 1839 Commercial real estate tax; used for local projects and construct new roads.**

*Summary as introduced:*

**Commercial real estate tax in Northern Virginia.** Provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate

*Patron:* Albo

01/12/09 House: Prefiled and ordered printed; offered 01/14/09  
01/12/09 House: Referred to Committee on Finance  
01/16/09 House: Assigned Finance sub: 2  
**Notes:** Position: Oppose

**HB 1842 Emergency protective order; expands authority of magistrate when warrant for sexual battery.**

*Summary as introduced:*

**Authority of a magistrate or judge to issue an emergency protective order.** Expands the authority of a magistrate or judge to issue an emergency protective order to include issuance when a warrant is issued for misdemeanor sexual battery. Currently, issuance of an emergency order predicated on a criminal act is limited to the crime of assault on a family member.

*Patron:* Griffith

01/12/09 House: Prefiled and ordered printed; offered 01/14/09  
01/12/09 House: Referred to Committee for Courts of Justice  
**Notes:** Position: Support

**HB 1857 Protective orders; issuance upon conviction for certain crimes.**

*Summary as introduced:*

**Protective orders; issuance upon conviction for certain crimes.** Provides that a court shall issue a protective order for the benefit of a petitioner upon the conviction of a person for a criminal offense resulting in a serious bodily injury to the petitioner, for stalking, or for a violation of the terms of a previously issued protective order. The bill further provides that any period of time for which the person is confined to a state or local correctional facility for the conviction of the crime which required the issuance of the protective order shall not be included in calculating the duration of the protective order.

*Patron:* Shannon

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee for Courts of Justice

01/16/09 House: Assigned Courts sub: Criminal

**Notes:** Position: Support

**HB 1861 Street maintenance payments; increased where traffic volumes exceed statewide average by 20%.**

*Summary as introduced:*

**Street maintenance payments.** Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent.

*Patron:* Shannon

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on Transportation

01/16/09 House: Assigned Transportation sub: 4

**Notes:** Position: Support

**HB 1876 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicle.**

*Summary as introduced:*

**Text messaging and emailing while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for the use of global positioning systems (GPS) and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

*Patrons:* Cosgrove, Bell, Mathieson and Miller, P.J.

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on Transportation

**Notes:** Position: The City supports all legislation that would require any use of cell phones or other wireless communication devices by drivers to be hands-free. The City opposes legislation that would allow drivers to use these devices by any means that is not hands-free.

**HB 1894 Absentee voting; qualified voters may vote absentee in person without providing an excuse, etc.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

*Patrons:* Dance, Brink and Howell, A.T.

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Elections

01/19/09 House: Subcommittee recommends laying on the table

**Notes:** Position: Support

**HB 1910 Firearms; localities may adopt ordinance prohibiting thereof in libraries owned by locality.**

*Summary as introduced:*

**Control of firearms; libraries.** Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in libraries owned or operated by the locality.

*Patron:* BaCote

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Militia, Police and Public Safety

01/20/09 House: Assigned MPPS sub: #1

**Notes:** Position: Support

**HB 1919 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.**

*Summary as introduced:*

**Corrections; payment of costs associated with prisoner keep.** Increases from \$1 to \$25 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep.

*Patron:* Crockett-Stark

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Militia, Police and Public Safety

01/20/09 House: Assigned MPPS sub: #3

**Notes:** Position: Support

**HB 1955 Wireless telecommunications devices; prohibits use of while driving except in an emergency.**

*Summary as introduced:*

**Use of mobile telephone and other wireless electronic devices while driving.**

Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

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

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Position: Support

**HB 1959 Workers' compensation; prohibits State from terminating employment for line of duty injury, etc.**

*Summary as introduced:*

**Workers' compensation; discharge of public safety employees.** Prohibits the Commonwealth, a locality, or a political subdivision, as employer of a public safety employee, from involuntarily discharging or terminating the employment of such an employee suffering from a line of duty injury or occupational illness, for a period of (i) one year after the injury occurred or illness arose, if the employee has not returned to

employment in full unrestricted duty, or (ii) two years after the injury occurred or illness arose, if a physician has determined, before the expiration of the one-year period, that the employee, within the ensuing one year, will reach maximum medical improvement and, to a reasonable degree of medical probability, will resume employment without significant limitations in the position he held when the injury occurred or illness arose.

*Patron:* Mathieson

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Commerce and Labor

01/16/09 House: Assigned C & L sub: 1

**Notes:** Position: Oppose

**HB 1979 Stalking; penalty when person commits second offense within 5 years.**

*Summary as introduced:*

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

*Patron:* McClellan

01/13/09 House: Prefiled and ordered printed; offered 01/14/

01/13/09 House: Referred to Committee for Courts of Justice

**Notes:** Position: Support

**HB 2016 Human trafficking; definition to include use of force, deception, etc.**

*Summary as introduced:*

**Human Trafficking.** Defines human trafficking to include the use of force, deception, or coercion, for the purpose of subjecting a person to involuntary servitude, debt bondage, concubinage, prostitution, or slavery. The bill provides that any person who engages in human trafficking is subject to the provisions of the Virginia Racketeer Influenced and Corrupt Organizations Act, and provides for forfeiture of a trafficker's property used in, and proceeds gained from, trafficking. The bill also creates an affirmative defense to criminal activity engaged in by a victim of trafficking.

*Patron:* Ebbin

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

**Notes:** Position: Support

**HB 2060 Mental health law; amends statutes to address issues resulting from overhaul thereof.**

*Summary as introduced:*

**Mental health law revisions.** Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the

four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

*Patron:* Hamilton

01/20/09 House: Reported from Health, Welfare and Institutions (20-Y 0-N)

01/21/09 House: Read first time

01/22/09 House: Read second time and engrossed

01/23/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)

01/23/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

**Notes:** Position: Support

### **HB 2061 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment.**

*Summary as introduced:*

**Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.** Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and that they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies under what circumstances the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible.

*Patron:* Hamilton

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** Position: Oppose unless funded

**HB 2084 Real and personal property taxes; exempts certain pollution control equipment & facilities.**

*Summary as introduced:*

**Real and personal property taxes.** Exempts certain pollution control equipment and facilities from local property taxes.

*Patron:* Purkey

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Finance

01/16/09 House: Assigned Finance sub: 2

**Notes:** Position: Oppose

**HB 2121 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 determined not 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. The measure becomes effective on July 1, 2010.

*Patron:* Nichols

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on General Laws

01/19/09 House: Assigned GL sub: FOIA

**Notes:** Position: Oppose

**HB 2138 Graffiti abatement; permits localities to charge property owner for cost thereof.**

*Summary as introduced:*

**Graffiti abatement.** Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

*Patron:* Miller, J.H.

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on Counties, Cities and Towns

01/23/09 House: Assigned CC & T sub: 2

**Notes:** Position: Support

**HB 2220 Animal control officers; localities may raise cap on salaries.**



*Summary as introduced:*

**Salaries of animal control officers.** Authorizes localities to exceed the statutory cap on dog and cat licenses if they find it is necessary to provide additional compensation for animal officers and for expenses associated with the care provided by a pound and the maintenance of a pound.

*Patron:* Alexander

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/21/09 House: Assigned ACNRsub: #1 Agriculture

**Notes:** Position: Support

**HB 2239 Compulsory training standards; persons designated to provide courthouse security.**

*Summary as introduced:*

**Compulsory training standards; courthouse and courtroom security.** Allows persons designated to provide courthouse security who have previously been certified and served as law-enforcement officers, other than a person terminated for cause, to meet reduced minimum compulsory training standards.

*Patron:* Valentine

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Civil

**Notes:** Position: Support

**HB 2289 Real and personal property taxes; duty to provide information to commissioner of revenue.**

*Summary as introduced:*

**Real and personal property taxes; duty to provide information to commissioner of the revenue.** Requires (i) certain entities that manage real property and that maintain names of the owners of such property, on the request of the commissioner of revenue, to provide such names to the commissioner, and (ii) the owner or manager of a self-storage facility to provide the names and addresses of the lessees of any portion of the facility's common area.

*Patrons:* Cline and Peace

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Finance

01/20/09 House: Assigned Finance sub: 2

**Notes:** Position: Support

**HB 2307 Early voting; any qualified voter may vote in person from 17 to three days before election.**

*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, 2010.

*Patron:* Melvin

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Elections

**Notes:** Position: Support

**HB 2311 Courthouses; assessment for construction, renovation, or maintenance.**

*Summary as introduced:*

**Construction, renovation, or maintenance of a courthouse; fees.** Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, renovation, or maintenance of a courthouse.

*Patron:* Melvin

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee for Courts of Justice

**Notes:** Position: Support

**HB 2328 Adult abuse, suspected; requires local departments to take photographs, etc., thereof.**

*Summary as introduced:*

**Suspected adult abuse; photographing of injuries.** Requires local departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation mandatory.

*Patron:* Athey

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** Position: Support

**HB 2355 Local government; publication of notices for charter changes, referenda, and public hearings, etc;**

*Summary as introduced:* **Local government; publication of notices for charter changes, referenda, and public hearings, etc; alternatives.** Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on the locality's website, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. In selecting the methods of publication, the bill requires the locality to publish/advertise in a manner gauged to ensure that the maximum number of persons within the locality is likely to be

informed of the existence and content of the proposed action. The bill contains technical amendments.

*Patrons:* Landes and Lohr

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Counties, Cities and Towns

01/23/09 House: Assigned CC & T sub: 2

**Notes:** Position: Support

**HB 2380 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.**

*Summary as introduced:*

**Text messaging and emailing while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for persons lawfully parked or stopped, the use of global positioning systems (GPS), and the use of a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

*Patron:* Scott, J.M.

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Transportation

**Notes:** Position: The City supports all legislation that would require any use of cell phones or other wireless communication devices by drivers to be hands-free. The City opposes legislation that would allow drivers to use these devices by any means that is not hands-free.

**HB 2381 Protective orders; court may include therein provisions for protection of companion animals, etc.**

*Summary as introduced:*

**Protective orders; companion animals and livestock.** Provides that a court may include in a protective order provisions for the protection of companion animals and livestock owned, possessed, leased, kept, or held by the party, or his family or household members, for whose benefit the protective order was entered.

*Patron:* Scott, J.M.

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

**Notes:** Position: Support

**HB 2386 Pedestrians and drivers; responsibilities thereof at marked & unmarked crosswalks.**

*Summary as introduced:*

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

*Patron:* Ebbin

01/14/09 House: Prefiled and ordered printed; offered 01/14/09  
01/14/09 House: Referred to Committee on Transportation  
01/23/09 House: Assigned Transportation sub: 2  
**Notes:** Position: Support

**HB 2393 Animal control officers; classified as law-enforcement officers.**

*Summary as introduced:*

**Animal control officers deemed law-enforcement officers.** Adds animal control officers to the following crimes for which enhanced punishment is imposed when the victim of such a crime is a law-enforcement officer: assault and battery, malicious wounding, and obstruction of justice.

*Patron:* Bell

01/14/09 House: Prefiled and ordered printed; offered 01/14/09  
01/14/09 House: Referred to Committee for Courts of Justice  
01/20/09 House: Assigned Courts sub: Criminal  
**Notes:** Position: Support

**HB 2424 Graffiti; restitution for abatement costs.**

*Summary as introduced:*

**Graffiti abatement.** Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action.

*Patron:* May

01/14/09 House: Prefiled and ordered printed; offered 01/14/09  
01/14/09 House: Referred to Committee on Counties, Cities and Towns  
01/23/09 House: Assigned CC & T sub: 2  
**Notes:** Position: Support

**HB 2461 Notification of family member in commitment process; disclosure of certain information of patient.**

*Summary as introduced:*

**Notification of family member of person involved in commitment process.**

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

*Patron:* O'Bannon

01/14/09 House: Prefiled and ordered printed; offered 01/14/09  
01/14/09 House: Referred to Committee on Health, Welfare and Institutions  
**Notes:** Position: Support

**HB 2479 Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.**

*Summary as introduced:*

**Real property tax rate; commercial property in Northern Virginia.** Reduces the rate of the additional real property tax that may be imposed on commercial property by

localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100.

*Patron:* Hugo

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Finance

01/20/09 House: Assigned Finance sub: 2

**Notes:** Position: Oppose

**HB 2489 Assault and battery; penalty when against family or household member.**

*Summary as introduced:*

**Assault and battery against a family or household member; protective order; penalty.** Provides that a person who commits an assault and battery against a person who is protected by the provisions of a protective order is guilty of a Class 1 misdemeanor and, for a third offense, a Class 6 felony.

*Patron:* McClellan

01/14/09 House: Presented and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

**Notes:** Position: Support

**HB 2493 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.**

*Summary as introduced:*

**Corrections; payment of costs associated with prisoner keep.** Increases from \$1 to \$5 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep.

*Patron:* Miller, P.J.

01/14/09 House: Presented and ordered printed

01/14/09 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** Position: Support

**HB 2520 Pedestrians and drivers; responsibilities thereof 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.

*Patron:* Shannon

01/16/09 House: Presented and ordered printed

01/16/09 House: Referred to Committee on Transportation

01/23/09 House: Assigned Transportation sub: 2

**Notes:** Position: Support

**HJ 648 Constitutional amendment; property tax exemption for certain veterans (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent combat-related, permanent, and total disability.

*Patrons:* O'Bannon (by request), Lingamfelter, Bouchard, Bowling, Cole, Frederick, Johnson, Mathieson, Pogge, Purkey, Sherwood, Tyler, Watts and Wright; Senators: Blevins and Quayle

12/17/08 House: Prefiled and ordered printed; offered 01/14/09

12/17/08 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

**Notes:** Position: Oppose

**HJ 669 Constitutional amendment; property tax exemptions for certain veterans (1st reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); property tax exemptions; property of certain veterans.** Provides that the General Assembly may authorize localities to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a service-connected, permanent, and 100 percent total disability. This exemption is not limited to veterans deemed to be bearing an extraordinary tax burden in relation to their income and financial worth.

*Patrons:* Janis and Cole

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

**Notes:** Position: Oppose

**HJ 709 Constitutional amendment; assessments of real property and tax rates (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); assessments of real property and tax rates.** Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

*Patron:* Frederick

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Constitutional

**Notes:** Position: Oppose

**HJ 725 Constitutional amendment; taking of private property for public uses (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); taking of private property for public uses.** Establishes what constitutes a taking of private property for a public use. Takings are for a public use only if (i) the property is taken for the possession, occupation, and enjoyment by the public or a public entity; (ii) the land is taken for construction, maintenance, and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public entity providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. Property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation.

*Patron:* Bell

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Constitutional

**Notes:** Position: Oppose9

**SB 39 Traffic accident reports; increases amount of damage threshold to be reported by law enforcement.**

*Summary as passed Senate:*

**Traffic accident reports.** Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

*Patrons:* Deeds and Cuccinelli; Delegate: Mathieson

01/15/09 House: VOTE: --- PASSAGE (94-Y 2-N)

01/19/09 House: Enrolled

01/19/09 Senate: Bill text as passed Senate and House (SB39ER)

01/19/09 Senate: Signed by President

01/19/09 House: Signed by Speaker

**Notes:** Position: Support

**SB 819 Early voting; qualified registered voter may vote in person from 15 to three days before election.**

*Summary as introduced:*

**Elections; early voting.** Provides that any registered voter qualified to vote in the election may vote in person from 15 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, 2010.

*Patrons:* Lucas, Locke and Reynolds

12/08/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/08/08 Senate: Referred to Committee on Privileges and Elections

**Notes:** Position: Support

**SB 834 Public Procurement Act; procurement of architectural & professional engineering service for project.**

*Summary as introduced:*

**Virginia Public Procurement Act; procurement of architectural and professional engineering services for multiple construction projects.** Provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current law such contracts are renewable for up to two additional one-year terms.

*Patron:* Locke

12/17/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/17/08 Senate: Referred to Committee on General Laws and Technology

01/21/09 Senate: Reported from General Laws and Technology (13-Y 0-N)

01/23/09 Senate: Constitutional reading dispensed (39-Y 0-N)

**Notes:** Position: Oppose

**SB 835 Va. Alcohol Safety Action Program (VASAP); increase of fee for person entering program.**

*Summary as introduced:*

**Criminal law; fee for person entering VASAP.** Increases from \$250 to \$300 the minimum fee and from \$300 to \$360 the maximum fee for persons entering VASAP. Upon each biennium beginning July 1, 2012, the maximum fee will increase by a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set.

*Patron:* Locke

12/17/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/17/08 Senate: Referred to Committee for Courts of Justice

01/13/09 Senate: Assigned Courts sub: Criminal

**Notes:** Position: Support

**SB 914 Substance abuse screening & assessment for VIEW; person ineligible to receive TANF if using drugs.**

*Summary as introduced:*

**Substance abuse screening and assessment of public assistance applicants and recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, where a screening indicates reasonable cause to believe a participant is using illegal drugs, the department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to



receive TANF payments and payments shall be made as protective or vendor payments to a third party payee for the benefit of the members of the participant's household. Persons deemed ineligible for TANF assistance due to failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for TANF assistance once 12 months have elapsed from the date of initial ineligibility.

*Patron:* Stuart

01/05/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/05/09 Senate: Referred to Committee on Rehabilitation and Social Services

**Notes:** Position: Oppose

**SB 966 Wireless telecommunications devices; prohibits use of while driving except in an emergency.**

*Summary as introduced:*

**Wireless telecommunications devices.** Prohibits, except for emergency 911 calls, the use of any cellular telephone, mobile telephone, or other wireless telecommunications device while operating a motor vehicle, unless the device is configured for hands-free operation.

*Patron:* Blevins

01/12/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/12/09 Senate: Referred to Committee on Transportation

01/22/09 Senate: Incorporated by Transportation (SB874-Ticer) (14-Y 0-N)

**Notes:** Position: Support

**SB 979 Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations.**

*Summary as introduced:*

**Transportation; fuel fee.** Allows authorities to pass an ordinance that would impose a fee, not to exceed \$10, on all motor vehicle violations. Such fee shall go to the locality for the purpose of purchasing fuel for local law-enforcement vehicles.

*Patron:* Stuart

01/12/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/12/09 Senate: Referred to Committee on Transportation

01/15/09 Senate: Rereferred from Transportation (15-Y 0-N)

01/15/09 Senate: Rereferred to Local Government

**Notes:** Position: Oppose

**SB 1028 Adult neglect; religious treatment exemption.**

*Summary as introduced:*

**Adult neglect; religious treatment exemption.** Amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult or there is a written or oral expression of consent for that adult.

*Patrons:* Hanger and Puller

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Rehabilitation and Social Services

**Notes:** Position: Support

**SB 1035 Concealed handguns; prohibited in restaurants, etc when consuming alcohol.**

*Summary as introduced:*

**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 who 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

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee for Courts of Justice

**Notes:** Position: Oppose

**SB 1045 Diversionary cash assistance; revises limitation on receipt of one-time assistance to one payment.**

*Summary as introduced:*

**Diversionary cash assistance.** Revises the limitation on receipt of one-time diversionary cash assistance from one payment per 60-month period to one payment per 12-month period.

*Patron:* Miller, Y.B.

01/19/09 Senate: Constitutional reading dispensed (35-Y 0-N)

01/20/09 Senate: Read second time and engrossed

01/21/09 Senate: Passed by for the day

01/22/09 Senate: Motion to rerefer to committee agreed to

01/22/09 Senate: Rereferred to Finance

**Notes:** Position: Support

**SB 1049 Grant program; modifies eligibility of certain foster care and special needs adoption students.**

*Summary as introduced:*

**Grant program for certain foster care and special needs adoption students.** Modifies the eligibility of the current program to allow a student enrolled in a minimum of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation.

*Patron:* Whipple

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Higher Education

**Notes:** Position: Support

**SB 1053 Government facilities; local government may by ordinance, make unlawful to possess dangerous weapon.**

*Summary as introduced:*

**Dangerous weapons in government facilities.** Provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes.

*Patrons:* Whipple; Delegates: Brink and Englin

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Support

**SB 1055 Housing Trust Fund; dedicating revenues to provide affordable housing.**

*Summary as introduced:*

**Virginia Housing Partnership Revolving Trust Fund; dedicating revenues.**

Establishes special, permanent, nonreverting fund to provide affordable housing in the Commonwealth. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing as well as rural housing initiatives. The bill also changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. This bill is recommended by the Virginia Housing Commission.

*Patrons:* Whipple, Howell, Puller and Ticer; Delegates: Amundson, Brink, Ebbin, Eisenberg, Englin, Marsden, Peace, Plum, Sickles, Vanderhye and Watts

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on General Laws and Technology

01/21/09 Senate: Reported from General Laws and Technology with amendment (13-Y 0-N)

01/21/09 Senate: Rereferred to Finance

**Notes:** Position: Support

**SB 1067 Governments, local; adoption of ordinances prohibiting delivery of unsolicited newspapers.**

*Summary as introduced:*

**Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers.** Authorizes any locality to adopt an ordinance making it unlawful for any publisher or distributor to deliver unsolicited newspapers on private property if the owner of the private property has notified the publisher or distributor of the newspaper to cease delivery.

*Patron:* Puller

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Oppose

**SB 1077 Notification of family member; disclosure of information regarding patient's location and condition.**

*Summary as introduced:*

**Notification of family member of person involved in commitment process.**

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

*Patron:* Howell

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Special on Mental Health

**Notes:** Position: Support

**SB 1079 Emergency custody; authority of law-enforcement officer.**

*Summary as introduced:*

**Emergency custody; authority of law-enforcement officer.** Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment.

*Patron:* Howell

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee for Courts of Justice

01/14/09 Senate: Assigned Courts sub: Civil

**Notes:** Position: Support

**SB 1083 Mental health law; amends statutes to address issues resulting from overhaul thereof.**

*Summary as introduced:*

**Mental health law revisions.** Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into

evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

*Patron:* Howell

01/13/09 Senate: Prefiled and ordered printed with emergency clause; offered 01/14/09

01/13/09 Senate: Referred to Committee for Courts of Justice

01/14/09 Senate: Assigned Courts sub: Civil

**Notes:** Position: Support

**SB 1096 Design-Build Construction Management Review Board; authorized to make a one-time determination.**

*Summary as introduced:*

**Design-Build Construction Management Review Board.** Authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment.

*Patron:* Herring

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on General Laws and Technology

01/20/09 Senate: Impact statement from DPB (SB1096)

**Notes:** Position: Support

**SB 1107 Exposure to communicable diseases; first responders.**

*Summary as introduced:*

**Exposure to communicable diseases; first responders.** Requires that if any first responder, including any (i) salaried or volunteer firefighter, paramedic, or emergency medical technician, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city, or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Department of Alcoholic Beverage Control, or (xi) conservation officer of the Department of Conservation and Recreation, becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice.

*Patrons:* Northam, Hanger and McDougle

01/13/09 Senate: Referred to Committee on Education and Health  
01/15/09 Senate: Assigned Education sub: Health Care  
01/22/09 Senate: Committee substitute printed 094126286-S1  
01/22/09 Senate: Reported from Education and Health with substitute (15-Y 0-N)  
01/23/09 Senate: Constitutional reading dispensed (39-Y 0-N)  
**Notes:** Position: Support

**SB 1113 Governments, local; adoption of ordinances prohibiting delivery of unsolicited newspapers.**

*Summary as introduced:*

**Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers.** Authorizes any locality to adopt an ordinance making it unlawful for any publisher or distributor to deliver unsolicited newspapers on private property if the owner of the private property has notified the publisher or distributor of the newspaper in writing to cease delivery.

*Patron:* Ticer

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Oppose

**SB 1122 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.**

*Summary as introduced:*

**Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.** Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and that they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies under what circumstances the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible.

*Patron:* Lucas

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee for Courts of Justice  
01/14/09 Senate: Assigned Courts sub: Civil  
**Notes:** Position: Oppose unless funded

**SB 1131 Notice for setting local real property tax rate; public notice required for increasing rate.**

*Summary as introduced:*

**Notice for setting local real property tax rate.** Reduces from 30 days to 10 days the public notice required by localities under certain circumstances for increasing the local real property tax rate above the rate that would generate 101 percent of the prior year's real property tax revenues.

*Patrons:* Petersen; *Delegate:* Bulova

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee on Finance

**Notes:** Position: Support

**SB 1134 Electronic summons system; localities to assess an additional fee as part of costs.**

*Summary as introduced:*

**Electronic summons system; fees.** Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal or traffic case to be used solely for an electronic summons system.

*Patrons:* Petersen and Barker; *Delegate:* Scott, J.M.

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee for Courts of Justice  
01/14/09 Senate: Assigned Courts sub: Civil

**Notes:** Position: Support

**SB 1149 Juvenile code; makes changes in code pertaining to juveniles and juvenile court provisions.**

*Summary as introduced:*

**Juvenile code.** Makes various clarifying changes in code sections pertaining to juveniles and juvenile court provisions. The bill specifies that the statutory deferred disposition provisions for underage possession of alcohol apply only to adults, since the law pertaining to juveniles already allows deferred dispositions, allows juvenile probation officers to keep relevant photographs in their files, provides that a guardian ad litem of a child may file a petition alleging that the child is in need of services or supervision, specifies that a petition must be filed (rather than proceeding informally) if the offense for which the juvenile had been previously adjudicated delinquent would be a felony if committed by an adult, removes references to juvenile boot camps because they do not exist and provides that a petition may be filed for assault and battery against a family or household member. The bill also repeals two sections (protective orders in cases of family abuse and exception as to confidentiality) and reinserts the same language in the Code in renumbered sections.

*Patron:* Howell

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee for Courts of Justice  
01/14/09 Senate: Assigned Courts sub: Criminal  
**Notes:** Position: Oppose

**SB 1150 Emergency response plans; ensuring victims' rights.**

*Summary as introduced:*

**Emergency plans; victims' rights.** Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both.

*Patron:* Howell

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee on General Laws and Technology  
01/21/09 Senate: Reported from General Laws and Technology (14-Y 0-N)  
01/23/09 Senate: Constitutional reading dispensed (39-Y 0-N)

**Notes:** Position: Oppose

**SB 1157 Recordation and grantor taxes; changes basis of how calculated on transfer of real estate.**

*Summary as introduced:*

**Recordation and grantor taxes; basis.** Changes the basis on which recordation and grantor taxes are calculated on the transfer of real estate to the actual 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. The provisions of the bill would become effective on July 1, 2010.

*Patron:* Saslaw

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee on Finance

**Notes:** Position: Oppose

**SB 1189 Law libraries, local; authorized to use space at public libraries, to charge flat rate to patrons.**

*Summary as introduced:*

**Local law libraries.** Authorizes local law libraries to use space at local public libraries and to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the four dollars assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public.

*Patron:* Puckett

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09  
01/13/09 Senate: Referred to Committee on General Laws and Technology  
01/21/09 Senate: Reported from General Laws and Technology (14-Y 0-N)  
01/23/09 Senate: Constitutional reading dispensed (39-Y 0-N)

**Notes:** Position: Support



**SB 1191 Process and service fees; increases certain sheriff's fees.**

*Summary as introduced:*

**Process and service fees.** Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession.

*Patron:* Puckett

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

1/13/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Civil

**Notes:** Position: Support

**SB 1239 Pedestrians and drivers; sets responsibilities thereof 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:* Barker and Ticer

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Transportation

01/22/09 Senate: Reported from Transportation with amendments (11-Y 4-N)

**Notes:** Position: Support

**SB 1268 Electronic video and audio communication, two-way; if available in pre-trial, judge shall use.**

*Summary as introduced:*

**Personal appearance by two-way electronic video and audio communication.**

Provides that if two-way electronic video and audio communication is available for use by a judge in any pre-trial criminal proceeding, the judge shall use such communication in any proceeding that would otherwise require the transportation of a person from outside the jurisdiction of the court in order to appear in person before the court.

*Patrons:* Vogel and Stuart

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/14/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Criminal

**Notes:** Position: Support

**SB 1272 Tax and fee legislation; requires sunset dates on all and on those existing that are increased.**

*Summary as introduced:*

**Tax and fee legislation; sunset dates.** Requires a sunset date on all bills that add new taxes or fees or increase the rate of existing taxes or fees. The sunset dates would be required for both state and local tax or fee bills.

*Patrons:* Vogel; Delegate: Cole

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/14/09 Senate: Referred to Committee on Rules

**Notes:** Position: Oppose

**SB 1369 Graffiti abatement; permits localities to charge property owner for cost thereof.**

*Summary as introduced:*

**Graffiti abatement.** Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

*Patrons:* Barker and Puller; *Delegates:* Nichols and Sickles

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/14/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Support

**SB 1377 Juvenile arrest information; police and sheriff departments may release current information.**

*Summary as introduced:*

**Juvenile arrest information.** Provides that police and sheriff departments may release current information on juvenile arrests to law-enforcement agencies in other states.

*Patron:* Stolle

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/14/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Criminal

**Notes:** Position: Support

**SB 1416 Preservation of historical sites and architectural areas; local governing bodies may include.**

*Summary as introduced:*

**Preservation of historical sites and architectural areas.** Provides that local governing bodies may include in ordinances establishing historic districts, landmarks, and other buildings or structures within the locality having an important historic, architectural, archaeological, or cultural interest, a provision setting forth a 30-day period for archaeological excavation and preservation before the commercial or residential development of a historic district or any area within the locality that has been identified with potential archaeological or historic significance. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron:* Blevins

01/14/09 Senate: Presented and ordered printed

01/14/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Seek to amend this legislation to remove the 30-daylimit (which is unworkable) for archeological work.

**SB 1432 Notification of family member; disclosure of information regarding patient's location and condition.**

*Summary as introduced:*

**Notification of family member of person involved in commitment process.**

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

*Patron:* Cuccinelli

01/16/09 Senate: Presented and ordered printed

01/16/09 Senate: Referred to Committee on Education and Health

**Notes:** Position: Support

**SB 1436 Crime victims; no law-enforcement officer shall inquire into immigration status of victim of crime.**

*Summary as introduced:*

**Crime victims; immigration status.** Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or is the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

*Patrons:* Howell, Edwards, Herring, Locke, Lucas, Marsh, Puller, Saslaw, Stolle and Whipple; *Delegates:* Albo, Griffith, Loupassi, Mathieson, Melvin, Morrissey, Rust, Shannon and Watts

01/16/09 Senate: Presented and ordered printed

01/16/09 Senate: Referred to Committee for Courts of Justice

01/19/09 Senate: Assigned Courts sub: Criminal

**Notes:** Position: Support

**SJ 290 Constitutional amendment; establishes limitations on takings of private property.**

*Summary as introduced:*

**Constitutional amendment (first resolution); taking of private property for public uses.** Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

*Patrons:* Obenshain and Smith

12/23/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/23/08 Senate: Referred to Committee on Privileges and Elections

**Notes:** Position: Oppose

**Current Status of City Package Bills  
January 23, 2007**

**HB 1643 Elections; electoral board may provide for oaths of officers, voter permitted to wear certain items.**

*Summary as introduced:*

**Conduct of elections; service and oaths of officers of election; and prohibited activities and permitted observers at the polls.** Provides that (i) the electoral board may provide for administering oaths for officers of election taking into account the hours of service of the officers; (ii) at least one party or candidate representative for each section of the pollbook shall be permitted as an observer in the polling place; and (iii) the wearing of apparel, stickers, or buttons with a candidate's name or slogan into the polling place shall be allowed.

*Patron:* Englin

12/11/08 House: Prefiled and ordered printed; offered 01/14/09

12/11/08 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Campaign Finance

**Notes:** Position: Support

**HB 1692 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.**

*Summary as introduced:*

**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:* Englin, Bouchard and Eisenberg

01/05/09 House: Prefiled and ordered printed; offered 01/14/09

01/05/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 1703 Indoor Clean Air Act; unlawful for any person to smoke in establishment built after July 1, 2010.**

*Summary as introduced:*

**Virginia Indoor Clean Air Act; penalty.** Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2010, as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments.

*Patron:* Cosgrove

01/05/09 House: Prefiled and ordered printed; offered 01/14/09

01/05/09 House: Referred to Committee on General Laws

**Notes:** Position: Oppose

**HB 1704 Smoke Free Air Act; smoking in public places, civil penalties.**

*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:* Howell, A.T.

01/05/09 House: Prefiled and ordered printed; offered 01/14/09

01/05/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 1814 Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse.**

*Summary as introduced:*

**Plastic bags; use by retailers.** Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

*Patrons:* Morrissey, BaCote, Bouchard, Ebbin, Eisenberg and Ward

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Notes:** Position: Support

**HB 1833 Indoor Clean Air Act; allows localities to exceed requirements that regulate smoking.**

*Summary as introduced:*

**Virginia Indoor Clean Air Act; local ordinances.** Allows localities to exceed the requirements established in the Virginia Indoor Clean Air Act when adopting ordinances that regulate smoking.

*Patron:* Toscano

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 2007 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 that exceed those established in the Virginia Indoor Clean Air Act.

*Patron:* Brink

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 2067 Smoke Free Air Act; smoking in public places, civil penalties.**

*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, 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

01/13/09 House: Prefiled and ordered printed; offered 01/14/09

01/13/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 2246 Indoor Clean Air Act; localities to adopt ordinances containing standards, etc. relating to smoking.**

*Summary as introduced:*

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

*Patron:* Barlow

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on General Laws

**Notes:** Position: Support

**HB 2385 Discrimination; prohibited in public employment based on race, color, religion, etc.**

*Summary as introduced:*

**Public employment; nondiscrimination.** Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

*Patrons:* Ebbin, Abbitt, Alexander, Amundson, BaCote, Barlow, Bouchard, Brink, Bulova, Caputo, Dance, Eisenberg, Englin, Hall, Howell, A.T., Hull, Lewis, Marsden, Mathieson, McClellan, McQuinn, Melvin, Miller, P.J., Morrissey, Nichols, Plum, Poisson, Rust, Scott, J.M., Shannon, Shuler, Sickles, Spruill, Toscano, Tyler, Valentine, Vanderhye, Ward, Ware, O., Ware, R.L. and Watts; *Senators:* Deeds, Edwards, Herring, Northam, Petersen, Saslaw and Ticer

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on General Laws

01/23/09 House: Assigned GL sub: Professional/Occupational/Adminstrative Process

**Notes:** Position: Support

**HJ 623 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentences subject to the conditions, requirements, and classifications set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patrons:* Dance and Morrissey

10/02/08 House: Prefiled and ordered printed; offered 01/14/09

10/02/08 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends passing by indefinitely

**Notes:** Position: Support

**HJ 656 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patron:* Tyler

01/05/09 House: Prefiled and ordered printed; offered 01/14/09

01/05/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends incorporating into HJ628 by voice vote

**Notes:** Position: Support

**HJ 664 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

*Patrons:* Morrissey, BaCote, Ebbin, Eisenberg, Hall and Ward

01/12/09 House: Prefiled and ordered printed; offered 01/14/09

01/12/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends incorporating into HJ623 by voice vote

**Notes:** Position: Support

**HJ 726 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patrons:* Hall, Alexander, BaCote, Dance, Howell, A.T., McClellan, McQuinn, Melvin, Morrissey, Scott, J.M., Spruill and Ward; Senators: Marsh, McEachin and Miller, Y.B.

01/14/09 House: Prefiled and ordered printed; offered 01/14/09

01/14/09 House: Referred to Committee on Privileges and Elections



01/22/09 House: Assigned P & E sub: Constitutional

**Notes:** Position: Support

**SB 832 Firearms; possessing or carrying dangerous weapon in public buildings during official meetings.**

*Summary as introduced:*

**Control of firearms; possessing or carrying a dangerous weapon in public buildings during official meetings of the governing body.** Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in community or recreation centers, administrative buildings, or public libraries owned or operated by the locality during an official meeting of the governing body.

*Patron:* Locke

12/17/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/17/08 Senate: Referred to Committee on Local Government

**Notes:** Position: Support

**SB 838 Land preservation tax credit; conveyance for public parks or public recreational facilities.**

*Summary as introduced:*

**Land preservation tax credit; conveyance for public parks or public recreational facilities.** Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility. The 60 percent tax credit would apply only if (i) the responsible authorities of a park authority or local park agency or the Department of Conservation and Recreation execute a written document stating its acceptance of the donation, and (ii) the conveyance is in accordance with the current comprehensive plans of the counties or cities in which the donated land is located. All other donations under the land preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law.

*Patrons:* Ticer; Delegate: Bouchard

12/22/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/22/08 Senate: Referred to Committee on Finance

01/07/09 Senate: Introduced bill reprinted 096559336

**Notes:** Position: Support

**SB 874 Mobile telephone and other wireless electronic devices; use of hands-free accessory while driving.**

*Summary as introduced:*

**Use of mobile telephone and other wireless electronic devices while driving.**

Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

*Patron:* Ticer

12/29/08 Senate: Prefiled and ordered printed; offered 01/14/09

12/29/08 Senate: Referred to Committee on Transportation

01/22/09 Senate: Reported from Transportation with substitute (10-Y 5-N)

01/23/09 Senate: Committee substitute printed 093855336-S1

**Notes:** Position: Support

**SB 929 Charter; City of Alexandria.**

*Summary as introduced:*

**Charter; City of Alexandria.** Amends the charter to allow the city council, by ordinance, to establish term limits for members of advisory boards and commissioners whom the council has appointed. Further amends the charter by requiring any applicant in a land use proceeding to fully disclose all parties who have an ownership or financial interest in the land or application that is the subject of the hearing. Requires that all parties, members of city council, members of the planning commission, members of the board of zoning appeals, and members of the board of architectural review in any proceeding regarding land use or land development to make a full public disclosure of any business or financial relationship that such individual has, or has had within the 12-month period prior to such hearing, with each member of the board in front of which they appear. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor.

*Patron:* Ticer

01/05/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/05/09 Senate: Referred to Committee on Local Government

01/20/09 Senate: Reported from Local Government (12-Y 0-N)

01/22/09 Senate: Constitutional reading dispensed (40-Y 0-N)

01/23/09 Senate: Read second time and engrossed

**Notes:** Position: Support

**SB 1002 Indoor Clean Air Act; localities to adopt ordinances containing standards, etc. relating to smoking.**

*Summary as introduced:*

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

*Patron:* Quayle

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Local Government

01/20/09 Senate: Failed to report (defeated) in Local Government (6-Y 6-N)

**Notes:** Position: Support

**SB 1057 Smoke Free Air Act; smoking in public places, civil penalties.**

*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, 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:* Whipple, Barker, Howell, Puller and Ticer; *Delegates:* Brink, Bulova, Ebbin, Eisenberg, Englin, Marsden, Plum, Sickles, Vanderhye and Watts

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Special on Smoking

**Notes:** Position: Support

**SB 1105 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.**

*Summary as introduced:*

**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.

*Patron:* Northam

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Local Government

**Notes:** Position: Support

**SB 1160 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.**

*Summary as introduced:*

**Virginia Indoor Clean Air Act; civil 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. Also, the bill requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

*Patron:* Saslaw

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Special on Smoking

**Notes:** Position: Support

**SB 1230 Elections; extension of polling hours in emergency situations.**

*Summary as introduced:*

**Elections; emergencies; extension of polling hours.** Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours.

*Patron:* Barker

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/13/09 Senate: Referred to Committee on Privileges and Elections

**Notes:** Position: Support

**SB 1247 Human Rights Act; adds sexual orientation to definition of unlawful discriminatory practice.**

*Summary as introduced:*

**Virginia Human Rights Act; sexual orientation.** Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill also removes the provision that limited on private causes of action to where the employers employed more than five but less than 15 persons.

*Patron:* Northam

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09

01/14/09 Senate: Referred to Committee on General Laws and Technology

**Notes:** Position: Support

**SJ 273 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patron:* Miller, Y.B.

09/24/08 Senate: Prefiled and ordered printed; offered 01/14/09

09/24/08 Senate: Referred to Committee on Privileges and Elections

**Notes:** Position: Support

*City of Alexandria*

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**MEMORANDUM**

DATE: FEBRUARY 1, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: ADDENDUM TO RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON  
LEGISLATION INTRODUCED AT THE 2009 GENERAL ASSEMBLY SESSION

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**ISSUE:** Addendum to recommendations and status report (No. 1) on legislation introduced at the 2009 General Assembly Session. **This is Docket item No. 12.**

**RECOMMENDATION:** That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilman Smedberg).

**DISCUSSION:** Attachment 1 contains recommendations on bills of importance to the City that have been considered since the docket memo for the January 27 City Council meeting (now rescheduled for February 2) was written. At the February 2 meeting, staff will also update Council on issues addressed in that memo.

**STAFF:**

Bernard Caton, Legislative Director

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, February 2, 2009

**Recommended Positions on Bills of Importance to the City  
February 1, 2009**

**HB 1946 Statewide case and financial management systems.**

*Summary as introduced:*

**Statewide case and financial management systems.** Gives the Executive Secretary of the Supreme Court responsibility for the operation of maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality.

*Patrons:* Peace, Janis and Loupassi

01/28/09 House: Reported from Courts of Justice with amendment (21-Y 0-N)

**Notes:** Support.

**HB 1975 Green roofs; authorizes localities, by ordinance, to grant incentives, etc.**

*Summary as introduced:*

**Local incentives for green roofs.** Authorizes localities to grant incentives or provide regulatory flexibility to encourage the use of green roofs in residential and commercial buildings, such as reductions in permit fees, streamlined approval processes, or tax reductions.

*Patrons:* Ware, R.L., Ebbin and Ware, O.

01/28/09 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/29/09 Senate: Referred to Committee on Finance

**Notes:** Support.

**HB 2048 Child day programs; exemption from licensure.**

*Summary as introduced:*

**Child day programs; exemption from licensure.** Broadens existing licensure exemptions.

*Patrons:* Gear and Cole

01/13/09 House: Referred to Committee on Health, Welfare and Institutions

01/16/09 House: Assigned HWI sub: Welfare

**Notes:** Oppose.

**HB 2080 Landlord and tenant laws; landlord to give same notice to tenant for application of insecticides.**

*Summary as introduced:*

**Landlord and tenant laws.** Requires the landlord to give the same notice to the tenant for the application of insecticides as is required for pesticide applications, and requires the tenant to prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, to follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides. The bill also (i) eliminates the landlord's obligation to pay all costs for mold remediation where the mold is a result of the tenant's failure to maintain the dwelling unit; (ii) eliminates a tenant's defense for nonpayment of rent and the right to escrow the rent with the court in an action for possession because of the landlord's noncompliance with the rental agreement or VRLTA; (iii) eliminates a tenant's right to repair, replace, or clean a damaged item in the dwelling unit and instead allows the landlord to do so and charge all costs to the tenant, which costs shall be due on the next rent due date; and (iv) removes the cap on liquidated damages penalties included in a rental agreement. The bill requires the landlord to provide notice to the tenant in the event of foreclosure under certain circumstances

*Patron:* Oder

01/30/09 House: Referred from Courts of Justice

01/30/09 House: Referred to Committee on General Laws

**Notes:** Oppose.

**HB 2106 Neighborhood Assistance Act tax credits; housing choice voucher.**

*Summary as introduced:*

**Neighborhood Assistance Act tax credits; landlords participating in housing choice voucher programs.** Allocates \$4.5 million in Neighborhood Assistance Act tax credits to landlords participating in housing choice voucher programs for low-income tenants. The bill also increases the annual amount of Neighborhood Assistance Act tax credits from \$12 million to \$12.5 million, with the \$500,000 increase coming from a transfer of tax credits that are currently reserved for the low-income housing credit under § 58.1-435. The bill extends the sunset date of the Neighborhood Assistance Act tax credit program from July 1, 2009, to July 1, 2011.

*Patrons:* McClellan and Englin; Senator: McEachin

01/13/09 House: Referred to Committee on Finance

**Notes:** Support.

## **HB 2129 Landlord and tenant laws; notice to tenant in event of foreclosure.**

*Summary as introduced:*

**Landlord and tenant laws; notice to tenant in event of foreclosure.** Requires a landlord to give written notice to the tenant of a mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit, within five business days after written notice from the lender is received by the landlord. The bill provides that it does not apply (i) to any managing agent who does not receive a copy of such written notice from the lender or (ii) if the tenant provides a copy of the written notice from the lender to the landlord or the managing agent. Further, the bill provides that failure of the landlord to provide the required notice shall immediately terminate the rental agreement at the option of the tenant and, notwithstanding any law to the contrary, the tenant shall be entitled to return of the security deposit and any accrued interest, without any deductions, damages, or charges by the landlord within 10 days after termination of the tenancy and delivery of possession.

*Patron:* Nichols

01/28/09 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/29/09 Senate: Referred to Committee on General Laws and Technology

**Notes:** Support.

## **HB 2159 Adoption of a child; amends statutes governing.**

*Summary as introduced:*

**Adoption of a child.** Amends statutes governing adoption of a child to provide that where any provision of the statutes governing adoption apply to only one adoptive parent, the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies; that payment of child support shall not constitute contact for the purpose of determining whether a parent has abandoned a child; that a court may grant a petition for adoption in the absence of consent by a parent upon filing of a death certificate for that parent; that parental consent to an entrustment agreement shall be revocable prior to entry of a final order of adoption upon proof of fraud or duress, or upon the consent of the birth parents and adoptive parents or child-placing agency; that, for purposes of consenting to an adoption, an affidavit signed by the birth mother stating that the identity of the birth father is unknown and not reasonably ascertainable shall be sufficient to establish that the identity of the father is not known; making the requirement that a licensed child-placing agency or local board consider recommendations of the birth parent, a physician or attorney optional rather than mandatory; provides that where the identity of the birth father is reasonably ascertainable but the whereabouts of the birth father are not reasonably ascertainable, verification of compliance with the requirements of the Putative Father Registry shall be provided to the court; that where a child has been placed under the physical custody and care of the prospective adoptive parents and the



birth parent or parents fail to appear at the hearing to execute consent, the court may grant the petition without the consent of the parents; that a birth father who learns that he is the birth father of a child, and this fact has been concealed from him by fraud on the part of the birth mother, the birth father shall be able to register with the Putative Father Registry for a period of 10 days or until the entry of an order of reference, and interlocutory order or a final order of adoption is entered; and that where a putative father's identity and whereabouts are reasonably ascertainable, notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be mailed to the putative birth father by certified mail either before or after the birth of the child, but not after the court has entered an order of reference, interlocutory order, or final order of adoption.

*Patron:* Toscano

01/29/09 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N)

01/30/09 House: Read first time

**Notes:** Support.

## **HB 2176 Energy Efficiency and Conservation Fund; established.**

*Summary as introduced:*

**Electric energy efficiency standards.** Establishes an energy efficiency standard under which investor-owned electric utilities are required to reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency and conservation programs, in 2025 by 19 percent compared to the consumption level currently projected for such year. Between 2010 and 2025, utilities are required to meet interim benchmarks established by the State Corporation Commission (SCC), which may be amended due to such factors as economic growth, the addition of load to serve plug-in vehicles, or regulatory, economic, or technological reasons beyond the utility's control. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment in an amount not to exceed 3 cents per kilowatt hour consumed in excess of the benchmark amount. A utility's energy efficiency and conservation programs shall be reported in its integrated resource plans.

*Patron:* Plum

01/14/09 House: Referred to Committee on Commerce and Labor

01/26/09 House: Assigned C & L sub: 3 Energy

**Notes:** Support.

**HB 2177 Rechargeable battery recycling; authorizes localities to ban certain.**

*Summary as introduced:*

**Rechargeable battery recycling.** Authorizes localities to ban the disposal of certain rechargeable batteries 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 rechargeable batteries generated within its jurisdiction.

*Patron:* Plum

01/30/09 House: Engrossed by House as amended HB2177E

01/30/09 House: Printed as engrossed 095810868-E

**Notes:** Support.

**HB 2310 Confidentiality of court records; person is authorized to have copies made of records.**

*Summary as introduced:*

**Confidentiality of court records.** Allows any person that may inspect juvenile case files to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts.

*Patron:* Melvin

01/30/09 House: Reported from Courts of Justice (19-Y 0-N)

**Notes:** Oppose.

**HB 2387 Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.**

*Summary as introduced:*

**Green Public Buildings Act.** Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative standard or the LEED standard. Limited exemptions may be granted by the governing body of a locality or school board for local projects.

*Patron:* Ebbin

01/14/09 House: Referred to Committee on General Laws

**Notes:** Support.

**HB 2400 Sexual Assault Response Teams; attorneys for State to establish.**

*Summary as introduced:*

**Sexual assault response teams.** Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for establishing policies and coordinating responses to sexual assault incidents. The bill requires the Department of Criminal Justice Services to assist in establishing the teams.

*Patrons:* Bell and Pollard

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

01/30/09 House: Subcommittee recommends reporting with amendment(s)

**Notes:** Support.

**HB 2580 Illegal immigrants; removes Code provision that prohibits an arrest thereof more frequently.**

*Summary as introduced:*

**Arrest of illegal immigrants.** Removes Code provision that prohibits an arrest of an illegal alien (who has been previously convicted of a felony and deported) more frequently than once every six months.

*Patrons:* Miller, J.H. and Gilbert

01/21/09 House: Referred to Committee for Courts of Justice

01/28/09 House: Assigned Courts sub: Criminal

**Notes:** Oppose.

**HB 2590 Financial accounting and reporting system for postemployment benefits.**

*Summary as introduced:*

**Financial accounting and reporting systems.** Establishes an alternative financial accounting and reporting system for postemployment benefits, other than pension benefits.

*Patron:* Ebbin

01/22/09 House: Referred to Committee on General Laws

**Notes:** Staff is trying to get more information on the potential impact of this bill on the City. If it will hurt the City, the City will oppose it.

**HB 2616 Tuition, in-state; person holding student or other temporary visa.**

*Summary as introduced:*

**Eligibility for in-state tuition.** Allows in-state tuition for a person holding a student or other temporary visa who provides evidence that he (i) has resided in Virginia for at least five years, (ii) has received a high school diploma from a public school in Virginia or a GED certificate, (iii) is enrolled as a student in a public institution of higher education in the Commonwealth, (iv) has paid Virginia state income taxes for at least one year prior to the date of enrollment, and (v) has filed an affidavit with the college or university where he is enrolled that he will make application for permanent residency within 90 days of the date in which he becomes eligible to do so.

*Patron:* Hull

01/23/09 House: Referred to Committee on Education

01/30/09 House: Assigned Education sub: Higher Education and Arts

**Notes:** Support.

**HB 2637 Arrests; requires fingerprints be taken and forwarded to State.**

*Summary as introduced:*

**Arrests for which fingerprints are required.** Requires that fingerprints be taken and forwarded to the State upon an arrest for a violation of a protective order issued under Title 16.1. Fingerprints are already authorized for misdemeanor violations of stalking protective orders.

*Patron:* Cline

01/23/09 House: Referred to Committee for Courts of Justice

**Notes:** Support.

**HB 2653 Zoning ordinance enforcement; not to be charged therewith unless landlord knew of tenant's conduct.**

*Summary as introduced:*

**Zoning ordinance enforcement.** Provides that the owner of a single-family residential rental dwelling may not be charged with a zoning violation unless he knew or had reason to know of the tenant's conduct.

*Patron:* Bulova

01/23/09 House: Referred to Committee on Counties, Cities and Towns

**Notes:** Oppose.

**SB 979 Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations.**

*Summary as introduced:*

**Transportation; fuel fee.** Allows authorities to pass an ordinance that would impose a fee, not to exceed \$10, on all motor vehicle violations. Such fee shall go to the locality for the purpose of purchasing fuel for local law-enforcement vehicles.

*Patron:* Stuart

01/27/09 Senate: Reported from Local Government (11-Y 3-N)

01/30/09 Senate: Read second time and engrossed

**Notes:** Position: Support (This is a change in position; the City originally opposed the bill, which would allow an add-on fee for those convicted of motor vehicle violations; the new revenues would be available to help pay for fuel for law enforcement vehicles. The City did not approve of this restriction, but since it appears that a less restrictive use of such revenues will not be enacted, the City supports the bill as written. The bill is permissive; localities may choose whether or not to add on this fee.

**SB 982 Stormwater; requires localities to regulate.**

*Summary as introduced:*

**Regulation of stormwater.** Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, localities have the option of providing such waivers.

*Patron:* Wagner

01/12/09 Senate: Referred to Committee on Local Government

**Notes:** Oppose.

**SB 1058 Green roofs; allows localities to grant incentives or provide regulatory flexibility.**

*Summary as introduced:*

**Local incentives for green roofs.** Authorizes localities to grant incentives or provide regulatory flexibility to encourage the use of green roofs in residential and commercial buildings, such as reductions in permit fees, streamlined approval processes, or tax reductions.

*Patrons:* Whipple, Barker, Howell, Petersen, Puller and Ticer; *Delegates:* Amundson, Bulova, Hugo, Marsden, Plum, Rust, Sickles, Vanderhye and Watts  
01/29/09 Senate: Engrossed by Senate - committee substitute SB1058S1  
01/30/09 Senate: Read third time and passed Senate (39-Y 0-N)

**Notes:** Support.

**SB 1115 Land Conservation Fund; public access parkland.**

*Summary as introduced:*

**Virginia Land Conservation Fund; public access parkland.** Adds "public access parkland" to the uses for which money from the Virginia Land Conservation Fund (the "Fund") must be spent in those years when the Fund contains more than \$10 million. The Virginia Outdoors Foundation, which administers the Fund, will award grants for public access parkland based on a number of factors, including the availability of alternative public parks in the planning districts where the property is located and the number of people in an immediate geographical area.

*Patron:* Ticer

01/29/09 Senate: Read third time and passed Senate (28-Y 11-N)

**Notes:** Support.

**SB 1199 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.**

*Summary as introduced:*

**Payment of costs associated with prisoner keep.** Increases the fee charged a jail inmate from \$1 to \$25 per day.

*Patron:* Puckett

01/13/09 Senate: Referred to Committee on Rehabilitation and Social Services

01/30/09 Senate: Reported from Rehabilitation and Social Services with amendment (14-Y 0-N)

**Notes:** Support.

**SB 1200 Vehicle license fees and taxes; localities to exempt veterans and surviving spouses of veterans.**

*Summary as introduced:*

**Local vehicle license fees and taxes; veterans and their surviving spouses.** Allows localities to exempt veterans and surviving spouses from local vehicle license fees and taxes.

*Patrons:* Puckett; Delegate: Bowling  
01/27/09 Senate: Reported from Local Government (15-Y 0-N)  
01/30/09 Senate: Read second time and engrossed

**Notes:** Oppose.

**SB 1228 CSB; removes prohibition on employment if convicted of assault of family member.**

*Summary as introduced:*

**Eligibility for employment with community services board; removes provision allowing employment of person convicted of assault and battery of a family member.** Eliminates provision authorizing employment of a person convicted of assault and battery of a family member at an adult substance abuse or adult mental health treatment program by a CSB.

*Patron:* Barker  
01/13/09 Senate: Referred to Committee on Education and Health  
01/19/09 Senate: Assigned Education sub: Health Care

**Notes:** Oppose (the Alexandria Department of Mental Health, Mental Retardation, and Substance Abuse would like to retain its current discretion in these hiring decisions).

**SB 1387 Courthouse construction, renovation, etc.; increases fee on civil and criminal cases therefor.**

*Summary as introduced:*

**Fees for courthouse construction, renovation, or maintenance.** Increases the fee on civil and criminal cases from \$2 to \$10, to be used for courthouse construction, renovation, or maintenance.

*Patron:* Stolle  
01/26/09 Senate: Rereferred from Courts of Justice to Finance (10-Y 5-N)

**Notes:** Support.

**SB 1442 Statewide case and financial management systems; Ex. Secretary of Supreme Court responsible for.**

*Summary as introduced:*

**Statewide case and financial management systems; interface with circuit courts.** Gives the Executive Secretary of the Supreme Court the responsibility for the operation of maintenance of

a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing and implementing any such interface shall be the responsibility of the circuit court clerk.

*Patron:* Stolle

01/19/09 Senate: Referred to Committee for Courts of Justice

01/20/09 Senate: Assigned Courts sub: Civil

**Notes:** Support.

### **SB 1447 Energy Efficiency Commission; established, report.**

*Summary as introduced:*

**Energy efficiency by electric utilities.** Requires investor-owned electric utilities and electric cooperatives to implement energy efficiency programs. Utilities are eligible to recover costs of approved programs that achieve quantifiable, observable savings where the scope of the program is sufficient to reduce demand from retail customers by amounts needed to attain a targeted 19 percent consumption reduction goal by 2025. Investor-owned electric utilities are also eligible to earn a 200 basis points' enhanced return on equity on investments in approved energy efficiency programs. The integrated resource plans developed by electric utilities shall include investments in energy efficiency resources sufficient to achieve a 19 percent reduction in the utility customer's consumption in 2025, compared to the projected level of consumption that would occur without such investments. The net energy metering program shall be revised to supplement energy efficiency programs. The SCC must develop regulations that provide access to the electrical grid by distributed generators with combined heat and power systems. Requires electric coops to prepare integrated resource plans on the same terms applicable to investor-owned electric utilities. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment of up to 3 cents per kilowatt hour in excess of the benchmark amount. Funds collected from alternate compliance payments are to be deposited in a special fund to be used to finance financial incentives, including grants and low-interest loans for energy efficiency and conservation programs. A Virginia Energy Efficiency Commission is established as an advisory Commission in the executive branch to evaluate the success of energy efficiency programs, to verify the achievements of such programs, and to identify new cost-effective opportunities for new energy efficiency programs.

*Patron:* McEachin

01/19/09 Senate: Referred to Committee on Commerce and Labor

01/23/09 Senate: Assigned C&L sub: Utilities

**Notes:** Support.



**SB 1481 Criminal cases; allows circuit court clerk to assess local fee of up 10% of total fees charged.**

*Summary as introduced:*

**Additional local fee; criminal cases.** Allows the circuit court clerk to assess a fee of up to 10 percent of the total fees charged in criminal cases; revenues are to be used for the clerk's office.

*Patron:* Ruff

01/28/09 Senate: Rereferred from Courts of Justice (15-Y 0-N)

01/28/09 Senate: Rereferred to Finance

**Notes:** Support.

**SB 1525 Conflicts of Interests Act, State and Local; prohibited contracts.**

*Summary as introduced:*

**State and Local Conflicts of Interests Act; prohibited contracts.** Provides that certain prohibitions on contracts involving local government employees shall not apply when a contract is awarded to an immediate family member of the officer or employee as a result of competitive sealed bidding or competitive negotiation, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract.

*Patron:* Martin

01/23/09 Senate: Referred to Committee on General Laws and Technology

**Notes:** Oppose.

**SB 1533 Special use permits; extension of validity.**

*Summary as introduced:*

**Special use permits; extension of validity.** Extends the expiration of special use permits that were outstanding as of January 1, 2009, for a period of 5 years from their current expiration date.

*Patron:* Saslaw

01/23/09 Senate: Referred to Committee on Local Government

**Notes:** Oppose.

**SJ 335 Constitutional amendment; removes requirement that cities be established as entity independent.**

*Summary as introduced:*

**Constitutional amendment; independent cities.** Removes the requirement that cities be established as an entity independent of other local governments.

*Patron:* Watkins

01/13/09 Senate: Referred to Committee on Privileges and Elections

**Notes:** Oppose.

**SJ 353 Local government; distribution of state and local taxes therefor.**

*Summary as introduced:*

**Study; distribution of taxes to local governments; report.** Establishes a joint subcommittee to study the processes and the accuracy of the distribution of local taxes and state taxes collected by state entities for local governments.

*Patrons:* McEachin, Stosch and Watkins; *Delegates:* Bulova, Ingram, Janis, Massie, McClellan, Morrissey, O'Bannon and Peace

01/14/09 Senate: Referred to Committee on Rules

01/26/09 Senate: Assigned Rules sub: Studies

**Notes:** Support. (This study, if undertaken, could lead to policies that enable the state do a better job at crediting sales tax revenues accurately to the locality where they were paid.)