

1 | 30 | 09

Agenda

Legislative Subcommittee
Friday, January 30, 2009
5 p.m., Council Workroom

City Package

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

1/05/09 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, Howell, Locke, Lucas, Northam, Petersen, Puller, Saslaw, Ticer and Whipple

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 628 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: Ware, O., Tyler, Alexander, Hall, McQuinn and Morrissey

10/24/08 House: Prefiled and ordered printed; offered 01/14/09

10/24/08 House: Referred to Committee on Privileges and Elections

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

01/19/09 House: Subcommittee recommends reporting with amendment(s)

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

01/28/09 Senate: Reported from Finance (8-Y 7-N)

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

01/28/09 Senate: Amendments by Senator Cuccinelli rejected

01/28/09 Senate: Engrossed by Senate - committee substitute SB874S1

01/28/09 Senate: Constitutional reading dispensed (40-Y 0-N)

01/28/09 Senate: Motion to rerefer to committee agreed to

01/28/09 Senate: Rereferred to Courts of Justice

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: 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

01/26/09 Senate: Read third time and passed Senate (40-Y 0-N)

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 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

01/27/09 Senate: Rereferred from Local Government (15-Y 0-N)

01/27/09 Senate: Rereferred to Education and Health

01/28/09 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 limiting 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

SB979 Reconsideration

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

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

Transportation & Environmental Services

HB 1975 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.

Summary as introduced:

Local incentives for green roofs. Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

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

01/27/09 House: Read second time

01/27/09 House: Committee substitute agreed to 092064780-H1

01/27/09 House: Engrossed by House - committee substitute HB1975H1

01/28/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

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

HB 2105 Electric utility regulation; directs SCC to take into account whether facility consistent.

Summary as introduced:

Electric utility regulation. Directs the State Corporation Commission to take into account, when considering requests for a certificate, permit, or approval for a generation facility, whether the facility is consistent with the utility's integrated resource plan. The measure also (i) establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025; (ii) allows utilities to recover costs of designing and operating demand management, conservation, energy efficiency, and load management programs, including an enhanced rate of return on capital invested in energy efficiency, including advanced metering infrastructure, of 200 basis points for between three and seven years; (iii) requires utilities to develop tariffs offering real-time variable rates; and (iv) requires that rates for utility payments to eligible customer-generators under a net energy metering program be not less than the rate the utility charges its customers for electricity provided 100 percent from renewable energy.

Patron: McClellan

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

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

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

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

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

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

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

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

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

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 green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

Patron: Ebbin

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

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

HB 2506 Energy efficiency programs; investor-owned electric utilities to recover costs of designing, etc.

Summary as introduced:

Energy efficiency programs. Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing and operating energy efficiency programs that have the effect of decreasing the total amount of energy used over time and of delaying the need for construction of new generation facilities. The utility may earn

the same enhanced rate of return on energy efficiency programs that is currently provided for renewable powered generation facilities, as well as net lost revenues for the program's full service life.

Patrons: Pollard, Lingamfelter, Saxman and Ware, R.L.

01/15/09 House: Presented and ordered printed

01/15/09 House: Referred to Committee on Commerce and Labor

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

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

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

SB 1058 Green roofs; authorizes counties, etc., to grant incentives or provide regulatory flexibility.

Summary as introduced:

Local incentives for green roofs. Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

Patrons: Whipple, Barker, Howell, Petersen, Puller and Ticer; Delegates: Amundson, Bulova, Hugo, Marsden, Plum, Rust, Sickles, Vanderhye and Watts

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

01/27/09 Senate: Reported from Finance with substitute (16-Y 0-N)

01/27/09 Senate: Committee substitute printed 092896352-S1

01/28/09 Senate: Constitutional reading dispensed (40-Y 0-N)

SB 1248 Electric energy efficiency standards; 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: Northam

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

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

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

SB 1339 Electric utility regulation; directs SCC to take into account whether facility consistent.

Summary as introduced:

Electric utility regulation. Directs the State Corporation Commission to take into account, when considering requests for a certificate, permit, or approval for a generation facility, whether the facility is consistent with the utility's integrated resource plan. The measure also (i) establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025; (ii) allows utilities to recover costs of designing and operating demand management, conservation, energy efficiency, and load management programs, including an enhanced rate of return on capital invested in energy efficiency, including advanced metering infrastructure, of 200 basis points for between three and seven years; (iii) requires utilities to develop tariffs offering real-time variable rates; and (iv) requires that rates for utility payments to eligible customer-generators under a net energy metering program be not less than the rate the utility charges its customers for electricity provided 100 percent from renewable energy.

Patron: Herring

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

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

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

SB 1440 Electric utilities; include in integrated resource plan reduce customers' electricity consumption.

Summary as introduced:

Integrated resource planning; electrical consumption. Requires each electric utility to include in its integrated resource plan, and amendments thereto, a plan for the utility to reduce its customers' electricity consumption by 2025 to a level that is 19 percent less than the forecasted 2025 consumption level, through investments in programs that will reduce the amount of base load power that the utility will be required to make available to meet expected customer consumption. The measure requires electric cooperatives 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 in an amount not to exceed three cents per kilowatt hour consumed in excess of the benchmark amount. Funds collected from alternate compliance payments are to be deposited in a special fund named the Virginia Energy Efficiency and Integrated Resource Plan Compliance Fund. The Fund shall be used to finance financial incentives, including grants and low-interest loans, to persons other than utilities for the implementation of energy efficiency and conservation programs.

Patron: Herring

01/19/09 Senate: Presented and ordered printed

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

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

SB 1447 Virginia Energy Efficiency Commission, established.

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 State Corporation Commission is required to develop regulations that provide access to the electrical grid by distributed generators with combined heat and power systems. The measure requires electric cooperatives 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 in an amount not to exceed 3 cents per kilowatt hour consumed in excess of the benchmark amount. Funds collected from alternate compliance payments are to be deposited in a special fund named the Virginia Energy Efficiency and Integrated Resource Plan Compliance Fund. The Fund shall be used to finance financial incentives, including grants and low-interest loans, to persons other than utilities for the implementation of 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: Presented and ordered printed

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

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

Taxation, Finance and Budget

HB 2590 Financial accounting and reporting system; establish alternative 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: Presented and ordered printed

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

HB 2628 Public Procurement Act; cooperative procurement.

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement. Provides that no local public body shall purchase from another public body's contract until it makes a written determination in advance that such cooperative procurement is fiscally advantageous and (i) increases efficiency or (ii) reduces administrative expenses.

Patron: Griffith

01/23/09 House: Presented and ordered printed

01/23/09 House: Referred to Committee on General Laws

01/27/09 House: Assigned GL sub: FOIA

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 the surviving spouses of veterans from local vehicle license fees and taxes.

Patrons: Puckett; Delegate: Bowling

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: Rereferred from Transportation (13-Y 0-N)

01/22/09 Senate: Rereferred to Local Government

01/27/09 Senate: Reported from Local Government (15-Y 0-N)

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

01/14/09 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: Civil
01/26/09 Senate: Rereferred from Courts of Justice (10-Y 5-N)
01/26/09 Senate: Rereferred to Finance

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 local fee of up to 10 percent of the total fees charged in criminal cases to be retained by the clerk for use in the operation of the clerk's office.

Patron: Ruff

01/21/09 Senate: Presented and ordered printed
01/21/09 Senate: Referred to Committee for Courts of Justice
01/22/09 Senate: Assigned Courts sub: Civil

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

SJ 353 Local governments; 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: Ingram, Janis, Massie, McClellan, Morrissey, O'Bannon and Peace

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09
01/14/09 Senate: Referred to Committee on Rules
01/26/09 Senate: Assigned Rules sub: Studies

Public Safety

HB 1596 Protective order; notification of service by local police department, sheriff's office, etc.

Summary as introduced:

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

Patron: Scott, J.M.

10/20/08 House: Prefiled and ordered printed; offered 01/14/09

10/20/08 House: Referred to Committee on Militia, Police and Public Safety

01/27/09 House: Assigned MPPS sub: #3

HB 2065 Retirement System; provide benefits for regional jail's superintendent and sworn officers.

Summary as introduced:

Virginia Retirement System; superintendents and sworn officers of regional jails.

Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

Patron: Hamilton

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

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

01/20/09 House: Assigned App. sub: Compensation and Retirement (Hogan, Clarke N.)

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

Summary as introduced:

Confidentiality of court records. Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized 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

01/14/09 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

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. The bill would require all

attorneys for the Commonwealth to report annually on sexual assault statistics in the jurisdiction.

Patrons: Bell and Pollard

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

HB 2637 Arrests; requires fingerprints be taken and forwarded to Central Criminal Records Exchange.

Summary as introduced:

Arrests for which fingerprints are required. Requires that fingerprints be taken and forwarded to the Central Criminal Records Exchange upon an arrest for a violation of a protective order issued under Title 16.1. Fingerprints are already authorized for misdemeanor violations of arrests for violation of stalking protective orders issued under Title 18.2.

Patron: Cline

01/23/09 House: Presented and ordered printed

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

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 per day fee from \$1 to \$25 charged a jail inmate.

Patron: Puckett

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

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

Miscellaneous

HB 1946 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.

Patrons: Peace, Janis and Loupassi

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

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

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

Summary as introduced:

Zoning ordinance enforcement; tenants of single-family dwellings. Provides that localities may enforce violations of the zoning ordinance by tenants of single-family residential dwellings; however, the owner of such dwelling shall not be charged with a zoning violation unless the landlord knew or had reason to know of the tenant's conduct.

Patron: Bulova

01/23/09 House: Presented and ordered printed

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

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 that will have access to the property rather than the size of the property.

Patron: Ticer

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

01/13/09 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/26/09 Senate: Reported from Agriculture, Conservation and Natural Resources (10-Y 4-N 1-A)

01/27/09 Senate: Constitutional reading dispensed (39-Y 0-N)

01/28/09 Senate: Read second time and engrossed

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 and 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: Presented and ordered printed

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

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

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 valid and outstanding as of January 1, 2009, for a period of five years from their current expiration date.

Patron: Saslaw

01/23/09 Senate: Presented and ordered printed

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

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

Summary as introduced:

Constitutional amendment (first resolution); independent cities. Removes the requirement that cities be established as an entity independent of other local governments.

Patron: Watkins

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

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

MH/MR/SA

SB 1228 Community services board; removes provision allowing employment if convicted of assault of family.

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 community services board.

Patron: Barker

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: Health Care

Human Services

HB 2048 Child day programs; exemption from licensure.

Summary as introduced:

Child day programs; exemption from licensure. Amends existing exemptions from licensure for child day programs.

Patrons: Gear and Cole

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

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

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

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

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

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

01/21/09 House: Assigned HWI sub: Welfare

Housing

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

Summary as introduced:

Landlord and tenant laws; rights and obligations of tenants. 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. The bill contains technical amendments.

Patron: Oder

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: Civil

HB 2106 Neighborhood Assistance Act tax credits; landlords participating in housing choice voucher programs.

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.

A landlord who participates in a housing choice voucher program would receive a tax credit equal to 40 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be (i) dwelling units located in census tracts in the Commonwealth in which less than 10 percent of the residents live below the poverty level, (ii) dwelling units included in a housing choice voucher program, (iii) required to be in substantial compliance with the Uniform Statewide Building Code, and (iv) part of a parcel of real property that contains at least four dwelling units with no more than 25 percent of the total dwelling units on the parcel included in a housing choice voucher program.

The Department of Housing and Community Development would administer the tax credits for landlords participating in housing choice voucher programs. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits.

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

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

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

01/26/09 House: Read first time

01/27/09 House: Read second time

01/27/09 House: Committee substitute agreed to 091805668-H1

01/27/09 House: Engrossed by House - committee substitute HB2129H1

01/28/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

Human Rights

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: Presented and ordered printed

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

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

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

Summary as introduced:

Eligibility for in-state tuition. Provides that a person holding a student or other temporary visa may establish eligibility for in-state tuition by providing 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. This bill also affords the same rights and benefits to such students as those who are otherwise eligible for in-state tuition. The State Council of Higher Education and the Board of the Virginia Community College System are required to develop guidelines for providing eligibility for in-state tuition and state financial aid to persons holding a student or other temporary visa. Information provided by such persons to establish eligibility for in-state tuition in accordance with the provisions of the legislation may not be disclosed without the written permission of the person who is the subject of the inquiry.

Patron: Hull

01/23/09 House: Presented and ordered printed

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