

City of Alexandria

MEMORANDUM

DATE: FEBRUARY 23, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2009 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 3) on legislation introduced at the 2009 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2009 General Assembly Session is scheduled to adjourn on Saturday, February 28. All committee action on legislation had must be completed by the end of the day on Monday, February 23. Beginning Tuesday, all legislative action will take place on the floor of the House and the floor of the Senate, or in conference committees created to resolve differences between the two houses on specific legislation. If the General Assembly adjourns on time, the veto, or reconvened, session will take place on April 8.

As noted in earlier reports, the state budget is the major issue for the General Assembly this year. In addition, the passage of legislation to ban most smoking in restaurants (described below) has moved that issue to the forefront. The use of cell phones and other wireless devices by drivers, and early voting have also received significant attention.

City Package. The following are updates on major bills and budget issues from the City's legislative package (Attachment 1 is a status report on these and other "City Package" bills):

- As noted in the last report, while 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 (this would save the City over \$1 million that was to be taken by the State), the House has thus far rejected the Governor's recommendation, even though the

Senate accepted it. The Mayor has written to the conferees on the budget, asking them to retain the City's exemption, and staff will continue to pursue this issue.

- HB 1643, which would allow as many poll watchers as there are sections of a poll book in a precinct, has been approved by the House as well as the Senate Committee on Privileges and Elections. It is now awaiting approval by the full Senate. The term "sections of a poll book" has been changed to "polling stations," to reflect the movement toward electronic polling books.
- The City's Charter bill (SB 929), which will allow Council to (1) set term limits for members of Boards and Commissions, and (2) set disclosure requirements for land use applicants, has been approved by the Senate as well as the House Committee on Counties, Cities and Towns. Since the Committee vote was unanimous, staff expects approval by the full House next week.
- Legislation to make it illegal to text message or enter phone numbers into cell phones has been approved by the House, and is moving in that direction in the Senate. HB 1876 would make it illegal to manually enter multiple numbers or text in a "personal communications device" unless the driver is using a voice-activated hands-free application; it also prohibits drivers from reading email or text messages while driving. Exceptions are made for drivers who are: (1) driving emergency vehicles, (2) legally parked or stopped, (3) reporting emergencies, or (4) using GPS systems. Police must treat this as a secondary offense; they cannot cite someone for this offense unless the person is being stopped for another traffic infraction. The fine for a first offense of the new law will be \$20, and repeat violators will be fined \$50.

Smoking in Public. Last Thursday, the General Assembly approved legislation which, in a marked departure from Virginia's traditional tobacco-friendly policies, will prohibit most smoking in restaurants throughout the Commonwealth. The legislation is very close to the version that the Governor and the Speaker of the House jointly endorsed as compromise legislation with bipartisan support earlier this month. The bill prohibits any person from smoking in a restaurant unless the smoker is in a room that is physically separate and on a ventilation system that does not serve the rest of the restaurant. Smoking will continue to be permitted in private clubs or in unenclosed outdoor areas of a restaurant. The bill also includes a provision which prohibits a restaurant proprietor from forcing an employee to work in a section of the restaurant where smoking is lawful. The new law will become effective on December 1, 2009. Governor Kaine has promised to sign the bill "quite promptly, in the quickest-drying ink I can find."

Early Voting. As expected, the House has now defeated all Senate bills that would have allowed early voting in any election without requiring the voter to give a specific reason for doing so. As noted in the last report, the House had already killed all House early voting bills.

Pedestrian Safety. After sending identical bills that would have required drivers to stop (not just yield) for pedestrians to three different committees (Transportation; Courts of Justice; and

Militia, Police, and Public Safety), the House of Delegates has finally killed all such legislation. The last measure that was alive (SB 1239) was amended so that it would apply only to marked crosswalks (the City has pursued this change for both marked and unmarked crosswalks) before it was defeated.

Transportation Funding. As expected, HB 1579, which would have provided new funding for the major regions of the State (Northern Virginia would be given a portion of the region's growth in income and sales tax revenues) but no funding for statewide needs, has been defeated in the Senate. Opponents of the bill, many of whom are anxious to provide new revenues for transportation, were concerned that the bill (1) did not address statewide needs, and (2) would have taken money from the state general fund to meet regional needs. A proposal to initiate another study of transportation funding (HJR 770), to be co-chaired by former Governors Gerald Baliles and George Allen, has also died.

Payday Loans. Senator Saslaw's legislation (SB 1470) to close a loophole in last Session's payday lending "reform" bill, is on its way to the House floor, having been approved by both the Senate and the House Committee on Labor and Commerce. The loophole allows lenders 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.

Local Government Investment Pool. Legislation to require that at least 10 percent of the assets of the Local Government Investment Pool (LGIP) be invested in deposits in Virginia banks was approved by the House, but was significantly amended by the Senate Finance Committee. The Senate amendment requires approval by the 2010 General Assembly before becoming effective. The LGIP is used by local governments (including the City) for short-term investments; no state money is invested in it. It is currently AAA-rated by Standard and Poor's, and localities are fearful that the rating will fall if this legislation is enacted, since deposits would likely be held in part by unrated financial institutions. Unrated investments could negatively affect city and county bond ratings. The Virginia Municipal League and the Virginia Association of Counties oppose this bill, as does the Treasurers' Association of Virginia. Local governments will need to continue to work against the bill over the next year, since it is likely to be reintroduced in 2010.

State Budget. More bad news on the budget was given to the General Assembly last week. January 2009 revenues were 15 percent lower than those of January 2008. The FY 2009 decline in state revenues through January is the largest decline on record. As a result, the State now projects that it will receive \$821 million less this biennium than it had assumed in December.

The bad news was, however, accompanied by some good news. Federal stimulus legislation will provide funds to help address the revenue shortfall. Senate Finance Committee staff identified the State Fiscal Stabilization Fund and the Medicaid funds as major sources of stimulus funding to address the state revenue shortfalls; the amount available to the State from those two sources for the current biennium is approximately one billion dollars. In addition, some of the education money from the stimulus package could be used to restore a portion of the education cuts included in the Governor's December amendments.

Taking into account the availability of the stimulus funds, the Senate Finance Committee approved revised budget amendments last week. Among the amendments that would assist the City if agreed to by the House are these:

- the Senate, unlike the House, continues the City's exemption from sharing its federal jail per diem payments with the State (the revenue at stake is over one million dollars);
- the Senate restores some of the reductions to HB 599 (local law enforcement) funding; this would likely bring the City approximately \$160,000 more in HB 599 funding than the amount proposed by the Governor in December;
- The Senate seeks to increase funding for the offices of the Commonwealth's Attorney, the Sheriff, and Court Clerk;
- the Senate restores a significant amount of K-12 education funding (although staff is unable to estimate the amount that would go to Alexandria City Public Schools); and
- the Senate no longer proposes to reduce funding for assistance to local emergency medical responders.

The Senate and House must now resolve the differences between their proposals. Whether this can be accomplished in the remaining week of Session is unknown.

The last report to Council described a proposal by the Senate to implement, beginning July 1, 2010, a state health insurance program for employees of Virginia public schools. School systems could make a one-time irrevocable decision to opt out of the program, but all systems would otherwise be required to participate. The Senate has now extended this proposal to all local governments for their employees; the one-time irrevocable opt out provision is also included for local governments. The House did not include this program in its amendments for either schools or local governments, but has asked that this issue be studied.

ATTACHMENTS:

Attachment 1 - Current Status of City Package Bills, February 20, 2009

Attachment 2 - Current Status of Bills on Which the City Has Taken a Position, February 20, 2009

STAFF: Bernard Caton, Legislative Director

Current Status of City Package Bills February 20, 2009

HB 1643 Elections; electoral board may provide for oaths of officers.

Summary as passed House:

Conduct of elections; service and oaths of officers of election; number of observers permitted 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 and (ii) at least one party or candidate representative for each section of the pollbook shall be permitted as an observer in the polling place.

Patron: Englin

02/20/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/09 Senate: Reconsideration of Senate passage agreed to by Senate (37-Y 3-N)

02/20/09 Senate: Passed by for the day

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. Incorporated in HB 1703.

Patrons: Englin, Bouchard and Eisenberg

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

Notes: Position: Support

HB 1703 Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.

Summary as passed House:

Virginia Indoor Clean Air Act; penalty. Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that 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. The bill contains technical amendments.

Patrons: Cosgrove, Hamilton, Bouchard, Brink, Bulova, Ebbin, Eisenberg, Englin, Herring, Howell, A.T., Marsden, Mathieson, Shannon, Tata and Vanderhye

02/19/09 Senate: Reported from Education and Health with substitute (12-Y 3-N)

02/20/09 Senate: Constitutional reading dispensed (39-Y 0-N)

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. Incorporated into HB 1703.

Patron: Howell, A.T.

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

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

02/10/09 House: Left in 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. Incorporated in HB 1703.

Patron: Toscano

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

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. Incorporated into HB 1703.

Patron: Brink

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

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. Incorporated in HB 1703.

Patron: Hamilton

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

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. Incorporated into HB 1703.

Patron: Barlow

02/05/09 House: Incorporated by General Laws (HB1703-Cosgrove)

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, Herring, 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: Barker, Deeds, Edwards, Herring, Howell, Locke, Lucas, Marsh, Northam, Petersen, Puller, Saslaw, Ticer and Whipple

02/10/09 House: Left in General Laws

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

02/10/09 House: Left in Privileges and Elections

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. This amendment is identical to HJR 656, HJR 726 and SJR 273.

Patrons: Ware, O., Tyler, Alexander, Dance, Hall, McClellan, McQuinn and Morrissey

02/06/09 House: Tabled in Privileges and Elections (12-Y 10-N)

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. This amendment is identical to HJR 628, HJR 726 and SJR 273.

Patron: Tyler

02/06/09 House: Incorporated by Privileges and Elections (HJ628-Ware, O.)

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 098545653

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

02/10/09 House: Left in Privileges and Elections

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. This amendment is identical to HJR 628, HJR 656 and SJR 273.

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.

02/10/09 House: Left in Privileges and Elections

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

01/27/09 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)

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

02/16/09 House: Tabled in Finance (11-Y 9-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. This bill incorporates SB 966.

Patron: Ticer

02/04/09 Senate: Failed to report (defeated) in Courts of Justice (6-Y 7-N 2-A)

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

02/20/09 House: Reported from Counties, Cities and Towns (22-Y 0-N)

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

02/06/09 House: Incorporated by General Laws (SB1105-Northam)

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

01/27/09 Senate: Failed to report (defeated) in Local Government (5-Y 10-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:* Bouchard, Brink, Bulova, Ebbin, Eisenberg, Englin, Marsden, Plum, Sickles, Vanderhye and Watts

02/06/09 House: Incorporated by General Laws (SB1105-Northam)

Notes: Position: Support

SB 1105 Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.

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. This bill incorporates SB 1160 (Saslaw).

Patron: Northam

02/19/09 Senate: Conference report agreed to by Senate (27-Y 13-N)

02/19/09 House: Conference report agreed to by House (60-Y 39-N)

02/19/09 House: VOTE: --- ADOPTION (60-Y 39-N)

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. This bill was incorporated into SB 1105 (Northam).

Patron: Saslaw

01/29/09 Senate: Incorporated by Education and Health (SB1105-Northam) (14-Y 0-N)

Notes: Position: Support

SB 1230 Elections; extension of polling hours in emergency declared by Governor.

Summary as passed Senate:

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 and provides for notice by any petitioner for an extension to the other potential petitioners. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties.

Patron: Barker

02/13/09 House: Referred to Committee on Privileges and Elections

02/16/09 House: Assigned P & E sub: Elections

02/17/09 House: Subcommittee recommends passing by indefinitely

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

01/28/09 Senate: Stricken at request of Patron in General Laws and Technology (15-Y 0-N)

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. This amendment is identical to HJR 628, 656, and 726.

Patron: Miller, Y.B.

02/11/09 House: Referred to Committee on Privileges and Elections

02/12/09 House: Assigned P & E sub: Constitutional

02/16/09 House: Subcommittee failed to recommend reporting

Notes: Position: Support

Current Status of Bills on Which The City Has Taken a Position February 20, 2009

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

Summary as passed House:

Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem 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. This bill incorporates HB 2622.

Patrons: Oder, Albo, Athey, Cole, Gear, Hamilton, Hugo, Iaquinto, Knight, Lingamfelter, Miller, J.H., Pogge and Rust

02/18/09 Senate: Failed to report (defeated) in Finance (7-Y 9-N)

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.

02/10/09 House: Left in Militia, Police and Public Safety

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

02/10/09 House: Left in Appropriations

Notes: Position: Oppose

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

Summary as passed House:

Department of Professional and Occupational Regulation; regulation of polygraph examiners. Authorizes a federal, state, or local law-enforcement officer to operate, in the course of his employment with a law-enforcement agency, 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, provided such officer is certified by the manufacturer of the instrument to operate such instrument. The bill specifies that no law-enforcement officer may use the instrument or device for internal or pre-employment investigations.

Patron: Wright

02/16/09 Senate: Passed Senate (27-Y 13-N)

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. This bill was incorporated into HB 1876.

Patron: Howell, A.T.

02/05/09 House: Incorporated by Transportation (HB1876-Cosgrove)

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.

02/10/09 House: Left in 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

02/10/09 House: Left in Militia, Police and Public Safety

Notes: Position: 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. This bill was incorporated into HB 1628.

Patron: Orrock

01/29/09 House: Incorporated by Transportation (HB1628-Cole)

Notes: Position: Support

HB 1689 Illegal aliens; fraudulently assisting, penalty.

Summary as introduced:

Fraudulently assisting illegal aliens; penalty. Provides that any person who knows an individual is an alien in the United States unlawfully and who, with the intent to violate the immigration laws of the United States, fraudulently assists the illegal alien in acquiring or attempting to acquire a benefit, service, status, or privilege to which the illegal alien is not lawfully entitled, is guilty of a Class 1 misdemeanor.

Patron: Tata

01/21/09 House: Stricken from docket by Courts of Justice

Notes: Position: Oppose

HB 1695 Driving without a license; person may be placed under arrest if previously convicted of offense.

Summary as passed House:

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.

Patrons: Albo and Rust

02/11/09 Senate: Assigned Courts sub: Criminal

Notes: Position: Oppose

HB 1698 Scrap metal processors; law-enforcement officer right to inspect, notice prior to inspection.

Summary as passed House:

Scrap metal processors. 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. The bill also adds catalytic converters to the list of proprietary articles for which heightened scrutiny is required prior to sale to a scrap metal processor.

Patron: Lohr

02/19/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/09 House: Placed on Calendar

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, Hull, Loupassi and McClellan

02/10/09 House: Left in Commerce and Labor

Notes: Position: Support

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

Summary as passed House:

Tax legislation; sunset date. Requires a sunset date of no more than four years on all bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly. However, after passage, such bills will not expire on the sunset date if at that time the tax is dedicated to pay outstanding bonds. Rather such bills will expire the date they are no longer dedicated to outstanding bonds.

Patrons: Cole, Athey, Frederick and Peace; Senator: Vogel

02/05/09 House: Read third time and passed House (55-Y 43-N)

02/06/09 Senate: Referred to Committee on Rules

Notes: Position: Oppose

HB 1821 Concealed handguns; prohibited from carrying onto premises of restaurants and 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.

Patrons: Johnson (by request); Senator: Ruff

02/10/09 House: Left in 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

02/19/09 Senate: Passed Senate with amendment (40-Y 0-N)

02/20/09 House: Placed on Calendar

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

02/10/09 House: Left in Finance

Notes: Position: Oppose

HB 1841 Extortion; person who extorts money, etc., by threatening to report another as illegally present.

Summary as introduced:

Extortion; civil action; destroying, etc., passport. Provides that a person who extorts money, property, or pecuniary benefit from any person by threatening to report another as being illegally present in the United States, or knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any passport, immigration

document, or other government identification document is liable to that person for damages in the amount of \$10,000 or three times the amount of actual damages, whichever is greater, and the costs of suit, including reasonable attorney fees.

Patron: Griffith

02/10/09 House: Left in Courts of Justice

Notes: Position: Support

HB 1842 Emergency protective order; authority of magistrate or judge to issue in cases of sexual battery.

Summary as passed House:

Authority of a magistrate or judge to issue an emergency protective order. Expands the authority of a magistrate or judge to issue any stalking protective order to include issuance when a warrant is issued for sexual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking.

Patron: Griffith

02/18/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/09 House: Senate amendments agreed to by House (99-Y 0-N)

02/20/09 House: VOTE: --- ADOPTION (99-Y 0-N)

Notes: Position: Support

HB 1857 Protective orders; issuance upon conviction in cases of family abuse.

Summary as passed House:

Protective orders; issuance to incarcerated persons. Provides that a court may issue a preliminary protective order upon a showing by the petitioner that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made or attempted to make some unwanted, threatening or offensive contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse. If a preliminary protective order is issued the court may issue a permanent (two-year) protective order.

Patron: Shannon

02/18/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/09 House: Senate amendments agreed to by House (98-Y 0-N)

02/20/09 House: VOTE: --- ADOPTION (98-Y 0-N)

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

02/10/09 House: Left in Appropriations

Notes: Position: Support

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

Summary as passed House:

Text messaging and emailing while driving. Prohibits operation of a motor vehicle, on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. 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. This bill incorporates HB 1615 and HB 2380.

Patrons: Cosgrove, Bell, Bouchard, Bulova, Howell, A.T., Marsden, Mathieson, May, Miller, P.J. and Vanderhye

02/19/09 Senate: Reported from Transportation with substitute (12-Y 3-N)

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. This bill is identical to SB 810.

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

02/10/09 House: Left in Privileges and Elections

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

02/10/09 House: Left in Militia, Police and Public Safety

Notes: Position: Support

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

Summary as passed House:

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. This bill incorporates HB 2493.

Patrons: Crockett-Stark, Miller, P.J. and Peace

02/17/09 Senate: Passed Senate with amendment (40-Y 0-N)

02/20/09 House: Senate amendment agreed to by House (94-Y 4-N)

02/20/09 House: VOTE: --- ADOPTION (94-Y 4-N)

Notes: Position: Support

HB 1946 Statewide case and financial management systems; Ex. Secretary of Supreme Court responsible for.

Summary as passed House:

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, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund.

Patrons: Peace, Janis and Loupassi

02/06/09 Senate: Referred to Committee for Courts of Justice

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.

02/10/09 House: Left in 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.

Patrons: Mathieson and Shannon

01/29/09 House: Passed by indefinitely in Commerce and Labor

Notes: Position: Oppose

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

Summary as passed House:

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. This bill is identical to SB 1058.

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

02/17/09 House: Signed by Speaker

02/17/09 Senate: Signed by President

Notes: Position: Support

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

02/10/09 House: Left in Courts of Justice

Notes: Position: Support

HB 2016 Abduction and kidnapping; definition.

Summary as passed House:

Abduction. Redefines abduction to include harboring, transporting, providing, procuring, or obtaining another for the purpose of depriving him of his liberty. The bill also redefines intimidation to include withholding a person's passport or like documents. The bill also adds four new RICO (Racketeer Influenced and Corrupt Organizations) crimes.

Patrons: Ebbin and Hull; Senator: Petersen

02/10/09 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/11/09 Senate: Referred to Committee for Courts of Justice

02/13/09 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

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

02/03/09 House: Stricken from docket by Health, Welfare and Institutions

Notes: Position: Oppose

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

02/17/09 House: Signed by Speaker

02/17/09 Senate: Signed by President

Notes: Position: Support

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

Summary as passed House:

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 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 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, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. 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 the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to SB 1122.

Patron: Hamilton

02/10/09 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/19/09 Senate: Reported from Education and Health (15-Y 0-N)

Notes: Position: Oppose unless funded

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

Summary as passed House:

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 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 (iii) changes the cap on liquidated damages penalties included in a rental agreement to 150 % of the per diem of the monthly rent. 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

02/18/09 Senate: Reported from General Laws and Technology with substitute (14-Y 0-N)

Notes: Position: Oppose

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

02/18/09 Senate: Reported from Finance with amendments (14-Y 2-N)

02/19/09 Senate: Constitutional reading dispensed (40-Y 0-N)

02/20/09 Senate: Passed by for the day

Notes: Position: Oppose

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

02/10/09 House: Left in Finance

Notes: Position: Support

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

02/10/09 House: Left in Courts of Justice

Notes: Position: Oppose

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

Summary as passed House:

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.

Patron: Nichols

02/16/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/19/09 House: Senate amendments rejected by House (1-Y 98-N)

Notes: Position: Support

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

Summary as passed House:

Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to SB 1369.

Patron: Miller, J.H.

02/17/09 Senate: Reported from Local Government (13-Y 2-N)

02/20/09 Senate: Passed by for the day

Notes: Position: Support

HB 2159 Adoption of a child; amends statutes governing.

Summary as passed House:

Adoption of a child. Amends statutes governing adoption of a child to provide that (i) 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; (ii) payment of child support shall in the absence of any other contact with the child not constitute contact for the purpose of determining whether a parent has abandoned a child; (iii) 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; (iv) 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; (v) 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; (vi) 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; (vii) 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; and (viii) 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.

Patron: Toscano

02/17/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/19/09 House: Senate amendments rejected by House (2-Y 96-N)

Notes: Position: 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, 2025 is 19 percent less than 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. This bill was incorporated into HB 2506.

Patron: Plum

02/05/09 House: Incorporated by Commerce and Labor (HB2506-Pollard)

Notes: Position: Support

HB 2177 Rechargeable battery recycling; authorizes localities to ban disposal of 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

02/18/09 Senate: Passed Senate (40-Y 0-N)

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

02/10/09 House: Left in Agriculture, Chesapeake and Natural Resources

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

02/10/09 House: Left in Courts of Justice

Notes: Position: Support

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

Summary as passed House:

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 outdoor common area.

Patrons: Cline, Abbitt, Hamilton, Iaquinto, Jones, Landes and Peace

02/18/09 Senate: Senate insisted on amendments (40-Y 0-N)

02/18/09 Senate: Senate requested conference committee

02/19/09 House: House acceded to request

02/20/09 Senate: Conferees appointed by Senate

02/20/09 Senate: Senators: Quayle, Lucas, Miller Y.B.

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

02/10/09 House: Left in Privileges and Elections

Notes: Position: Support

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

02/16/09 Senate: Passed Senate (40-Y 0-N)

02/18/09 House: Bill text as passed House and Senate (HB2310ER)

Notes: Position: Oppose

HB 2311 Courthouses; localities to assess fee as part of costs in each criminal or traffic case.

Summary as passed House:

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. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance.

Patron: Melvin

02/19/09 Senate: Passed Senate with amendments (30-Y 10-N)

02/20/09 House: Placed on Calendar

Notes: Position: Support

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

Summary as passed House:

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. This bill also provides that, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative, or the legal representative is the suspected perpetrator of the neglect, abuse, or exploitation, consent may be given by an agent appointed under an advanced medical directive or medical power of attorney or

other person authorized to make decisions on behalf of an adult deemed incapable of making an informed decision.

Patron: Athey

02/20/09 Senate: Reported from Rehabilitation and Social Services with amendment (15-Y 0-N)

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

02/10/09 House: Left in Counties, Cities and Towns

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. This bill was incorporated into HB 1876.

Patron: Scott, J.M.

02/05/09 House: Incorporated by Transportation (HB1876-Cosgrove)

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 passed House:

Protective orders; companion animals. Provides that a court may include in a protective order provisions prohibiting harm to a companion animal owned, possessed, leased, kept, or held by the petitioner, or his family or household members, when the harm to the companion animal is with the intent to threaten, coerce, intimidate or harm the petitioner or his family or household members.

Patron: Scott, J.M.

02/11/09 Senate: Referred to Committee for Courts of Justice

02/13/09 Senate: 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. This bill incorporates HB 2520.

Patrons: Ebbin, Shannon, Amundson, BaCote, Bouchard, Bowling, Bulova, Caputo, Englin, Herring, Marsden, McClellan, McQuinn, Miller, P.J., Morrissey, Nichols, Plum, Scott, J.M., Sickles, Toscano, Tyler, Valentine, Ward and Watts

02/10/09 House: Left in Courts of Justice

Notes: Position: Support

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

02/10/09 House: Left in Appropriations

Notes: Position: Support

HB 2393 Animal control officers; inclusion thereof in classification of law-enforcement officers.

Summary as passed House:

Obstruction of justice; animal control officers. Includes animal control officers in the misdemeanor provisions of the obstruction of justice statute.

Patron: Bell

02/11/09 Senate: Referred to Committee for Courts of Justice

02/13/09 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

HB 2400 Criminal sexual assault; establishment of a multidisciplinary response thereto.

Summary as passed House:

Sexual assault response teams. Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

Patrons: Bell and Pollard

02/11/09 Senate: Referred to Committee for Courts of Justice

02/13/09 Senate: 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.

Patrons: May and Miller, P.J.

02/20/09 Senate: Reconsideration of Senate passage agreed to by Senate (37-Y 3-N)

02/20/09 Senate: Passed by for the day

Notes: Position: Support

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

Summary as passed House:

Notification of family member of person involved in commitment process. Authorizes disclosure to a friend or family member of a person who is the subject of an emergency custody order, temporary detention order, or involuntary commitment order, of information that is relevant to that friend's or family member's involvement with the person's health care, including information regarding the person's location and general condition.

Patron: O'Bannon

02/19/09 Senate: Reported from Education and Health with amendments (15-Y 0-N)

02/20/09 Senate: Constitutional reading dispensed (39-Y 0-N)

Notes: Position: Support

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

Summary as passed House:

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. The bill has a sunset date of June 30, 2014.

Patron: Hugo

02/18/09 Senate: Reported from Finance with amendment (14-Y 2-N)

02/20/09 Senate: Passed by for the day

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.

Patrons: McClellan and Pollard

02/10/09 House: Left in Courts of Justice

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. This bill was incorporated into HB 1919.

Patron: Miller, P.J.

02/06/09 House: Incorporated by Militia, Police and Public Safety (HB1919-Crockett-Stark)

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. This bill was incorporated into HB 2386.

Patron: Shannon

01/27/09 House: Incorporated by Transportation (HB2386-Ebbin)

Notes: Position: 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

02/10/09 House: Passed House BLOCK VOTE (99-Y 0-N)

02/11/09 Senate: Referred to Committee for Courts of Justice

Notes: Position: Oppose

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

02/05/09 House: Stricken from docket by General Laws

Notes: Position: 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 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

02/10/09 House: Left in Education

Notes: Position: Support

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

02/11/09 Senate: Referred to Committee for Courts of Justice

02/13/09 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

HB 2653 Zoning ordinance enforcement; not to be charged therewith unless locality provided written notice.

Summary as passed House:

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 locality has provided written notice of the tenant's conduct to the landlord.

Patron: Bulova

02/17/09 Senate: Reported from Local Government with amendments (12-Y 3-N)

02/20/09 Senate: Passed by for the day

Notes: Position: Oppose

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

Summary as passed House:

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 service-connected, permanent, and total disability. This amendment is identical to SJR 275. This resolution incorporates HJR 669.

Patrons: O'Bannon (by request), Lingamfelter, Alexander, Bell, Bouchard, Bowling, Cole, Frederick, Gear, Gilbert, Howell, A.T., Hugo, Jaquinto, Janis, Johnson, Mathieson, McQuinn, Miller, P.J., Peace, Phillips, Plum, Pogge, Poisson, Purkey, Putney, Rust, Scott, J.M., Sherwood, Tata, Tyler, Valentine, Ware, R.L., Watts and Wright; Senators: Blevins, Petersen, Quayle and Wagner

02/20/09 Senate: Agreed to by Senate (40-Y 0-N)

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. This resolution is incorporated into HJ 648.

Patrons: Janis and Cole

02/06/09 House: Incorporated by Privileges and Elections (HJ648-O'Bannon)

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

02/10/09 House: Left in Privileges and Elections

Notes: Position: Oppose

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

Summary as passed House:

Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public. This resolution incorporates HJ 728.

Patrons: Bell and Cole

02/17/09 Senate: Passed by indefinitely in Privileges and Elections (10-Y 5-N)

Notes: Position: Oppose

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

01/27/09 Governor: Approved by Governor-Chapter 1 (effective 7/1/09)

Notes: Position: Support

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

Summary as passed Senate:

Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 15 to three days before a general, primary, or special election at specified times at the office of the general registrar and at one or more additional sites if the locality so provides. Early voting will take place from the eighth to third day before a special election held on a day other than a regular election day. The bill does not affect absentee voting laws. The bill takes effect January 1, 2010.

Patrons: Lucas, Locke and Reynolds

02/17/09 House: Subcommittee recommends passing by indefinitely

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

02/19/09 House: Reported from General Laws (21-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

01/28/09 Senate: Stricken at the request of Patron in Courts of Justice (14-Y 0-N)

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

02/10/09 Senate: Left in 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. This bill was incorporated into SB 874.

Patron: Blevins

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

02/18/09 House: Referred from Finance (22-Y 0-N)

02/18/09 House: Referred to Committee for Courts of Justice

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 passed Senate:

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, as long as a stormwater permit has been obtained by either the Department of Conservation and Recreation or the Department of Environmental Quality

when such permit is required. Under current law, localities have the option of providing such waivers and permits were not required to be obtained from the Department of Conservation and Recreation.

Patron: Wagner

02/20/09 House: Reported from Counties, Cities and Towns (22-Y 0-N)

Notes: Position: Oppose

SB 1028 Adult neglect; religious treatment exemption.

Summary as passed Senate:

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 by that adult.

Patrons: Hanger and Puller

02/19/09 House: Reported from Health, Welfare and Institutions with amendment (21-Y 0-N)

Notes: Position: Support

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

Summary as passed Senate:

Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club must inform an alcohol beverage control manager of the restaurant or club of that fact, failure to inform is a Class 3 misdemeanor. 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

02/20/09 House: Reported from Militia, Police and Public Safety with amendment (17-Y 5-N)

Notes: Position: Oppose

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

Summary as passed Senate:

Temporary Assistance for Needy Families (TANF); diversionary cash assistance.

Revises the limitation on receipt of one-time diversionary TANF cash assistance from one payment per 60-month period to one payment per 12-month period. The Department of Social Services shall report to the chairmen of the Senate Finance and House Appropriations Committee by October 1, 2012 on the savings achieved through the use of the diversionary assistance.

Patron: Miller, Y.B.

02/19/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)

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

02/16/09 House: Reported from Education (22-Y 0-N)

02/16/09 House: Referred to Committee on Appropriations

02/18/09 House: Assigned App. sub: Higher Education (Morgan)

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

01/27/09 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)

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

02/19/09 House: Subcommittee recommends laying on the table

Notes: Position: Support

SB 1058 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.

Summary as passed Senate:

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. This bill is identical to HB 1975.

Patrons: Whipple, Barker, Howell, Petersen, Puller and Ticer; *Delegates:* Amundson, Bulova, Hugo, Marsden, Plum, Rust, Sickles, Vanderhye and Watts
02/20/09 House: Reported from Counties, Cities and Towns (22-Y 0-N)

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

02/11/09 Senate: Left in Courts of Justice

Notes: Position: Oppose

SB 1077 Notification of family member in commitment process; disclosure of certain information of patient.

Summary as passed Senate:

Notification of family member of person involved in commitment process.

Authorizes disclosure of information to a family member or personal representative of a person involved in the commitment process, of information that is directly relevant to such person's involvement with the patient's care, including the patient's location and general condition.

Patron: Howell

02/19/09 House: Passed House with substitute BLOCK VOTE (99-Y 0-N)

Notes: Position: Support

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

Summary as passed Senate:

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. A second enactment clause provides that this bill is declarative of existing law.

Patron: Howell

02/19/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)

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

02/19/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)

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

02/19/09 House: Reported from General Laws (21-Y 0-N)

Notes: Position: Support

SB 1107 Exposure to communicable diseases; first responders.

Summary as passed Senate:

Exposure to communicable diseases; first responders. Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician 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. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. 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. This bill incorporates SB 1034 (Hanger) and SB 1152 (McDougle).

Patrons: Northam, Hanger and McDougle

02/19/09 House: Passed House BLOCK VOTE (99-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

01/27/09 Senate: Incorporated by Local Government (SB1067-Puller) (15-Y 0-N)

Notes: Position: Oppose

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

02/18/09 House: Tabled in Agriculture, Chesapeake and Natural Resources

Notes: Position: Support

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

Summary as passed Senate:

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 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 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, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. 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 the circumstances under which 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

02/19/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)

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

02/11/09 House: Subcommittee recommends laying on the table by voice vote

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.

02/18/09 House: Subcommittee recommends reporting with amendment(s)

Notes: Position: Support

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

Summary as passed Senate:

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.

Patron: Howell

02/18/09 House: Subcommittee recommends reporting with amendment(s)

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

02/20/09 House: Reported from Militia, Police and Public Safety (22-Y 0-N)

Notes: Position: Oppose

SB 1157 Recordation and grantor taxes; misdemeanor if person misrepresents consideration of interest.

Summary as passed Senate:

Recordation and grantor taxes. Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is fraudulent with the intent to evade a tax.

Patron: Saslaw

02/18/09 Senate: Conferees appointed by Senate
02/18/09 Senate: Senators: Saslaw, Norment, Houck
02/18/09 House: Conferees appointed by House
02/18/09 House: Delegates: Hugo, Cline, Melvin
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

02/18/09 House: Reported from Courts of Justice with amendments (22-Y 0-N)

Notes: Position: Support

SB 1191 Process and service fees; increases certain sheriffs' 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

02/17/09 House: Incorporated by Courts of Justice (SB998-Miller, J.C.)

Notes: Position: Support

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

Summary as passed Senate:

Payment of costs associated with prisoner keep. Increases the per day fee from \$1 to \$5 charged to a jail inmate.

Patron: Puckett

02/20/09 House: Reported from Militia, Police and Public Safety (22-Y 0-N)

Notes: Position: Support

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

Summary as passed Senate:

Local vehicle license fees and taxes; disabled veterans and their surviving spouses.

Allows localities to exempt disabled veterans and the surviving spouses of veterans from local vehicle license fees and taxes.

Patrons: Puckett; Delegate: Bowling

02/17/09 House: Reported from Transportation (21-Y 0-N)

02/20/09 House: Passed by for the day

Notes: Position: Oppose

SB 1212 Clean Energy Financing Program; locality may authorize contracts to finance by ordinance.

Summary as passed Senate:

Clean energy financing. Grants localities the authority to create a clean energy financing program.

Patrons: Deeds; Delegate: Toscano

02/19/09 House: Reported from Commerce and Labor with substitute (22-Y 0-N)

Notes: Position: Support

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

02/05/09 Senate: Left in Education and Health (13-Y 0-N)

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

SB 1239 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.

Patrons: Barker and Ticer

02/18/09 House: Referred to Committee on Militia, Police and Public Safety

02/19/09 House: Subcommittee recommends no further action

Notes: Position: Support

SB 1268 Electronic video and audio communication, two-way; if available in criminal proceeding, judge use.

Summary as passed Senate:

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 general district court criminal proceeding to determine bail or representation, the judge must use such communication if the person would otherwise have to be transported from outside the jurisdiction of the court in order to appear in person before the court.

Patrons: Vogel and Stuart

02/18/09 House: Reported from Courts of Justice with substitute (22-Y 0-N)

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

02/06/09 Senate: Passed by indefinitely in Rules (17-Y 0-N)

Notes: Position: Oppose

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

Summary as passed Senate:

Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to HB2138.

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

02/20/09 House: Reported from Counties, Cities and Towns with amendments (21-Y 1-N)

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

02/18/09 House: Reported from Courts of Justice (22-Y 0-N)

Notes: Position: Support

SB 1387 Courthouses; assessment for construction, renovation, or maintenance.

Summary as passed Senate:

Fees for courthouse construction, renovation, or maintenance. Increases the fee on civil and criminal cases from \$2 to \$5, to be used for courthouse construction, renovation, or maintenance.

Patron: Stolle

02/18/09 House: Subcommittee recommends reporting with amendment(s)

Notes: Position: Support

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

Summary as passed Senate:

Preservation of historical sites and architectural areas. Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

Patron: Blevins

02/20/09 House: Reported from Counties, Cities and Towns (22-Y 0-N)

Notes: Position: This legislation has been amended to address City's concerns.

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. This bill was incorporated into SB 1077.

Patron: Cuccinelli

02/05/09 Senate: Incorporated by Education and Health (SB1077-Howell) (15-Y 0-N)

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

02/19/09 House: Subcommittee recommends laying on the table

Notes: Position: 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

02/13/09 House: Referred to Committee for Courts of Justice

02/16/09 House: Assigned Courts sub: Civil

Notes: Position: 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 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

02/09/09 Senate: Passed by indefinitely in Commerce and Labor (8-Y 7-N)

Notes: Position: Support

SB 1481 Criminal cases; allows circuit court clerk to assess local fee of up to 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

02/18/09 House: Subcommittee recommends passing by indefinitely by voice vote

Notes: Position: 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

02/19/09 House: Reported from General Laws with amendments (21-Y 0-N)

Notes: Position: Oppose

SB 1533 Special use permits; extension of expiration dates.

Summary as passed Senate:

Special use permits; extension of validity. Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011.

Patron: Saslaw

02/20/09 House: Reported from Counties, Cities and Towns (22-Y 0-N)

Notes: Position: Oppose

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, Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Ruff, Smith, Stolle, Stuart, Vogel and Wampler

02/03/09 Senate: Passed by indefinitely in Privileges and Elections (8-Y 7-N)

Notes: Position: Oppose

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

02/06/09 Senate: Left in Privileges and Elections

Notes: Position: 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

02/17/09 House: Tabled in Rules (11-Y 4-N)

Notes: Position: 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.)