



*City of Alexandria***MEMORANDUM**

DATE: JANUARY 25, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER. 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR. 

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2010 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 1) on legislation introduced at the 2010 General Assembly Session.

**RECOMMENDATION:** That City Council:

- (1) Approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee (Vice Mayor Donley and Councilman Smedberg);
- (2) Oppose any delay in the implementation of a revised Composite Index (this is also a recommendation of the Legislative Subcommittee), which will be especially costly to Northern Virginia localities. This issue receives further analysis later in this memorandum; and
- (3) Authorize the Mayor to send a letter to the General Assembly and other State officials about City concerns about the State budget.

**DISCUSSION:** The 2010 General Assembly Session began on January 13 and is scheduled to adjourn on March 13. The deadline for introduction of legislation was Friday, January 22.<sup>1</sup> As of that day, at least 2,097 bills and 336 resolutions had been introduced (it is possible that additional bills and resolutions were introduced but have not yet appeared on the State's Legislative Information System).

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

In my first report to Council last Session (2009), I noted that the only major issue for the General Assembly that year was the state budget, although other issues such as smoking in restaurants, were receiving significant but lesser attention. This year, there is no issue that is receiving very much attention other than the state budget, since state revenues are so low, proposed cuts are seen by many as so draconian, and an additional \$2 billion in revenue reductions or revenue enhancements (fees and taxes) must be found, since the General Assembly has rejected outgoing Governor Kaine's proposal for additional income taxes.

The Virginia Municipal League has asked localities to communicate their budget concerns to the General Assembly and other State officials. A proposed draft letter is attached (Attachment 3).

**City Package.** The following are bills from the City's legislative package that the City asked members of the City's delegation to introduce (Attachment 2 is a status report on these and other "City Package" bills):

- SB 572 is the City's Charter bill. It proposes to amend the Charter so that the size of the board of review of real estate assessments (also known as the Board of Equalization) is increased from five to nine members. The proposed changes will also allow this board to sit in panels of at least three members each, with each panel performing its duties independently of the others. All three members of a panel would have to be present to constitute a quorum for any appeal. If the panel decision is unanimous on an appeal, the panel decision would be final unless the full Board voted to hear the appeal. The full Board would also hear any appeals in which a panel decision was not unanimous.

SB 572 also seeks to incorporate into the Charter a general law provision enacted by the 2009 General Assembly on the standard by which a variance can be granted, by eliminating the requirement for a showing of a hardship "approaching confiscation." Such a variance might be given to a property owner because a specific piece of property might have a characteristic with respect to size, shape, topography, etc., that makes it difficult to develop otherwise.

SB 572 will be heard by the Senate Committee on Local Government on January 26.

- HB 269 proposes an increase in the sales tax paid on motor fuels purchased in Northern Virginia. The bill would raise the tax from 2.1 percent to 4.2 percent. Although revenues from this tax are somewhat volatile, since they fluctuate with the price of gasoline, each one percent increase would likely result in about \$1.2 million annually for the City, and over \$15 million for the Northern Virginia WMATA localities. The bill has been assigned to the House Finance Committee, and has not yet been considered by the committee.
- HB 273 would create a provision in the Virginia Retirement System (VRS) to allow Alexandria deputy sheriffs, EMTs, and fire marshalls to retire at age 50 with 25 years of service, without losing their City Supplemental pay (they must now serve 30 years under VRS to retire early with an unreduced benefit). If passed by the General Assembly and implemented by City Council (City Council would have to adopt an ordinance to implement it), the cost to the City, or the beneficiaries, would be about \$1.2 million annually. Other bills have been filed to force new

employees covered by the VRS system to wait until age 55 for early retirement. HB 273 has been assigned to the House Appropriations Committee, but has not yet been heard.

- House Bill 454 would amend the Virginia Human Rights Act to prohibit discrimination in hiring or in the terms and conditions of employment. The Act, which affects only small employers (existing provisions of federal law already prohibit large employers from the types of discrimination this bill covers), currently protects individuals only from discriminatory discharge. The bill has been referred to the House General Laws Committee, which has not yet scheduled action on it.
- House Bill 459 would have required drivers to stop (not just yield) for pedestrians in crosswalks where the speed limit is 35 mph or less. The bill was defeated in a subcommittee of the House Transportation Committee.
- House Bill 461 would have amended the State's red light camera law by (1) eliminating the requirement that the Virginia Department of Transportation (VDOT) approve any intersections for red light cameras; and (2) allowing private entities to access DMV records (to match license plate numbers with the names of vehicle owners) as long as this is done under police supervision. This bill was also defeated in a subcommittee of the House Transportation Committee.
- House Bill 948 would require VDOT, prior to any I-95/395 HOT Lanes construction, to undertake any NEPA studies (an Environmental Impact Statement or an Environmental Assessment) that would normally be required for such a project. The bill has been referred to the House Transportation Committee, but has not been heard.
- HB 1116 seeks to prohibit Virginia's state and local governments from discriminating in public employment on the basis of 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 protected under federal law. The legislation has been sent to, but not heard by, the House General Laws Committee.

**Emissions Trading.** Current state law allows (but does not require) the State Air Pollution Control Board to prohibit electric generating facilities located within a non-attainment area in the Commonwealth (e.g., the D.C. area) from meeting their NO<sub>x</sub> and SO<sub>2</sub> permit limits by purchasing allowances from other permitted facilities that emit less NO<sub>x</sub> and SO<sub>2</sub> than their permits allow. SB 128 would no longer allow the Air Board to prohibit such trading. The City opposes this legislation, which could prevent the Air Board from prohibiting emissions trading at the Mirant plant, and is working to defeat or amend it.

**Public Housing Barment.** House Bill 264, as introduced, would require housing authorities to adopt written policies concerning their "no trespass" policy, or barment, from any premises owned by the authority. Authorities would also be required to follow other procedures set out in the bill, including (in the original version of the bill) the provision of written notice of the policy to the tenant, the posting of signs on the premises about the policy, and an appeal process. The patron of the bill, Delegate Englin, has revised the legislation once, and is in the process of

making a second revision. He is scheduled to meet with Council's Legislative Subcommittee on January 29, and the Committee is withholding a recommendation on the legislation until then.

**Composite Index.** Normally, the state reconfigures the composite index for K-12 education funding at the beginning of each biennial budget. The composite index is an indicator that theoretically represents a locality's wealth and ability to raise tax revenues. It ranges for localities from the mid-teens (Lee County's is .15) to .80 (Alexandria is at this level). The index is used to determine the percentage of state-approved education costs that are paid respectively by the state and the locality. The approved state funding for a locality is multiplied by the composite index, and the resulting number is the proportion of the K-12 state-approved cost that is the locality's responsibility. For instance, if a locality has \$100 million in state-approved education costs and its composite index is .80, the locality must pay \$80 million of the costs, and the state pays \$20 million. If a locality with \$100 million in state-approved education costs has a composite index of .42, the locality would pay \$42 million of the costs, and the State would pay \$58 million. It is important to note that the composite index applies only to state-approved costs, because every locality actually pays for educational programs over and above the state minimal requirements, and is responsible for 100% of these costs.

This year, primarily because of the downturn in the Northern Virginia real estate market, Fairfax County (and others) had its composite index lowered, meaning that the State would be responsible for a greater share of Fairfax County's state-approved education costs than it had been in the current biennium (which ends June 30). Since the total amount of state funding for K-12 education does not change as a result of the recalculation of the composite index, when localities like Fairfax gain money, other localities lose money. A number of the losers with the reformulation for this biennium included Virginia's older cities and rural counties, and they evidently went to the Governor and asked for help. When he proposed his biennial budget, the Governor included a provision that would delay the use of the new composite index for a year, until FY 12. If this is adopted, Fairfax County loses \$61M, Loudoun loses \$34M, and Prince William loses \$23M. Other nearby losers include Manassas, Manassas Park, Spotsylvania, Stafford, and Fauquier.

Localities with a .80 index (including Alexandria, Arlington, Falls Church, and Fairfax City) lose a small amount if the index is not updated until FY12. For Alexandria the loss is \$17,000, due to the way lottery funding for education is distributed.

**Governor McDonnell.** Governor McDonnell was sworn into office on January 16. During and since his campaign for governor, he has identified these priorities for his administration:

- Creating additional jobs and otherwise furthering economic development (he will be submitting budget amendments to increase spending in this area);
- Increasing the number of charter schools in the state (he plans to introduce legislation in this regard);

- Increasing the percentage of education funding that goes toward classroom instruction; and
- Increasing state energy production, in part by allowing oil and gas production off Virginia's coast.
- Privatizing the sale of hard liquor, and eliminating Virginia's ABC stores.

Governor McDonnell has promised to veto any legislation that is passed to increase taxes (the passage of any such legislation by the House of Delegates is extremely unlikely). He has also sent signals that he will call a special session of the General Assembly to address transportation funding this fall, although he has also indicated that he is unlikely to do so if there is no consensus on a solution to the transportation funding problem.

**Transportation Funding.** Although no comprehensive transportation funding legislation is expected to be approved this Session, some legislators are using the opportunity to introduce and refine such legislation, with the expectation that they can then introduce the "refined" legislation at the Special Session that is expected to be held in the Fall. City staff is analyzing these proposals, and working with Council's Legislative Subcommittee to develop positions on them as needed.

**Early Voting.** A number of bills have been introduced again this Session to allow early voting in any election without requiring the voter to give a specific reason for doing so. Two-thirds of the states already allow no-excuse pre-Election Day in-person voting. As in the past, the Senate is likely to approve this legislation, but the House of Delegates will reject it.

**State Budget.** Like the City of Alexandria, the Commonwealth is facing a significant shortfall in revenues. Not only did the Governor and General Assembly implement a series of budget reductions in each recent General Assembly Session; the Governor administratively implemented many additional cuts last fall that cover the remainder of the current biennial budget (the biennium ends June 30, 2010).

As noted in analyses already provided to Council, the most newsworthy item in outgoing Governor Kaine's proposed FY11-12 budget was his proposal to end the state payment of \$950 million in state revenues to localities, which use these funds to lower car tax bills for their residents. He suggested replacing these lost revenues with a one percent increase in the state income tax (this legislation was defeated unanimously this week in the House of Delegates).

Specific reductions in the proposed budget (on an annualized basis) for the City include:

- Approximately \$1.8M in general funds, primarily because of reductions in HB 599 (local law enforcement) funding and Comp Board payments for the Sheriff's, Finance, Court Clerk's, and Commonwealth's Attorney's offices.

- Nearly half a million dollars in reductions to non-general fund programs, primarily found in the City's Health Department and Department of Mental Health, Mental Retardation, and Substance Abuse.
- Significant reductions in K-12 education funding. In March 2009, the State estimated that Alexandria City Public Schools would receive \$34M in State funds in FY10. The State estimates that Alexandria City Public Schools will receive \$31.5M in State funds in FY11, and \$32.5M in FY12 (and this is based on total projected increases in student population of 8 to 9 percent over the two-year period).

The House and Senate Committees are scheduled to announce their budget recommendations on February 21. There are always differences between the amendments approved by the House and Senate, and these differences are never reconciled until the final days of Session. Even then, further changes can be proposed by the Governor prior to the Veto (or Reconvened) Session, now scheduled for April 21.

Staff will provide additional information on the budget as it becomes available. It is safe to assume that there will be significant further reductions in state aid to localities, since the General Assembly has rejected Governor Kaine's proposed income tax increase.

**ATTACHMENTS:**

Attachment 1. Recommended Positions on Bills of Importance to the City, January 23, 2010

Attachment 2. Current Status of City Package Bills, January 23, 2010

Attachment 3. Proposed budget letter

**STAFF:** Bernard Caton, Legislative Director

## **Recommended Positions on Bills of Importance to the City January 23, 2010**

### **HB 15 Terrorism, federal; those accused or convicted shall not be held in custody in state/local facility.**

Summary as introduced:

Custody in state and local correctional facilities of those accused or convicted of federal terrorism. Provides that no person who is accused or convicted of terrorism in violation of federal law, as terrorism is defined in 18 U.S.C. § 2331, shall be held in custody in any state or local correction facility.

Patron: Marshall, R.G.

12/08/09 House: Prefiled and ordered printed; offered 01/13/10

12/08/09 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Oppose

### **HB 20 Disabled veteran; definition.**

Summary as introduced:

Definition of "disabled veteran." Provides that, for the purposes of Title 46.2 (Motor Vehicles), a veteran will be considered a "disabled veteran" if he is certified as being at least 50 percent disabled by the U.S. Veterans Administration.

Patrons: Cole and Johnson

12/11/09 House: Prefiled and ordered printed; offered 01/13/10

12/11/09 House: Referred to Committee on Transportation

01/15/10 House: Assigned Transportation sub: #3

Notes: Position: Oppose (the current definition of 100 percent disabled, as used in other programs, should be retained)

### **HB 57 Business, professional, and occupational license (BPOL) tax; limits on rates and imposition.**

Summary as introduced:

Business, professional, and occupational license (BPOL) tax; limits on rates and imposition. Prohibits any locality from (i) imposing the BPOL tax if the locality did not impose it as of January 1, 2010, and (ii) increasing the BPOL tax rates after January 1, 2010.

Patrons: Cole and Pollard

12/22/09 House: Prefiled and ordered printed; offered 01/13/10

12/22/09 House: Referred to Committee on Finance

01/19/10 House: Assigned Finance sub: #2

01/20/10 House: Subcommittee recommends reporting (9-Y 1-N)

Notes: Position: Oppose

### **HB 58 Wireless telecommunications devices; prohibits talking on such device unless in hands-free mode.**

Summary as introduced:

Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode.

Patron: Dance

12/28/09 House: Prefiled and ordered printed; offered 01/13/10

12/28/09 House: Referred to Committee on Militia, Police and Public Safety

01/19/10 House: Assigned MPPS sub: #2

Notes: Position: Support

**HB 82 Public sewer system; civil penalty for violation of local ordinances.**

Summary as introduced:

Civil penalties for violation of sewage usage ordinances. Allows any locality under an order of the Virginia Department of Environmental Quality issued pursuant to the authority of subdivision (8a) of § 62.1-44.15 to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

Patron: Knight

01/04/10 House: Prefiled and ordered printed; offered 01/13/10

01/04/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/20/10 House: Referred from Agriculture, Chesapeake and Natural Resources

01/20/10 House: Referred to Committee on Counties, Cities and Towns

Notes: Position: Support

**HB 83 Pawnbrokers; local government may by an ordinance require daily report to be electronically filed.**

Summary as introduced:

Pawnbrokers; daily reports. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000.

Patron: Knight

01/04/10 House: Prefiled and ordered printed; offered 01/13/10

01/04/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

01/19/10 House: Subcommittee recommends reporting (8-Y 0-N)

01/21/10 House: Reported from General Laws (21-Y 0-N)

Notes: Position: Support

**HB 108 Firearms; disposition of those acquired by localities.**

Summary as introduced:



Disposition of firearms. Provides that no locality may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the locality unless the governing body of the locality has enacted an ordinance authorizing the participation of the locality. The ordinance shall require that such firearms shall be sold by public auction or sealed bids to a person licensed as a dealer or be disposed of in any other appropriate manner.

Patron: Cole

1/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Oppose

**HB 110 BPOL tax; localities to decide to impose on business's gross receipts or its State taxable income.**

Summary as introduced:

Business, professional and occupational license tax; gross receipts or Virginia taxable income. Allows localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income.

Patron: Cole

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Finance

01/19/10 House: Assigned Finance sub: #2

Notes: Position: Oppose

**HB 149 Constitutional amendment; property tax exemption for certain veterans.**

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability.

Patrons: O'Bannon, Lingamfelter, Cole, Cox, J.A., Dance, Ingram and Watts

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #1 Constitutional

Notes: Position: Oppose (among the reasons: does not means test the veteran's need; does not cover a surviving spouse of someone killed in action)

**HB 159 Noise ordinance; authorizes governing body to adopt civil penalties.**

Summary as introduced:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.

Patron: Dance

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Counties, Cities and Towns

01/15/10 House: Assigned CC & T sub: #2

01/22/10 House: Incorporated by Counties, Cities and Towns (HB297-Cosgrove)

Notes: Position: Support

**HB 173 Drugs; certified emergency medical services personnel may administer and dispense.**

Summary as introduced:

Administration and dispensing of necessary drugs by emergency medical services personnel. Provides that certified emergency medical services personnel who are employed by or affiliated with a licensed emergency medical services agency and who have received the training necessary to safely administer or dispense necessary drugs may administer skin tests for influenza or tuberculosis in nonemergency settings to public safety personnel and, upon the request of the local health director, the general public.

Patron: Pogge

01/06/10 House: Prefiled and ordered printed; offered 01/13/10

01/06/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #1

Notes: Position: Support

**HB 175 Barrier crimes; limits assault-related crimes to felony assault crimes only.**

Summary as introduced:

Limitations on barrier crimes. Limits assault-related barrier crimes in Title 63.2 to felony assault crimes only. Currently, misdemeanor assaults are barriers to employment in certain areas.

Patron: Morrissey

01/07/10 House: Prefiled and ordered printed; offered 01/13/10

01/07/10 House: Referred to Committee for Courts of Justice

01/13/10 House: Assigned Courts sub: Criminal

01/20/10 House: Subcommittee recommends passing by indefinitely

Notes: Position: Support

**HB 207 Police lineups; establishes a uniform procedure to be used by all law-enforcement agencies.**

Summary as introduced:

Conduct of police lineups. Establishes a uniform procedure to be used in all lineups by all law-enforcement agencies intended to ensure maximum accuracy of the procedure. The bill requires that the person who administers the lineup be a person who is not involved in the investigation of the criminal incident at issue and who does not know the identity of the suspect, that only one photograph or person is displayed to the eyewitness at a time, that all information about the suspect is kept from the eyewitness, that the lineup be recorded by videotape, audiotape or in writing by the administrator, and that the quality of the procedures used is subject to review in court by the finder of fact.

Patron: Alexander

01/08/10 House: Prefiled and ordered printed; offered 01/13/10

01/08/10 House: Referred to Committee for Courts of Justice

01/13/10 House: Assigned Courts sub: Criminal

Notes: Position: Oppose

**HB 218 Stalking; enhanced penalties.**

Summary as introduced:

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

Patron: McClellan

01/08/10 House: Prefiled and ordered printed; offered 01/13/10

01/08/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 233 Affordable housing; assessments for four or fewer residential units.**

Summary as introduced:

Assessments for affordable housing units. Determines that capitalization rates for valuation shall not be reduced for affordable housing units, and that the taxpayer shall have the burden of proof by a preponderance of the evidence to determine that the valuation is erroneous. Assessments on affordable rental housing shall be deemed presumptively correct for two years or the remainder of the assessment cycle, whichever occurs first. This bill is a recommendation of the Virginia Housing Commission.

Patrons: Dance and Marshall, D.W.

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Finance

01/18/10 House: Assigned Finance sub: #1

Notes: Position: Staff will work to try to change the provisions dealing with capitalization

**HB 246 Local government investment pool; limitations.**

Summary as introduced:

Local government investment pool; limitations. Provides that no less than 10 percent of local government investment pool assets shall be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. The bill, as introduced in 2009, contained a reenactment clause that requires it to be reenacted by the 2010 Session of the General Assembly.

Patrons: Merricks and Marshall, D.W.

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Technology Oversight and Government Activities

Notes: Position: Oppose

**HB 248 Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.**

Summary as introduced:

Psychiatric treatment of minors. Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the

Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court.

Patron: Kilgore

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee for Courts of Justice

01/15/10 House: Assigned Courts sub: Civil

Notes: Position: Support

**HB 284 Investment of public funds; removes requirement that public funds must be invested in certificates.**

Summary as introduced:

Investment of public funds; deposits. Removes the requirement that public funds must be invested in certificates of deposit. The funds must still be deposited with a federally insured bank or savings institution qualified by the Virginia Treasury Board and the full amount of principal and interest must be covered by federal deposit insurance.

Patron: Merricks

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Compensation and Retirement

Notes: Position: Support

**HB 285 Companion animals; court may include in protective order provisions prohibiting harm.**

Summary as introduced:

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.

Patrons: Scott, J.M. and Herring

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 288 Stalking; penalty.**

Summary as introduced:

Punishment for stalking; penalty. Clarifies the number of instances of stalking behavior necessary for conviction of multiple offenses of stalking, and provides that a person may be convicted of stalking for a singular instance of stalking behavior when the behavior is accompanied by verbal threats of sexual assault, bodily injury, or death. The measure also

creates a felony offense of stalking for engaging in stalking behavior after having been previously convicted of a family assault and battery within five years prior to the stalking behavior. The measure also resets the time period within which a person may be convicted of felony stalking to be based upon the period during which the offenses were committed, rather than the period during which the convictions were had.

Patron: Griffith

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 290 Fire programs; any fire/EMS department of a locality shall be immune from civil liability.**

Summary as introduced:

Fire programs; donated equipment; liability. Provides that any fire/EMS department of a city, town, or county, or any fire/EMS company donating equipment for fighting fires or performing emergency medical services, which equipment met existing standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the organization acted with gross negligence or willful misconduct.

Patron: Griffith

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Militia, Police and Public Safety

01/19/10 House: Assigned MPPS sub: #3

01/22/10 House: Subcommittee recommends reporting with amendment(s) (4-Y 0-N)

Notes: Position: Support

**HB 292 Circuit courts; shall have original and general jurisdiction over certain cases.**

Summary as introduced:

Termination of parental rights; original jurisdiction; circuit court. Provides that the circuit courts shall have original and general jurisdiction over all cases involving the termination of residual parental rights and eliminates the juvenile and domestic relations district courts' concurrent jurisdiction over such cases.

Patron: Griffith

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee for Courts of Justice

01/15/10 House: Assigned Courts sub: Civil

Notes: Position: Oppose (recommended position for HB 748, which would make the Juvenile Court the Court of Record in these cases, is support; see below)

**HB 297 Civil penalties for violations of noise ordinance.**

Summary as introduced:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.

Patrons: Cosgrove, Dance and Ware, O.

01/11/10 House: Referred to Committee on Counties, Cities and Towns

01/15/10 House: Assigned CC & T sub: #2

01/21/10 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N)  
01/22/10 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N)  
01/22/10 House: Committee substitute printed 10104488D-H1  
Notes: Position: Support

**HB 299 Uniform Statewide Building Code; increases civil penalty.**

Summary as introduced:

Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.

Patrons: Torian and Anderson

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #1 Housing

Notes: Position: Support

**HB 305 Voluntary admission; person admitted to facility for mental health treatment after detention order.**

Summary as introduced:

Voluntary admission for mental health treatment prior to involuntary commitment hearing. Provides that a person may be voluntarily admitted to a facility for mental health treatment after issuance of a temporary detention order but before a hearing for involuntary commitment by the person's attending or consulting physician where the physician finds that the person is will and able to volunteer for treatment and after the person is informed that they will be required to provide 48 hours notice prior to leaving the facility to which they are voluntarily admitted and will be prohibited from owning, possessing, or transporting a firearm.

Patron: O'Bannon

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #3

Notes: Position: Support

**HB 352 Group life insurance coverage; extended to persons mutually agreed upon by insurer and policyholder.**

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 and Ebbin

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Commerce and Labor

Notes: Position: Support

**HB 365 Local vehicle licenses; agreements with DMV.**

Summary as introduced:

Local vehicle licenses; agreements with DMV. Provides that DMV will refuse registration or renewal of registration of a vehicle if any parking citation fees are owed to any county, city, or town, not just the county, city, or town that has entered into an agreement with DMV to deny registrations to persons who owe that particular locality the fee.

Patron: Ware, O.

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Transportation

01/15/10 House: Assigned Transportation sub: #3

Notes: Position: Support

**HB 367 Bad checks; recovery if stop-payment order placed in bad faith.**

Summary as introduced:

Checks; stop-payment; local ordinances. Provides that a locality may charge up to \$35 if payment for revenue collection was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for a fee if the payment for revenue collection was refused because of uttering, publishing, or passing of any check or draft, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

Patron: Ware, O.

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Counties, Cities and Towns

01/15/10 House: Assigned CC & T sub: #2

Notes: Position: Support

**HB 391 Highways; payments to cities and towns for maintenance of certain.**

Summary as introduced:

Payments to cities and towns for maintenance of certain highways. Reduces unrestricted right-of-way widths from 50 to 40 feet and hard-surface widths from 30 to 22 feet before payment can be made by the Commissioner to any city or town for maintenance of certain highways if such highway was constructed on or after January 1, 2011.

Patron: Lohr

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Transportation

01/20/10 House: Assigned Transportation sub: #4

Notes: Position: Support

**HB 407 Landlord and tenant laws; clarifies judgment rate of interest.**

Summary as introduced:

Landlord and tenant laws; landlord and tenant obligations. Clarifies that the judgment rate of interest includes any and all amounts covered by the judgment. The bill, among other things, also (i) requires the executive secretary of the Supreme Court to permit electronic interface with case management systems and for the general district courts to allow private vendors to electronically file civil actions on forms developed by the

executive secretary; (ii) provides that the homestead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants and states that the use of a ratio utility billing system is not within the jurisdiction of the State Corporation Commission; (iv) allows certain persons to prepare, execute, file, and have served on other parties, in any proceeding in a general district court, a warrant in debt, warrant in detinue, distress warrant, summons for unlawful detainer, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader, and civil appeal notice without the intervention of any attorney; (v) adds a definition of "commencement date of the rental agreement" and effective date of same to the Virginia Residential Landlord Tenant Act; (vi) revises the definition of "security deposit" under the Virginia Residential Landlord Tenant Act; (vii) revises the damage and renter's insurance coverage provisions of the Virginia Residential Landlord Tenant Act; (viii) allows tenant records to be disclosed to a local commissioner of the revenue, under certain circumstances, and to the commanding officer, military housing officer, or military attorney of the tenant; (ix) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills; and (x) changes the times that trigger the payment of interest by the landlord on a security deposit. The bill also contains technical amendments.

Patron: Oder

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #1 Housing

Notes: Position: Oppose

**HB 409 Contractors, Board for; prerequisite for obtaining business license.**

Summary as introduced:

Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor. The bill contains a technical amendment.

Patron: Oder

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

01/18/10 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

Notes: Position: Oppose

**HB 430 Real property tax; assessment.**

Summary as introduced:



Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using income production assessment methodology, based on the property's current use and restrictions; (ii) additional requirements for real estate assessors; (iii) that a locality's real property sales assessment ratio higher than 110 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iii) taxpayers access to certain information related to assessments; and (iv) additional requirements related to boards of equalization.

Patron: Griffith

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Finance

01/18/10 House: Assigned Finance sub: #1

Notes: Position: Oppose

**HB 453 Protective orders; service of notice by law-enforcement officer.**

Summary as introduced:

Service of protective orders. Provides that a law-enforcement officer may effect service of a protective order by personally serving the person subject to the order with either (i) a copy of the order or (ii) a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.

Patron: Herring

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/15/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 455 Discrimination by public employers; based on genetic characteristics prohibited.**

Summary as introduced:

Discrimination by public employers based on genetic characteristics prohibited. Prohibits the Commonwealth and other public bodies from taking adverse employment actions based on genetic testing or genetic characteristics. Such actions are currently prohibited if taken by private employers.

Patron: Herring

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

Notes: Position: Support

**HB 478 Citizen reported issues and requests; locality to establish database for information.**

Summary as introduced:

Local database of citizen reported issues and requests. Requires every locality to establish a database of citizen-reported issues and requests for information, and the governmental responses to such citizen inquiries. Such database shall be maintained in a format that allows public access via the Internet.

Patron: Carrico

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Science and Technology

Notes: Position: Oppose (unfunded mandate)

**HB 493 Uniform Statewide Building Code; increases civil penalty.**

Summary as introduced:

Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.

Patron: Lingamfelter

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #1 Housing

Notes: Position: Support

**HB 505 Concealed handguns; prohibits person who carries onto premises of restaurant from consuming alcohol.**

Summary as introduced:

Concealed handguns; restaurants. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

Patron: Gilbert

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Oppose

**HB 517 Uniform Statewide Building Code; court may order violations on nonresidential buildings be abated.**

Summary as introduced:

Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Patron: Rust

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #1 Housing

Notes: Position: Support

**HB 552 Vested rights; includes right to replace failed septic system.**

Summary as introduced:

Vested rights to include right to replace failed septic system. Includes the right to replace failed septic systems under vested rights protection. Determinations by zoning administrators are deemed to be significant governmental acts allowing development of specific projects.

Patron: Marshall, D.W.

1/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Counties, Cities and Towns

01/21/10 House: Assigned CC & T sub: #2

Notes: Position: Oppose provisions that generally apply to vested rights

**HB 563 Decibel level of sound; authorizes a law-enforcement officer to use certain equipment to determine.**

Summary as introduced:

Equipment used to determine the decibel level of sound. Authorizes a law-enforcement officer to use certain equipment to determine the decibel level of sound, including noise. The results of such determinations shall be accepted as prima facie evidence of the decibel level of the sound in any court or legal proceeding where the decibel level of the sound is at issue. The bill also provides that in any court or legal proceeding in which any question arises about the calibration or accuracy of such equipment used to determine the decibel level of sound, a certificate, or a true copy thereof, showing the calibration or testing for accuracy of the equipment, and when and by whom the calibration or test was made, shall be admissible as evidence of the facts therein stated.

Patron: Tata

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

01/20/10 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N)

01/22/10 House: Reported from Courts of Justice with amendment (22-Y 0-N)

Notes: Position: Support

**HB 570 Real property tax assessments; appeals.**

Summary as introduced:

Real property tax assessments; appeals. Changes the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a board of equalization or to a circuit court.

Patron: Iaquinto

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Finance

01/18/10 House: Assigned Finance sub: #1

Notes: Position: Oppose

**HB 577 Real property tax; time to appeal assessments extended.**

Summary as introduced:

Real property tax; time to appeal assessments extended. Increases the time a taxpayer may appeal the assessment of his real estate to the commissioner of the revenue (i) from

three years to five years from the last day of the tax year for which the assessment is made or (ii) from one year to three years from the date of the assessment, whichever is later.

Patron: Cole

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Finance

01/18/10 House: Assigned Finance sub: #1

Notes: Position: Oppose

**HB 585 VCIN and NCIC; person who violated provisions of post-release supervision to be entered into system.**

Summary as introduced:

Information entered into VCIN and NCIC. Provides that within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-162 (known as a PB-15) authorizing the arrest of a person who has violated the provisions of his post-release supervision, the law-enforcement agency that received the written statement shall enter the person's name and other appropriate information required by the Department of State Police into the information systems known as the Virginia Criminal Information Network (VCIN) and the FBI's National Crime Information Center (NCIC). Currently, the information is entered for a warrant or capias for the arrest of any person on a charge of a felony or a Governor's warrant of arrest.

Patron: Landes

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/15/10 House: Assigned Courts sub: Criminal

01/18/10 House: Subcommittee recommends reporting (8-Y 0-N)

Notes: Position: Support

**HB 619 Erosion and sediment control; may assess civil penalties for.**

Summary as introduced:

Erosion and sediment control; penalty. Provides localities with the option of assessing civil penalties for the commencement of land-disturbing activities without an approved plan in the amount of \$100 for an initial violation and in the amount of \$1,000 for any subsequent violations. Currently, the penalty is set by statute at \$1,000 for any violation.

Patron: Orrock

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10102826D

01/12/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/20/10 House: Assigned ACNRsub: #3 Chesapeake

Notes: Position: Oppose

**HB 656 Protective orders; judicial officer require protective order respondent subject to GPS monitoring.**

Summary as introduced:

Protective orders; GPS devices. Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring that notifies the person to be protected

and law enforcement when the monitored person is in violation of the order. The cost of the monitoring is to be paid by the monitored person.

Patrons: Armstrong, BaCote, Barlow, Bulova, Ebbin, Englin, Herring, Hope, Kory, Lewis, McQuinn, Merricks, Miller, P.J., Morrissey, Scott, J.M., Sickles, Toscano and Tyler

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 681 Law-enforcement officer; discretion of officer to arrest or issue summons for jailable offense.**

Summary as introduced:

Discretion of law-enforcement officer to arrest or issue summons for a jailable offense.

Gives a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor. Currently, the officer must issue a summons unless the person refuses to cease his criminal activity, is a danger to himself or others, or indicates he will disregard a summons.

Patron: Miller, J.H.

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Posion: Support

**HB 682 Gang-free zones; expanded to include any school bus stop or public buildings, etc.**

Summary as introduced:

Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any school bus stop or the property, including buildings and grounds, of any publicly owned or operated community center, park, library, or hospital. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron: Miller, J.H.

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 748 Parental rights; final orders for termination are appealed directly to Court of Appeals.**

Summary as introduced:

Termination of parental rights; juvenile court as court of record. Provides that final orders involving the termination of parental rights and the approval of permanency plans with the goal of adoption entered by the juvenile and domestic relations district court are appealed directly to the Court of Appeals. The bill further establishes that the juvenile court functions as a court of record in such cases.

Patrons: Toscano and Sickles

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Civil

Notes: Position: Support

**HB 752 Traffic lights; allows motorcycle, etc., to proceed through intersections showing steady red signal.**

Summary as introduced:

Traffic lights. Allows motorcycle, moped, and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

Patrons: Greason and Janis

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #2

Notes: Position: Oppose

**HB 783 Wireless telecommunications devices; prohibits talking on such device unless in hands-free mode.**

Summary as introduced:

Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. Further provides that any violation found to be a contributing factor in an accident shall be punishable as a Class 3 misdemeanor.

Patron: LeMunyon

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Militia, Police and Public Safety

01/19/10 House: Assigned MPPS sub: #2

01/21/10 House: Subcommittee recommends laying on the table

Notes: Position: Support

**HB 786 Polling hours; extends hours on election day.**

Summary as introduced:

Elections; polling hours. Extends the hours that polls close on election day from 7:00 p.m. to 8:00 p.m.

Patrons: LeMunyon and Surovell

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Privileges and Elections

01/21/10 House: Assigned P & E sub: #2 Elections

Notes: Position: Support

**HB 798 Drugs; certified emergency medical services personnel may administer and dispense.**

Summary as introduced:

Administration and dispensing of necessary drugs by emergency medical services personnel. Provides that certified emergency medical services personnel who are employed by or affiliated with a licensed emergency medical services agency and who have received the training necessary to safely administer or dispense necessary drugs may administer skin tests for influenza or tuberculosis in nonemergency settings to public safety personnel and, upon the request of the local health director, the general public.

Patron: Griffith

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #1

Notes: Position: Support

**HB 831 Public Procurement Act; qualification of foreign business entities to conduct business in State.**

Summary as introduced:

Virginia Public Procurement Act; foreign business entities. Prohibits a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership from bidding on, or entering into, amending, or renewing, a contract with a public body under the Virginia Public Procurement Act unless the foreign entity provides a copy of a valid certificate or authority or registration to conduct business in the Commonwealth. Such status shall be maintained during the term of a contract and for five years after its term is completed. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

Patrons: Surovell; Senator: Petersen

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #2 FOIA/Procurement

Notes: Position: Support

**HB 838 Correctional facilities, local; use of state funds for local alternative incarceration programs.**

Summary as introduced:

Local correctional facilities; use of state funds for local alternative incarceration programs. Allows the use of state funds appropriated for financial assistance for the confinement of persons in local facilities for local alternative incarceration programs.

Patron: Carr

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Support

**HB 862 Juveniles; punishment for possession, etc., of alcohol.**

Summary as introduced:

Punishment of a juvenile for possession, etc., of alcohol. Provides that a juvenile charged with possession, consumption, etc., of alcohol may be found delinquent of such a charge and punished, or have his case deferred and upon completion of the terms and conditions of his probation, have his case dismissed by the juvenile and domestic relations district

court. Current law provides that the case shall be deferred and shall be dismissed upon completion of terms and conditions.

Patron: Cline

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 868 Criminal street gang; any person who by telephone solicits another is guilty of a Class 6 felony.**

Summary as introduced:

Solicitation to become a gang member; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony. Currently, such solicitation by any method of communication is a Class 1 misdemeanor.

Patron: Cline

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

Notes: Position: Support

**HB 880 Derelict buildings; expands definition.**

Summary as introduced:

Derelict Buildings. Expands the definition of derelict buildings to include residential or nonresidential buildings or structures that have not been completed and approved for use or occupancy, and for which the construction permit has been revoked in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.). This legislation also expands the definition of blighted property to include any structure for which a construction permit was not obtained or for which the construction permit has been revoked in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.).

Patrons: BaCote, Abbott and Ward; Senator: Locke

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on General Laws

Notes: Position: Support

**HB 904 Animal control officers; increased penalty for obstruction.**

Summary as introduced:

Animal control officers; obstruction. Clarifies the role of animal control officers in light of two changes made to criminal procedure statutes during the 2009 Session of the General Assembly. First, the provision in Title 3.2 is conformed with existing Title 18.2 to show that the heightened penalty for obstructing an animal control officer in the performance of his duties was increased from a Class 4 misdemeanor to a Class 1 misdemeanor. Second, Title 19.2 is amended to show that animal control officers may obtain a felony warrant from a magistrate, as stated in § 3.2-6555, although a law-enforcement officer must execute such warrant.



Patron: Bell, Robert B.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 909 Unclaimed property; storage fee for those in possession of sheriff or police.**

Summary as introduced:

Disposal of unclaimed property in possession of sheriff or police; storage fee. Requires the payment of a storage fee to the sheriff or other department storing unclaimed property when such property is converted to a law-enforcement agency for its use.

Patron: Bell, Robert B.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Militia, Police and Public Safety

01/21/10 House: Assigned MPPS sub: #3

Notes: Position: Support

**HB 921 Retention of records; all records of Board of Social Services shall be retained for at least 25 yrs.**

Summary as introduced:

Department of Social Services; retention of records. Provides that all records of the Board of Social Services, Department of Social Services, local boards of social services and local departments of social services shall be retained for at least 25 years.

Patron: Bell, Robert B.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

Notes: Position: Oppose

**HB 925 VIEW; screening and assessment for use of illegal substances.**

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, when 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 for a period of one year.

Patron: Bell, Robert B.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #3

Notes: Position: Oppose--unfunded mandate

**HB 930 Protective orders; allows petitioner to obtain extension of order for period of no more than 1 year.**

Summary as introduced:

Extension of protective orders. Allows a petitioner who has obtained a protective order under § 16.1-279.1 (cases of family abuse) or § 19.2-152.10 (stalking) to obtain an extension of such order for a period of no more than one year if the respondent continues to pose a threat to the health or safety of the petitioner and the petitioner's family and household members. There is no limit on the number of extensions that may be requested.

Patrons: Bell, Robert B. and Comstock

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 931 Protective orders; coordination with other states.**

Summary as introduced:

Protective orders; coordination with other states. Requires the Executive Secretary of the Supreme Court, on an annual basis, to consult with the appropriate judicial authorities of adjacent states, and allows the Executive Secretary to consult with the appropriate judicial authorities of any other state, concerning the forms used in connection with the issuance of protective orders under the laws of the Commonwealth and the other states. The Executive Secretary shall, to the extent feasible under the laws of the Commonwealth, coordinate the contents of such protective order forms with other states in order to facilitate the enforcement of foreign protective orders in the Commonwealth and the enforcement of Virginia protective orders in other states.

Patron: Bell, Robert B.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 971 Northern Virginia Transportation Authority Sales and Use Tax Fund; established.**

Summary as introduced:

Transportation funding and administration. Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee on motor fuels sold by a distributor to a retail dealer at the rate of one percent, to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales and tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) imposing a regional congestion relief fee on the recordation of deeds in Northern Virginia at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. The bill also requires a performance audit of the Commonwealth's transportation programs.

Patrons: Rust, May, Watts and Kory

01/13/10 House: Prefiled and ordered printed; offered 01/13/10  
01/13/10 House: Referred to Committee on Finance  
01/18/10 House: Assigned Finance sub: #1  
Notes: Position: Support

**HB 1047 Commonwealth Mass Transit Fund; increases percentage of Transportation Trust Fund revenues in.**

Summary as introduced:

Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

Patrons: Kory, Hope and Scott, J.M.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10  
01/13/10 House: Referred to Committee on Appropriations  
01/19/10 House: Assigned App. sub: Transportation  
Notes: Position: Support

**HB 1056 Animal control officers; clarifies duties and responsibilities.**

Summary as introduced:

Animal control officers. Clarifies the duties and responsibilities of animal control officers, who shall be sworn law-enforcement officers with jurisdiction over animal control and protection laws. All sheriffs, police officers, conservation police officers, or other peace officers of the Commonwealth shall be ex officio animal control officers. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain and execute a search warrant or a felony warrant as necessary. Currently, felony warrants must be executed by police officers. Localities must notify the State Veterinarian within 30 days of any change in the employment and training status of the animal control officers employed by the locality. Such reporting does not currently need to be done within a specific timeframe.

Patron: Armstrong

01/13/10 House: Prefiled and ordered printed; offered 01/13/10  
01/13/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources  
Notes: Position: Support

**HB 1060 School boards; any locality in Planning District 8 may establish system of staggered elections.**

Summary as introduced:

Elected school boards; staggered elections. Provides that any locality in Planning District 8 may establish a system of staggered elections for the school board regardless of whether the terms of the local governing body are staggered.

Patron: Marshall, R.G.

01/13/10 House: Prefiled and ordered printed; offered 01/13/10  
01/13/10 House: Referred to Committee on Privileges and Elections  
01/21/10 House: Assigned P & E sub: #1 Constitutional

Notes: Position: Oppose

**HB 1086 Comprehensive services; local match rates for purchase of services shall be consistent.**

Summary as introduced:

Comprehensive services; local match rates. Provides that local match rates for purchase of services, including public and private residential and nonresidential services, pursuant to the Comprehensive Services Act shall be consistent, regardless of the location or nature of the services purchased.

Patron: Crockett-Stark

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on General Laws

Notes: Position: Oppose

**HB 1087 Drug recognition experts; law-enforcement officer be trained by Department of Forensic Science.**

Summary as introduced:

Drug Recognition Experts. Provides that in any trial for a violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses) involving cocaine or heroin, any law-enforcement officer shall be permitted to testify as to the results of any field test approved as accurate and reliable by the Department of Forensic Science regarding whether or not any substance, the identity of which is at issue, is cocaine or heroin and provides that any law-enforcement officer who performs drug field tests shall be trained as a Drug Recognition Expert by the Department of Forensic Science.

Patron: Crockett-Stark

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support

**HB 1096 Vehicles towed; written notice within 24 hours to owners towed because of medical emergencies.**

Summary as introduced:

Vehicles towed because of medical emergencies involving the driver. Provides for written notice, within 24 hours, to owners of vehicles that are towed because of medical emergencies involving the driver.

Patron: Sickles

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #2

Notes: Position: Support

**HB 1124 Street maintenance payments; provides for increased payments where traffic volumes exceed average.**

Summary as introduced:

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

Patrons: Keam and Kory

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #4

Notes: Position: Support

**HB 1131 Commonwealth Transportation Board (CTB); formulas for allocating funds.**

Summary as introduced:

Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

Patrons: Keam and Kory

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Transportation

Notes: Position: Support

**HB 1216 Public defenders; supplemental compensation.**

Summary as introduced:

Public defenders; supplemental compensation. Provides that supplemental compensation for public defenders provided by a locality shall go directly to the employees rather than going to the Indigent Defense Commission for distribution.

Patron: McClellan

01/14/10 House: Presented and ordered printed

01/14/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

Notes: Position: Support in concept

**HB 1223 HOT lanes; requires shoulder widths are sufficient for safe operation of transit vehicles.**

Summary as introduced:

HOT lanes. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.

Patron: Ebbin

01/15/10 House: Presented and ordered printed

01/15/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #4

Notes: Position: Support

**HB 1240 Taxicab; definition for purpose of regulation of passenger carriers.**

Summary as introduced:

Definition of "taxicab" for purpose of regulation of passenger carriers. Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Patron: Oder

01/15/10 House: Presented and ordered printed

01/15/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #2

Notes: Position: Support

**HB 1250 Vested rights; issuance of written order, etc., by zoning administrator regarding use of property.**

Summary as introduced:

Vested rights. Provides that the issuance of any written order, requirement, decision, or determination by the zoning administrator regarding the permissibility of a specific use or density of the landowner's property shall be considered a significant affirmative governmental act for purposes of determining vested rights.

Patrons: Knight and Oder

01/18/10 House: Presented and ordered printed

01/18/10 House: Referred to Committee on Counties, Cities and Towns

Notes: Position: Oppose

**HB 1270 Constitutional amendment; property tax exemption for certain veterans.**

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability.

Patrons: Bell, Richard P., Anderson, Barlow, Brink, Bulova, Cox, M.K., Greason, Howell, A.T., Ingram, Knight, Landes, McClellan, McQuinn, Miller, P.J., Morefield, Nixon, Poindexter, Sickles, Tyler and Watts

01/19/10 House: Presented and ordered printed

01/19/10 House: Referred to Committee on Privileges and Elections

01/21/10 House: Assigned P & E sub: #1 Constitutional

Notes: Position: Oppose

**HJ 119 Study; U.S. Route 1 Corridor; report**

Summary as introduced:

Study; U.S. Route 1 Corridor; report. Establishes a joint subcommittee to study the creation of a U.S. Route 1 Corridor.

Patrons: Surovell, Brink, Englin and Torian; Senators: Puller and Ticer

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Rules

01/18/10 House: Assigned Rules sub: #3 Studies  
Notes: Position: Support

**SB 22 Assault and battery; penalty when against fire marshals and assistant fire marshals.**

Summary as introduced:

Assault and battery; fire marshals; penalty. Adds fire marshals and assistant fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

Patron: Locke

12/23/09 Senate: Referred to Committee for Courts of Justice

01/12/10 Senate: Assigned Courts sub: Criminal

01/18/10 Senate: Reported from Courts of Justice with amendments (12-Y 0-N)

01/18/10 Senate: Rereferred to Finance

Notes: Position: Support

**SB 68 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; conduct of interrogations.**

Summary as introduced:

Firefighters and Emergency Medical Technicians Procedural Guarantee Act; conduct of interrogations. Provides that firefighters or emergency medical technicians may have a witness of their choice present during an interrogation, as long as the interview is not unduly delayed. The bill specifies that the observer cannot participate or represent the employee. In addition the bill provides that all interrogations should be conducted with at least 24 hours' notice, unless the nature of the investigation requires immediate.

Patron: McEachin

01/12/10 Senate: Assigned Courts sub: Civil

01/18/10 Senate: Reported from Courts of Justice (9-Y 3-N)

01/19/10 Senate: Constitutional reading dispensed (40-Y 0-N)

01/20/10 Senate: Read second time and engrossed

01/21/10 Senate: Read third time and passed Senate (25-Y 15-N)

Notes: Position: Support

**SB 71 Electric energy efficiency standard.**

Summary as introduced:

Energy efficiency resource standard. Requires each electric utility to implement a portfolio of cost-effective electric utility energy efficiency programs that will reduce the consumption of electric energy by its retail customers by 0.3 percent of the forecast consumption for 2011, 3.9 percent of the forecast consumption for 2015, and 12.2 percent of the forecast consumption for 2022. An electric utility may seek rate adjustment clauses to recover the costs of its cost-effective electric utility energy efficiency programs with an enhanced rate of return on such costs of 100 basis points, if the electric utility achieves consumption reductions of not less than 100 percent of the amounts scheduled or 150

basis points if it achieves reductions of 125 percent or more of the amounts scheduled. An electric utility that fails to achieve the scheduled consumption reductions shall make alternative compliance payments of \$0.075 for every kilowatt hour by which the utility failed to meet the scheduled consumption reductions. Utilities are not entitled to recover alternative compliance payments from customers. Alternative compliance payments are to be deposited in a Virginia Energy Efficiency and Conservation Fund and used to provide financial incentives for the implementation of energy efficiency and conservation programs.

Patrons: McEachin; Delegate: Kory

01/05/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/05/10 Senate: Referred to Committee on Commerce and Labor

Notes: Position: Support

**SB 110 Clean energy financing; localities authorized to place liens against any property.**

Summary as introduced:

Clean energy financing. Gives localities the authority to, in order to secure loans for the initial acquisition and installation of clean energy improvements, place liens ranking on parity with liens for unpaid property taxes against any property where such renewable energy systems are being installed. Further allows the locality to bundle the loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

Patron: Petersen

01/06/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/06/10 Senate: Referred to Committee on Local Government

Notes: Position: Support

**SB 115 Surcharge on fuels sales; locality to impose a one percent surcharge.**

Summary as introduced:

Local surcharge on retail sales of fuels. Authorizes each city and county to impose a one percent surcharge on the retail price of motor fuels sold at retail in the city or county. The Tax Commissioner would collect the surcharge in the same manner that he collects the retail sales and use tax. Revenues from the surcharge would be used solely for funding of roads or highways in the urban or the secondary system of state highways.

Patron: Petersen

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on Finance

Notes: Position: Support

**SB 120 Noise ordinance; authorizes governing body to adopt civil penalties.**

Summary as introduced:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.

Patron: Petersen

01/06/10 Senate: Prefiled and ordered printed; offered 01/13/10



01/06/10 Senate: Referred to Committee on Local Government  
01/19/10 Senate: Incorporated by Local Government (SB246-Watkins) (13-Y 0-N)  
Notes: Position: Support

**SB 121 Real property; notice of public hearing when locality's assessment results in tax increase.**

Summary as introduced:

Effect on rate when assessment results in tax increase; public hearings. Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing.

Patron: Petersen

01/06/10 Senate: Referred to Committee on Finance  
01/20/10 Senate: Reported from Finance (15-Y 0-N)  
01/21/10 Senate: Constitutional reading dispensed (40-Y 0-N)  
01/22/10 Senate: Read second time and engrossed  
Notes: Position: Support

**SB 123 Stormwater management; developer of single lot to provide where redevelopment is proposed.**

Summary as introduced:

Single lot development; stormwater management. Requires the developer of a single lot to provide stormwater management where substantial redevelopment of the lot is proposed. Defines "substantial redevelopment" as land-disturbing activities that occur on more than 15 percent of the square footage of any single lot.

Patron: Petersen

1/06/10 Senate: Prefiled and ordered printed; offered 01/13/10  
01/06/10 Senate: Referred to Committee on Local Government  
Notes: Position: Oppose

**SB 128 Air Pollution Control Board; regulations under Clean Air Interstate Rule.**

Summary as introduced:

Air Pollution Control Board; regulations under the Clean Air Interstate Rule. Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities.

Patrons: McDougale, Blevins, Hanger, Obenshain, Puckett, Reynolds, Ruff, Stuart and Watkins

01/08/10 Senate: Prefiled and ordered printed; offered 01/13/10  
01/08/10 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources  
Notes: Position: Oppose

**SB 222 Land use proposals; exempts localities and citizens groups from payment of certain VDOT fees.**

Summary as introduced:

Department of Transportation land use review. Exempts localities and citizens groups from payment of certain Department fees for review of land use proposals. Also, citizen groups are exempted from conducting any required traffic impact analysis that may be required at the time of a comprehensive plan amendment.

Patrons: Puller; Delegate: Surovell

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on Local Government

Notes: Position: Support

**SB 246 Noise ordinance; authorizes governing body to adopt civil penalties.**

Summary as introduced:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.

Patron: Watkins

01/21/10 Senate: Constitutional reading dispensed (40-Y 0-N)

01/22/10 Senate: Read second time

01/22/10 Senate: Reading of substitute waived

01/22/10 Senate: Committee substitute agreed to 10104383D-S1

01/22/10 Senate: Engrossed by Senate - committee substitute SB246S1

Notes: Position: Support

**SB 259 Juveniles; detention of those transferred or certified.**

Summary as introduced:

Detention of transferred or certified juveniles. Provides that juveniles whose criminal cases have been transferred to circuit court or certified be placed in juvenile detention centers rather than in adult correctional facilities. If the juvenile demonstrates that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, he may be moved to an adult facility if authorized by a judge.

Patron: Lucas

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

**SB 273 Affordable housing units; assessments.**

Summary as introduced:

Assessments for affordable housing units. Determines that capitalization rates for valuation shall not be reduced for affordable housing units, and that the taxpayer shall have the burden of proof by a preponderance of the evidence to determine that the valuation is erroneous. Assessments on affordable rental housing shall be deemed presumptively correct for two years or the remainder of the assessment cycle, whichever occurs first. This bill is a recommendation of the Virginia Housing Commission.

Patron: Whipple

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on Finance

Notes: Position: Staff will work to change the provisions dealing with capitalization

**SB 282 Residential Landlord and Tenant Act; eviction procedure, acceptance of redemption tenders.**

Summary as introduced:

Landlord and Tenant; eviction procedure; acceptance of redemption tenders. Provides that when a tenant presents on or before the first return date on an action for unlawful detainer a redemption tender from a local government's eviction prevention agency, a church or other religious institution, or a nonprofit organization in the amount of all current rent, reasonable late charges, attorney fees, and court costs, the court shall continue the action for 10 days.

Patron: Quayle

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

**SB 287 Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer.**

Summary as introduced:

Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer. Includes certain employees of a sheriff's department under the coverage of the Law-Enforcement Officers Procedural Guarantee Act, so long as the employees would not be considered exempt employees for purposes of the federal Fair Labor Standards Act.

Patron: Deeds

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Civil

Notes: Position: Oppose

**SB 290 Housing & Community Development, Board for; promulgation of Green Building Code.**

Summary as introduced:

Board for Housing and Community Development; Green Building Code. Requires the Board for Housing and Community Development to promulgate a Green Building Code as a part of the Uniform Statewide Building Code.

Patrons: Deeds and Petersen

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on General Laws and Technology

Notes: Position: Support

**SB 319 Child support; court may order continuation for child over age 18 who is attending college.**

Summary as introduced:

Child support; child attending college. Provides that child support may be ordered for a child attending an institution of higher learning until the child obtains an undergraduate degree or reaches the age of 23.

Patron: Ruff

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Civil

Notes: Position: Support

**SB 328 Emergency medical services providers; allowed to administer vaccines to adults and minors.**

Summary as introduced:

EMS providers; vaccinations. Allows certain emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause.

Patron: Stuart

01/12/10 Senate: Prefiled and ordered printed with emergency clause; offered 01/13/10

01/12/10 Senate: Referred to Committee on Education and Health

Notes: Position: Support

**SB 334 Concealed handguns; prohibits person who carries into restaurant from consuming alcoholic beverage.**

Summary as introduced:

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 consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Patron: Hanger

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee for Courts of Justice

Notes: Position: Oppose

**SB 336 Community services boards; access to medication assisted treatment.**

Summary as introduced:

Community services boards; access to medication assisted treatment. Requires every community services board to provide access to medication assisted treatment for substance abuse to all persons for whom such treatment is appropriate by (i) employing a person authorized to provide medication assisted treatment, or (ii) entering into a written agreement for the provision of medication assisted treatment for clients of the community service board with a health care practitioner authorized to provide medication assisted treatment. This bill provides that a community services board may pay all or part of the cost of medication assisted treatment for clients of the board but shall not be required to do so.

Patron: Hanger

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10  
01/12/10 Senate: Referred to Committee on Education and Health  
Notes: Position: Support

**SB 337 Community services boards; providing information about substance abuse services.**

Summary as introduced:

Community services boards; providing information about substance abuse services. Requires all community services boards to provide information about the full range of substance abuse treatment services, including medication assisted treatment, that are available through the community services board or other service providers in the community, and that are appropriate for the person seeking substance abuse treatment services, to such person.

Patron: Hanger

1/12/10 Senate: Prefiled and ordered printed; offered 01/13/10  
01/12/10 Senate: Referred to Committee on Education and Health  
Notes: Position: Support

**SB 415 Foster care; local department & child-placing agencies to provide independent living services.**

Summary as introduced:

Foster care and independent living services. Requires local departments and child-placing agencies to provide independent living services to any person between 18 and 21 years of age who requests such services and is in the process of transitioning from foster care to self-sufficiency. The bill also extends the time period during which a person between the ages of 18 and 21 may request restoration of independent living services if they previously terminated such services. Local departments are required to provide a person who chooses to leave foster care or terminate independent living services written notice of their right to restore independent living services.

Patron: Vogel

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10  
01/13/10 Senate: Referred to Committee for Courts of Justice  
01/14/10 Senate: Assigned Courts sub: Civil  
Notes: Position: Support

**SB 452 Retail Sales and Use Tax; taxes on room rentals.**

Summary as introduced:

Taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

Patron: Whipple

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee on Finance  
Notes: Position: Support

**SB 462 Crime victims; no law-enforcement officer shall inquire into immigration status thereof.**

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 the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or 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 and McEachin; Delegates: Griffith and Watts

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Criminal

01/20/10 Senate: Reported from Courts of Justice (15-Y 0-N)

01/22/10 Senate: Constitutional reading dispensed (39-Y 0-N)

Notes: Position: Support

**SB 468 Protective orders; allows petitioner to obtain extension of order for period of no more than 1 year.**

Summary as introduced:

Extension of protective orders. Allows a petitioner who has obtained a protective order under § 16.1-279.1 (cases of family abuse) or § 19.2-152.10 (stalking) to obtain an extension of such order for a period of no more than one year if the respondent continues to pose a threat to the health or safety of the petitioner and the petitioner's family and household members. There is no limit on the number of extensions that may be requested.

Patron: Howell

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Civil

Notes: Position: Support

**SB 517 Wireless telecommunications devices in motor vehicles.**

Summary as introduced:

Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode effective July 1, 2010. Effective July 1, 2011, penalties for violations will increase from \$20 to \$100 for a first offense and from \$50 to \$200 for a second or subsequent offense, there will be an assignment of demerit points, and any violation will be enforced as a primary offense.

Patron: Norment

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee on Transportation

Notes: Position: Support

**SB 574 Wireless telecommunications devices; prohibits talking on such device unless in hands-free mode.**

Summary as introduced:

Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode.

Patrons: Ticer, Howell, Marsden and Puller; Delegate: Plum

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee on Transportation

## **Current Status of City Package Bills January 23, 2010**

### **HB 157 Absentee voting; qualified voters may vote absentee for any reason.**

Summary as introduced:

Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in two new provisions.

Patron: Dance

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #3 Campaign Finance

Notes: Position: Support

### **HB 158 Elections; qualified registered voter may vote in person 14 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 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. 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, 2011.

Patron: Dance

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #3 Campaign Finance

Notes: Position: Support

### **HB 161 Absentee voting; qualified voters to provide a reason for not being able to vote on election day.**

Summary as introduced:

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

Patrons: Dance and Spruill

01/05/10 House: Prefiled and ordered printed; offered 01/13/10

01/05/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #3 Campaign Finance

Notes: Position: Support

### **HB 185 Elections; qualified registered voter may vote in person 14 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 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. 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, 2011.

Patron: Morrissey

01/07/10 House: Prefiled and ordered printed; offered 01/13/10

01/07/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #3 Campaign Finance

01/20/10 House: Subcommittee recommends passing by indefinitely

Notes: Position: Support

**HB 269 Retail Sales and Use Tax; increases rate on motor fuels in Northern Virginia.**

Summary as introduced:

Sales tax on motor fuels in Northern Virginia; increase in rate. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.

Patron: Englin

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Finance

01/18/10 House: Assigned Finance sub: #1

Notes: Position: Support

**HB 273 Retirement System; benefits for deputy sheriffs.**

Summary as introduced:

Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the statutory special retirement benefits for deputy sheriffs because the locality's annual retirement allowance exceeds the statutory amount, to provide all of the other statutory benefits except the statutory annual retirement allowance to all employees eligible for such benefits.

Patron: Englin

01/11/10 House: Prefiled and ordered printed; offered 01/13/10

01/11/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Compensation and Retirement

Notes: Position: Support

**HB 362 Early voting; any registered voter may vote in person from 19 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 19 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.

Patrons: Ware, O. and Spruill

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Privileges and Elections

01/14/10 House: Assigned P & E sub: #3 Campaign Finance

01/20/10 House: Subcommittee recommends striking from docket

Notes: Position: Support

**HB 454 Human Rights Council; expands protection for employees for discrimination by certain employers.**

Summary as introduced:

Virginia Human Rights Council; causes of action in employment discrimination.

Expands the protection for employees for discrimination by certain employers (those having more than five but less than 15 employees) for failure or refusal to hire or for otherwise discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or of age if the employee is 40 years old or older. Currently, causes of action are limited to wrongful discharge.

Patron: Herring

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on General Laws

Notes: Position: Support

**HB 459 Pedestrians and drivers; sets out responsibilities at marked and unmarked crosswalks.**

Summary as introduced:

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

Patron: Herring

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Transportation

01/22/10 House: Defeated in Transportation sub: #2

Notes: Position: Support

**HB 461 Photo-monitoring systems; operator may enter into agreement with DMV to obtain vehicle information.**

Summary as introduced:

Photo-monitoring systems. Provides that the operator of a photo-monitoring system may enter into an agreement with the Department of Motor Vehicles (DMV) to obtain vehicle information on vehicles that fail to comply with a traffic light. Also, removes requirement that a locality must submit a list of potential intersections to DMV for final approval.

Patron: Herring

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Transportation  
01/22/10 House: Defeated in Transportation sub: #1  
Notes: Position: Support

**HB 948 HOT lanes; VDOT to conduct a NEPA study prior to construction on any portion of I-95 or I-395.**

Summary as introduced:

HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395.

Patrons: Englin, Ebbin and Kory

1/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Transportation

01/22/10 House: Assigned Transportation sub: #3

Notes: Position: Support

**HB 1115 Virginia Waterways Clean Up and Consumer Choice Act; paper and plastic bag fee.**

Summary as introduced:

Paper and plastic bag fee. Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning and prescription drugs are exempt from the fee. Retailers are allowed to retain \$0.01 of the \$0.05 fee or \$0.02 if the retailer has a customer bag credit program. The revenues raised by the fee will be deposited in the Virginia Water Quality Improvement Fund. Failure to collect and remit the fee will result in fines of \$250, \$500, and \$1,000 for the first, second, third and thereafter offenses.

Patrons: Ebbin, Bulova, Englin, Herring, Kory and Spruill

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Finance

Notes: Position: Support

**HB 1116 Public employment; prohibits discrimination bases 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 veteran. 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, Alexander, Abbott, BaCote, Brink, Bulova, Carr, Englin, Herring, Hope, James, Kory, McClellan, Sickles, Surovell, Toscano, Tyler and Ward; Senators: Barker, Edwards, Herring, Howell, Locke, McEachin, Miller, J.C., Saslaw, Ticer and Whipple

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on General Laws

Notes: Position: Support

**HJ 42 Constitutional amendment; restoration of civil rights for persons convicted of felonies.**

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.

Patron: Morrissey

01/07/10 House: Prefiled and ordered printed; offered 01/13/10

01/07/10 House: Referred to Committee on Privileges and Elections

Notes: Position: Support

**HJ 70 Constitutional amendment; restoration of civil rights for persons convicted of felonies.**

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.

Patron: Ware, O.

01/12/10 House: Prefiled and ordered printed; offered 01/13/10

01/12/10 House: Referred to Committee on Privileges and Elections

Notes: Position: Support

**HJ 116 Constitutional amendment; restoration of civil rights for persons convicted of felonies.**

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.

Patron: Carr

01/13/10 House: Prefiled and ordered printed; offered 01/13/10

01/13/10 House: Referred to Committee on Privileges and Elections  
Notes: Position: Support

**SB 83 Absentee voting; qualified voters to provide a reason for not being able to vote on election day.**

Summary as introduced:

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

Patrons: Howell; Delegate: Kory

01/05/10 Senate: Referred to Committee on Privileges and Elections

01/19/10 Senate: Reported from Privileges and Elections (13-Y 2-N)

01/21/10 Senate: Constitutional reading dispensed (40-Y 0-N)

01/22/10 Senate: Read second time and engrossed

Notes: Position: Support

**SB 572 Charter; City of Alexandria.**

Summary as introduced:

Charter; City of Alexandria. Amends the charter of the City of Alexandria so that the board of review of real estate assessment is composed of nine members rather than five members, with five members appointed by the circuit court and four members appointed by city council. The bill further amends the charter to allow the board of review to sit in panels of at least three members each, with each panel performing its duties independently of the others. This legislation also changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

Patron: Ticer

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee on Local Government

Notes: Position: Support

**SB 588 Assault and battery; if person commits against mass transit operator, guilty of Class 6 felony.**

Summary as introduced:

Felony assault and battery against a mass transit operator. Provides that it is a Class 6 felony to commit an assault or battery upon a mass transit operator defined as a person who operates any train, bus, trolley or van that is designed to carry six or more passengers.

Patron: Marsden

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/13/10 Senate: Referred to Committee for Courts of Justice

01/15/10 Senate: Assigned Courts sub: Criminal

Notes: Position: Support

**SJ 62 Constitutional amendment; restoration of civil rights for persons convicted of felonies.**

Summary as introduced:

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

Patron: Miller, Y.B.

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10

01/12/10 Senate: Referred to Committee on Privileges and Elections

01/19/10 Senate: Continued to 2011 in Privileges and Elections (15-Y 0-N)

January 27, 2010

The Honorable Lacey E. Putney  
Chairman, House Appropriations Committee  
P.O. Box 406, Room 947  
Richmond, Virginia 23219

The Honorable Harry R. Purkey  
Chairman, House Finance Committee  
P.O. Box 406, Room 415  
Richmond, Virginia 23219

The Honorable Charles J. Colgan  
Chairman, Senate Finance Committee  
910 Capitol Street, Room 626  
Richmond, Virginia 23219

Dear Gentlemen:

The Alexandria City Council supports the principles that the Virginia Municipal League has provided you in an effort to help you determine how best to preserve the investments and progress Virginia has made in the past fifty years.

We understand the difficult fiscal pressures that you face. Our local revenues also have declined during the recession, and we are facing declining state and local revenue while striving to meet increased service demands.

We support the Virginia Municipal League request that you do not take actions that jeopardize basic public services that families depend upon or worsen the already difficult financial situation confronting local governments.

The City of Alexandria wishes to relate the following about the VML principles:

1. Tax reforms -- If the state does not raise sufficient revenue to continue basic core services the public rightfully expects either the state or local government to provide, then local governments will have to step into the breach and do so through tax increases, if necessary. These services include not only public education and public safety, which are more than 50% of Alexandria's budget, but also transportation and basic social and mental health services -- many of which are often required by state mandates. The issue is not whether the taxpayer will pay for these core services, but how the taxpayer will pay for these services. The choice is between state revenue mechanisms, including income and sales tax revenues, that are the province of the General Assembly and the Governor, and local revenue options that by Virginia law are limited mostly to real estate and vehicle and other personal property taxes. For instance, if the General Assembly and the Governor do not want to pass a 1% income tax surcharge to pay for car tax relief, then

they should come up with an alternative way to pay for that relief. (See principle 6 below.)

2. Restrictions on local revenue sources -- Further restrictions on local revenue sources, together with a lack of state funding for basic core services, will just put further pressure on real estate taxes and vehicle taxes to be increased, as this is the only avenue available to pay for essential local services.

3. Additional revenue authority -- To alleviate pressures to increase real estate and vehicle taxes, the General Assembly and the Governor should consider giving local governments more authority to raise revenue through other means. This diversification of revenue sources leads to a more equitable tax policy than one based solely on the value of the property one owns, as well as a better ability to weather fluctuations in the real estate market, which can drive local revenues down **and** up dramatically in way that makes sustaining a reasonable and prudent level of funding very difficult at times.

4/5 K-12 and other mandates -- If the General Assembly and the Governor want to take responsibility for requiring certain procedures or standards designed to improve education, it should take responsibility for raising the revenues to do so. Leaving the dirty work of raising taxes to the local governments, while taking credit for educational reforms requiring such tax increases is disingenuous at best, and reflects no credit on the General Assembly. Such actions also cause serious fiscal problems for local governing bodies, including school boards and those bodies responsible for raising revenues for school expenses.

6. If the General Assembly ends the car tax subsidy provided to local governments, Alexandria will no longer be able to reduce local car taxes by 73% due to the \$23.5 million state subsidy. Car owners would then pay 100% of the tax instead of 27% of the tax. Our message to Alexandria taxpayers in the tax bill sent out next August will be that this approximately 270% increase in their car tax payments is due solely to the actions of the General Assembly.

We appreciate the budget difficulties that you are facing. We want to work with the money committees, the General Assembly and Governor Robert F. McDonnell in charting a prudent course without resorting to fiscal gimmicks that will undermine the future of the Commonwealth.

Sincerely,

William D. Euille  
Mayor





# Action Call

VML

*We need your help with this matter and we need it now!*

January 18, 2010

TO: VML Key Officials, Legislative Committee, Liaisons and Executive Committee

The league delivered the attached letter today to the chairmen of the House Appropriations, House Finance and Senate Finance Committees, as well as to every member of the General Assembly.

The letter includes six budget principles that we asked the General Assembly to follow in considering budget amendments for FY10, as well as the biennial budget for 2010-2012.

We hope that every local government will: send a similar e-mail, fax or letter to its delegation in the General Assembly, as well as the chairmen of the money committees, or phone your delegation, or pass a resolution in order to emphasize that the General Assembly should not adopt a budget that simply passes on costs to local governments. Please send us a copy.

We will send a similar letter to Governor Robert F. McDonnell, and urge local governments to write the governor as well.

Here are the links to the e-mail addresses for the members of the General Assembly:

House of Delegates: <http://dela.state.va.us/dela/MemBios.nsf/MWebsiteTL?OpenView>

Senate:

[http://sov.state.va.us/SenatorDB.nsf/\\$\\$Viewtemplate%2Bfor%2BWCapitolOffices?OpenForm](http://sov.state.va.us/SenatorDB.nsf/$$Viewtemplate%2Bfor%2BWCapitolOffices?OpenForm)

Here are the e-mail addresses of the chairmen of the money committees:

Harry R. Purkey Chairman, House Finance Committee

[DelBPurkey@house.virginia.gov](mailto:DelBPurkey@house.virginia.gov)

Lacey E. Putney Chairman, House Appropriations Committee

[DelLPutney@house.virginia.gov](mailto:DelLPutney@house.virginia.gov)

Charles J. Colgan Chairman, Senate Finance Committee

[district29@senate.virginia.gov](mailto:district29@senate.virginia.gov)



GA letter (2) (3).doc

January 18, 2010

The Honorable Lacey E. Putney  
Chairman, House Appropriations Committee  
P.O. Box 406, Room 947  
Richmond, VA 23219

The Honorable Harry R. Purkey  
Chairman, House Finance Committee  
P.O. Box 406, Room 415  
Richmond, VA 23219

The Honorable Charles J. Colgan  
Chairman, Senate Finance Committee  
910 Capitol Street, Room 626  
Richmond, VA 23219

Dear Gentlemen:

Local government officials recognize that flooding your committees with amendments to restore spending reductions in the proposed budgets would not be particularly useful. Instead, we ask you to keep in mind some principles that will be helpful in determining how best to preserve the investments and progress Virginia has made in the past fifty years.

Local government officials appreciate the difficult fiscal pressures that you face. Local revenues have declined precipitously during the recession, too. Cities, counties and towns are struggling with declining state *and* local revenue while striving to meet increased service demands.

Unfortunately, many of the reductions in the introduced budgets simply cut state funding for services without addressing the requirements that drive the cost of those services. Instead, the costs too often are passed onto local governments, and ultimately to homeowners and Main Street businesses.

The Virginia Municipal League asks that you do not take actions that jeopardize basic public services that families depend upon or worsen the already difficult financial situation confronting local governments.

Specifically, VML promotes the following principles:

- 1) The General Assembly should strengthen the stability of the state general fund through significant tax reforms. In addition to stabilizing the general fund,

reforms would reduce the necessity for local governments to raise real estate taxes to make up for state reductions in public education and public safety.

2) The General Assembly should not place additional restrictions on local revenue sources. Restricting the ability of local governments to raise revenues would further erode funding for basic services required by the state.

3) If the state chooses not to make up the spending reductions in the proposed budgets or reduce mandates, local governments should be granted additional revenue authority to alleviate escalating pressures on real estate and personal property taxes.

4) The proposed budget would spend less on K-12 education than in 2006-2008. In fact, proposed state general fund support is \$1.3 billion less than in the 2006-2008 budget. If this is the level of funding the state chooses to support, then the standards of learning and accreditation that have driven education spending since that date should be suspended or deferred. In the past year alone, the state Board of Education revised the Standards of Quality to include a number of new requirements. The state budget, however, includes no new state funding to meet these requirements. The requirements include:

- Requiring students, beginning in middle school, to have an Academic and Career Plan.
- Requiring students to take a course in economics and personal finance.
- Expanding the types of diplomas that must be offered to include a standard technical and an advanced technical diploma.
- Raising the Graduation and Completion Index points required for full accreditation.

Deferring only these requirements, however, would not address the continuing failure of the SOQ to reflect the costs of meeting the Standards of Learning and the Standards of Accreditation.

5) If state requirements are not sufficiently compelling to receive state funding, then there is no rational reason to require local governments to pay those costs. Rather, the mandate, assuming it is not federally-required, should be suspended or deferred.

6) The proposed biennial budget does not include appropriations for the Personal Property Tax Relief Act. As such, the localities that bill in the spring will not receive reimbursement, if the income tax surcharge or some other approach is not adopted. All owners of personal use vehicles will have to pay a

greater personal property tax beginning in the 2010 tax year if another revenue source is not found.

You face a daunting task. Local government officials want to work with the money committees, the General Assembly and Governor Robert F. McDonnell in charting a prudent course without resorting to fiscal gimmicks that will undermine the future of the Commonwealth.

Sincerely,

R. Michael Amyx  
Executive Director

Cc: Members of the General Assembly  
Robert Vaughn  
Betsey Daley  
Richard D. Brown