

*City of Alexandria*

**MEMORANDUM**

DATE: MARCH 18, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: FINAL STATUS REPORT ON LEGISLATION INTRODUCED AT THE 2010 GENERAL ASSEMBLY SESSION

**ISSUE:** Final status report on legislation introduced at the 2010 General Assembly Session.

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

**DISCUSSION:** The 2010 General Assembly Session adjourned for the year on March 14, a day behind schedule. All legislation that was passed now goes to the Governor, who has until April 13 to decide whether to sign, veto, or seek amendments to each bill. Those which he vetoes or proposes amendments to will be returned to the General Assembly for consideration during the Reconvened (or Veto) Session, which will be held on April 21, 2010. If a bill is vetoed, the veto can be overridden only with the concurrence of two-thirds of the members of both the House and Senate. An amendment can be rejected simply by a majority vote of either the Senate or House.

**City Package.** The following is the final status bills from the City's legislative package that the City asked members of the City's delegation to introduce (Attachment 1 is a status report on these and other "City Package" bills).

Three bills passed, including:

- The City's Charter bill (SB572). It will increase the size of the board of review of real estate assessments (also known as the Board of Equalization) from five to nine members and allow this board to sit in panels of at least three members each. The bill will also change the standard by which a variance can be granted, by eliminating the requirement for a showing of a hardship "approaching confiscation."
- Legislation (HB273) that creates a provision in the Virginia Retirement System to allow Alexandria deputy sheriffs, EMTs, and fire marshals to retire at age 50 with 25 years of

service. The legislation will not become effective until funding is identified to pay for it, and Council passes an ordinance.

- Legislation (HB1292) allowing private entities assisting localities with their red light camera programs to access DMV records as long as this is done under police supervision.

City bills were defeated that would have:

- Increased the sales tax paid on motor fuels purchased in Northern Virginia;
- Prohibited discrimination by small employers in hiring or in the terms of employment.
- Required drivers to stop (not just yield) for pedestrians in all crosswalks where the speed limit is 35 mph or less;
- Required VDOT to prepare an Environmental Impact Statement or an Environmental Assessment prior to any I-95/395 HOT Lanes construction; and
- Prohibited 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.

**Emissions Trading.** Senate Bill 128 and House Bill 1300, as introduced, sought to remove a provision of existing law which allows 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. Senate Bill 128 was amended by the Senate so that the current law will continue to apply in Northern Virginia (the Air Board will still be able to prohibit emissions trading by electric generators in Northern Virginia). The bill was subsequently passed by the House.

House Bill 1300 was passed by the House without the amendment the City was able to have added to Senate Bill 128. Staff was able to have the Senate add this amendment, which has now been accepted by the House. Both these bills now await final action by the Governor.

**VRS.** Major legislation (HB 1189) was passed to restructure Virginia Retirement System Benefits for most state and local employees. Major components of the legislation include the following:

- State employees hired after July 1, 2010, will be required to contribute 5 percent of their salaries toward their retirement benefits. Local employers who are members of VRS, including local governments and school boards, will have the authority to require employees hired after July 1, 2010, to pay from 1 to 5 percent of their salaries toward their retirement benefits.

- The normal retirement date for employees hired after July 1, 2010, will be the date for retirement under Social Security (this varies depending on one's birth date, but it will be between 66 and 67 years). Currently, the normal retirement date is 65.
- It allows those who are hired after July 1, 2010, to have early, unreduced retirement after the sum of the employee's age and years of service equals 90. Currently, the earliest one can retire with full benefits is at age 50, with 30 years of service. This change does not apply to public safety employees who are members of the LEOS/VRS retirement system benefits.
- Retirement compensation for all state and local employees hired after July 1, 2010, will be based on the average salary during the 60 highest consecutive months of service (the current system uses the highest 36 months of salary).

Language in the State budget allows local governments and school boards, if they choose to do so, to require their current employees to pay between one and five percent of their salary toward their VRS benefits. Current State employees will not be required to do so.

**Line of Duty.** The State Line of Duty program provides benefits to public safety employees (for localities this includes police, sheriffs/deputy sheriffs, fire fighters, and EMTs) who are killed in the line of duty, or retire because of certain "service-related" disabilities. These benefits include one-time death benefits (\$100,000 to the family of an individual killed in the line of duty; and \$25,000 to the family of an individual whose death occurs within five years of his retirement, as the result of something connected to his employment), and health insurance for (1) an individual who retires under line of duty, and (2) the family of an individual who is killed in the line of duty, or retires as a result of a line of duty disability.

Since Line of Duty benefits were enacted some years ago, its costs have been covered by the State. Provisions included in the State budget will shift the cost for local employees to local governments beginning in FY 2012. The program will be managed by the Virginia Retirement System, and localities will be charged premiums based on the number of employees who are potentially eligible to receive benefits under the program.

Localities will have the opportunity to elect, on or before July 1, 2011, to self-fund the required Line of Duty benefits.

**State Budget.** Agreement on a State budget is what forced the General Assembly into an extended Session. The budget was adopted on the evening of March 13.

The approved budget did address most of the City's major concerns:

- The City had asked the conferees to reject the House proposal to move money out of the Communications Sales and Use Tax Trust Fund; in the adopted budget, no money was taken from the Fund.

- The City had asked the conferees to reject the House proposal to block grant at-risk K-12 education funds, and then distribute them among localities without taking into account the number of at-risk students that each locality has in its student population. The adopted budget does not block grant these funds, and it distributes them based on the number of at-risk students a locality has.
- The City had asked the conferees to make a strong and serious commitment to address the existing VRS shortfall in future biennia—and not by relying on improvements in the stock market. The final budget calls for a 10-year payback of payments that are being deferred in the 2011-2012 biennium, beginning in 2013.
- The City had asked the conferees to fully fund the HB 599 local law enforcement program in the future. Some of the funding that had been taken from HB599 in the introduced budget was restored in the final budget.
- The City had asked the conferees to do what they can to preserve state funding for the safety net that so many rely upon. Additional funding for some of the social safety net programs was incorporated into the final budget.

Specific impacts on City revenues from the adopted budget include the following:

- Alexandria City Public Schools will receive about \$30.5 million in FY 2011. This is about \$900,000 less than the proposed (December) budget, but several million more than the amount proposed by the House last month. At-risk funding remains in the budget for at-risk students; some of this will go to the City for pre-K programs.
- Some HB 599 funding was restored. Staff estimates that this will result in about \$565,000 more than anticipated when the City's proposed FY 2011 budget was submitted to Council (although we are awaiting word from the State on the actual amount).
- The "local aid to the State" program, begun in the last biennium, was continued. Alexandria will have to give back about \$1.3 million to the State as a result. This program was initiated in the 2008 Session to balance the biennial budget adopted that year. In that budget, localities were directed to write a check to the State, or specify reductions they were willing to take in programs that were partially paid for by the State. The City's proposed FY 2011 budget, which was based on the previous Governor's proposed budget did not include this program.
- It appears that State Compensation Board (or Comp Board) funding (for the City's constitutional officers) will increase substantially over what was anticipated when the City's proposed FY 2011 budget was submitted to Council. The exact amount of increased funding coming to the City is not likely to be known until late in March, but it appears that the increased Comp Board funding, together with increased HB 599 funding, will exceed the \$1.3 million that the City will have to provide the State under the "local aid to the State" program.

Staff will update this information in the presentation at next week's Council meeting, and in budget memoranda and work sessions over the next several weeks.

**Northern Virginia Community College Student Housing**. A provision in the adopted budget also authorizes Northern Virginia Community College to enter into an agreement with its foundation or a private contractor to construct on-campus student housing on its Alexandria campus.

**ATTACHMENTS:**

Attachment 1 - Current Status of City Package Bills, March 16, 2010

Attachment 2 - Current Status of Bills on Which the City Has Taken a Position, March 16, 2010

**STAFF:** Bernard Caton, Legislative Director

## **Current Status of City Package Bills March 16, 2010**

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**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

02/16/10 House: Left in Privileges and Elections

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

02/16/10 House: Left in Privileges and Elections

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

02/16/10 House: Left in Privileges and Elections

Notes: Position: Support

**HB 185 Elections; qualified registered voter may vote in person from 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

02/16/10 House: Left in Privileges and Elections

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

02/16/10 House: Left in Finance

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

03/11/10 Senate: Passed House and Senate

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

02/16/10 House: Left in Privileges and Elections

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

02/16/10 House: Left in 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

02/16/10 House: Left in Transportation

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

02/16/10 House: Left in Transportation

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

02/16/10 House: Left in Transportation

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

02/16/10 House: Left in Finance

Notes: Position: Support

**HB 1116 Public employment; prohibits discrimination based on race, color, religion, etc.**

Summary as introduced:

Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a 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, Abbitt, Abbott, Armstrong, BaCote, Barlow, Brink, Bulova, Carr, Dance, Englin, Herring, Hope, Howell, A.T., James, Keam, Kory, Lewis, McClellan, McQuinn, Miller, P.J., Morrissey, Plum, Pollard, Rust, Scott, J.M., Shuler, Sickles, Spruill, Surovell, Torian, Toscano, Tyler, Ward, Ware, O., Ware, R.L. and Watts; Senators: Barker, Edwards, Herring, Howell, Locke, Marsden, McEachin, Miller, J.C., Saslaw, Ticer and Whipple

02/16/10 House: Left in General Laws

Notes: Position: Support

**HJ 42 Constitutional amendment; restoration of civil rights to persons convicted of felonies, etc.**

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

02/16/10 House: Left in 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.

02/16/10 House: Left in 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.

Patrons: Carr, Abbott and Kory

02/16/10 House: Left in 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

03/02/10 House: Defeated in Committee on Privileges and Elections

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 "approaching confiscation."

Patron: Ticer

03/03/10 House: Passed House and Senate

Notes: Position: Support

**SB 588 Public transportation service; obstructing operation of transit vehicle is Class 1 misdemeanor.**

Summary as passed Senate:

Interference with transit operation or operator; penalty. Provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor.

Patron: Marsden

02/26/10 House: Continued to 2011 in Courts of Justice

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.

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

Notes: Position: Support

**Current Status of Bills on Which the City Has Taken a Position**  
**March 16, 2010**

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

Summary as passed House:

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, regional, or local correction facility unless (i) such person is also accused or convicted of a violation of state or local law or (ii) there is an agreement or contract with the federal government, as of June 30, 2010, to hold federal prisoners, which may include any such person, at such state, regional, or local correctional facility.

Patrons: Marshall, R.G., Athey and Gilbert

03/08/10 Senate: Continued to 2011 in Courts of Justice (12-Y 3-N)

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

01/28/10 House: Continued to 2011 in Transportation

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

02/23/10 Senate: Continued to 2011 in Finance (12-Y 3-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  
02/16/10 House: Left in Militia, Police and Public Safety  
Notes: Position: Support

**HB 82 Public sewer system; locality may adopt ordinance establishing standard for use & services; penalty.**

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  
03/08/10 Senate: Passed House and Senate  
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  
03/09/10 House: Conference report agreed to by House and Senate  
Notes: Position: Support

**HB 91 Retirement System; creditable compensation of teachers.**

Summary as introduced:

Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patrons: Kilgore and Morefield  
02/16/10 House: Left in Appropriations  
Notes: Position: Oppose

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

Summary as passed House:

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.

Patron: Cole

03/08/10 Senate: Left in Courts of Justice

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

02/10/10 House: Continued to 2011 in Finance

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. This bill is identical to SB 31.

Patrons: O'Bannon, Lingamfelter, Abbott, Cleaveland, Cline, Cole, Cox, J.A., Crockett-Stark, Dance, Ingram, Landes, Marshall, R.G., Merricks, Miller, J.H., Miller, P.J., Nixon, Nutter, Oder, Pogge, Pollard, Putney, Sherwood, Spruill, Tyler and Watts; Senators: Herring and Martin

02/26/10 Senate: Passed House and Senate

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

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

Notes: Position: Support

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

Summary as passed:

EMS providers; vaccinations. Allows 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. This bill is identical to SB 328.

Patron: Pogge  
03/02/10 Passed House and Senate  
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  
02/16/10 House: Left in Courts of Justice  
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  
02/03/10 House: Continued to 2011 in Courts of Justice  
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.

Patrons: McClellan, Herring, McQuinn and Ward  
02/16/10 House: Left in Courts of Justice  
Notes: Position: Support

**HB 233 Affordable housing units; assessments.**

Summary as passed:

Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia

Housing Commission. The bill is effective for assessments for tax years beginning on or after January 1, 2011.

Patrons: Dance, Herring, James, Marshall, D.W. and Torian

03/04/10 Passed House and Senate

Notes: Position: Staff was able to have the provisions dealing with capitalization changed

**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, Athey, Marshall, D.W. and Rust

02/12/10 House: Continued to 2011 in Appropriations

Notes: Position: Oppose

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

Summary as passed:

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. This bill is identical to SB 65.

Patron: Kilgore

03/05/10 Passed House and Senate

Notes: Position: Support

**HB 264 Housing authorities; no trespass notices.**

Summary as introduced:

Housing authorities; no trespass notices. Requires housing authorities to adopt written policies concerning the "no trespass" policy or barment from the premises owned by the authority, which shall include written notice of the policy to the tenant, signs posted on the premises about the policy, and a right to a hearing by the individual alleged to have violated the "no trespass" policy, as well as an appeal process. The bill provides that an individual may waive the rights granted by the bill.

Patrons: Englin, Alexander, BaCote, Hope, McQuinn, Morrissey, Spruill, Surovell, Torian, Toscano, Tyler, Ward and Watts

02/16/10 House: Left in General Laws

Notes: Position: Oppose



**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

03/04/10 Governor: Approved by Governor-Chapter 33 (effective 7/1/10)

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

02/03/10 House: Continued to 2011 in 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

02/16/10 House: Left in Courts of Justice

Notes: Position: Support

**HB 290 Fire programs; fire/EMS departments donating equipment shall be immune from civil liability.**

Summary as passed House:

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 to any fire/EMS department or any fire/EMS company, which equipment met existing engineering and safety 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.

Patrons: Griffith and Keam

03/10/10 Passed House and Senate

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

02/03/10 House: Continued to 2011 in Courts of Justice

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

Summary as passed House:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense.

Patrons: Cosgrove, Dance and Ware, O.

03/09/10 Passed House and Senate

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

01/28/10 House: Incorporated by General Laws (HB687-Miller, J.H.)

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

01/28/10 House: Continued to 2011 in Health, Welfare and Institutions

Notes: Position: Support

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

Summary as passed House:

Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Patrons: Rust, Ebbin, Alexander, Englin, Herring, Keam, LeMunyon, McClellan and Sickles

03/06/10 Passed House and Senate

Notes: Position: Support

**HB 364 Local business license tax; payment of all taxes prior to license renewal or issuance.**

Summary as introduced:

Local business license tax; payment of all taxes prior to license renewal or issuance. Allows the local governing bodies to require applicants of business licenses for new and existing businesses to prove payment of all local taxes before the local business license will be issued or renewed.

Patron: Ware, O.

02/16/10 House: Left in Finance

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.

03/11/10 Governor: Approved by Governor-Chapter 125 (effective 7/1/10)

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 the uttering, publishing, or passing of any check or draft, that is subsequently returned for insufficient funds or because there is no account or the account has been closed.

Patrons: Ware, O., James, Keam and Torian

03/08/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed House:

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 and is classified as a local street.

Patron: Lohr

03/08/10 Senate: Left in Transportation

Notes: Position: Support

**HB 407 Landlord and tenant laws; landlord and tenant obligations.**

Summary as passed House:

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 general district court to accept electronically filed 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; (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 codifying case law; (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

03/13/10 Passed House and Senate

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.

Patron: Oder

03/09/10 Governor: Approved by Governor-Chapter 82 (effective 7/1/10)

Notes: Position: Oppose

**HB 430 Real property tax assessment; Department of Taxation to establish qualifications for certification.**

Summary as passed House:

Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 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

03/09/10 Passed House and Senate

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

02/03/10 House: Continued to 2011 in Courts of Justice

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

02/16/10 House: Left in 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

02/16/10 House: Left in Science and Technology

Notes: Position: Oppose

**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

01/28/10 House: Incorporated by General Laws (HB687-Miller, J.H.)

Notes: Position: Support

**HB 505 Concealed handguns; prohibits person carrying onto premises of restaurants from consuming alcohol.**

Summary as passed:

Concealed handguns; restaurants. 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. This bill is identical to SB 334.

Patrons: Gilbert, Abbitt, Anderson, Athey, Bell, Richard P., Bell, Robert B., Carrico, Cleaveland, Cline, Cole, Cox, J.A., Garrett, Gear, Janis, Jones, Lingamfelter, Marshall, R.G., Merricks, Morefield, Pogge and Ware, R.L.

03/11/10 Passed House and Senate

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

03/09/10 Governor: Approved by Governor-Chapter 87 (effective 7/1/10)

Notes: Position: Support

**HB 552 Vested rights; includes right to replace existing on-site sewage system.**

Summary as passed House:

Vested rights to include right to replace failed septic system. Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

Patrons: Marshall, D.W. and Knight

03/08/10 Passed House and Senate

Notes: Position: Oppose

**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

03/10/10 Passed House and Senate

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.

Patrons: Jaquinto, Albo, Armstrong, Athey, Cole, Hugo, Joannou, Kilgore, Knight and Lingamfelter

03/08/10 Senate: Passed by indefinitely in Finance (9-Y 5-N)

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

02/16/10 House: Left in Finance

Notes: Position: Oppose

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

Summary as passed House:

Information entered into VCIN. Provides that within 72 hours following the receipt of a written statement issued by a parole officer authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the person's name and other appropriate information required by the Department of State Police shall be entered into the information systems known as the Virginia Criminal Information Network (VCIN). The information will be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

Patron: Landes

03/10/10 Passed House and Senate

Notes: Position: Support

**HB 613 Machinery and tools; classification as intangible personal property, exemption from local tax.**

Summary as introduced:

Personal property tax; machinery and tools. Classifies new investments in machinery and tools for manufacturing, processing and reprocessing, mining, and radio or television broadcasting made after July 1, 2010, as intangible personal property and not subject to local property tax.

Patrons: Purkey, Athey, Cline, Cole, Lingamfelter, Pollard and Villanueva; Senator: Wagner

02/16/10 House: Defeated by House (48-Y 50-N)

Notes: Position: Oppose

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

Summary as passed House:

Erosion and sediment control; penalty. Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any violation of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any



provision of a local program, or condition of a permit will be subject to a civil penalty of \$100 to \$1,000.

Patron: Orrock

03/10/10 Passed House and Senate

Notes: Position: Oppose

**HB 656 Protective orders; authorizes judicial officer require that respondent be 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; Senator: Reynolds

02/03/10 House: Continued to 2011 in Courts of Justice

Notes: Position: Support

**HB 661 Line of Duty Death and Health Benefits Trust Fund; established.**

Summary as introduced:

Line of Duty Death and Health Benefits Fund. Establishes the Line of Duty Death and Health Benefits Fund to pay the death and health insurance premium benefits to individuals covered by the Line of Duty Act (§ 9.1-400 et seq.) and the death benefit provided to state and local government employees who have been killed in action after being called to active duty services under Title 10 of the United States Code. The Fund is funded through a \$.018 surcharge for E-911 service.

Patron: Englin

02/10/10 House: Continued to 2011 in Finance

Notes: Position: Oppose

**HB 669 Triennial census; eliminates three-year requirement, distribution of sales & use tax.**

Summary as passed:

Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school-age population of a school division done by the Weldon Cooper Center for Public Service at UVA. This bill also allows for up to \$115,000 to be given to the Weldon Cooper Center for Public Service to cover the cost of producing the estimate. This bill is identical to SB 413 (Vogel).

Patrons: May, Albo and Greason; Senator: Herring

03/10/10 Passed House and Senate

Notes: Position: Support

**HB 679 Social security numbers; no state or local agency may collect under certain circumstances.**

Summary as introduced:

Collection of social security numbers. Clarifies that no state or local agency may collect a social security number from an individual unless (i) the collection is required by state or federal law or (ii) the collection is imperative for the performance of that agency's duties and responsibilities as prescribed by law. The bill also makes technical changes.

Patron: May

02/11/10 House: Tabled in General Laws

Notes: Position: Oppose

**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.

03/03/10 Senate: Passed by indefinitely in Courts of Justice (9-Y 5-N)

Notes: Position: Support

**HB 682 Gang-free zones; expanded to include public buildings, etc., penalty.**

Summary as passed House:

Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any publicly owned or operated community center or recreational center. 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.

Patrons: Miller, J.H., Abbitt, Albo, Anderson, Athey, Bell, Richard P., Bell, Robert B., Bulova, Byron, Carrico, Cleaveland, Cole, Comstock, Cosgrove, Cox, J.A., Crockett-Stark, Edmunds, Garrett, Gear, Gilbert, Greason, Griffith, Howell, W.J., Hugo, Iaquinto, Ingram, Janis, Jones, Kilgore, Knight, Landes, LeMunyon, Lingamfelter, Lohr, Loupassi, Marshall, D.W., Marshall, R.G., Massie, May, Merricks, Morefield, Morgan, Nixon, Nutter, O'Bannon, Oder, Orrock, Peace, Pogge, Poindexter, Purkey, Putney, Rust, Scott, E.T., Sherwood, Stolle, Tata, Villanueva, Ware, R.L. and Wright

03/13/10 Passed House and Senate

Notes: Position: Support

**HB 700 Grievance procedures; local government to permit an observer for each party.**

Summary as introduced:

Local grievance procedures. Allows the local government at its option to permit an observer for each party at the informal first step of the grievance process. The grievant

and the local government at their option may also have an observer of their choice at each subsequent step of the process. These persons may observe only and may not participate, interrupt, or act as either party's representative until the final management step, unless otherwise permitted by the locality.

Patrons: Bulova, Abbott, BaCote, Barlow, Brink, Carr, Ebbin, Englin, James, Keam, Kory, Miller, P.J., Morrissey, Plum, Scott, J.M., Sickles, Spruill, Surovell, Torian and Tyler; Senators: Quayle and Whipple

02/16/10 House: Left in Counties, Cities and Towns

Notes: Position: Support

**HB 713 Contractors, Board for; prerequisite for obtaining business license.**

Summary as passed House:

Business, professional and occupational license (BPOL) tax; verification of state licensure. Requires every taxpayer seeking a local business license to provide their state license or certification number or evidence that his business is not required to have such license. The commissioner shall not issue a local business license if the applicant has not have the required state license.

Patrons: Peace and Pollard

03/09/10 Passed House and Senate

Notes: Position: Oppose

HB 728 Conditions of release; person arrested for felony released to pretrial services agency if indigent.

Summary as passed House:

Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency unless he is determined by a court to be indigent.

Patrons: Albo, Greason, Iaquinto, Pogge, Sickles and Villanueva

03/08/10 Senate: Left in Courts of Justice

Notes: Position: Oppose

**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, Landes and Sickles

02/03/10 House: Continued to 2011 in Courts of Justice

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

01/28/10 House: Passed by in Transportation with letter

Notes: Position: Oppose

**HB 770 DUI arrests; officer at a medical facility may issue summons for violation thereof, etc.**

Summary as passed House:

Arrest without warrant; DUI arrests. Provides that an arresting officer at a medical facility may "release the person [a DUI accused] from custody by executing a summons." The bill also provides that an officer may either arrest or summons a person for a Class 1 or 2 misdemeanor except as otherwise provided "for offenses listed in subsection D of § 19.2-81." The bill also specifically states that when a summons is not issued for a person accused of DUI or refusal who has been taken to a medical facility, the officer shall bring the person before a judicial officer for a bail hearing. The bill allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents. The bill changes nomenclature in the statute setting forth procedures for an arrest without a warrant to "complaining officer" from "officer making the arrest." This bill incorporates HB 1254.

Patron: Cleaveland

03/10/10 Passed House and Senate

Notes: Position: Support

**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

02/16/10 House: Left in Militia, Police and Public Safety

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

02/16/10 House: Left in Privileges and Elections

Notes: Position: Support

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

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

01/26/10 House: Incorporated by Health, Welfare and Institutions (HB173-Pogge)

Notes: Position: Support

**HB 831 Public Procurement Act; foreign & domestic businesses authorized to transact business in State.**

Summary as passed House:

Virginia Public Procurement Act; foreign business entities. Requires all public bodies to include in every written contract a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, if such is required by law. Such status shall be maintained during the term of a contract. 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

03/10/10 Passed House and Senate

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.

Patrons: Carr; Senator: Hanger

02/16/10 House: Left in Appropriations

Notes: Position: Support

**HB 857 Line of Duty Act; access to records of investigation.**

Summary as introduced:

Line of Duty Act; access to records of investigation. Provides that evidence and documents obtained by or created by, and the report of investigation prepared by, the Department of State Police in carrying out the provisions of this chapter shall (i) be deemed confidential, (ii) be exempt from disclosure under the Freedom of Information Act, and (iii) not be released except as provided in the Line of Duty Act.

Patron: Carrico

03/13/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed House:

Punishment of a juvenile for possession, etc., of alcohol. Provides that a juvenile charged with possession, consumption, etc., of alcohol or public intoxication 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

03/08/10 Passed House and Senate

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.

Patrons: Cline, Athey and Lingamfelter

02/16/10 House: Left in 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

02/16/10 House: Left in General Laws

Notes: Position: Support

**HB 892 Retirement System; member with less than 5 years service can withdraw under certain circumstances.**

Summary as passed House:

Virginia Retirement System; withdrawal of member contributions. Requires a member of the Virginia Retirement System to be vested before being eligible to withdraw that portion of his accumulated contributions made by his employer on his behalf prior to July

1, 2010, when he ceases employment. Employer contributions made on and after July 1, 2010, may not be withdrawn.

Patron: Barlow

03/05/10 Passed House and Senate

Notes: Position: Support

**HB 904 Animal control officers; magistrate to issue arrest warrant for complaint for felony offense.**

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.

03/02/10 Passed House and Senate

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.

03/10/10 Passed House and Senate

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 passed House:

Department of Social Services; retention of records. Requires local departments of social services to keep all records from cases involving child sexual abuse involving injuries or conditions that result in or were likely to have resulted in serious harm to a child for a period of 25 years from the date of the complaint.

Patron: Bell, Robert B.

03/09/10 Passed House and Senate

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.

01/28/10 House: Continued to 2011 in Health, Welfare and Institutions

Notes: Position: Oppose--unfunded mandate

**HB 930 Protective orders; allows petitioner to obtain extension of order for no more than two years.**

Summary as passed House:

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 two years 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., Athey, Comstock, Gilbert and Lingamfelter

03/10/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed:

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. This bill is identical to SB 467.

Patrons: Bell, Robert B., Athey, Gilbert, Iaquinto and Lingamfelter

03/10/10 Passed House and Senate

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

02/10/10 House: Continued to 2011 in Finance

Notes: Position: Support

**HB 973 Line of Duty Death and Health Benefits Trust Fund; funding therefor.**

Summary as introduced:

Line of Duty Act; definitions; funding for the Line of Duty Death and Health Benefits Trust Fund. Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for funding through a five-cent surcharge for E-911 service.

Patrons: Rust, Hugo, Abbott, Barlow, Brink, Bulova, Ebbin, Englin, Kory, Miller, P.J., Morrissey, Plum, Pogge, Scott, J.M., Sickles, Surovell and Villanueva

02/16/10 House: Left in Appropriations

Notes: Position: Oppose

**HB 987 Stormwater regulation; amends current law.**

Summary as introduced:

Regulation of stormwater. Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Patron: Jones

02/12/10 House: Continued to 2011 in Appropriations

Notes: Position: Oppose

**HB 1047 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.

02/16/10 House: Left in Appropriations

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

02/03/10 House: Continued to 2011 in 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.

03/02/10 Senate: Continued to 2011 in Privileges and Elections (14-Y 0-N)

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.

Patrons: Crockett-Stark and Carrico

02/16/10 House: Left in Appropriations

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  
02/16/10 House: Left in Courts of Justice  
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  
02/16/10 House: Left in Transportation  
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  
2/02/10 House: Tabled in Transportation (13-Y 4-N)  
Notes: Position: Support

**HB 1131 Transportation Board; 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  
02/16/10 House: Left in 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  
03/11/10 Passed House and Senate  
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

02/02/10 House: Tabled in Transportation

Notes: Position: Support

**HB 1240 Taxicab; shall bear roof sign & markings permanently affixed to exterior, etc., identifying vehicle.**

Summary as passed House:

Roof signs and markings for taxicabs. Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Patron: Oder

03/10/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed House:

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 that is no longer subject to change, modification, or reversal shall be considered a significant affirmative governmental act for purposes of determining vested rights.

Patrons: Knight, Cosgrove, Howell, A.T., Iaquinto, Ingram, Marshall, D.W., Merricks, Oder, Poindexter and Stolle

03/09/10 Passed House and Senate

Notes: Position: Oppose

**HB 1254 DUI arrestee; arresting officer may transfer custody to another officer.**

Summary as introduced:

Transfer of custody of a DUI arrestee. Allows a law-enforcement officer to arrest someone for DUI, underage drinking and driving, or driving on a (DUI) suspended license if the offense is committed in his presence and then to transfer custody to another officer who may obtain the warrant based on statements of the arresting officer. Transfer of custody is currently allowed for "drunk boating" only. This bill has been incorporated into HB 770.

Patron: Iaquinto

02/03/10 House: Incorporated by Courts of Justice (HB770-Cleveland)

Notes: Position: Support

**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

02/09/10 House: Incorporated by Privileges and Elections (HB149-O'Bannon)

Notes: Position: Oppose

**HB 1280 Fair Housing Law; unlawful discriminatory housing practices.**

Summary as introduced:

Virginia Fair Housing Law; unlawful discriminatory housing practices. Provides that it is an unlawful discriminatory housing practice for any political jurisdiction or its employees or appointed commissions to discriminate in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, handicap, or because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after consultation with the Attorney General, instead of issuing a charge for a violation, to immediately refer the matter to the Attorney General for civil action in the appropriate circuit court for appropriate relief.

Patrons: McClellan, Abbott, Alexander, BaCote, Brink, Bulova, Carr, Hope, James, Knight, Lewis, McQuinn, Morrissey, Oder, Scott, J.M., Sickles, Surovell and Tyler

02/11/10 House: Passed by in General Laws with letter

Notes: Position: Support

**HB 1319 Carbon dioxide emissions; defers USEPA enforcement of any standards or cap and trade provisions.**

Summary as introduced:

Air pollution emissions. Defers to the U.S. Environmental Protection Agency (USEPA) the enforcement of any carbon dioxide standards or cap and trade provisions that are included in the federal Clean Air Act. The bill requires the Governor, in consultation with the Attorney General, to examine these provisions and determine whether Congress has the authority to enact mandates upon the states. The Governor is to report his findings to the General Assembly. The bill authorizes the Attorney General to bring an action against the USEPA if he finds that the mandated standards are based on a finding that is not scientifically demonstrated.

Patrons: Marshall, R.G., Morefield and Cole

02/10/10 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources

Notes: Position: Oppose

**HB 1351 Indoor Clean Air Act; smoking in public buildings prohibited, penalty.**

Summary as introduced:

Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty.

Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof or any locality. The bill contains numerous technical amendments.

Patrons: Hope, Alexander, BaCote, Barlow, Brink, Bulova, Ebbin, Englin, Herring, Howell, A.T., Keam, Kory, McClellan, McQuinn, Morrissey, Phillips, Plum, Scott, J.M., Sickles, Surovell, Toscano, Tyler, Ward and Watts

02/16/10 House: Left in General Laws

Notes: Position: Support

**HB 1356 License fees and taxes, local; exempts campgrounds and bed and breakfast establishments.**

Summary as passed House:

Local license fees and taxes; campgrounds, bed and breakfast establishments. Adds campgrounds, and bed and breakfast establishments to those real property rental businesses that are not exempt from local license fees and taxes.

Patron: Lewis

03/11/10 Passed House and Senate

Notes: Position: Oppose

**HB 1357 Carbon dioxide; prohibits Air Pollution Control Board and DEQ to restrict emission thereof.**

Summary as introduced:

Department of Environmental Quality; carbon dioxide. Prohibits the Air Pollution Control Board and the Department of Environmental Quality from taking any action to restrict the emission of carbon dioxide. Any federal law or regulation that purports to prohibit, limit, or control in any way the emission of carbon dioxide shall be without authority, void, and of no force within the boundaries of the Commonwealth.

Patrons: Morefield, Bell, Richard P., Carrico, Crockett-Stark, Edmunds, Kilgore and Merricks; Senator: Puckett

02/10/10 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources

Notes: Position: Oppose

**HB 1379 Child-care facilities; local regulation of possession and storage of firearms, etc., at facilities.**

Summary as passed House:

Child-care facilities in certain counties and cities; local regulation of possession and storage of firearms, ammunition, or components or combination thereof. Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes.

Patron: Sickles

03/10/10 Passed House and Senate

Notes: Position: Support

**HJ 119 Route 1 Corridor; joint subcommittee to study creation thereof.**

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

02/16/10 House: Left in Rules

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

02/10/10 Senate: Continued to 2011 in Finance (15-Y 0-N)

Notes: Position: Support

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

Summary as passed:

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 witness cannot participate or represent the employee and the witness cannot be involved in the investigation.

Patron: McEachin

03/10/10 Passed House and Senate

Notes: Position: Support

**SB 71 Energy efficiency resource standard; established.**

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

02/08/10 Senate: Failed to report (defeated) in Commerce and Labor (3-Y 11-N 1-A)

Notes: Position: Support

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

Summary as passed Senate:

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 equal in value to the loan against any property where such clean 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

03/11/10 Governor: Approved by Governor-Chapter 141 (effective 7/1/10)

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

02/11/10 Senate: Continued to 2011 in 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

01/19/10 Senate: Incorporated by Local Government (SB246-Watkins) (13-Y 0-N)

Notes: Position: Support

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

Summary as introduced:



Effect on rate when assessment results in tax increase; public hearings. Reduces the minimum advance 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 from 30 days to 14 days.

Patron: Petersen

03/10/10 Defeated

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

02/16/10 Senate: Left in Local Government

Notes: Position: Oppose

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

Summary as passed:

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 unless such nonattainment area was designated as such prior to January 1, 2010. This bill is identical to HB 1300.

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

03/05/10 Passed House and Senate

Notes: Position: Oppose

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

Summary as passed Senate:

Department of Transportation land use review. Exempts localities, public agencies, and citizens' groups from payment of certain Department fees for review of land use proposals.

Patrons: Puller; Delegate: Surovell

03/11/10 Governor: Approved by Governor-Chapter 121 (effective 7/1/10)

Notes: Position: Support

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

Summary as passed Senate:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. The penalty for an initial violation shall not exceed \$250 and penalties for subsequent violations shall not exceed \$500.

Patron: Watkins

03/03/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed:

Detention of transferred or certified juveniles. Provides that a juvenile whose criminal case has been transferred to circuit court or certified be placed in a juvenile secure facility unless the court determines that he is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case he may be moved to an adult facility.

Patron: Lucas

03/10/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed Senate:

Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

Patron: Whipple

03/12/10 Passed House and Senate

Notes: Position: Staff was successful in working to change the capitalization provisions

**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

03/12/10 Passed House and Senate

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 for purposes of the federal Fair Labor Standards Act.

Patron: Deeds

01/25/10 Senate: Subject matter referred by letter to the Virginia Crime Commission

Notes: Position: Oppose

**SB 290 Housing and Community Development, Board for; 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

01/27/10 Senate: Continued to 2011 in General Laws and Technology (15-Y 0-N)

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

02/01/10 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

Notes: Position: Support

**SB 328 Emergency medical technicians; certain are allowed to administer vaccines to adults and minors.**

Summary as passed:

EMS providers; vaccinations. Allows 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. This bill is identical to HB 173.

Patrons: Stuart and Northam

03/08/10 Passed House and Senate

Notes: Position: Support

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

Summary as passed Senate:

Concealed handguns; restaurants. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits the person from consuming alcoholic beverages while there.

Patron: Hanger

03/10/10 Passed House and Senate

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

01/28/10 Senate: Continued to 2011 in Education and Health (15-Y 0-N)

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

01/28/10 Senate: Continued to 2011 in Education and Health (15-Y 0-N)

Notes: Position: Support

**SB 413 Triennial census; eliminates three-year requirement, distribution of sales and use tax.**

Summary as passed Senate:

Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service. This bill incorporates SB 557.

Patrons: Vogel and Herring

03/09/10 Passed House and Senate

Notes: Position: Support

**SB 415 Foster care; local departments to provide independent living services to person between age 18 & 21.**

Summary as passed Senate:

Foster care and independent living services. Requires local departments that provide independent living services to persons between 18 and 21 years of age to provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services. The written notice shall be included in the person's transition plan, which shall be created at least 90 days prior to the person's discharge from foster care.

Patron: Vogel

03/11/10 Passed House and Senate

Notes: Position: Support

**SB 443 Alcoholic beverage control; privatization of ABC stores.**

Summary as introduced:

Alcoholic beverage control; privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses for all localities, which shall be at a minimum one license for each locality of the Commonwealth and shall not exceed one license per 10,000 residents of the locality. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2011, which may also be conducted through the Department's publicly accessible website. The annual state license tax on package store licenses would be the initial purchase price at auction plus an annual inflation adjustment based on the Consumer Price Index. The tax levied on spirits sold in package stores would be 25 percent of the price charged. This bill contains numerous technical amendments.

Patron: Obenshain

02/16/10 Senate: Left in Finance

Notes: Position: Support

**SB 451 Health insurance; coverage funded by localities.**

Summary as introduced:

Local government employee insurance programs. Authorizes any locality to include in group life, accident, and health insurance programs offered to its officers and employees, and to employees of the locality's boards, commissions, agencies, and authorities, any person to whom coverage could be extended under the provision of the Code that sets out who may be covered under a private group accident and sickness insurance policy.

Patron: Whipple

02/25/10 House: Subcommittee failed to recommend reporting (5-Y 6-N)

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

03/02/10 House: Continued to 2011 in Finance (13-Y 9-N)

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

03/08/10 House: Failed to report (defeated) in Courts of Justice (10-Y 10-N)

Notes: Position: Support

**SB 468 Protective orders; allows petitioner to obtain extension of order for no more than two years.**

Summary as passed:

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 two years. There is no limit on the number of extensions that may be requested.

Patrons: Howell, Martin and Norment

03/10/10 Passed House and Senate

Notes: Position: Support

**SB 517 Wireless telecommunications devices; prohibits talking on such device unless in hands-free mode.**

Summary as passed Senate:

Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to initiating or answering a call on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. The bill also provided for graduated penalties for violations. This bill incorporates SB 10 and SB 574.

Patrons: Norment, Blevins and Ticer

02/26/10 House: Tabled in Militia, Police and Public Safety

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. This bill was incorporated into SB 517.

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

01/28/10 Senate: Incorporated by Transportation (SB517-Norment) (15-Y 0-N)

Notes: Position: Support

**SB 650 Stormwater regulation; amends current law.**

Summary as introduced:

Regulation of stormwater. Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Patron: Quayle

02/16/10 Senate: Continued to 2011 in Finance (15-Y 0-N)

Notes: Position: Oppose

**SB 702 Child welfare; placement of children.**

Summary as introduced:

Child welfare; placement of children. Provides that the Department of Social Services shall consider residential placement of children when reunification with the family is not in the best interests of the child.

Patron: Marsden

02/12/10 Senate: Continued to 2011 in Rehabilitation and Social Services (8-Y 6-N)

Notes: Position: Oppose

**SB 703 Public Procurement Act; preference for construction contractors hiring local residents.**

Summary as introduced:

Public Procurement Act; preference for construction contractors hiring local residents. Authorizes a locality to develop and implement a bidding system providing a preference to construction contractors that hire residents of the locality or the Commonwealth.

Patron: Marsden

02/03/10 Senate: Continued to 2011 in General Laws and Technology (15-Y 0-N)

Notes: Position: Support

**SB 711 Freedom of Information Act; disclosure of criminal investigative records.**

Summary as introduced:

Freedom of Information Act; disclosure of criminal investigative records. Limits the exemption for criminal investigative or prosecution records to those investigations or prosecutions that are ongoing. As a result, criminal investigative and prosecution records would be open to the public after the ongoing criminal investigation or prosecution has become final or has been otherwise terminated, unless there is jeopardy to any other criminal investigation or prosecution. The bill contains technical amendments.

Patron: Edwards

02/10/10 Senate: Subject matter referred by letter to the Freedom of Information Advisory Council

Notes: Position: Oppose