



County of Fairfax, Virginia

MEMORANDUM

DATE: January 29, 2013

TO: Board of Supervisors

FROM: Edward E. Long, Jr., County Executive

SUBJECT: 2013 Legislative Report No. 1—Board Legislative Committee Meeting of January 18, 2013

The regular 2013 Session of the Virginia General Assembly convened on January 9, 2013, and is scheduled to adjourn on February 23, 2013. This is a “short” session of 45 days. In accordance with rules adopted several years ago, each member of the House of Delegates is limited to introducing 15 bills (in long sessions, members may pre-file an unlimited number of bills prior to the first day of the session). However, the volume of introduced legislation remains high; as of January 18, the deadline for introducing non-prefiled legislation, 2,065 bills and resolutions had been introduced. County staff have been working to review these bills for potential impact to the County.

The Legislative Committee met on January 18 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

Since the January 25 Legislative Committee meeting was cancelled due to weather concerns, this memorandum also includes the staff recommendations for positions on several bills that were circulated to the Board via email on Friday, January 25 (these bills are listed beginning on page 18 of this memorandum). An updated list of bills that require further review, are being monitored by staff, or are being provided for information is also included.

Legislative Committee Actions of January 18, 2013:

Members Present: Legislative Chairman McKay
Chairman Bulova
Supervisor Cook
Supervisor Foust
Supervisor Gross
Supervisor Herrity
Supervisor Hudgins
Supervisor Smyth

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.**
- 2. Adopt new revenue sources for transportation funding.**
- 3. Restore the funding partnership between the state and localities with adequate state funding.**
- 4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

Specific Issues

Budget Update: The Committee received a briefing on the impact of the Governor's budget amendments on the County. Discussion focused on the effects of the proposed restoration of aid to localities on the County budget and the potential effect of the proposed teacher salary increase on FCPS. More detailed information can be found in the chart provided on handwritten pages 50-56 of the attachments to this memorandum.

Medicaid Fact Sheet: The Committee received a briefing paper providing information regarding the benefits of the expansion of Medicaid eligibility in Virginia to 133 percent of the federal poverty level. The preparation of this document was directed at a Legislative Committee meeting in November 2012.

Cost of Competing: The Committee received a briefing paper on the effects of the proposed elimination of the cost-of-competing supplement for K-12 support personnel in Northern Virginia.

Governor's Budget Amendment on Northern Virginia Training Center: The Committee discussed a proposal to devote a portion of the land currently owned by the Commonwealth at the Northern Virginia Training Center for use as a veterans care center. Staff was directed to return with more information at a future Committee meeting.

Major Transportation Bills: The Committee discussed a number of transportation funding proposals currently pending before the General Assembly; more information on these bills is included in the document provided on handwritten pages 63-65 of the attachments to this memorandum.

Specific Legislation

Historical Positions of the Board

SUPPORT

HB 1458 (Watts) (HHWI)/**SB 835** (Favola) (SRSS) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Support. (13102025D, 13100684D)

HB 1662 (BaCote) (HMP) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality. Support. (13102665D)

HB 1712 (Plum) (HCCT) provides that any locality that has established a local commission on human rights may include discrimination based on sexual orientation among those areas of discrimination the commission may investigate. Support. (13101099D)

HB 1649 (BaCote) (HGL) requires pawnbrokers and precious metals dealers to take a digital image of the form of identification used by the person involved in the transaction. The bill also prohibits a pawnbroker from pawning or accepting goods or articles if the original serial number affixed to the good or article has been removed, defaced, or altered. Support. (13100874D)

HB 1990 (Sickles) (HCCT) allows localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempt from the requirements of displaying such license plates. Support. (13102234D)

SB 701 (McEachin) (SGL) prohibits discrimination in state employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments. Support. (13100446D)

SB 767 (Wagner) (SFIN)/**SB 1094** (Hanger) (SFIN) 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 intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The effective date of the bill is January 1, 2014. Support; fiscal impact estimated at \$200,000. (13100678D, 13101563D)

Elections

HB 1340 (Ware, R.)/**SB 813** (Garrett) provides for reimbursement by the state to the localities of the entire costs of compensation and expenses of the electoral boards and general registrars. Support. (13100628D, 13101212D)

HB 1341 (Ware, R.)/**SB 806** (Garrett) provides that localities shall be reimbursed by the state for all costs incurred in conducting the presidential primary. Support. (13100629D, 13101211D)

SB 805 (Garrett) provides that the state will reimburse the localities for the costs of primary elections as funded by the general appropriation act. Support. (13101210D)

Financial Exploitation

HB 1455 (Watts) (HCT) provides that any person who knowingly exploits the impaired mental capacity or the physical capacity of an incapacitated adult or an adult (defined for the purposes of the bill as 60 years old or older) by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation to use, obtain, convert, or take control of or endeavor to use, obtain, convert, or take control of the incapacitated adult's or adult's money, assets, property, or financial resources with the intent to deprive the incapacitated adult or adult of the use, benefit, or possession of the money, assets, property, or financial resources and to convert such money, assets, property, or financial resources to the perpetrator's own use or benefit is guilty of a Class 5 felony. However, any responsible person or a person who has a fiduciary relationship with the incapacitated adult or adult who commits such a violation is guilty of a Class 3 felony. It is not a defense that the accused did not know the age of the victim. Support; consistent with Board initiative from 2011 and 2012. (13102365D)

HB 1682 (Bell) (HCT) provides that it is unlawful for any person who knows or should know that another person suffers from mental incapacity to, through the use of that other person's mental incapacity, take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. A violation is punishable as larceny. Support; consistent with Board initiative from 2011 and 2012. (13102056D)

HB 1781 (Filler/Corn)/**SB 706** (Stuart)/**SB 1258** (Herring) (HCT/SCT) provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property, or financial resources with the

intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust, it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime. Support; consistent with Board initiative from 2011 and 2012. (13103503D, 13100827D, 13103692D)

HB 2053 (Ware, O.) (HCT) provides that an agent under a power of attorney who violates the Uniform Power of Attorney Act with intent to defraud the principal and converts the principal's property is guilty of embezzlement. Support; consistent with Board initiative from 2011 and 2012. (13102059D)

Texting

HB 1357 (Rust) (HCT)/**SB 875** (Barker) (SFloor) makes texting while driving a primary offense. Support. (13100970D, 13102739D)

HB 1907 (Anderson) (HCT)/**SB 1160** (Barker) (STRAN) provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also changes the offense from a secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. Support. (13103495D, 13103482D)

HB 1360 (Cline) (HCT)/**HB 1848** (Loupassi) (HCT)/**SB 1222** (Norment) (STRAN) provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense. Support. (13101224D, 13102175D, 13102174D)

HB 1883 (Bulova) (HCT) provides that any person who, while "texting" and driving, causes an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged is guilty of reckless driving. The bill also provides that a violation of this provision shall not preclude prosecution under any other applicable provision of the criminal law. Support. (13101527D)

SB 1005 (McWaters) (SFloor) makes using a handheld personal communication device while driving on a bridge or in a tunnel a primary offense. All other offenses involving the use of a handheld personal communication device while driving remain secondary offenses. The bill also increases the penalty for causing an accident because of the use of a handheld personal communications device while driving on a bridge or in a tunnel to \$150 for a first offense and \$250 for a second or subsequent offense. Support. (13100467D)

SB 1238 (Barker) (STRAN) provides that texting while driving is punishable as reckless driving, a Class 1 misdemeanor; currently, violations incur a \$20 fine. The bill also makes texting while driving a primary offense; currently, law-enforcement officers must have cause to stop or detain a driver for some other violation before issuing a citation for texting while driving. If the degree of culpability is slight, the person may be found not guilty of reckless driving but guilty of texting while driving, which is punishable by a \$50 fine. Support. (13103497D)

Commonwealth Transportation Board

HB 1908 (Surovell) (HTRAN) changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three will be at-large appointees. The three ex officio members remain unchanged. The bill also replaces the term "metropolitan statistical areas" with "metropolitan planning areas with populations greater than 200,000." Support. (13100086D)

HB 2049 (Rust) increases the total membership of the Commonwealth Transportation Board from 17 to 20 members by doubling the representation for the Richmond, Hampton Roads, and Northern Virginia highway construction districts. Support. (13102214D)

SB 732 (Petersen) (STRAN) increases the number of members of the Commonwealth Transportation Board to 18, by the addition of one citizen member, and changes the areas of representation from the construction districts to the congressional districts. Support. (13100540D)

OPPOSE

HB 1412 (Crockett-Stark) (HHWI)/**HB 1789** (Bell) (HHWI)/**HB 2009** (Cline) (HHWI)/**HB 2109** (Morefield) (HHWI)/**SB 721** (Carrico) (SRSS) requires local departments of social services to screen each Virginia Initiative for Employment Not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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 Temporary Assistance for Needy Families (TANF) payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. (13100376D, 13102901D, 13101964D, 13101011D, 13100403D)

HB 1611 (Hugo) (HHWI) provides that inspections of onsite sewage systems shall be required only once every two years rather than annually. Oppose. (13102505D)

Taxation

HB 1437 (Purkey) (HFIN) classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools purchased on or after July 1, 2013, that have not been in service for more than three years. Eliminates local machinery and tools tax; oppose. (13100654D)

HB 1598 (Anderson) (HFIN) modifies several provisions governing boards of equalization including (i) adding new qualifications for membership of certain boards; (ii) authorizing boards to receive complaints electronically as long as taxpayers may also file complaints on paper forms; (iii) prohibiting a board to deny relief based on a lack of information from the taxpayer as long as certain specified information is provided; (iv) providing procedures by which a taxpayer may appoint a representative; and (v) providing procedures to be followed before a board may increase assessments on certain types of property. Oppose as written; bill contains a number of adverse provisions, including proposal to revise the presumption statute for assessments. (13101346D)

HB 1687 (Iaquinto) (HFIN) reduces the period of time in which the assessed value of real property may be increased for prior years from the three preceding tax years to the preceding tax year. Oppose. (13102001D)

Voter ID

HB 1337 (Cole) (HPE)/**SB 719** (Black) (SPE) removes several items from the list of acceptable identification documents that a voter must present when voting at the polls on election day: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. These documents continue to be valid identification for certain first-time voters at federal elections who are required to show identification under the Help America Vote Act of 2002. Oppose. (13100862D, 13101225D)

HB 1787 (Bell, R.B.) (HPE) amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014. Oppose. (13103361D)

HB 1788 (Bell, R.B.) (HPE) requires that an applicant to register to vote must present proof of citizenship with his registration application. The bill provides that any person who is registered in Virginia as of January 1, 2014, is deemed to have provided satisfactory proof of citizenship and provides a method for applicants who do not possess and cannot afford a document proving citizenship to obtain such proof for free. The bill also amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent

general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014. Oppose. (13103250D)

SB 1072 (Obenshain) (SPE) provides that electronic pollbooks shall contain a photograph of and identifying information for each voter either received from the Department of Motor Vehicles or taken by an officer of election when the voter presents himself to vote that shall be accessed by the officer of election when the voter presents himself to vote. If the voter does not appear to be the same person depicted in the photograph in the pollbook, any qualified voter may and the officer of election shall challenge the vote of such voter. A voter with religious objections to being photographed may refuse to have his photograph taken. Oppose. (13103420D)

SB 1256 (Obenshain) (SPE) requires photo ID at the polls by eliminating all forms of identification that do not contain a photograph of the voter from the list of forms of identification any one of which a voter must present in order to be allowed to vote. The bill also adds a valid United States passport to the list and requires that a student identification card issued by an institution of higher education in the Commonwealth contain a photograph in order to be used by a voter. The bill does not affect the right of a voter who does not present one of the required forms of identification to cast a provisional ballot. The bill also provides that the State Board shall provide voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID. Oppose. (13103249D)

New Bills – 2013 GA

Transportation Funding – Priority Issue

HB 1333 (Farrell) (HCCT)/**SB 798** (Garrett) (SFloor) allows localities to amend service district boundaries after notice and a public hearing. Support. (13100400D, 13104027D-S1)

HB 2070 (Comstock) (HTRAN)/**SB 1140** (Petersen) (SFIN) removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit. Oppose. (13103445D, 13103479D)

HB 2297 (Filler-Corn) (Committee referral pending) provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation are to be allocated from the public transportation portion of federal Surface Transportation Program funds. Support. (13103818D)

Dulles Rail/Dulles Toll Road

HB 1887 (LeMunyon) (HTRAN) places limitations and conditions on the expenditure of revenues of the Commonwealth on Phase II of the Rail-to-Dulles Project. Oppose. (13103175D)

HB 2020 (LeMunyon) (HTRAN) prohibits use of toll revenues for any purpose other than the construction, reconstruction, replacement, maintenance replacement, improvement, or maintenance of the facility for the use of which the tolls were imposed and collected, except as otherwise provided in § 33.1-23.03:4 (Toll Facilities Revolving Account) and subsection D of § 33.1-23.03:10 (tolls on Interstate Highway System components). The bill exempts from its provisions tolls imposed and collected on January 1, 2013. Oppose. (13101077D)

Comprehensive Plan

HB 1717 (Anderson) (HCCT)/**SB 1293** (Barker) (STRAN) provides that the transportation component of a local comprehensive plan shall be consistent at the interstate and primary levels with various state and local transportation plans. The bill also shortens from 90 to 45 days the time period by which the Department of Transportation shall provide comment upon submission of such local plans for review. Support. (13102257D, 13103477D)

HB 1718 (Anderson) (HTRAN)/**SB 1075** (Barker) (STRAN) requires a locality to repay the Department when a locality requests termination of a project and the Department does not agree to the termination. The bill also expands the step before a locality requests alterations to a project to include the approval of project scope and final engineering by the Department. Support. (13102259D, 13103476D)

Taxation – Priority Issue

HB 1401 (Cole) (HFIN) prohibits localities from instituting a judicial sale for delinquent taxes on real property that is the sole dwelling of the taxpayer. Oppose; eliminates a collection tool, although it is only used by localities as a last resort. (13101129D)

HB 1831 (Lingamfelter) (HFIN) exempts beginning businesses owned by disabled veterans with service-connected disabilities from certain fees imposed by the State Corporation Commission (SCC) and exempts all beginning businesses from the local business license tax. The bill also establishes state tax credits for beginning businesses for local personal property taxes paid by such businesses. The exemptions and tax credits would apply up through the first two full years that the business is in operation in the Commonwealth. The SCC fee exemptions and the business license tax exemption would only apply to businesses beginning operations on or after July 1, 2013, while the state tax credits would apply to businesses beginning operations on or after January 1, 2013. Oppose as written; any BPOL exemption should be local option. Potential revenue loss estimated at \$9.5 million. (13103296D)

HB 1982 (May) (HFIN) permits treasurers to convey, with the consent of the taxpayer, any tax bill by permitting the taxpayer to access his tax bill online from a database on the treasurer's website. Support. 13101534D

HJ 551 (Ramadan) (HPE)/**SJ 272** (Black) provides a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action. Support only as an initiative funded by the state. (13100523D, 13102717D)

HJ 573 (Hope) (HPE) exempts property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent. Support only as an initiative funded by the state. (13100892D)

Interest on Refunds (*past bills have been amended and became adverse*)

HB 1329 (Head) (HFIN) authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. Monitor. (13100533D)

HB 1578 (Wilt) (HFIN) authorizes each locality not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer, provided that the locality does not collect interest on taxes that are delinquent because of errors made by the locality. The benefit of not collecting or paying interest applies only when the refund or payment of the delinquent taxes is made within 60 days of notice of the error. (**HB 1534** has been incorporated into **HB 1578**.) Monitor. (13101713D)

SB 710 (Hanger) (SFIN) authorizes a locality to not pay interest on refunds owed to a taxpayer that are due to willful errors made by the taxpayer. The bill also directs the Chairmen of the House and Senate Committees on Finance to convene a working group to consider the feasibility and fiscal impact on local governments of establishing uniform methods of assessing interest earned on overpayment of taxes or charged for underpayment of taxes and uniform criteria for evaluating the timely repayment of taxes. (**SB 937** has been incorporated into **SB 710**.) Monitor. (13100850D)

Land Use

HB 1429 (Morris) (HCT)/**SB 1073** (Obenshain) (SLG) provides that a court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in a zoning action brought against it or that successfully challenges the validity of a zoning ordinance. Oppose. (13101582D, 13103650D)

HB 1430 (Lingamfelter) (HACNR) expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the "Right to Farm Act." Two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void. Oppose. (13101109D)

HB 1528 (Rust) (HCL) provides that only the first named insured is required to be given notice by the insurer of the cancellation or nonrenewal of certain commercial insurance policies. Amend to require notice to any locality that is an additional insured. (13103878D-H1)

HB 2072 (Peace) (HCCT) provides that no locality shall condition or delay the timely consideration of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the locality to condemn or otherwise acquire the property or to commence any process to consider whether to undertake condemnation or acquisition of the property. Amend to clarify that land use approvals can still have dedication of land as a condition. (13103364D)

HB 2238 (Marshall, D.) (HCCT) provides that a site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirement remaining to be satisfied in order to obtain a building permit is the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. The bill also amends a 2012 act by adding an enactment that clarifies the validity of previous extensions of valid plats and site plans. Oppose. (13103120D)

HB 2239 (Marshall, D.) (HCCT) provides that cash proffers shall not be used for any capital improvement to an existing facility that does not expand facility capacity or for any operating expense of an existing facility such as ordinary maintenance or repair. Amend to allow renovation needed to address new development impact. (13103032D)

HB 2265 (Knight) (Pending committee referral) Provides that a locality may waive certain written notice requirements in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner. Support. (13103137D)

SB 1226 (Stuart) (SLG) extends from 7 to 12 years the time by which a locality must begin utilization of cash proffers. The bill also removes the requirement that when cash proffers are used for alternative improvements, such improvements must be used in the same vicinity as the initial improvements. Support. (13102261D)

Education/Related Bills

HB 1555 (Bell, R.P.) (HED) establishes the Virginia State Virtual School as a statewide school division, to be supervised and administered by the Board of Education, for the delivery of full-time online educational programs and services to school-age persons in the Commonwealth. The bill also sets out procedures for (i) student enrollment, (ii) participation by multidivision online providers, and (iii) calculation of the state and local share of funding per participating student. Oppose; implications of a statewide virtual school should be carefully examined before enactment; could impact local school division funding. (13102616D)

HB 2096 (Habeeb) (HED) creates the Opportunity Educational Institution (Institution) to be administered and supervised by the Opportunity Educational Institution Board (Board) and

requires any school that has been denied accreditation for the previous two school years to be transferred to the Division and remain in the Division for five years or until the school achieves full accreditation. The bill also sets forth requirements for student attendance, staffing, and funding for the Division. Oppose; changes the governance of education; implications could be far-reaching and should be understood. (13102767D)

HJ 693 (Habeeb) (HPE)/**SJ 327** (McDougle) (SPE) authorizes the General Assembly to establish a statewide school division to supervise and administer schools that have been denied accreditation for a number of consecutive school years, as determined by the General Assembly. Supervision of the statewide school division is to be vested in a single statewide school board established as may be provided by law. Funding of the statewide division is to be provided by law, and transfer of certain per pupil shares of various funds from the local school district of residence to the statewide district is authorized. This is the Constitutional amendment companion to HB 2096. Oppose; companion to HB 2096; changes the sole constitutional authority of the Board of Education. (13103571D, 13103634D)

Environment

HB 2089 (Wilt) (HACNR) allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals. Support. (13101320D)

HB 2190 (Cosgrove) (HACNR) requires localities that adopt more stringent stormwater management requirements than those necessary to ensure compliance with the minimum regulations of the Soil and Water Conservation Board to submit such requirements to the Board to confirm that statutory requirements have been met and that the locality's determinations pursuant to the statute are reasonable. The bill ensures the availability of best management practices authorized by the Virginia Stormwater Management Regulations and the Virginia Stormwater BMP Clearinghouse Committee as a means of complying with regulations and requirements. Oppose. (13103377D)

SB 884 (Deeds) (SACNR) prohibits a dam owner from substantially increasing the flow of water through a dam without first notifying riparian owners and local emergency service organizations within 10 miles downstream. The bill also requires a dam owner to make the dam's current emergency action plans and reservoir regulation protocols available to riparian landowners within 10 miles, as well as to property owners within the dam break inundation zone. Amend to exempt localities. (13101257D)

Local Authority/Flexibility in the Administration of Government

HB 1507 (Lewis) (HCT) clarifies that the circuit court clerk may reject for filing or recording only deeds conveying real property, and not other types of deeds, unless the deed states on its first page that it was prepared either by the owner of the property or by an attorney licensed to practice in Virginia. Oppose. (13100915D)

HB 1535 (Rust) (HCCT) clarifies that where a town and county generally enjoy the same power, a county power applies in or as to a town when the county power is granted and exercised for a county-wide purpose, as determined by the county. A town may by ordinance negate the application of the exercised county power in or as to the town; may itself exercise the joint power, preempting the exercise of the county's power in or as to the town; or may adopt and affirm the application of the exercised county power in or as to the town. Where a county and a town generally enjoy the same power, and the county power is granted and exercised for a local or municipal purpose that expressly or impliedly only applies in the unincorporated county, the county power does not apply in or as to the town absent the town's ordinance so applying the exercised county power in or as to the town. The bill also provides that this act is declarative of existing law. Oppose. (13100969D)

HB 1574 (Minchew) (HGL)/**SB 1239** (Herring) (SGL) provides that if any town does not elect to enforce the Uniform Statewide Building Code, then such enforcement shall be the responsibility of the county in which the town is situated. The bill also provides that the enforcement by the county shall be with equal dignity as the county does in unincorporated areas of the county and no agreement between the town and the county shall be required as a prerequisite for the county to perform this obligation. The bill contains technical amendments. Oppose. (13102113D, 13102035D)

HB 1722 (Head) (HCCT) provides that in any instance in which a person is seeking a business permit, a license, or an application for any similar local government approval from a locality, the locality shall provide documentation and instructions that outline all steps necessary to obtain the permit, license or approval. The locality shall also specify any further permit, license or other approval that may be required to complete the original project or business activity and shall disclose the expected time required by the locality for the completion of each step of the process to obtain the license, permit or other approval. Amend to make permissive under the circumstances of each case. (13103566D)

HB 2011 (Surovell) (HCCT) provides that any county that has adopted the urban county executive form of government (Fairfax County) may, by ordinance, provide that it shall be unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any dilapidated furniture, appliance, machinery, equipment, shopping cart, building material or other item or personal property, which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building. The ordinance shall provide that any such item which remains on the real property for a period of seven days after a notice of violation is given to the owner of such personal property shall be presumed to be abandoned and subject to being removed from the real property by the county or its agents without further notice. In the event any such item is so removed, the cost of removal, including an administrative fee in the amount of \$150.00, shall be charged to the owner of the personal property. No such ordinance shall apply to any real property used for the purpose of a licensed junk dealer or establishment engaged in the repair, rebuilding, reconditioning or salvaging of equipment. The ordinance

may provide that a violation of the ordinance shall constitute a class 1 misdemeanor. Support. (13103590D)

HB 2026 (Dudenhefer) (HGL) allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. Support. (13102255D)

HB 2078 (Peace) increases public notice of requests for proposals from 10 to 30 days. The bill also (i) limits the use of competitive negotiation for construction projects, including certain public institutions of higher education, for which the aggregate or sum of all phases is not expected to exceed \$10 million, the nature of the project is such that it is unusually complex or extraordinary conditions exist, and the Director of the Department of General Services and the Secretary of Administration certify such conditions exist; (ii) requires posting on eVa and other appropriate websites for state and local public bodies using certain methods of procurement; (iii) changes the process for procurement of design-build or construction management projects; and (iv) allows a bidder or offeror to protest a public body's use of competitive negotiation. The bill contains technical amendments. Oppose. (13103358D)

SB 894 (Petersen) (SGL) clarifies that a local enforcement officer may issue a summons or a ticket to the owner, lessor, or sublessor of a residential dwelling unit for violation of any Building Code provision. Support. (13100545D)

Human Services

HB 1423 (O'Bannon) (HFloor) allows the community services board serving the county or city in which the person who would be the subject of an order for mandatory outpatient treatment following a period of voluntary or involuntary treatment resides to petition for an order of mandatory outpatient treatment. Support. (13100600D-E)

HB 1468 (Greason) (HED)/(**SB 893** (Howell) (Passed Senate) adds employees of local governing bodies and employees of local health departments to the lists of individuals who are permitted to possess and administer epinephrine and not be held liable for civil damages when certain conditions are met. The bill also requires local school boards to include in policies for the possession and administration of epinephrine a provision adding any employee of a local governing body or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to administer the drug to any student believed to be having an anaphylactic reaction. Support; County staff coordinated with FCPS staff to initiate. (13102524D, 13102627D)

HB 1646 (Bell, R.P.) (HFloor) clarifies eligibility requirements for funds from the state pool of funds for comprehensive services for at-risk youth and families, making clear that a child who has been placed through an agreement between his parents and a public agency other than the

local department of social services, or who is receiving foster care services to prevent foster care placement, is eligible for funds from the state pool. Support. (13102314D)

HB 1683 (Bell, R.P.) (HFloor) adds community-based mental health services to the list of services for which expenditures must be reported by the Office of Comprehensive Services for At-Risk Youth and Families. Support. (13102316D)

SB 1039 (Newman) (HTRAN) directs the State Registrar to enter into an agreement with the Commissioner of the Department of Motor Vehicles to allow the Department of Motor Vehicles access to vital records by October 1, 2013, and to further allow the Department of Motor Vehicles to issue certified copies of such records by July 1, 2014. The bill also directs the Department of Motor Vehicles and the Department of Health to study transferring vital records and the functions associated with keeping such records to the Department of Motor Vehicles and report. Amend to clarify that fees collected would still go to local health departments; potential loss of estimated \$500,000 with bill in its introduced form. (13101973D)

Public Safety

HB 2052 (Rust) (HTRAN)/**SB 1204** (McDougle) (SFloor) allows state and law-enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles to enter HOT lanes by crossing a barrier or buffer and not be guilty of reckless driving. Support. (13101875D, 13101874D)

SB 1165 (Newman) (SFloor) provides that the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than one passenger who is (i) less than 21 years old and (ii) not a member of the driver's family or household. Under current law, the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than three passengers who are (i) less than 18 years old and (ii) not members of the driver's family or household. Support. (13102649D)

Other Legislation

HB 1394 (Marshall, D.) (HPE)/**SB 724** (Miller) (SPE) provides that persons age 65 and older on the day of an election for which an absentee ballot is requested are entitled to vote absentee. Support. (13100955D, 13104095D-S1)

HB 1835 (Poindexter) (HCT) imposes a \$250,000 cap on damages that may be recovered against firefighters and emergency medical technicians in a civil action arising out of the provision of fire-fighting and emergency medical services. Support. (13102675D)

HB 1956 (Brink) (HPE) provides that the Commonwealth shall pay the costs of conducting a special election to fill a vacancy in the General Assembly if such election is held on a day other than the day of a general election. Support. (13102256D)

HB 2032 (May) (HGL) allows regional public bodies to conduct electronic meetings in the same manner as state public bodies. The bill also removes the requirement that a public body hold one meeting each year at which no member participates using electronic means. This bill is a recommendation of the Joint Commission on Technology and Science. Support; recommendation of Efficiency and Consolidation Task Force. (13100580D)

HB 2152 (Anderson) (HTRAN)/**SB 1210** (Stuart) (SFloor) gives the Chairman of the Commonwealth Transportation Board or his designee equal voting weight on the Virginia Railway Express oversight board. The bill also provides that the Chairman of the Commonwealth Transportation Board or his designee shall be included for purposes of constituting a quorum on certain transportation commissions and shall have voting rights equal to the appointees of component governments. Oppose. (13103708D, 13103705D)

HB 2165 (Dudenhefer) (HTRAN) imposes a civil penalty of \$100 for first violations and \$250 for second or subsequent violations for placing advertising within highway rights-of-way. Support. (13103562D)

HB 2204 (Marshall, D.) (HPE) provides that no polling place shall be located in a public or private school building. Oppose; majority of County polling places are schools. (13103093D)

HJ 732 (Sickles) (HRUL) memorializes the Congress of the United States to encourage the U.S. General Services Administration to consider Northern Virginia as the site for the new Federal Bureau of Investigation headquarters. Support. (13103580D)

SB 888 (Deeds) (SFloor) provides that penalties and costs collected as the result of an agreement between the Commissioner of Highways and a locality to enforce the prohibition on advertising within highway rights-of-way shall be paid to the locality. Support. (13101751D)

SB 959 (Favola) (SFloor) allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks. Support. (13104084D-S1)

Legislation Provided for Discussion

HB 2131 (Keam) (HCCT) modifies and clarifies the special real property taxes that Fairfax County may impose in a service district to pay for the costs of the additional improvements and services provided in the district. The bill states that the tax may be imposed on property used for different purposes, not just zoned for different purposes. In addition, if the use or zoning of real property changes from one that is taxed in the service district to one that is not, then the local governing body may require the property owner to pay a lump sum equal to the present value of future taxes that will be lost as a result of the change in use or zoning. (Staff met with Delegate Keam and interested parties.) Support. (13102351D)

SB 1253 (Northam) (SLG) allows localities to ban smoking in designated public parks, public beaches, and similar outdoor public areas. Support. (13102254D)

E-Z Pass Fees

HB 1302 (Loupassi) (HTRAN) prevents the Department of Transportation from charging monthly fees for the automatic electronic tolling payment program and its transponders. Support. (13100038D)

HB 1779 (Filler-Corn) (HTRAN) prohibits imposition of a monthly fee for any tolling transponder for any month in which the transponder is used at least 10 times. Support. (13101125D)

PPTA/Tolling

HB 1692 (Jones) (HTRAN) requires that within 30 days of the receipt of an unsolicited proposal for the development or operation of a qualified transportation facility, a responsible public entity shall post a public notice of the unsolicited proposal on the Department of General Service's electronic procurement website and provide 120 days for the submission of any competing proposals. The bill specifies that the notice is to include specific information regarding the nature, timing, and scope of the qualifying transportation facility, and that the responsible public entity must afford opportunities for public comment on the proposals submitted. The bill also requires that once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity is required to post the major business points of the interim or comprehensive agreement. The bill contains technical amendments. Monitor; clarify posting requirements. (13102965D)

HB 2129 (Spruill) (HTRAN) requires General Assembly approval for tolling of any Interstate, state primary, or state secondary highway system component. Oppose. (13102418D)

HB 2196 (Peace) (HTRAN) requires approval by the General Assembly prior to tolling any Interstate Highway System component in operation prior to July 1, 2013, except for HOV lanes and HOT lanes and continued tolling on toll facilities in operation prior to January 1, 2013. Oppose. (13103576D)

SB 860 (Lucas) (SGL) provides that no real property asset that produces annual average revenue for the Commonwealth of \$10 million or more over the five most recent fiscal years, or \$10 million revenue for the Commonwealth in the most recent fiscal year, may be (i) the subject of any lease, concession agreement, or similar type of agreement that transfers to a nongovernmental entity possession or control of the asset for more than 10 years at a time, including any renewal, (ii) sold, or (iii) securitized as a part of a qualified transportation facility under the Public-Private Transportation Act of 1995 or a qualified project under the Public-Private Education Facilities and Infrastructure Act of 2002 unless it has been declared to be surplus property. The bill also requires any comprehensive agreement for a qualifying transportation facility where the responsible public entity is a state entity to provide a summary containing the major business points of the agreement to the Public-Private Partnership

Advisory Commission for review and comment. In addition, the bill provides that any proposed comprehensive agreement for a qualifying transportation facility, when the responsible public entity is an agency or institution of the Commonwealth, that (i) creates state tax-supported debt, (ii) requires a level of appropriation beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) alters the Commonwealth's discretion to change the level of services or the funding for such services over time must be reviewed by the General Assembly prior to execution. Monitor. (13103247D)

SB 865 (McEachin) (STRAN) requires General Assembly approval before tolls are imposed or collected by the Commonwealth Transportation Board on any component of the Interstate Highway System except for High-occupancy toll lanes. Oppose. (13101747D)

SB 1081 (Miller) (SGL) provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act or a qualified project under the Public-Private Education Facilities and Infrastructure Act with a total value of \$1 billion or more shall be executed by a state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly. Monitor. (13103521D)

SB 803 (Garrett) (SFloor) makes it lawful to hunt or kill nuisance species on Sunday. Among the species that could be hunted on Sunday are blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, and those species designated as nuisance species by regulations of the Board of Game and Inland Fisheries. Monitor. (13100717D)

Staff Recommendations for Positions on Additional Specific Legislation – As Circulated to the Board on January 25

Historical Positions of the Board *(Bills are identical or very similar to bills on which the Board has taken a position in the past, in some cases numerous times.)*

HB 2293 (Wilt) (HCT) provides that any judicial officer fixing terms of bail shall presume, subject to rebuttal, that the following minimum financial conditions are necessary to assure the appearance of the accused and to assure his good behavior pending trial: Any person charged with a Class 1 or Class 2 misdemeanor shall have bail fixed at an amount not less than \$1,000, secured or unsecured; any person charged with a Class 6 felony shall have bail fixed at an amount not less than \$5,000, secured; any person charged with a Class 5 felony shall have bail fixed at an amount not less than \$10,000, secured; any person charged with a Class 4 felony shall have bail fixed at an amount not less than \$25,000, secured; any person charged with a Class 3 felony shall have bail fixed at an amount not less than \$50,000, secured; any person charged with a Class 1 or Class 2 felony shall have bail fixed at an amount not less than \$100,000, secured; and any person charged with a felony that is unclassified shall have bail fixed at an amount not less than \$10,000, secured. Staff recommendation: Oppose; similar to legislation several years ago; County pre-trial services strongly oppose. (13103929D)

SB 1312 (Martin) (SCT) provides that, when a person is arrested for either a felony or a misdemeanor, any judicial officer may place the person in the custody and supervision of a designated person, organization, or pretrial services agency but that no person shall be released to a pretrial services agency without a secured bond unless he is determined by a court to be indigent. Staff recommendation: Oppose; same as above bill. (13103932D)

HJ 594 (Loupassi) (HPE) limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof. Staff recommendation: Oppose; limitations on flexibility could have effects on local funding.

HJ 667 (Surovell) (HRUL) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Staff recommendation: Support; Board has supported in previous years. (13100777D)

New Bills – 2013 GA

HB 1524 (Villanueva) (HFloor) reverses the default rule of FOIA that certain park and recreation records of minors are subject to the mandatory disclosure provisions of FOIA unless the parent or an emancipated person who is the subject of the record requests in writing that the record not be disclosed. Under the bill, these records would be exempt from public disclosure unless and until the parent or emancipated person who is the subject of the record waives the protection. Staff recommendation: Support; ensures the privacy of personal information of children attending park and recreational programs, unless the parents consent to the release of such information. (13102684D)

HB 1823 (Villanueva) (HGL) requires local public bodies to post required procurement notices on the Department of General Services' central electronic procurement website and makes newspaper publication or posting on other appropriate websites optional. Currently, only state public bodies are required to post procurement notices on the Department of General Services' central electronic procurement website. The bill provides, however, that no local public body shall be required to post on the Department of General Services' central electronic procurement website if (i) the amount of such contract is not expected to exceed \$100,000 or (ii) the local public body has a website for the posting of such notices and provides the website address to the Department of General Services for posting on its central electronic procurement website. The bill also requires the Department of General Services to (a) provide an electronic data file of the using agency's business opportunities at no charge to any requesting newspaper or other print publication with circulation in Virginia using the comma-separated values (CSV) format

and (b) send the data file automatically via electronic mail on a daily, weekly, or monthly basis as agreed to by the parties. The bill specifies the information to be included in the data file. Staff recommendation: Support; this aligns with current County practice and provides a compromise solution to the issue for other localities. (13103548D)

HB 1886 (LeMunyon) (HTRAN) prohibits over-the-road operation of certain vehicles whose tire weights exceed tire weight limit guidelines. Staff recommendation: Support; County police department strongly supports this bill. (13101076D)

HB 2079 (Jones) (HGL) reorganizes the definitions of competitive sealed bidding and competitive negotiation. The bill also adds a definition of job order contracting. Staff recommendation: Monitor. The issues raised in HB 2078, which the Board opposes, will be part of the study required in HB 2079 (relating to the Virginia Public Procurement Act), thus allowing HB 2078 to be tabled for the session. (13103624D)

HB 2125 (Keam) (HGL) provides that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth. The bill also allows a public body to require prepayment before providing requested records when the cost for production of the records is likely to exceed \$100. Staff recommendation: Monitor; this could create workload issues for the County, and has been referred to the FOIA Council for study in the off-session.

HB 2158 (Lopez) (HPE)/**SB 963** (Ebbin) (SPE) provides that the local electoral board may designate officers of election who may work in more than one precinct throughout election day in any or all of such precincts are located in the same building. Staff recommendation: Support; provides for efficiencies in the assignment of officers of election. (13103756D, 13101017D)

HB 2175 (Cox) (HFloor) authorizes the Governor to request federal funds to construct a new veterans' care center in Northern Virginia, and requires the State Treasurer to issue a short-term treasury loan in an amount up to \$20 million for the state share of construction costs, once the U.S. Department of Veterans Affairs has determined that federal funds will be allocated for the new center. Staff recommendation: Monitor; Delegate Cox has indicated that the NVTC site is not under consideration for the veterans' care center. (13103642D)

HB 2282 (Plum) (HFIN) establishes beginning January 1, 2013, an individual and corporate income tax credit equal to 50 percent of the amount paid by a business to remove physical barriers at places of public accommodation, as defined under the Americans with Disabilities Act (e.g., hotels, restaurants, etc.), in order to allow greater access and usage by disabled persons. The credit would not exceed \$1,000 in amounts incurred by the business to remove barriers at each place of public accommodation. The Department of Housing and Community Development would administer the tax credit program. Any unused tax credits could be carried forward for five years. The credit would sunset on January 1, 2018. Staff recommendation: Support; in line with the Board's position on accessibility in the legislative program. (13103142D)

HB 2316 (Byron) (HGL)/**SB 1246** (Colgan) (SGL) raises, for certain local public bodies, the maximum cost of architectural or professional engineering services for all projects in one contract term of a multiple project contract from \$500,000 to \$1.5 million, and raises the maximum cost of architectural or professional engineering services for any single project from \$100,000 to \$500,000 for airports and aviation transportation projects. For a locality or authority or sanitation district with a population in excess of 80,000, the bill raises the maximum cost of such services from \$1 million to \$2 million. Staff recommendation: Support; allows greater flexibility in professional services contracts and may produce efficiency savings by permitting larger, multiple-project construction contracts. (13103826D, 13102992D)

HB 2323 (Surovell) (HCL) provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius. Staff recommendation: Support; certain areas of the County have seen a proliferation of these businesses. (13100147D)

HJ 755 (Howell) (HFloor) directs the Virginia Small Business Commission and Virginia Manufacturing Development Commission to evaluate and develop a plan for implementing tax restructuring to eliminate the BPOL, Machinery and Tool, and Merchants' Capital Taxes. Staff recommendation: Monitor; bill was amended to allow VACo and VML to participate in the study. (13104396D-H1)

SB 1313 (Stosch) (SFIN) adds the City of Portsmouth to the list of localities authorized to impose a local income tax to generate revenue to be used for transportation purposes. The bill also removes the requirement that the local income tax be approved by a referendum and repeals the five-year sunset on the local income tax. Staff recommendation: Monitor; patron has indicated he views this as an "alternative" transportation funding bill. (13103316D)

SB 1329 (Wagner) (SEH) Expands the class of Medicaid recipients in Virginia to include those meeting the criteria in the federal Patient Protection and Affordable Care Act. Such expansion would expire if federal financial participation for the expanded population is reduced below 90%. The bill also authorizes the Department of Medical Assistance Services to seek federal authorization to reform the Medicaid service delivery model in Virginia. Staff recommendation: Support; position in Legislative Program. (13103997D)

SB 1361 (Black) (STRAN) requires DRPT to provide the General Assembly an overall economic and financial analysis of any expanded or proposed rail or other transit project prior to state grants, financing or other funding. Staff recommendation: Oppose; there are already requirements in place for new rail projects. Additionally, the language is extremely vague and could affect and/or delay transit service changes. (13104287D)

SB 1362 (Black) (SGL) places conditions upon the Governor of Virginia's authorization of Amendment No. 4 to the Lease of the Metropolitan Washington Airports between the United

States of America acting by and through the Secretary of Transportation and the Metropolitan Washington Airports Authority. Staff recommendation: Oppose. This bill could stop the Phase 2 project from going forward, by requiring General Assembly approval before the Governor signs Amendment No. 4 of the MWAA lease agreement. Amendment #4 (which was approved by the MWAA Board of Directors and currently awaits signature by US Secretary of Transportation) includes language, consistent with the USDOT IG report and developed in consultation with USDOT, to: assure lease compliance by providing USDOT immediate access to MWAA's records; and improve MWAA's policies and procedures based on best practices in procurement, contracting, human resources, budget, travel, ethics, governance and transparency. Also defines "airport purposes" and conditions MWAA's activity subject to US-DOT Secretary approval. (13104343D)

Legislation Requiring Further Review (*Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.*)

HB 1406 (Bell, R.) (HED) requires each school board to annually provide parent educational information or screen public school students in grades five through 10 for eating disorders. (13101583D) (*Added Jan. 25*)

HB 1556 (Comstock) (HED) changes the ratio of students in average daily membership to full-time equivalent teaching positions from a divisionwide ratio to a schoolwide ratio. (13101345D)

HB 1696 (Minchew) (HAPP) authorizes the Virginia Department of Transportation to enter into an agreement with the Metropolitan Washington Airports Authority (MWAA) whereby MWAA would reduce tolls on the Dulles Toll Road in exchange for the Commonwealth's moral obligation backing of bonds, not exceeding an aggregate principal amount of \$500 million, issued by MWAA to fund Phase 2 of the Dulles Corridor Metrorail project. (13103285D)

HB 1864 (Robinson) (HED) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement and to the parents of any minor student who is the specific object of such acts. (13101520D) (*Added Jan. 25*)

~~**HB 1882** (Morrissey) (HGL) requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree (i) that 51 percent of all positions created in performance of the contract be filled by Virginia residents, (ii) that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and (iii) to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who~~

~~was previously laid off by the contractor. The bill provides that it does not apply to any contracts for professional services. (13103440D)~~

HB 1993 (Massie) (HFIN) provides exclusions from the gross rental proceeds upon which the motor vehicle rental tax is imposed. The exclusions include cash discounts taken on a rental contract; finance, carrying, and other service charges; charges for motor fuels; charges for optional accidental death insurance; and other specified exclusions. (13100570D)

HB 1994 (Massie) (HTRAN) provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the Public-Private Transportation Act or a qualifying project under the Public-Private Education Facilities and Infrastructure Act, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project." (13100571D)

HB 2028 (Dudenhefer) (HED)/**SB 986** (Stuart) (SEH) allows school boards to require current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AEDs) for bus drivers, increases required school personnel with such training per school, and requires such training for those seeking initial teacher licensure, renewal of a license to teach, or a provisional teaching license with a waiver for disabilities. For students, beginning with first-time ninth grade students in the 2014-2015 school year, the bill adds a requirement that recipients of the standard and advanced diplomas must receive training in emergency first aid, CPR, and the use of AEDs with a waiver for students with disabilities. The bill also requires an AED in every school by the 2014-2015 school year and schoolwide cardiopulmonary resuscitation drills. (13103531D, 13103554D)

HB 2060 (Yancey) (HED) provides that in cases in which a school attendance officer files a complaint alleging that a juvenile is a truant and the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance laws, the intake officer shall defer filing of a petition alleging that the child is in need of supervision for 90 days and shall refer the child to the family assessment and planning team for development of a truancy plan. If the juvenile or his parent, guardian, or other person standing in loco parentis refuses to participate in the truancy plan, or if at the end of the 90-day period the child has failed to comply with the truancy plan, the intake officer shall file a petition alleging that the child is in need of supervision. (13102736D)
(Added Jan. 25)

HB 2116 (Garrett) (HTRAN)/**SB 1209** (Stuart) (STRAN) amends the powers and duties of the Commissioner of Highways and the Commonwealth Transportation Board to create new efficiencies and streamline procedures by granting the Commissioner greater authority over administrative operations, matters involving the practice of civil engineering, and interaction with stakeholders. (13101417D, 13101418D)

HB 2120 (Herring)(HCT)/**SB 1006** (Barker) (SEH) provides that a licensed health care provider may perform a physical evidence recovery kit examination for a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision regarding consent to such examination when there is an immediate need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed. (13102046D, 13102047D)

HB 2258 (James) (HTRAN) requires the responsible public entity to obtain the approval of each affected jurisdiction prior to the execution of a comprehensive agreement under the Public-Private Transportation Act of 1995 (PPTA) or the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) whenever the development or operation of the qualifying transportation facility or project impacts local tax revenues or increases the fees or expenses that are paid by residents of the affected jurisdictions. The bill also (i) provides for the guidelines established by a responsible public entity under the PPTA to require that a final environmental impact study be completed prior to commencing project development and (ii) prohibits a comprehensive agreement under the PPTA from containing a non-compete or damage provision or any similar provision requiring additional payments to the private entity to recover reduced revenue due to improvements made by the Commonwealth to any other transportation facility. (*Added Jan. 25*)

HB 2330 (Miller) (HCL)/**SB 1353** (Watkins) (SACNR) establishes a process for the Department of Mines, Minerals and Energy (DMME) to issue permits for the mining of uranium ore. DMME, in consultation with the Department of Environmental Quality, Department of Health, State Corporation Commission, Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Historic Resources, and Department of Agriculture and Consumer Services, is required to adopt regulations governing uranium mining. DMME shall not accept an application for a uranium mining permit from an applicant unless the applicant had a valid permit for uranium exploration on July 1, 2013. DMME shall not accept an application for a permit to mine uranium at a location more than 10 miles from an area for which a uranium exploration permit was in effect on January 1, 2012. Permit holders are required to pay application fees and annual fees, which shall be sufficient to defray the costs of administering the uranium mining program. The measure establishes the Uranium Administrative Fund, Uranium Response Fund, and Long-Term Monitoring Fund, which will be funded by fees assessed on permittees. A permittee that violates a permit condition or provision of law or regulation may be subject to civil penalties. A person who conducts uranium mining without a permit, violates a condition of a permit, fails to comply with a regulation or order, makes certain false statements, violates recordkeeping requirements, or impedes the DMME in its performance of duties is subject to criminal penalties. A uranium mining permit shall not be issued to an applicant unless the applicant is licensed by the State Corporation Commission as a uranium development corporation, the requirements for which are established by this measure. The Commission is authorized to suspend a uranium development license if it finds that a licensee is not in compliance with financial responsibility requirements or if it receives notice of a determination by an agency that an operation is being conducted in violation of a permit or license. The Commission may revoke a uranium

development license if it finds by clear and convincing evidence that the license holder has failed to correct a condition for which its license was suspended or has committed other specified acts. (13103646D, 13103645D) (*Added Jan. 25*)

SB 696 (Lucas) (SGL) creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Under the bill conduct of casino gaming shall be limited to counties, cities, and towns that are located in Planning District 8, 9, 10, 15, 16, 17, 18, 19 20, 21, 22, or 23. The bill also contains technical amendments. (13100292D)

SB 827 (Garrett) (SGL) requires any state agency that is authorized to implement a comparable federal program to receive statutory authorization to promulgate any regulation that is more stringent than the federal statute or regulation. By July 1, 2014, these agencies are required to complete a review of their regulations to determine whether each regulation (i) is more stringent than the comparable federal law or regulation and (ii) whether there is statutory authorization for the regulation that is found to be more stringent. When an agency determines that a more stringent regulation has not been authorized by a state statute the agency is required to amend the regulation to bring it into compliance with the federal law or regulation, or the General Assembly has to enact legislation authorizing the more stringent standard. If neither condition has been met within one year of the agency's determination that its regulation is more stringent than the comparable federal law or regulation, the regulation is deemed to be null and void. (13100718D)

SB 841 (Locke) (SGL) authorizes an owner or managing agent of a residential dwelling unit to develop and implement reasonable occupancy standards restricting the maximum number of occupants permitted to occupy the dwelling unit, provided such standards comply with the federal standards established under federal laws and regulations. The bill also authorizes an owner or managing agent to restrict the number of occupants in a dwelling unit to two persons per bedroom and clarifies that such restriction will not be enforceable under the provisions of the Uniform Statewide Building Code. (13102321D)

SB 1091 (Hanger) (SGL) provides that participation by constitutional officers in the Department of the Treasury's risk management plan shall be determined by the local governing body of the locality served by the officers rather than by the State Compensation Board. Also, local governments and constitutional officers choosing not to participate in the risk management plan shall not be subject to payment of any premium or administrative costs. (13100849D) (*Added Jan. 25*)

SB 1197 (Saslaw) (SGL) authorizes localities within Planning District 8 to enter into individual contracts for architectural or professional engineering services up to \$5 million. Planning District 8 is composed of the counties of Arlington, Fairfax, Loudoun, and Prince William, the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the towns of Dumfries, Herndon, Leesburg, Purcellville and Vienna. Currently, the authority to enter into such contracts is limited to localities and local authorities, sanitation districts, metropolitan

planning organizations or planning district commissions with populations in excess of 80,000. (13102850D)

~~**SB 1231** (Stanley) (SFloor) allows an attorney to record a corrective affidavit to correct an obvious description error contained in a recorded deed, deed of trust, or mortgage. Obvious description errors include (i) errors transcribing courses and distances, (ii) errors incorporating a recorded plat or deed reference, (iii) errors in listing a lot number or designation, and (iv) omitted exhibits that supply the legal description of the property. Before a corrective affidavit may be recorded, all parties to the deed, deed of trust, or mortgage and the title insurance company must be provided with a copy of the affidavit and such parties have 30 days to object in writing to the recordation of the corrective affidavit. (13104092D-S1)~~

SB 1300 (Barker) (SEH) provides that any student who enrolls full time in a virtual school program served by a multidivision online provider outside his school division of residence shall have his state share of Standards of Quality per pupil funding, as well as 76 percent of his local share, transferred from the school division of residence to the enrolling school division. The total state and local share funds transferred from the resident division to the enrolling division shall not exceed the actual cost of the virtual school program. (13102988D)

SB 1341 (Saslaw) (SLG) exempts certain electrical generation facilities powered by renewable sources of energy from local zoning and land use requirements. The exemption applies to a facility that is owned by an electric utility, has a capacity of at least four megawatts, is on a parcel of at least 25 acres, and has received all required approvals and permits from the State Corporation Commission and environmental regulators. (13104194D) (*Added Jan. 25*)

Elections

~~**HB 1471** (Watts) (HPE) provides that residents of assisted living facilities are permitted to vote absentee. The bill also provides that localities may establish absentee voter precincts at assisted living facilities that will be open prior to an election to allow in person absentee voting by the residents. The bill further provides that upon the request of an administrator of an assisted living facility in which at least 50 registered voters reside, at least two officers of election will be sent to the facility on Election Day to assist persons 65 years old or older or physically disabled with voting. (13102624D)~~

HJ 659 (LeMunyon) (HPE)/**HJ 668** (Surovell) (HPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant must provide his full social security number in order to register to vote. (13100563D, 13100564D)

~~**SB 883** (Deeds) (SPE) provides that the general registrar shall issue and mail a new Virginia voter registration card to all registered voters in his county or city no later than October 1 of each year. (13101191D)~~

~~**SB 1062** (Herring) (SPE) provides for numerous reforms to improve voter access to the polls, including (i) extending the hour that polls close on election day from 7:00 p.m. to 8:00 p.m.; (ii) allowing for early voting by qualified voters for a period from 10 to three days before the election, or eight to three days before a special election, at the office of the general registrar or secretary of the electoral board and other approved locations; (iii) shortening the deadline to register to vote from 21 days before a general or primary election and either six or 13 days before special elections to three days before any election, which would be the last day of the early voting period; and (iv) authorizing the Secretary of the State Board of Elections to establish a pilot program to allow members of the military on active duty and their spouses, citizens residing outside of the United States, and military voters with disabilities or injuries to vote absentee by secure electronic means or other new technologies. The bill also provides that the State Board shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. The bill also requires the State Board, in conjunction with the Department of Emergency Management, to create a written plan addressing the continuity of operations of elections in the event of an emergency. The bill also requires that the State Board perform periodic reviews of the conduct of elections and, based on the findings of such reviews, develop a written plan for minimizing the amount of time a voter has to wait to cast his vote on election day. (13103449D)~~

SB 1077 (Obenshain) (SPE) authorizes the State Board of Elections to apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by the U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security. The SAVE Program enables access to immigration status and citizenship status information possessed by the U.S. Department of Homeland Security. If the application is approved, the State Board will utilize the SAVE Program for the purposes of verifying that voters listed in the Virginia Voter Registration System are United States citizens and shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program. (13103248D)

~~**SB 1150** (Barker) (SPE) requires each electoral board to develop a plan to ensure that no voter waits for more than one hour to cast his vote on election day. Each board would submit to the State Board of Elections and the governing body of the city or county of the electoral board a list of resources necessary, including the optimum number of officers of election, pollbooks, ballots, and other voting equipment, to implement the plan. The bill also provides that officers of election may work in multiple precincts throughout election day. (13103374D)~~

School Resource Officers

HB 1730 (Cole) (HED) requires each local school board to establish a collaborative agreement with local law-enforcement agencies to employ one full-time uniformed school resource officer in every school in the local school division. (13103100D)

HB 2244 (HAPP) provides that proceeds of the School Resource Officer Grants Fund may be disbursed to award matching grants to local law-enforcement agencies and local school boards

that have established a collaborative agreement to employ school resource officers in elementary schools within their shared district. Under current law, funds may be disbursed only when school resource officers are employed in middle or high schools within the district. (13103688D)

SB 940 (Stuart) (SEH) requires every school board throughout the Commonwealth to coordinate with the local law-enforcement agency to provide at least one school resource officer for every public elementary, middle, and high school within the district. The bill provides that funding for these school resource officers shall be provided through the general appropriation act and not by any locality or school board. (13103170D)

SB 1240 (Deeds) (SEH) requires every school board throughout the Commonwealth to coordinate with the local law-enforcement agency to provide at least one school resource officer for every public elementary school within the district. The bill provides that funding for these school resource officers shall be provided through the general appropriation act and not by any locality or school board. (13103156D)

Staff “Watch List”/May Have State Revenue/Policy Implications *(Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.)*

HB 1334 (Purkey) (HTRAN) requires approval of both the Governor and the General Assembly before any change in ownership of any Virginia port is permitted. (13100652D)

HB 1373 (Head) (HCCT) allows localities with a population of 50,000 or greater to meet certain notice requirements by utilizing their websites, radio, or television instead of a newspaper of general circulation. (13100973D)

HB 1374 (Head) (HCT) allows motions for summary judgment to be based, in whole or in part, upon depositions, answers to interrogatories, admissions in the proceedings, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties. (13100535D)

HB 1419 (Pogge) (HCCT) amends requirements governing zoning ordinances for temporary family health care structures to reduce from two to one the number of activities of daily living with which a person must require assistance to qualify as a "mentally or physically impaired person" eligible to reside in a temporary family health care structure; amend the occupancy restriction to allow a married couple, both of whom are mentally or physically impaired persons, to reside in a temporary family health care structure; and extend the time by which a temporary family health care structure must be removed from 30 to 90 days from the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving or in need of assistance. (13100491D)

HB 1460 (Tyler) (HTRAN) prohibits tolling on Interstate 95 without the approval of the General Assembly. (13102793D)

HB 1488 (Rush) (HACNR) delays the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014, to July 1, 2015. (13102265D)

HB 1547 (Knight) (HCCT) provides that the minimum tree canopy as required by localities during the development process shall be 10 percent for cemeteries. (13101788D)

HB 1552 (Loupassi) (HCT) increases the punitive damages cap from \$350,000 to \$675,000 to reflect the effect of inflation since the cap was first established. The bill also provides that the cap will be adjusted annually in an amount equal to the annual increase in the United States Average Consumer Price Index for all items, all urban consumers. (13101757D)

HB 1562 (Orrock) (HACNR)/**SB 828** (Blevins) (Passed Senate) authorizes an animal control officer or law-enforcement officer to apply to a magistrate for a summons where the officer believes that the owner of a dangerous or vicious dog has willfully failed to comply with the law. The bill clarifies the distinctions between dangerous dogs and vicious dogs, requires the owner of either type of dog to provide basic care while confining the animal, and authorizes a court to order the owner to pay for the care of a dangerous or vicious dog while it is in state custody. (13101195D, 13100989D-E)

HB 1575 (Webert) (HCCT) provides that local ordinances governing child care services and facilities shall not provide for inclusion of the child care provider's own children or any children who reside in a home in which child care services are offered in the total number of children for whom care is provided. (13100607D)

HB 1589 (Minchew) (HCCT)/**SB 744** (Black) (SLG) authorizes a locality to demolish or remove a derelict nonresidential structure and to file a lien against the property for the cost of the demolition or removal. The bill requires the locality to obtain the written consent of the property owner for such demolition or removal and prohibits the use of the authority to remove a building that is located in a local historic district or individually designated as a historic landmark. (13102354D, 13101612D)

HB 1616 (Gilbert) (HCT) provides that no state agency or organization having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police nor any department of law enforcement of any city, county or town, shall procure a public unmanned aircraft system (drone aircraft) without the approval of the General Assembly or the local governing body, respectively. The bill requires a warrant for use of such an aircraft. The bill also provides that it is not unlawful for any law-enforcement officer or other public official to operate a public unmanned aircraft system and disclose personal information from such operation if such officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and the situation requires operation of a public unmanned aircraft system before a warrant authorizing such interception can, with due diligence, be obtained and there are grounds upon which such a warrant could be entered to authorize such operation. The bill also provides that it is not unlawful for a public institution of higher education to operate a public

unmanned aircraft system solely for research or academic purposes. The bill also contains extensive procedural guarantees against release of personal information and contains reporting requirements by agencies and courts with respect to use of and data collected by such aircraft. (13100177D) (*Added Jan. 25*)

HB 2012 (Cline) (HCT) places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2014. (13103615D) (*Added Jan. 25*)

HB 1624 (Hugo) (HGL) provides, under certain conditions, that when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of a transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, neither the Commonwealth Transportation Board nor any state transportation agency nor any construction manager acting on behalf of such entities shall, in their bid specifications, project agreements, or other controlling documents, provide an incentive in the scoring of such bids that favors entities entering into project labor agreements. The bill defines "transportation facility" and sets out exceptions to this requirement. (13101645D)

HB 1637 (BaCote) (HCT) creates a procedure for restoring parental rights to a parent whose rights to his child have previously been terminated when the child is at least 14 years of age and the child has not achieved his permanency goal. The bill also provides that the juvenile and domestic relations court may appoint a special advocate to provide services to a child who is the subject of judicial proceedings for the restoration of parental rights. (13100391D)

HB 1642 (Pogge) (HCT) provides that parents have a fundamental right to direct the upbringing, education, and care of their children and such right shall not be infringed by the government unless the governmental interest as applied to the parents is of the highest order and not otherwise served. (13103598D)

HB 1647 (Farrell) (HFloor) requires that a Virginia resident who is convicted of a (substantially similar) DUI in another state comply with Virginia ignition interlock requirements. (13103210D)

HB 1708 (Habeeb) (HCT) allows for motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, admissions on file, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties. (13102871D)

HB 1715 (Iaquinto) (HCT) makes various changes to the provisions that allow circuit court clerks to provide remote access to certain records and to charge a fee for such access. The bill also directs that fees assessed for electronic filing of cases and other records and accessing certain records remotely shall be paid to the clerk's nonreverting local fund to be used to cover the clerk's operational expenses. (13101978D)

HB 1743 (Brink) (HHWI) provides that local departments of social services and licensed child-placing agencies may make independent living services available to persons 18 to 21 years of age who are released from commitment to the Department of Juvenile Justice after reaching 18 years of age and who were committed or entrusted to the care of a local board of social services or child-placing agency at the time they were committed to the custody of the Department of Juvenile Justice. (13102187D)

HB 1754 (Wright) (HCT) provides that in order to be timely, service of process must be made within 90 days from the commencement of the action. Currently, service of process is timely if made within 12 months. The bill also provides that no nonsuit may be taken more than 90 days after the commencement of an action in the absence of timely service of process unless the court finds that the plaintiff exercised due diligence in attempting to serve process. (13103080D)

HB 1804 (Miller) (HFIN) establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the Commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the Commonwealth. The other half of the proceeds shall be distributed to the locality from which the uranium was severed. (13103390D)

SB 919 (Watkins) (SFIN) establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the Commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the Commonwealth. The other half of the proceeds shall be deposited into an Economic Development and Environmental Trust Fund established for each locality from which uranium is mined. Each locality's fund would be administered by a board appointed by the governing body of the locality. (13102561D)

~~**HB 1812** (McQuinn) (HFIN) alters the provisions governing local service charges on property owned by the Commonwealth (i) by including the value of hospitals and educational institutions owned by the Commonwealth in calculating the threshold that must be met before a locality may impose the service charge (under current law, the value of property owned by the Commonwealth must exceed 3% of the total value of all real property in the locality) and (ii) by including emergency medical services in the services whose cost is used to determine the amount of the service charge. (13102608D)~~

HB 1824 (Purkey) (HFIN) extends the tax credit beginning in 2013 to (i) growers or distributors of wheat, grains, fruits, nuts, crops, or plants and (ii) persons severing minerals or gases from the earth or distributors of the same. Under current law, manufacturers and distributors of manufactured goods that ship at least 75 net tons of noncontainerized cargo or 10 loaded 20-foot equivalent units (TEUs) through Virginia port facilities during a calendar year are eligible for an income tax credit if their volume of shipments through such facilities increases by at least five percent over a designated base year volume. The tax credit equals \$50 for each TEU above the base year volume shipped through a Virginia port facility. This bill would extend the tax credit to (i) growers or distributors of wheat, grains, fruits, nuts, crops, or plants and (ii) persons severing minerals or gases from the earth or distributors of the same. (13102485D)

HB 1828 (Villanueva) (HFloor) allows the purchase of land for the construction of railway lines by the Department of Rail and Public Transportation for the purpose of alleviating traffic congestion on highways. (13101411D)

HB 1836 (Lingamfelter) (HCCT) provides that the itemized contemplated expenditures in a local budget shall include any discretionary funds to be designated by individual members of the governing body and the specific uses and funding allocation planned for those funds by the individual member. (13100255D)

HB 1853 (Knight) (HCCT)/**SB 1029** (Reeves) (SLG) requires local planning commissions to consider the effects of development on military installations. The bill requires a local planning commission to cooperate with the commander of any military installation that will be affected by development and permits a governing body to appoint an additional nonvoting member to its planning commission to represent a local installation. (13101334D, 13101335D)

HB 1949 (Yancey) (HCT) eliminates the provision making driving 80 mph or faster reckless driving and allows speed limits of 80 mph on toll roads, including HOT lanes. (13103600D)

HB 1979 (May) (HAPP) authorizes the Commonwealth Transportation Board to issue bonds to (i) acquire the Dulles Greenway and (ii) if determined necessary by the Board, improve or upgrade the Dulles Greenway. If the Board were to acquire the Dulles Greenway, the Board would impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of the same. The aggregate principal amount of bonds that could be issued by the Board would be conditioned upon the revenues from the tolls or other charges to be imposed on the Dulles Greenway as proposed and established by the Board, as follows: the revenues from the tolls or other charges proposed by the Board would reasonably be expected by the Board to pay (a) in full and when payable the debt service on all bonds or other obligations issued or entered into by the Board to acquire the Dulles Greenway, (b) the ongoing costs of operating and maintaining the Dulles Greenway, (c) the costs of purchasing and installing electronic tolling equipment or other equipment for the Dulles Greenway if such equipment is determined necessary, (d) the cost of purchasing parking facilities, and (e) ongoing necessary administrative costs relating to the Dulles Greenway. The bill provides no bonds could be issued by the Commonwealth Transportation Board to acquire the Dulles Greenway unless the Treasury Board provides through a written certification provided to the Governor and the Commonwealth Transportation Board its opinion that the revenues from the tolls or other charges proposed by the Commonwealth Transportation Board for use of the Dulles Greenway are reasonably expected to result in a debt service coverage ratio of at least 1.25. (13100658D)

HB 1980 (May) (HTRAN) creates the Dulles Greenway Authority to, among other things, operate and maintain the Dulles Greenway. The Authority would be governed by a board of directors composed of 15 voting members as follows: one current member of the local governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park to be appointed by the Governor; four nonlegislative citizen members to be appointed by the Speaker

of the House of Delegates; and two nonlegislative citizen members to be appointed by the Senate Committee on Rules. The Secretary of Transportation would serve as a nonvoting ex officio member of the Board. For voting purposes, the members of the Board appointed by the Governor from the local governing bodies of the County of Fairfax and the County of Loudoun would each be entitled to cast two votes on each question put before the Board. The Authority would operate, maintain, and administer the Dulles Greenway on behalf of the Commonwealth using such moneys as provided to it for such purposes. The Authority would collect all tolls and other charges established by the Commonwealth Transportation Board for the use of the Dulles Greenway and would deposit such funds into the state treasury. The Authority would be prohibited from establishing or fixing tolls, rents, fees, or other charges for the use or enjoyment of any facility owned by the Commonwealth. The provisions of the bill would not become effective unless and until the Commonwealth Transportation Board acquires the Dulles Greenway on or before July 1, 2015.

HB 2004 (Cline) (HCT) provides that the possessor of real property owes no duty of care to a trespasser except to refrain from injuring the trespasser by an intentional, willful, or wanton act. However, a possessor of real property may be liable for injury or death to a trespasser if (i) the possessor knew or should have known of the trespasser's presence on the property and failed to exercise ordinary care to protect the trespasser from an unsafe condition that is not open and obvious or (ii) the trespasser is a child of tender years who was injured by an instrument, machine, or other object that contained a concealed or latent danger that was not obvious to the child and the instrument, machine, or other object was easily accessible to children and in a location where children frequently gather. (13101516D)

HB 2010 (Cline) (HTRAN) allows motorcyclists who are 21 years old or older to ride without wearing helmets. (13103488D)

HB 2048 (Sherwood) (HACNR) moves the water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The composition of the Virginia Soil and Water Conservation Board is changed, reducing the number of voting members from 12 to seven, and the Department of Environmental Quality is assigned responsibility for staffing the Board. The Virginia Soil and Water Conservation Board will continue its oversight responsibilities of the soil and water conservation districts and of resource management planning. The Board of Conservation and Recreation will be responsible for administration of the flood prevention and dam safety laws. (13101882D)

HB 2081 (Marshall, D.) (HRUL) prohibits the Commonwealth and its political subdivisions from adopting or implementing sustainable development policy recommendations of the United Nations or to enter into contracts with entities that assist in the implementation of such recommendations of the United Nations. The bill defines "state agency" and "sustainable development." (13100691D)

HB 2150 (Purkey) (HFIN)/**SB 1241** (Stosch) (SFIN) advances the conformity with the federal tax code from December 31, 2011, to January 2, 2013, and restores conformity with the federal earned income tax credit. The bill contains an emergency clause. (13103454D, 13103455D)

HB 2223 (Cline) (HRUL) precludes the Commonwealth and its political subdivisions from adopting or implementing policy recommendations as may be required by the United Nations' Agenda 21 that infringe upon or restrict private property rights without due process. (13103763D)

HB 2132 (Keam) (HRUL) prohibits any committee of the General Assembly from reporting a bill containing a new sales and use tax exemption or renewing an existing sales and use tax exemption unless such bill contains an expiration date of not longer than five years from the effective date of the new or renewed sales and use tax exemption. (13102339D)

HB 2142 (Keam) (HCCT) provides that a locality may not regulate the number or frequency of usual and customary activities and events at farm wineries. The bill also states that regular business hours shall, at a minimum, include the hours between 9:00 a.m. and 9:00 p.m. (13102827D)

HB 2209 (Knight) (HACNR) transfers authority for administration of the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board. The bill also empowers the Board to allocate general fund moneys to soil and water conservation districts to support their operations and oversee districts' programs. (13103324D)

HB 2296 (Bulova) (HAPP) requires the Department of Conservation and Recreation to administer an urban best management practices cost-share program. The program would provide matching funds of up to 50 percent to promote best management practices on private property. Eligible projects must be located in a locality subject to MS4 Phase I or Phase II stormwater permits. The bill also establishes the Virginia Urban Best Management Practices Cost-Share Fund as a subfund of the Virginia Water Quality Improvement Fund to provide the matching funds for the cost-share program. (13103926D) (*Added Jan. 25*)

HB 2319 (Villanueva) (HFIN) makes numerous changes intended to facilitate the attraction and operation of a National Hockey League or National Basketball Association franchise, or other events, among which are amendments that will (i) entitle the Authority, subject to appropriation, to personal, pass-through entity, and corporate income tax revenues generated by the operation of the facility; (ii) change the definition of "arena" by requiring a seating capacity of no less than 15,000, and expanding the purpose of the arena to include a venue for conferences and entertainment events; (iii) allow the City of Virginia Beach to remit certain local taxes generated from the facility to the Authority, including sales and use taxes, admissions taxes, food and beverage taxes, and business, professional and occupational license taxes; (iv) permit such locality to charge fees, ticket surcharges, or other charges for such facility and to remit all or a portion of such charges to the Authority; (v) exempt the Authority

from the Virginia Public Procurement Act; (vi) require review by the State Treasurer prior to the issuance of bonds, and approval of the General Assembly if the bond issuance would constitute tax-supported debt or adversely affect the Commonwealth's debt capacity or credit rating; and (vii) eliminate the requirement that state tax revenues be applied to repayment of the bonds. The provisions of the bill expire on January 1, 2018, if the Hampton Roads Sports Facility Authority has not (a) executed a lease with a team that is a member of the National Hockey League or the National Basketball Association or (b) issued bonds for an arena for the purpose of holding conferences and entertainment events. (13103733D) (*Added Jan. 25*)

HB 2320 (Villanueva) (HFIN) gives the City of Virginia Beach rights similar to those that had been given in the past to the Hampton Roads Sports Facility Authority in constructing an arena for professional sports teams or for conferences and entertainment events. Among those rights is the authority to (i) issue bonds to construct an arena, and (ii) receive state income tax and sales tax revenue that is attributable to an arena, to repay the bonds. (13103735D) (*Added Jan. 25*)

~~**HJ 542** (Marshall) (HPE) provides for the refund of surplus revenues, above the amount required to be deposited to the Revenue Stabilization Fund, to the Commonwealth's income tax payers, provided such surplus exceeds \$50 million. (13100479D)~~

~~**HJ 574** (Pogge) (HCT) provides that the right of parents to direct the care, upbringing, and education of their children is a fundamental right that shall not be infringed upon by the Commonwealth without a demonstration that the interest of the Commonwealth is of the highest order and not otherwise served. (13102424D)~~

HJ 609 (Gilbert) (HACNR) directs the Department of Environmental Quality to study the substances contained in biosolids generated from wastewater treatment facilities that are applied to lands for agricultural purposes. (13101943D)

~~**HJ 677** (Cline) (HPE) provides that in any 10 fiscal year period beginning with fiscal years of the Commonwealth starting on or after July 1, 2014, no more than five percent of the average of the projected revenues for each fiscal year shall be used directly or indirectly for principal, interest, or other payments on debt. This limitation may be exceeded only by a vote of at least two-thirds of the members elected to each house of the General Assembly. The bill provides that the General Assembly shall define the terms "debt" and "projected revenues." (13103501D)~~

SB 734 (Petersen) (SCT) provides that any person who knowingly makes, uses, or causes to be made or used a false or fraudulent record, document, or statement in support of any foreclosure shall be liable to the injured party. Upon proof of both a violation and damages, the injured party shall be entitled to appropriate equitable relief and compensatory damages. If compensatory damages are awarded, an injured party may also be awarded punitive damages. A person violating the provisions of this bill shall be liable for reasonable attorney fees and costs of a civil action. (13100542D)

~~**SB 771** (Wagner) (STRAN) reduces the number of license plates furnished by DMV to registered motor vehicles from two to one and requires the single license plate to be attached to the rear of the vehicle. (13101237D)~~

SB 810 (Garrett) (SRUL) prohibits any committee of the General Assembly from reporting any bill impacting localities that does not fully fund any net expenditures that otherwise would have to be paid by localities. (13100889D)

SB 851 (Howell) (SFloor) reinstates the authority of Arlington County, which expired pursuant to a January 1, 2012, sunset date, to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The revenues from the tax shall be spent solely for the purpose of promoting tourism and business travel in the county. (13102549D)

SB 860 (Lucas) (SGL) provides that no real property asset that produces annual average revenue for the Commonwealth of \$10 million or more over the five most recent fiscal years, or \$10 million revenue for the Commonwealth in the most recent fiscal year, may be (i) the subject of any lease, concession agreement, or similar type of agreement that transfers to a nongovernmental entity possession or control of the asset for more than 10 years at a time, including any renewal, (ii) sold, or (iii) securitized as a part of a qualified transportation facility under the Public-Private Transportation Act of 1995 or a qualified project under the Public-Private Education Facilities and Infrastructure Act of 2002 unless it has been declared to be surplus property. The bill also requires any comprehensive agreement for a qualifying transportation facility where the responsible public entity is a state entity to provide a summary containing the major business points of the agreement to the Public-Private Partnership Advisory Commission for review and comment. In addition, the bill provides that any proposed comprehensive agreement for a qualifying transportation facility, when the responsible public entity is an agency or institution of the Commonwealth, that (i) creates state tax-supported debt, (ii) requires a level of appropriation beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) alters the Commonwealth's discretion to change the level of services or the funding for such services over time must be reviewed by the General Assembly prior to execution. (13103247D)

SB 908 (Reeves) (SCT) provides that parents have a fundamental right to direct the upbringing, education, and care of their children and such right shall not be infringed by the government unless the governmental interest as applied to the parents is of the highest order and not otherwise served. (13103252D)

SB 929 (Vogel) (SFIN) provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management. The allowance would not be considered taxable income for state income tax purposes. (13101552D)

SB 977 (Lucas) (STRAN) requires the responsible public entity to obtain the approval of each affected jurisdiction prior to the execution of a comprehensive agreement under the Public-

Private Transportation Act of 1995 (PPTA) or the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) whenever the development or operation of the qualifying transportation facility or project impacts local tax revenues or increases the fees or expenses that are paid by residents of the affected jurisdictions. The bill also (i) provides for the guidelines established by a responsible public entity under the PPTA to require that a final environmental impact study be completed prior to commencing project development and (ii) prohibits a comprehensive agreement under the PPTA from containing a non-compete or damage provision or any similar provision requiring additional payments to the private entity to recover reduced revenue due to improvements made by the Commonwealth to any other transportation facility. (13103277D)

SB 1095 (Hanger) (SFIN) authorizes the Virginia Public Building Authority to issue an additional \$150 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Implementation Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007. (13101579D)

SB 1105 (McDougle) (SFloor) provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2015, through June 30, 2017. The bill requires that the fiscal year beginning July 1, 2014, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget). (13102430D)

SB 1279 (Hanger) (SACNR) moves the water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The composition of the Virginia Soil and Water Conservation Board is changed, reducing the number of voting members from 12 to seven, and the Department of Environmental Quality is assigned responsibility for staffing the Board. The Virginia Soil and Water Conservation Board will continue its oversight responsibilities of the soil and water conservation districts and of resource management planning. The Board of Conservation and Recreation will be responsible for administration of the flood prevention and dam safety laws. (13101883D)

SB 1296 (Stosch) (SFIN) declares a tax credit obsolete if it has not been claimed by any taxpayer during the preceding five calendar years, and prohibits the Department of Taxation from authorizing any taxpayer to claim a tax credit once it has been declared obsolete. The Department shall report annually to the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance on credits that have been declared obsolete and shall post such report on its website. (13101145D)

SB 1336 (Black) (SLG) provides that all affected landowners shall be given notice of a proposed voluntary boundary adjustment. The bill authorizes landowners to file a petition to intervene in the action under certain circumstances. (13103372D) (*Added Jan. 25*)

SB 1338 (Martin) (SFIN) requires prior General Assembly approval to toll any component of the Interstate Highway System in existence prior to July 1, 2013, except for HOT and HOV lanes. (13103791D)

SJ 281 (Petersen) provides that no tax credit shall remain in effect longer than five years unless it is reenacted by the General Assembly. (13100549D)

Cigarette Tax Bills

HB 1780 (Gilbert) (HCT)/**SB 1020** (Howell) (SCT) adds possession with intent to distribute tax-paid contraband cigarettes as a qualifying offense under the Virginia Racketeer Influenced and Corrupt Organization Act. (13102136D, 13102137D)

HB 1783 (Gilbert) (HCT) increases the penalty for possession with intent to distribute more than 25 but fewer than 500 cartons of tax-paid cigarettes by a person other than an authorized holder from a Class 2 to a Class 1 misdemeanor for a first offense and from a Class 1 misdemeanor to a Class 6 felony for a second or subsequent offense. The bill also imposes a Class 6 felony for possession, with intent to distribute, of 500 or more cartons of tax-paid cigarettes by a person other than an authorized holder and a Class 5 felony for a second or subsequent offense. (13102168D)

HB 1820 (Ware, O.) (HCT) provides that it is a Class 6 felony to sell, purchase, transport, receive, or possess 500 or more packages of unstamped cigarettes; under current law, the threshold is 3,000 or more packages. The Class 2 misdemeanor threshold is reduced from less than 3,000 to less than 500 packages. (13102131D)

HB 1822 (Ware, O.) (HFIN) increases the penalties for the sale, purchase, transport, receipt, or possession of unstamped cigarettes, including heightened penalties for a second or subsequent offense. (13102135D)

HB 2219 (Peace) (HFIN) Provides that the bond or irrevocable letter of credit required to be filed by a wholesale dealer to obtain cigarette tax stamps without payment of the cigarette tax be in a face amount determined by the Tax Commissioner to cover possible losses from nonpayment of the tax, but not to exceed two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. Under current law, the face amount of the bond or irrevocable letter of credit that is required to be filed is fixed at approximately two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. (13100922D)

SB 1017 (Howell) (SCT) Increases the penalty for possession with intent to distribute more than 25 but fewer than 500 cartons of tax-paid cigarettes by a person other than an authorized holder from a Class 2 to a Class 1 misdemeanor for a first offense and from a Class 1

misdemeanor to a Class 6 felony for a second or subsequent offense. The bill also imposes a Class 6 felony for possession, with intent to distribute, of 500 or more cartons of tax-paid cigarettes by a person other than an authorized holder and a Class 5 felony for a second or subsequent offense. (13102140D)

SB 1018 (Howell) (SCT) Provides that it is a Class 6 felony to sell, purchase, transport, receive, or possess 500 or more packages of unstamped cigarettes and a Class 5 felony for a second offense; under current law, the threshold is 3,000 or more packages and there is no heightened penalty for a second offense. The bill also provides that it is a Class 1 misdemeanor to sell fewer than 500 packages of unstamped cigarettes; under current law the threshold is fewer than 3,000 packages and is a Class 2 misdemeanor. (13102141D)

SB 1019 (Howell) (SCT) provides that any person who knowingly distributes or possesses with the intent to distribute counterfeit cigarettes where the amount is fewer than 10 cartons is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. If the amount is 10 or more cartons, the offense is a Class 6 felony. (13102143D)

SB 1021 (Howell) (SFloor) authorizes (i) the Attorney General and the Department of Taxation to accept electronic filing of reports by stamping agents and manufacturers and (ii) the Department of Taxation to allow electronic purchase of cigarette tax stamps. (13102144D)

SB 1022 (Howell) (SCT) allows forfeiture of cigarettes possessed in violation of laws regarding the sale, purchase, transport, receipt, or possession of unstamped cigarettes and the possession with intent to distribute of certain amounts of tax-paid cigarettes if the violation is knowing and intentional. (13102139D)

SB 1092 (Hanger) (SFIN) provides that the bond or irrevocable letter of credit required to be filed by a wholesale dealer to obtain cigarette tax stamps without payment of the cigarette tax be in a face amount determined by the Tax Commissioner to cover possible losses from nonpayment of the tax, but not to exceed two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. Under current law, the face amount of the bond or irrevocable letter of credit that is required to be filed is fixed at approximately two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. (13100953D)

Legislation Provided for Information (*Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.*)

HB 1307 (Ingram) (HHWI)/**HB 1577** (Wilt) (HHWI)/**HB 2153** (Garrett) (HHWI)/**SB 1180** (Reeves) (SRSS) prohibits the use of Temporary Assistance for Needy Families cash assistance paid to an eligible recipient (i) for the purchase of alcoholic beverages, tobacco products, or lottery tickets or (ii) in any transaction in any government store established for the sale of alcoholic beverages, establishment in which pari-mutuel wagering or charitable gaming is

conducted, or adult entertainment establishment in which performers appear nude or partially nude. (13100179D, 13101969D, 13103679D, 13103680D)

HB 1366 (Morrissey) (HMP)/SB 975 (Northam) (SCT) makes it unlawful for a person to smoke in a motor vehicle in the presence of a child younger than 13 years of age; punishable by a civil penalty of \$100. (13101395D, 13102217D)

HB 1371 (Morrissey) (HCT) removes driving in excess of 80 mph regardless of the applicable speed limit as an instance of reckless driving. (13101362D)

HB 1441 (Morris) (HACNR) directs the Department of Conservation and Recreation to adopt regulations stating that the certification of nutrient management planners has no effect on the rights or qualifications of licensed architects, professional engineers, land surveyors, or landscape architects and does not qualify such planners to practice the profession of engineering. The Department is also directed to accept the qualifications of a licensed architect, professional engineer, land surveyor, or landscape architect as meeting the current certification requirement, found in Department regulations, of a combination of nutrient management-related educational courses and three years of practical experience related to nutrient management planning. (13101194D)

HB 1495 (Dance) (HMP) prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense. (13102953D)

HB 1512 (Krupicka) (HFIN) establishes an individual and corporate income tax subtraction beginning in 2013 for income from the lease of commercial or industrial space to a local public school division that used such space primarily to (i) provide instruction to K through 12 public school students or students in a publicly funded pre-kindergarten program or (ii) administer K through 12 public education programs or publicly funded pre-kindergarten education programs. (13101135D)

HB 1513 (Krupicka) (HHWI) provides that the state plan for medical assistance shall include a provision for the payment of medical assistance for counseling and pharmacotherapy for cessation of tobacco use. (13101131D)

HB 1540 (Watts) (HMP)/SB 981 (Howell) (STRAN) provides that any person who operates a moving motor vehicle within a school zone or school crossing zone while using any handheld personal communications device in any manner for any purpose is guilty of a traffic infraction punishable by a fine of no more than \$250. The bill also provides that signs marking school zones shall contain a notice indicating that the use of handheld personal communications devices is prohibited within the zones. (13103183D, 13103147D)

HB 1566 (Orrock) (HFIN) authorizes localities to impose an additional recordation tax at a rate equal to one-tenth of the state recordation rate, if the tax is approved by referendum. The revenue from the tax shall be used solely to provide affordable shelter. (13100893D)

HB 1581 (Garrett) (HFIN) exempts entities organized under §501(c)(6) of the Internal Revenue Code from collecting sales and use tax on occasional sales of meals that occur fewer than 24 times a year. Under current law, this exemption is available only to entities organized under §501(c)(3) of the Internal Revenue Code and to entities organized for a charitable purpose under §501(c)(4) of the Internal Revenue Code that are eligible for the sales and use tax exemption on their purchases. (13102500D)

HB 1591 (Ware, O.) (HACNR) bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles, (ii) at least 2.25 mils thick, and (iii) specifically designed and manufactured for multiple reuse. (13102851D)

HB 1526 (Rust) (HTRAN) provides that emergency vehicles and law-enforcement vehicles that otherwise would be allowed free use of HOT lanes cannot do so when the vehicle is being used to commute. (13101828D)

HB 1559 (Morris) (HCT)/**HB 1928** (Morris) (HCT) provides that any person convicted of a fourth or subsequent offense of §18.2-266 (DUI) within any time period is guilty of a Class 6 felony and that punishment shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of \$1,000. Under current law, penalties are the same but the offenses must occur within a 10-year period. (13103202D, 13102909D)

HB 1567 (Head) (HCT) provides that any person who drives a motor vehicle in a reckless manner knowing his driver's license is suspended or revoked and causes an accident that results in the death of another person is guilty of a Class 6 felony. (13103203D)

HB 1713 (Plum) (HTRAN) provides that all persons issued Virginia driver's licenses will be presumed to be participants in the organ donor program, unless otherwise indicated by the applicant in his application. Licensees who thus opt out will have this information shown on their driver's licenses. (13103141D)

HB 1826 (Villanueva) (HMP) provides that whenever the necessity arises for the enforcement of laws related to kidnapping, police officers and other officers, agents, and employees of a locality, Capitol Police officers, and campus police may be sent beyond their territorial limits. (13101030D)

HB 1849 (Albo) (HGL)/**SB 1127** (McWaters) (SRSS) includes in the privileges for winery and farm winery licensees the ability to operate a contract winemaking facility. In the bill, "contract winemaking facility" is defined as the premises of a licensed winery or farm winery that obtains grapes, fruits, and other plants grown exclusively in Virginia from a person holding a Class A farm winery license and crushes, processes, ferments, bottles, or provides any

combination of such services pursuant to an agreement with the Class A farm winery licensee. (13103339D, 13103340D)

HB 1885 (LeMunyon) (HAPP) requires VDOT, to the extent funds are made available, to determine a quantitative rating on the pavement condition and ride quality of every highway in the primary and secondary state highway systems at least every five years and to post the ratings on its website. (13103178D)

HB 1895 (Kory) (HTRAN) clarifies the language of § 46.2-858 which prohibits a person from overtaking or passing another vehicle at certain intersections when a pedestrian is present. The bill does not make any substantive changes to existing law. (13100700D)

HB 1950 (Lopez) (HTRAN)/**HB 2124** (Keam) (HTRAN)/**SB 1060** (Reeves) includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. (13101219D, 13102002D, 13103493D)

HB 1963 (James) (HFIN)/**SB 859** (Blevins) (SFIN) allows a qualified taxpayer to deduct from his Virginia adjusted gross income an amount equal to 50 percent of the amount paid by the taxpayer for tolls in a qualified locality. A qualified locality is one in which the unemployment rate is higher than the statewide average and (i) in which a public-private transportation project that includes tolling is located or(ii) that is adjacent to a locality in which such a project is located. A qualified taxpayer is a taxpayer who resides in a qualified locality. (13102360D, 13101689D)

HB 2164 (Morris) (HED) requires all moneys derived from local funds unencumbered in any year in any school division to be available for use the next year by the governing body that appropriated the funds. Under current law, only moneys derived from local funds unexpended in any year are required to be available for use the next year by the governing body that appropriated the funds. (13103169D)

HB 2172 (Torian) (HTRAN) creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. (13101971D)

HB 2188 (Jones) (HAPP) allows a political subdivision with employees eligible for coverage under the Line of Duty Act to make an irrevocable election to self-fund the benefits available under the Line of Duty Act. (13103632D) (*Added Jan. 25*)

HB 2221 (Hope) (HMP) adds persons found legally incompetent or mentally incapacitated, persons involuntarily admitted to a mental health facility or sent for involuntary outpatient mental health treatment, and those who were the subject of a temporary detention order and subsequently agreed to voluntary admission to a mental health facility to the list of persons for whom it is a Class 6 felony to sell, barter, give, or furnish a firearm if the seller knows that the person is prohibited from possessing or transporting a firearm. (13103879D)

HR 130 (James) (HRUL) recognizes the need for mitigation measures for disadvantaged populations adversely affected by the imposition of tolls in the Commonwealth. (13103944D) *(Added Jan. 25)*

SB 736 (Petersen) (HTRAN) requires drivers and passengers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. The bill also requires that in this case vehicle doors only be left open as long as necessary. A violation constitutes a traffic infraction punishable by a fine of not more than \$100. (13100546D-E) *(Added Jan. 25)*

SB 759 (Edwards) (SFloor) makes various changes to guardianship and conservatorship laws, including: (i) permitting another person to initiate a guardianship proceeding before an incapacitated child turns 18 if there is no living parent; (ii) requiring a petition to state the basis for the court's jurisdiction; (iii) clarifying the court's ability to award reasonable fees for a guardian ad litem and counsel for the respondent; (iv) requiring the court to hold a hearing on the appointment of a guardian or conservator within 120 days from filing; (v) confirming that the court should consider the respondent's best interests when determining the need for a guardian or conservator; (vi) granting a conservator the power to make elections for a family allowance, exempt property allowance, and homestead allowance; and (viii) granting a court the ability to authorize a conservator, for good cause shown, to create and fund a trust for an incapacitated person. (13101678D-E)

SB 763 (Edwards) (SCT) provides that it is a Class 6 felony for a person to publish on the Internet a photograph or video made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy. (13101720D)

SB 736 (Petersen) (STRAN) requires drivers and passengers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. The bill also requires that in this case vehicle doors only be left open as long as necessary. A violation constitutes a traffic infraction punishable by a fine of not more than \$100. (13100546D)

SB 804 (Garrett) (SFloor) allows localities affected by a voluntary boundary agreement to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. The section formerly restricted the type of attachment to either a plat or a metes and bounds description. (13103984D-S1)

SB 811 (Garrett) (SCT) provides that any person who knowingly files a fraudulent lien or encumbrance in a public record against the real or personal property of a state or local employee, member of the General Assembly, member of a local governing body, constitutional officer or employee of a constitutional officer, or board member or employee of a regional jail or jail farm on account of the performance of the official duties of such member, employee, or officer, knowing or having reason to know that such lien or encumbrance is false or contains a materially false or fraudulent statement or representation is guilty of a Class 5 felony. (13100964D)

SB 853 (Petersen) (SCT) elevates the punishment for committing an assault and battery against a magistrate who is engaged in the performance of his public duties from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement. (13102891D)

SB 863 (Favola) (SRSS) provides that local departments of social services and licensed child-placing agencies may make independent living services available to persons 18 to 21 years of age who are released from commitment to the Department of Juvenile Justice after reaching 18 years of age and who were committed or entrusted to the care of a local board of social services or child-placing agency at the time they were committed to the custody of the Department of Juvenile Justice. (13100686D)

SB 864 (Favola) (SCT) creates a Class 1 misdemeanor for the physical possession of a firearm while in the residence of the alleged victim or the transport of a firearm by a person subject to an emergency protective order issued as a result of an assault and battery against a family or household member. (13102324D)

~~**SB 970** (Ebbin) (SFIN) 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 is punishable by fines of \$250, \$500, and \$1,000 for the first, second, and third or subsequent offenses, respectively. (Bill was almost successfully amended to provide for a two-year pilot program for Fairfax, Falls Church, Arlington, and Alexandria, but was defeated by Senate Finance. Companion bill HB 1381 (Morrissey) was tabled in House Finance subcommittee.)~~

SB 976 (Lucas) (STRAN) provides that the Governor may remove any citizen member of the Commonwealth Transportation Board from office for malfeasance, misfeasance, incompetence, or gross neglect of duty. Currently, such members of the Board may be removed by the Governor at his pleasure. (13103610D)

SB 1163 (Stanley) (SCT) creates a rebuttable presumption in actions for the personal injury or wrongful death that a person who, at the time of the injury or death, was an infant or was at least 18 years of age but less than 24 years of age and was enrolled as a full-time student would have earned wages during his lifetime at the federal minimum wage rate in effect at the time the action was filed. Such wages shall be calculated based on 40 hours of work per week for the person starting from (i) age 19, if the person was an infant, or (ii) age 24, if the person was at least 18 years of age but less than 24 years of age and a full-time student, and continuing until the person would have been 62 years of age. (13102401D)

SR 30 (Lucas) (SRUL) directs the Senate Committee on Finance to study how the impact of tolls on Virginia's disadvantaged citizens can be mitigated. (13103868D) (*Added Jan. 25*)

Elections

~~**HB 1456** (Watts) moves four census blocks in Fairfax County from the Fifty third to the Thirty ninth District in order to place all of the Camelot Precinct in the Thirty ninth District. Camelot Precinct currently is split between the two districts. The deviation from the ideal district population will be plus 1.4 percent. (13101994D)~~

HB 1725 (Rust) (HAPP) requires any person who offers to mail or deliver 25 or more absentee ballot applications to first register with the State Board of Elections, receive training, and include a specified notice and information to applicants. The bill includes requirements for the timely return of applications. Failure to comply with these requirements is a Class 4 misdemeanor; destruction of or failure to mail an application is a Class 1 misdemeanor. Also, any person who knowingly aids or abets, or attempts to aid or abet, a violation of the Uniform Military and Overseas Voters Act is guilty of a Class 4 felony. (13101841D) (*Added Jan. 25*)

HB 1747 (Cosgrove) (HPE)/**SB 1008** (Stanley) (SFloor) requires individuals and groups conducting voter registration drives to register with the State Board of Elections or local offices, provide information as required by the State Board, receive training, and execute a sworn affidavit that they will abide by all Virginia voter registration laws and rules. The bill also prohibits pre-populating registration applications with information unless directed by the applicant to do so. Finally, the bill reduces the time limit for mailing or delivering such completed applications from 15 to 10 days. (13101455D, 13101454D) (*Added Jan. 25*)

HB 1599 (Anderson)/**SB 906** (Deeds) authorizes the State Board of Elections to provide for a pilot program in which localities may establish vote centers for use in primary elections instead of having to operate a polling place for every precinct in the locality. A vote center will consist of a location where voters from two or more designated precincts may vote. The State Board shall publish a report on the program by August 15 of any year in which a vote center is used. The provisions of the bill expire on December 31, 2016. (13102801D)

HB 2143 (Kearney) (HPE) specifies that only the last four digits of an individual's social security number are to appear on the green envelope into which a provisional ballot is placed and that only the last four digits shall be required for absentee ballot applications. Clarifying language also is added to emphasize that provisional ballot envelopes are to be placed in the ballot container promptly. (13102661D) (*Added Jan. 25*)

SB 962 (Ebbin) provides that a local electoral board may appoint a person 17 years of age as an officer of election, provided such person is a citizen of the United States, a resident of the Commonwealth, and, to the extent practicable, a resident of the precinct he is appointed to serve. (13101018D)

SB 967 (Ebbin) eliminates the requirement that a person applying for an absentee ballot provide additional information regarding the reason the applicant will be absent or cannot vote at his polling place on the day of the election. (13101139D)

Opening of School Year

HB 1309 (Comstock) (HED) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13100146D)

HB 1310 (Habeeb) (HED) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13100106D)

HB 1467 (Greason) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (13101806D)

HB 1491 (Kory) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (13100490D)

HB 1673 (Krupicka) (HED) permits the Board of Education to waive the requirement for a school board to set the first day that students are required to attend school after Labor Day in any school division that is providing (i) a minimum of 190 days or 1045 hours of instructional time for grades one through 12 and 190 days or 570 hours of instructional time for kindergarten or (ii) extensive and high-quality teacher collaboration, preparation, or professional development time as determined by the Board pursuant to regulation. (13101179D)

SB 1099 (Smith) (SEH) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13102639D)

Studies

HJ 619 (Jones) (HRUL) directs the Joint Legislative Audit and Review Commission to study all state-supported preschool programs in the Commonwealth. In conducting the study, the Commission shall (i) inventory and identify all state-supported preschool programs in Virginia; (ii) determine the socioeconomic status of students served by such programs and whether

sufficient outreach is extended to potentially eligible students; (iii) determine where such programs are predominantly located and identify gaps in service; (iv) identify the level of parental involvement; and (v) assess whether these programs meet state requirements for academics, teacher-student ratio, and conformity with federal requirements, if any. The Commission shall also review exemplary public preschool programs in other states to ascertain best practices that may be considered for adoption in Virginia. The Commission must report its findings and recommendations to the 2014 Session of the General Assembly. (13101772D)

HJ 620 (Jones) (HRUL) directs the Joint Legislative Audit and Review Commission to study the efficiency and sufficiency of funding for transportation programs in the Commonwealth. (13102206D)

HJ 635 (Gilbert) (HRUL) directs the Joint Legislative Audit and Review Commission to study the amount of federal revenue that Virginia receives at the state and local level annually, by functional area, and determine its importance and impact. (13101942D)

~~**HJ 675** (James) (HRUL) establishes a joint subcommittee to study how Virginia can mitigate the impact of tolls on Virginia's disadvantaged citizens. (13102363D)~~

~~**HJ 685** (Kean) (HRUL) directs the Joint Legislative Audit and Review Commission to study the Standards of Quality, giving particular attention to teacher student ratios in grades K-12 and academic advanced programs. The joint resolution, among other things, to consider the feasibility of (i) converting prevailing costs to ratios for each major category of the support services positions, including ratios for all or some of the categories included in the appropriation act; (ii) establishing alternative staffing approaches to provide school divisions with additional instructional resources to address identified needs; (iii) assigning weights for at-risk students and requiring additional support and services for English language learners and disadvantaged students; (iv) updating technology staffing ratios in view of the role of technology in instruction, assessments, and operations; (v) mitigating the incentive of reducing a school division's special education funding when students with disabilities are mainstreamed; and (vi) updating career and technical education staffing ratios relative to the implementation of new curricular pathways that require high-tech equipment and specialized instruction. The study must be completed prior to the Board of Education's review of the Standards of Quality for the 2014-2016 biennial budget. The Commission must report its findings and recommendations by the first day of the 2014 Regular Session of the General Assembly. (13102005D)~~

SJ 278 (Locke) (SRUL) directs the Joint Legislative Audit and Review Commission to study issues relating to property tax relief for low-income property owners. (13102855D)

SJ 289 (Deeds) (SRUL) establishes an eight-member joint committee to conduct a one-year study of the scheduling of elections in Virginia, evaluate the costs of annual statewide elections, and investigate various means to improve the scheduling of elections and to make possible accompanying improvements that will ensure efficient voting practices both at the polls and by absentee voting. (13100769D)

SJ 299 (Vogel) (SRUL) directs the Joint Legislative Audit and Review Commission to study the efficiency of the Virginia Department of Transportation. (13101559D)

SJ 312 (Lucas) (SRUL) recognizes the need for mitigation measures for disadvantaged populations adversely affected by the imposition of tolls in the Commonwealth. (13101658D)

SJ 317 (Lucas) (SRUL) establishes a joint subcommittee to study how Virginia can mitigate the impact of tolls on Virginia's disadvantaged citizens.

SJ 318 (Hanger) (SRUL) establishes a joint subcommittee to study local and state government service responsibility and taxing authority.

SJ 328 (Saslaw) (SRUL) directs the Joint Legislative Audit and Review Commission to study funding for elementary and secondary schools in Virginia and determine if adequate state support is being provided to the Commonwealth's public schools and if not, how state support may be increased and used more efficiently. The study ends in November 2014. (13103648D)

Constitutional Amendments (*added Jan. 25*)

HJ 537 (Habeeb) (HPE)/**HJ 564** (Head) (HPE) provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. The General Assembly may designate a joint legislative commission or pair of standing committees representing both houses to suspend any administrative rule or regulation during the interim that the General Assembly is not in regular session. (13100111D, 13100534D)

HJ 602 (Krupicka) (HPE) requires the Board of Education to develop Learning Readiness Quality Standards for state-supported early learning programs. The General Assembly is mandated to allocate funds to ensure that every Virginia family has the option to use a high quality early learning program that meets the standards and that is available for each child in the year in which the child reaches four years of age through a qualified early learning program.

HJ 622 (Jones) (HPE)/**SJ 275** (Obenshain) (SPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except

for making certain debt service payments on transportation-related bonds and notes. (13102211D, 13101568D)

HJ 659 (LeMunyon) (HPE)/**HJ 668** (Surovell) (HPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant must provide his full social security number in order to register to vote. (13100563D, 13100564D)

SJ 261 (Carrico) (SPE) expands the freedom of speech provisions of the Constitution of Virginia to permit prayer and the recognition of religious beliefs, heritage, and traditions on public property, including public school property. The amendment also provides that the Commonwealth and its political subdivisions, including public school divisions, shall not compose prayers and shall not require any person to join in prayers or other religious activity. (13100404D)

SJ 266 (Lucas) (SFloor) 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. (13104052D-S1)

SJ 319 (Ebbin) (SPE) requires that contributions to defined benefit retirement plans that are maintained for state employees and employees of participating political subdivisions and school divisions be made in strict adherence with contribution rates and times for the payment of the contributions as recommended by the Board of Trustees of the Virginia Retirement System (VRS). Under the resolution, for the four fiscal years beginning on and after July 1, 2014, the General Assembly could make contributions at a rate that is less than the VRS recommended contribution rate without any deferred contributions being recognized so long as the contributions are at least equal to certain minimum amounts. In addition, for fiscal years beginning on or after July 1, 2018, the General Assembly could provide for the deferral of all or any portion of such contributions for any fiscal year in which the maximum amount is appropriated from the Revenue Stabilization Fund by a separate vote of a majority of all the members voting in each house. All contributions deferred would be required to be repaid within 10 years at an annual interest rate equal to the current actuarially calculated long-term rate of return as determined by VRS. The resolution also requires that retirement contributions deferred in 2010 be repaid by June 30, 2024. The resolution also specifies how certain other factors and variables used in setting contribution rates are to be determined. (13101035D)

SJ 367 (Ebbin) (SPE) provides that appointments to local electoral boards and as officers of election shall be on a nonpartisan basis, eliminating current provisions for party representation. (13104026D)

Board of Supervisors

January 29, 2013

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Attachments: Supplementary documents dated January 18, 2013

cc: Susan Datta, Chief Financial Officer
David J. Molchany, Deputy County Executive
Patricia Harrison, Deputy County Executive
David M. Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors
Richmond Team
Tom Biesiadny, Director, Department of Transportation
Michael H. Long, Deputy County Attorney

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.**
- 2. Adopt new revenue sources for transportation funding.**
- 3. Restore the funding partnership between the state and localities with adequate state funding.**
- 4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

Specific Issues

Budget Update: The Committee received a briefing on the impact of the Governor's budget amendments on the County. Discussion focused on the effects of the proposed restoration of aid to localities on the County budget and the potential effect of the proposed teacher salary increase on FCPS. More detailed information can be found in the chart provided on handwritten pages 50-56 of the attachments to this memorandum.

Medicaid Fact Sheet: The Committee received a briefing paper providing information regarding the benefits of the expansion of Medicaid eligibility in Virginia to 133 percent of the federal poverty level. The preparation of this document was directed at a Legislative Committee meeting in November 2012.

Cost of Competing: The Committee received a briefing paper on the effects of the proposed elimination of the cost-of-competing supplement for K-12 support personnel in Northern Virginia.

Governor's Budget Amendment on Northern Virginia Training Center: The Committee discussed a proposal to devote a portion of the land currently owned by the Commonwealth at the Northern Virginia Training Center for use as a veterans care center. Staff was directed to return with more information at a future Committee meeting.

Major Transportation Bills: The Committee discussed a number of transportation funding proposals currently pending before the General Assembly; more information on these bills is included in the document provided on handwritten pages 63-65 of the attachments to this memorandum.

Specific Legislation

Historical Positions of the Board

SUPPORT

HB 1458 (Watts) (HHWI)/**SB 835** (Favola) (SRSS) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Support. (13102025D, 13100684D)

HB 1662 (BaCote) (HMP) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality. Support. (13102665D)

HB 1712 (Plum) (HCCT) provides that any locality that has established a local commission on human rights may include discrimination based on sexual orientation among those areas of discrimination the commission may investigate. Support. (13101099D)

HB 1649 (BaCote) (HGL) requires pawnbrokers and precious metals dealers to take a digital image of the form of identification used by the person involved in the transaction. The bill also prohibits a pawnbroker from pawning or accepting goods or articles if the original serial number affixed to the good or article has been removed, defaced, or altered. Support. (13100874D)

HB 1990 (Sickles) (HCCT) allows localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempt from the requirements of displaying such license plates. Support. (13102234D)

SB 701 (McEachin) (SGL) prohibits discrimination in state employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments. Support. (13100446D)

SB 767 (Wagner) (SFIN)/**SB 1094** (Hanger) (SFIN) 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 intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The effective date of the bill is January 1, 2014. Support; fiscal impact estimated at \$200,000. (13100678D, 13101563D)

Elections

HB 1340 (Ware, R.)/**SB 813** (Garrett) provides for reimbursement by the state to the localities of the entire costs of compensation and expenses of the electoral boards and general registrars. Support. (13100628D, 13101212D)

HB 1341 (Ware, R.)/**SB 806** (Garrett) provides that localities shall be reimbursed by the state for all costs incurred in conducting the presidential primary. Support. (13100629D, 13101211D)

SB 805 (Garrett) provides that the state will reimburse the localities for the costs of primary elections as funded by the general appropriation act. Support. (13101210D)

Financial Exploitation

HB 1455 (Watts) (HCT) provides that any person who knowingly exploits the impaired mental capacity or the physical capacity of an incapacitated adult or an adult (defined for the purposes of the bill as 60 years old or older) by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation to use, obtain, convert, or take control of or endeavor to use, obtain, convert, or take control of the incapacitated adult's or adult's money, assets, property, or financial resources with the intent to deprive the incapacitated adult or adult of the use, benefit, or possession of the money, assets, property, or financial resources and to convert such money, assets, property, or financial resources to the perpetrator's own use or benefit is guilty of a Class 5 felony. However, any responsible person or a person who has a fiduciary relationship with the incapacitated adult or adult who commits such a violation is guilty of a Class 3 felony. It is not a defense that the accused did not know the age of the victim. Support; consistent with Board initiative from 2011 and 2012. (13102365D)

HB 1682 (Bell) (HCT) provides that it is unlawful for any person who knows or should know that another person suffers from mental incapacity to, through the use of that other person's mental incapacity, take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. A violation is punishable as larceny. Support; consistent with Board initiative from 2011 and 2012. (13102056D)

HB 1781 (Filler/Corn)/**SB 706** (Stuart)/**SB 1258** (Herring) (HCT/SCT) provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property, or financial resources with the

intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust, it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime. Support; consistent with Board initiative from 2011 and 2012. (13103503D, 13100827D, 13103692D)

HB 2053 (Ware, O.) (HCT) provides that an agent under a power of attorney who violates the Uniform Power of Attorney Act with intent to defraud the principal and converts the principal's property is guilty of embezzlement. Support; consistent with Board initiative from 2011 and 2012. (13102059D)

Texting

HB 1357 (Rust) (HCT)/**SB 875** (Barker) (SFloor) makes texting while driving a primary offense. Support. (13100970D, 13102739D)

HB 1907 (Anderson) (HCT)/**SB 1160** (Barker) (STRAN) provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also changes the offense from a secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. Support. (13103495D, 13103482D)

HB 1360 (Cline) (HCT)/**HB 1848** (Loupassi) (HCT)/**SB 1222** (Norment) (STRAN) provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense. Support. (13101224D, 13102175D, 13102174D)

HB 1883 (Bulova) (HCT) provides that any person who, while "texting" and driving, causes an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged is guilty of reckless driving. The bill also provides that a violation of this provision shall not preclude prosecution under any other applicable provision of the criminal law. Support. (13101527D)

SB 1005 (McWaters) (SFloor) makes using a handheld personal communication device while driving on a bridge or in a tunnel a primary offense. All other offenses involving the use of a handheld personal communication device while driving remain secondary offenses. The bill also increases the penalty for causing an accident because of the use of a handheld personal communications device while driving on a bridge or in a tunnel to \$150 for a first offense and \$250 for a second or subsequent offense. Support. (13100467D)

SB 1238 (Barker) (STRAN) provides that texting while driving is punishable as reckless driving, a Class 1 misdemeanor; currently, violations incur a \$20 fine. The bill also makes texting while driving a primary offense; currently, law-enforcement officers must have cause to stop or detain a driver for some other violation before issuing a citation for texting while driving. If the degree of culpability is slight, the person may be found not guilty of reckless driving but guilty of texting while driving, which is punishable by a \$50 fine. Support. (13103497D)

Commonwealth Transportation Board

HB 1908 (Surovell) (HTRAN) changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three will be at-large appointees. The three ex officio members remain unchanged. The bill also replaces the term "metropolitan statistical areas" with "metropolitan planning areas with populations greater than 200,000." Support. (13100086D)

HB 2049 (Rust) increases the total membership of the Commonwealth Transportation Board from 17 to 20 members by doubling the representation for the Richmond, Hampton Roads, and Northern Virginia highway construction districts. Support. (13102214D)

SB 732 (Petersen) (STRAN) increases the number of members of the Commonwealth Transportation Board to 18, by the addition of one citizen member, and changes the areas of representation from the construction districts to the congressional districts. Support. (13100540D)

OPPOSE

HB 1412 (Crockett-Stark) (HHWI)/**HB 1789** (Bell) (HHWI)/**HB 2009** (Cline) (HHWI)/**HB 2109** (Morefield) (HHWI)/**SB 721** (Carrico) (SRSS) requires local departments of social services to screen each Virginia Initiative for Employment Not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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 Temporary Assistance for Needy Families (TANF) payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. (13100376D, 13102901D, 13101964D, 13101011D, 13100403D)

HB 1611 (Hugo) (HHWI) provides that inspections of onsite sewage systems shall be required only once every two years rather than annually. Oppose. (13102505D)

Taxation

HB 1437 (Purkey) (HFIN) classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools purchased on or after July 1, 2013, that have not been in service for more than three years. Eliminates local machinery and tools tax; oppose. (13100654D)

HB 1598 (Anderson) (HFIN) modifies several provisions governing boards of equalization including (i) adding new qualifications for membership of certain boards; (ii) authorizing boards to receive complaints electronically as long as taxpayers may also file complaints on paper forms; (iii) prohibiting a board to deny relief based on a lack of information from the taxpayer as long as certain specified information is provided; (iv) providing procedures by which a taxpayer may appoint a representative; and (v) providing procedures to be followed before a board may increase assessments on certain types of property. Oppose as written; bill contains a number of adverse provisions, including proposal to revise the presumption statute for assessments. (13101346D)

HB 1687 (Iaquinto) (HFIN) reduces the period of time in which the assessed value of real property may be increased for prior years from the three preceding tax years to the preceding tax year. Oppose. (13102001D)

Voter ID

HB 1337 (Cole) (HPE)/**SB 719** (Black) (SPE) removes several items from the list of acceptable identification documents that a voter must present when voting at the polls on election day: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. These documents continue to be valid identification for certain first-time voters at federal elections who are required to show identification under the Help America Vote Act of 2002. Oppose. (13100862D, 13101225D)

HB 1787 (Bell, R.B.) (HPE) amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014. Oppose. (13103361D)

HB 1788 (Bell, R.B.) (HPE) requires that an applicant to register to vote must present proof of citizenship with his registration application. The bill provides that any person who is registered in Virginia as of January 1, 2014, is deemed to have provided satisfactory proof of citizenship and provides a method for applicants who do not possess and cannot afford a document proving citizenship to obtain such proof for free. The bill also amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent

general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014. Oppose. (13103250D)

SB 1072 (Obenshain) (SPE) provides that electronic pollbooks shall contain a photograph of and identifying information for each voter either received from the Department of Motor Vehicles or taken by an officer of election when the voter presents himself to vote that shall be accessed by the officer of election when the voter presents himself to vote. If the voter does not appear to be the same person depicted in the photograph in the pollbook, any qualified voter may and the officer of election shall challenge the vote of such voter. A voter with religious objections to being photographed may refuse to have his photograph taken. Oppose. (13103420D)

SB 1256 (Obenshain) (SPE) requires photo ID at the polls by eliminating all forms of identification that do not contain a photograph of the voter from the list of forms of identification any one of which a voter must present in order to be allowed to vote. The bill also adds a valid United States passport to the list and requires that a student identification card issued by an institution of higher education in the Commonwealth contain a photograph in order to be used by a voter. The bill does not affect the right of a voter who does not present one of the required forms of identification to cast a provisional ballot. The bill also provides that the State Board shall provide voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID. Oppose. (13103249D)

New Bills – 2013 GA

Transportation Funding – Priority Issue

HB 1333 (Farrell) (HCCT)/**SB 798** (Garrett) (SFloor) allows localities to amend service district boundaries after notice and a public hearing. Support. (13100400D, 13104027D-S1)

HB 2070 (Comstock) (HTRAN)/**SB 1140** (Petersen) (SFIN) removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit. Oppose. (13103445D, 13103479D)

HB 2297 (Filler-Corn) (Committee referral pending) provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation are to be allocated from the public transportation portion of federal Surface Transportation Program funds. Support. (13103818D)

Dulles Rail/Dulles Toll Road

HB 1887 (LeMunyon) (HTRAN) places limitations and conditions on the expenditure of revenues of the Commonwealth on Phase II of the Rail-to-Dulles Project. Oppose. (13103175D)

HB 2020 (LeMunyon) (HTRAN) prohibits use of toll revenues for any purpose other than the construction, reconstruction, replacement, maintenance replacement, improvement, or maintenance of the facility for the use of which the tolls were imposed and collected, except as otherwise provided in § 33.1-23.03:4 (Toll Facilities Revolving Account) and subsection D of § 33.1-23.03:10 (tolls on Interstate Highway System components). The bill exempts from its provisions tolls imposed and collected on January 1, 2013. Oppose. (13101077D)

Comprehensive Plan

HB 1717 (Anderson) (HCCT)/**SB 1293** (Barker) (STRAN) provides that the transportation component of a local comprehensive plan shall be consistent at the interstate and primary levels with various state and local transportation plans. The bill also shortens from 90 to 45 days the time period by which the Department of Transportation shall provide comment upon submission of such local plans for review. Support. (13102257D, 13103477D)

HB 1718 (Anderson) (HTRAN)/**SB 1075** (Barker) (STRAN) requires a locality to repay the Department when a locality requests termination of a project and the Department does not agree to the termination. The bill also expands the step before a locality requests alterations to a project to include the approval of project scope and final engineering by the Department. Support. (13102259D, 13103476D)

Taxation – Priority Issue

HB 1401 (Cole) (HFIN) prohibits localities from instituting a judicial sale for delinquent taxes on real property that is the sole dwelling of the taxpayer. Oppose; eliminates a collection tool, although it is only used by localities as a last resort. (13101129D)

HB 1831 (Lingamfelter) (HFIN) exempts beginning businesses owned by disabled veterans with service-connected disabilities from certain fees imposed by the State Corporation Commission (SCC) and exempts all beginning businesses from the local business license tax. The bill also establishes state tax credits for beginning businesses for local personal property taxes paid by such businesses. The exemptions and tax credits would apply up through the first two full years that the business is in operation in the Commonwealth. The SCC fee exemptions and the business license tax exemption would only apply to businesses beginning operations on or after July 1, 2013, while the state tax credits would apply to businesses beginning operations on or after January 1, 2013. Oppose as written; any BPOL exemption should be local option. Potential revenue loss estimated at \$9.5 million. (13103296D)

HB 1982 (May) (HFIN) permits treasurers to convey, with the consent of the taxpayer, any tax bill by permitting the taxpayer to access his tax bill online from a database on the treasurer's website. Support. 13101534D

HJ 551 (Ramadan) (HPE)/**SJ 272** (Black) provides a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action. Support only as an initiative funded by the state. (13100523D, 13102717D)

HJ 573 (Hope) (HPE) exempts property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent. Support only as an initiative funded by the state. (13100892D)

Interest on Refunds (*past bills have been amended and became adverse*)

HB 1329 (Head) (HFIN) authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. Monitor. (13100533D)

HB 1578 (Wilt) (HFIN) authorizes each locality not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer, provided that the locality does not collect interest on taxes that are delinquent because of errors made by the locality. The benefit of not collecting or paying interest applies only when the refund or payment of the delinquent taxes is made within 60 days of notice of the error. (**HB 1534** has been incorporated into **HB 1578**.) Monitor. (13101713D)

SB 710 (Hanger) (SFIN) authorizes a locality to not pay interest on refunds owed to a taxpayer that are due to willful errors made by the taxpayer. The bill also directs the Chairmen of the House and Senate Committees on Finance to convene a working group to consider the feasibility and fiscal impact on local governments of establishing uniform methods of assessing interest earned on overpayment of taxes or charged for underpayment of taxes and uniform criteria for evaluating the timely repayment of taxes. (**SB 937** has been incorporated into **SB 710**.) Monitor. (13100850D)

Land Use

HB 1429 (Morris) (HCT)/**SB 1073** (Obenshain) (SLG) provides that a court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in a zoning action brought against it or that successfully challenges the validity of a zoning ordinance. Oppose. (13101582D, 13103650D)

HB 1430 (Lingamfelter) (HACNR) expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the "Right to Farm Act." Two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void. Oppose. (13101109D)

HB 1528 (Rust) (HCL) provides that only the first named insured is required to be given notice by the insurer of the cancellation or nonrenewal of certain commercial insurance policies. Amend to require notice to any locality that is an additional insured. (13103878D-H1)

HB 2072 (Peace) (HCCT) provides that no locality shall condition or delay the timely consideration of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the locality to condemn or otherwise acquire the property or to commence any process to consider whether to undertake condemnation or acquisition of the property. Amend to clarify that land use approvals can still have dedication of land as a condition. (13103364D)

HB 2238 (Marshall, D.) (HCCT) provides that a site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirement remaining to be satisfied in order to obtain a building permit is the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. The bill also amends a 2012 act by adding an enactment that clarifies the validity of previous extensions of valid plats and site plans. Oppose. (13103120D)

HB 2239 (Marshall, D.) (HCCT) provides that cash proffers shall not be used for any capital improvement to an existing facility that does not expand facility capacity or for any operating expense of an existing facility such as ordinary maintenance or repair. Amend to allow renovation needed to address new development impact. (13103032D)

HB 2265 (Knight) (Pending committee referral) Provides that a locality may waive certain written notice requirements in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner. Support. (13103137D)

SB 1226 (Stuart) (SLG) extends from 7 to 12 years the time by which a locality must begin utilization of cash proffers. The bill also removes the requirement that when cash proffers are used for alternative improvements, such improvements must be used in the same vicinity as the initial improvements. Support. (13102261D)

Education/Related Bills

HB 1555 (Bell, R.P.) (HED) establishes the Virginia State Virtual School as a statewide school division, to be supervised and administered by the Board of Education, for the delivery of full-time online educational programs and services to school-age persons in the Commonwealth. The bill also sets out procedures for (i) student enrollment, (ii) participation by multidivision online providers, and (iii) calculation of the state and local share of funding per participating student. Oppose; implications of a statewide virtual school should be carefully examined before enactment; could impact local school division funding. (13102616D)

HB 2096 (Habeeb) (HED) creates the Opportunity Educational Institution (Institution) to be administered and supervised by the Opportunity Educational Institution Board (Board) and

requires any school that has been denied accreditation for the previous two school years to be transferred to the Division and remain in the Division for five years or until the school achieves full accreditation. The bill also sets forth requirements for student attendance, staffing, and funding for the Division. Oppose; changes the governance of education; implications could be far-reaching and should be understood. (13102767D)

HJ 693 (Habeeb) (HPE)/**SJ 327** (McDougle) (SPE) authorizes the General Assembly to establish a statewide school division to supervise and administer schools that have been denied accreditation for a number of consecutive school years, as determined by the General Assembly. Supervision of the statewide school division is to be vested in a single statewide school board established as may be provided by law. Funding of the statewide division is to be provided by law, and transfer of certain per pupil shares of various funds from the local school district of residence to the statewide district is authorized. This is the Constitutional amendment companion to HB 2096. Oppose; companion to HB 2096; changes the sole constitutional authority of the Board of Education. (13103571D, 13103634D)

Environment

HB 2089 (Wilt) (HACNR) allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals. Support. (13101320D)

HB 2190 (Cosgrove) (HACNR) requires localities that adopt more stringent stormwater management requirements than those necessary to ensure compliance with the minimum regulations of the Soil and Water Conservation Board to submit such requirements to the Board to confirm that statutory requirements have been met and that the locality's determinations pursuant to the statute are reasonable. The bill ensures the availability of best management practices authorized by the Virginia Stormwater Management Regulations and the Virginia Stormwater BMP Clearinghouse Committee as a means of complying with regulations and requirements. Oppose. (13103377D)

SB 884 (Deeds) (SACNR) prohibits a dam owner from substantially increasing the flow of water through a dam without first notifying riparian owners and local emergency service organizations within 10 miles downstream. The bill also requires a dam owner to make the dam's current emergency action plans and reservoir regulation protocols available to riparian landowners within 10 miles, as well as to property owners within the dam break inundation zone. Amend to exempt localities. (13101257D)

Local Authority/Flexibility in the Administration of Government

HB 1507 (Lewis) (HCT) clarifies that the circuit court clerk may reject for filing or recording only deeds conveying real property, and not other types of deeds, unless the deed states on its first page that it was prepared either by the owner of the property or by an attorney licensed to practice in Virginia. Oppose. (13100915D)

HB 1535 (Rust) (HCCT) clarifies that where a town and county generally enjoy the same power, a county power applies in or as to a town when the county power is granted and exercised for a county-wide purpose, as determined by the county. A town may by ordinance negate the application of the exercised county power in or as to the town; may itself exercise the joint power, preempting the exercise of the county's power in or as to the town; or may adopt and affirm the application of the exercised county power in or as to the town. Where a county and a town generally enjoy the same power, and the county power is granted and exercised for a local or municipal purpose that expressly or impliedly only applies in the unincorporated county, the county power does not apply in or as to the town absent the town's ordinance so applying the exercised county power in or as to the town. The bill also provides that this act is declarative of existing law. Oppose. (13100969D)

HB 1574 (Minchew) (HGL)/**SB 1239** (Herring) (SGL) provides that if any town does not elect to enforce the Uniform Statewide Building Code, then such enforcement shall be the responsibility of the county in which the town is situated. The bill also provides that the enforcement by the county shall be with equal dignity as the county does in unincorporated areas of the county and no agreement between the town and the county shall be required as a prerequisite for the county to perform this obligation. The bill contains technical amendments. Oppose. (13102113D, 13102035D)

HB 1722 (Head) (HCCT) provides that in any instance in which a person is seeking a business permit, a license, or an application for any similar local government approval from a locality, the locality shall provide documentation and instructions that outline all steps necessary to obtain the permit, license or approval. The locality shall also specify any further permit, license or other approval that may be required to complete the original project or business activity and shall disclose the expected time required by the locality for the completion of each step of the process to obtain the license, permit or other approval. Amend to make permissive under the circumstances of each case. (13103566D)

HB 2011 (Surovell) (HCCT) provides that any county that has adopted the urban county executive form of government (Fairfax County) may, by ordinance, provide that it shall be unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any dilapidated furniture, appliance, machinery, equipment, shopping cart, building material or other item or personal property, which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building. The ordinance shall provide that any such item which remains on the real property for a period of seven days after a notice of violation is given to the owner of such personal property shall be presumed to be abandoned and subject to being removed from the real property by the county or its agents without further notice. In the event any such item is so removed, the cost of removal, including an administrative fee in the amount of \$150.00, shall be charged to the owner of the personal property. No such ordinance shall apply to any real property used for the purpose of a licensed junk dealer or establishment engaged in the repair, rebuilding, reconditioning or salvaging of equipment. The ordinance

may provide that a violation of the ordinance shall constitute a class 1 misdemeanor. Support. (13103590D)

HB 2026 (Dudenhefer) (HGL) allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. Support. (13102255D)

HB 2078 (Peace) increases public notice of requests for proposals from 10 to 30 days. The bill also (i) limits the use of competitive negotiation for construction projects, including certain public institutions of higher education, for which the aggregate or sum of all phases is not expected to exceed \$10 million, the nature of the project is such that it is unusually complex or extraordinary conditions exist, and the Director of the Department of General Services and the Secretary of Administration certify such conditions exist; (ii) requires posting on eVa and other appropriate websites for state and local public bodies using certain methods of procurement; (iii) changes the process for procurement of design-build or construction management projects; and (iv) allows a bidder or offeror to protest a public body's use of competitive negotiation. The bill contains technical amendments. Oppose. (13103358D)

SB 894 (Petersen) (SGL) clarifies that a local enforcement officer may issue a summons or a ticket to the owner, lessor, or sublessor of a residential dwelling unit for violation of any Building Code provision. Support. (13100545D)

Human Services

HB 1423 (O'Bannon) (HFloor) allows the community services board serving the county or city in which the person who would be the subject of an order for mandatory outpatient treatment following a period of voluntary or involuntary treatment resides to petition for an order of mandatory outpatient treatment. Support. (13100600D-E)

HB 1468 (Greason) (HED)/(**SB 893** (Howell) (Passed Senate) adds employees of local governing bodies and employees of local health departments to the lists of individuals who are permitted to possess and administer epinephrine and not be held liable for civil damages when certain conditions are met. The bill also requires local school boards to include in policies for the possession and administration of epinephrine a provision adding any employee of a local governing body or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to administer the drug to any student believed to be having an anaphylactic reaction. Support; County staff coordinated with FCPS staff to initiate. (13102524D, 13102627D)

HB 1646 (Bell, R.P.) (HFloor) clarifies eligibility requirements for funds from the state pool of funds for comprehensive services for at-risk youth and families, making clear that a child who has been placed through an agreement between his parents and a public agency other than the

local department of social services, or who is receiving foster care services to prevent foster care placement, is eligible for funds from the state pool. Support. (13102314D)

HB 1683 (Bell, R.P.) (HFloor) adds community-based mental health services to the list of services for which expenditures must be reported by the Office of Comprehensive Services for At-Risk Youth and Families. Support. (13102316D)

SB 1039 (Newman) (HTRAN) directs the State Registrar to enter into an agreement with the Commissioner of the Department of Motor Vehicles to allow the Department of Motor Vehicles access to vital records by October 1, 2013, and to further allow the Department of Motor Vehicles to issue certified copies of such records by July 1, 2014. The bill also directs the Department of Motor Vehicles and the Department of Health to study transferring vital records and the functions associated with keeping such records to the Department of Motor Vehicles and report. Amend to clarify that fees collected would still go to local health departments; potential loss of estimated \$500,000 with bill in its introduced form. (13101973D)

Public Safety

HB 2052 (Rust) (HTRAN)/**SB 1204** (McDougle) (SFloor) allows state and law-enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles to enter HOT lanes by crossing a barrier or buffer and not be guilty of reckless driving. Support. (13101875D, 13101874D)

SB 1165 (Newman) (SFloor) provides that the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than one passenger who is (i) less than 21 years old and (ii) not a member of the driver's family or household. Under current law, the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than three passengers who are (i) less than 18 years old and (ii) not members of the driver's family or household. Support. (13102649D)

Other Legislation

HB 1394 (Marshall, D.) (HPE)/**SB 724** (Miller) (SPE) provides that persons age 65 and older on the day of an election for which an absentee ballot is requested are entitled to vote absentee. Support. (13100955D, 13104095D-S1)

HB 1835 (Poindexter) (HCT) imposes a \$250,000 cap on damages that may be recovered against firefighters and emergency medical technicians in a civil action arising out of the provision of fire-fighting and emergency medical services. Support. (13102675D)

HB 1956 (Brink) (HPE) provides that the Commonwealth shall pay the costs of conducting a special election to fill a vacancy in the General Assembly if such election is held on a day other than the day of a general election. Support. (13102256D)

HB 2032 (May) (HGL) allows regional public bodies to conduct electronic meetings in the same manner as state public bodies. The bill also removes the requirement that a public body hold one meeting each year at which no member participates using electronic means. This bill is a recommendation of the Joint Commission on Technology and Science. Support; recommendation of Efficiency and Consolidation Task Force. (13100580D)

HB 2152 (Anderson) (HTRAN)/**SB 1210** (Stuart) (SFloor) gives the Chairman of the Commonwealth Transportation Board or his designee equal voting weight on the Virginia Railway Express oversight board. The bill also provides that the Chairman of the Commonwealth Transportation Board or his designee shall be included for purposes of constituting a quorum on certain transportation commissions and shall have voting rights equal to the appointees of component governments. Oppose. (13103708D, 13103705D)

HB 2165 (Dudenhefer) (HTRAN) imposes a civil penalty of \$100 for first violations and \$250 for second or subsequent violations for placing advertising within highway rights-of-way. Support. (13103562D)

HB 2204 (Marshall, D.) (HPE) provides that no polling place shall be located in a public or private school building. Oppose; majority of County polling places are schools. (13103093D)

HJ 732 (Sickles) (HRUL) memorializes the Congress of the United States to encourage the U.S. General Services Administration to consider Northern Virginia as the site for the new Federal Bureau of Investigation headquarters. Support. (13103580D)

SB 888 (Deeds) (SFloor) provides that penalties and costs collected as the result of an agreement between the Commissioner of Highways and a locality to enforce the prohibition on advertising within highway rights-of-way shall be paid to the locality. Support. (13101751D)

SB 959 (Favola) (SFloor) allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks. Support. (13104084D-S1)

Legislation Provided for Discussion

HB 2131 (Keam) (HCCT) modifies and clarifies the special real property taxes that Fairfax County may impose in a service district to pay for the costs of the additional improvements and services provided in the district. The bill states that the tax may be imposed on property used for different purposes, not just zoned for different purposes. In addition, if the use or zoning of real property changes from one that is taxed in the service district to one that is not, then the local governing body may require the property owner to pay a lump sum equal to the present value of future taxes that will be lost as a result of the change in use or zoning. (Staff met with Delegate Keam and interested parties.) Support. (13102351D)

SB 1253 (Northam) (SLG) allows localities to ban smoking in designated public parks, public beaches, and similar outdoor public areas. Support. (13102254D)

E-Z Pass Fees

HB 1302 (Loupassi) (HTRAN) prevents the Department of Transportation from charging monthly fees for the automatic electronic tolling payment program and its transponders. Support. (13100038D)

HB 1779 (Filler-Corn) (HTRAN) prohibits imposition of a monthly fee for any tolling transponder for any month in which the transponder is used at least 10 times. Support. (13101125D)

PPTA/Tolling

HB 1692 (Jones) (HTRAN) requires that within 30 days of the receipt of an unsolicited proposal for the development or operation of a qualified transportation facility, a responsible public entity shall post a public notice of the unsolicited proposal on the Department of General Service's electronic procurement website and provide 120 days for the submission of any competing proposals. The bill specifies that the notice is to include specific information regarding the nature, timing, and scope of the qualifying transportation facility, and that the responsible public entity must afford opportunities for public comment on the proposals submitted. The bill also requires that once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity is required to post the major business points of the interim or comprehensive agreement. The bill contains technical amendments. Monitor; clarify posting requirements. (13102965D)

HB 2129 (Spruill) (HTRAN) requires General Assembly approval for tolling of any Interstate, state primary, or state secondary highway system component. Oppose. (13102418D)

HB 2196 (Peace) (HTRAN) requires approval by the General Assembly prior to tolling any Interstate Highway System component in operation prior to July 1, 2013, except for HOV lanes and HOT lanes and continued tolling on toll facilities in operation prior to January 1, 2013. Oppose. (13103576D)

SB 860 (Lucas) (SGL) provides that no real property asset that produces annual average revenue for the Commonwealth of \$10 million or more over the five most recent fiscal years, or \$10 million revenue for the Commonwealth in the most recent fiscal year, may be (i) the subject of any lease, concession agreement, or similar type of agreement that transfers to a nongovernmental entity possession or control of the asset for more than 10 years at a time, including any renewal, (ii) sold, or (iii) securitized as a part of a qualified transportation facility under the Public-Private Transportation Act of 1995 or a qualified project under the Public-Private Education Facilities and Infrastructure Act of 2002 unless it has been declared to be surplus property. The bill also requires any comprehensive agreement for a qualifying transportation facility where the responsible public entity is a state entity to provide a summary containing the major business points of the agreement to the Public-Private Partnership

Advisory Commission for review and comment. In addition, the bill provides that any proposed comprehensive agreement for a qualifying transportation facility, when the responsible public entity is an agency or institution of the Commonwealth, that (i) creates state tax-supported debt, (ii) requires a level of appropriation beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) alters the Commonwealth's discretion to change the level of services or the funding for such services over time must be reviewed by the General Assembly prior to execution. Monitor. (13103247D)

SB 865 (McEachin) (STRAN) requires General Assembly approval before tolls are imposed or collected by the Commonwealth Transportation Board on any component of the Interstate Highway System except for High-occupancy toll lanes. Oppose. (13101747D)

SB 1081 (Miller) (SGL) provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act or a qualified project under the Public-Private Education Facilities and Infrastructure Act with a total value of \$1 billion or more shall be executed by a state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly. Monitor. (13103521D)

SB 803 (Garrett) (SFloor) makes it lawful to hunt or kill nuisance species on Sunday. Among the species that could be hunted on Sunday are blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, and those species designated as nuisance species by regulations of the Board of Game and Inland Fisheries. Monitor. (13100717D)

Staff Recommendations for Positions on Additional Specific Legislation – As Circulated to the Board on January 25

Historical Positions of the Board *(Bills are identical or very similar to bills on which the Board has taken a position in the past, in some cases numerous times.)*

HB 2293 (Wilt) (HCT) provides that any judicial officer fixing terms of bail shall presume, subject to rebuttal, that the following minimum financial conditions are necessary to assure the appearance of the accused and to assure his good behavior pending trial: Any person charged with a Class 1 or Class 2 misdemeanor shall have bail fixed at an amount not less than \$1,000, secured or unsecured; any person charged with a Class 6 felony shall have bail fixed at an amount not less than \$5,000, secured; any person charged with a Class 5 felony shall have bail fixed at an amount not less than \$10,000, secured; any person charged with a Class 4 felony shall have bail fixed at an amount not less than \$25,000, secured; any person charged with a Class 3 felony shall have bail fixed at an amount not less than \$50,000, secured; any person charged with a Class 1 or Class 2 felony shall have bail fixed at an amount not less than \$100,000, secured; and any person charged with a felony that is unclassified shall have bail fixed at an amount not less than \$10,000, secured. Staff recommendation: Oppose; similar to legislation several years ago; County pre-trial services strongly oppose. (13103929D)

SB 1312 (Martin) (SCT) provides that, when a person is arrested for either a felony or a misdemeanor, any judicial officer may place the person in the custody and supervision of a designated person, organization, or pretrial services agency but that no person shall be released to a pretrial services agency without a secured bond unless he is determined by a court to be indigent. Staff recommendation: Oppose; same as above bill. (13103932D)

HJ 594 (Loupassi) (HPE) limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof. Staff recommendation: Oppose; limitations on flexibility could have effects on local funding.

HJ 667 (Surovell) (HRUL) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Staff recommendation: Support; Board has supported in previous years. (13100777D)

New Bills – 2013 GA

HB 1524 (Villanueva) (HFloor) reverses the default rule of FOIA that certain park and recreation records of minors are subject to the mandatory disclosure provisions of FOIA unless the parent or an emancipated person who is the subject of the record requests in writing that the record not be disclosed. Under the bill, these records would be exempt from public disclosure unless and until the parent or emancipated person who is the subject of the record waives the protection. Staff recommendation: Support; ensures the privacy of personal information of children attending park and recreational programs, unless the parents consent to the release of such information. (13102684D)

HB 1823 (Villanueva) (HGL) requires local public bodies to post required procurement notices on the Department of General Services' central electronic procurement website and makes newspaper publication or posting on other appropriate websites optional. Currently, only state public bodies are required to post procurement notices on the Department of General Services' central electronic procurement website. The bill provides, however, that no local public body shall be required to post on the Department of General Services' central electronic procurement website if (i) the amount of such contract is not expected to exceed \$100,000 or (ii) the local public body has a website for the posting of such notices and provides the website address to the Department of General Services for posting on its central electronic procurement website. The bill also requires the Department of General Services to (a) provide an electronic data file of the using agency's business opportunities at no charge to any requesting newspaper or other print publication with circulation in Virginia using the comma-separated values (CSV) format

and (b) send the data file automatically via electronic mail on a daily, weekly, or monthly basis as agreed to by the parties. The bill specifies the information to be included in the data file. Staff recommendation: Support; this aligns with current County practice and provides a compromise solution to the issue for other localities. (13103548D)

HB 1886 (LeMunyon) (HTRAN) prohibits over-the-road operation of certain vehicles whose tire weights exceed tire weight limit guidelines. Staff recommendation: Support; County police department strongly supports this bill. (13101076D)

HB 2079 (Jones) (HGL) reorganizes the definitions of competitive sealed bidding and competitive negotiation. The bill also adds a definition of job order contracting. Staff recommendation: Monitor. The issues raised in HB 2078, which the Board opposes, will be part of the study required in HB 2079 (relating to the Virginia Public Procurement Act), thus allowing HB 2078 to be tabled for the session. (13103624D)

HB 2125 (Keam) (HGL) provides that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth. The bill also allows a public body to require prepayment before providing requested records when the cost for production of the records is likely to exceed \$100. Staff recommendation: Monitor; this could create workload issues for the County, and has been referred to the FOIA Council for study in the off-session.

HB 2158 (Lopez) (HPE)/**SB 963** (Ebbin) (SPE) provides that the local electoral board may designate officers of election who may work in more than one precinct throughout election day in any or all of such precincts are located in the same building. Staff recommendation: Support; provides for efficiencies in the assignment of officers of election. (13103756D, 13101017D)

HB 2175 (Cox) (HFloor) authorizes the Governor to request federal funds to construct a new veterans' care center in Northern Virginia, and requires the State Treasurer to issue a short-term treasury loan in an amount up to \$20 million for the state share of construction costs, once the U.S. Department of Veterans Affairs has determined that federal funds will be allocated for the new center. Staff recommendation: Monitor; Delegate Cox has indicated that the NVTC site is not under consideration for the veterans' care center. (13103642D)

HB 2282 (Plum) (HFIN) establishes beginning January 1, 2013, an individual and corporate income tax credit equal to 50 percent of the amount paid by a business to remove physical barriers at places of public accommodation, as defined under the Americans with Disabilities Act (e.g., hotels, restaurants, etc.), in order to allow greater access and usage by disabled persons. The credit would not exceed \$1,000 in amounts incurred by the business to remove barriers at each place of public accommodation. The Department of Housing and Community Development would administer the tax credit program. Any unused tax credits could be carried forward for five years. The credit would sunset on January 1, 2018. Staff recommendation: Support; in line with the Board's position on accessibility in the legislative program. (13103142D)

HB 2316 (Byron) (HGL)/**SB 1246** (Colgan) (SGL) raises, for certain local public bodies, the maximum cost of architectural or professional engineering services for all projects in one contract term of a multiple project contract from \$500,000 to \$1.5 million, and raises the maximum cost of architectural or professional engineering services for any single project from \$100,000 to \$500,000 for airports and aviation transportation projects. For a locality or authority or sanitation district with a population in excess of 80,000, the bill raises the maximum cost of such services from \$1 million to \$2 million. Staff recommendation: Support; allows greater flexibility in professional services contracts and may produce efficiency savings by permitting larger, multiple-project construction contracts. (13103826D, 13102992D)

HB 2323 (Surovell) (HCL) provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius. Staff recommendation: Support; certain areas of the County have seen a proliferation of these businesses. (13100147D)

HJ 755 (Howell) (HFloor) directs the Virginia Small Business Commission and Virginia Manufacturing Development Commission to evaluate and develop a plan for implementing tax restructuring to eliminate the BPOL, Machinery and Tool, and Merchants' Capital Taxes. Staff recommendation: Monitor; bill was amended to allow VACo and VML to participate in the study. (13104396D-H1)

SB 1313 (Stosch) (SFIN) adds the City of Portsmouth to the list of localities authorized to impose a local income tax to generate revenue to be used for transportation purposes. The bill also removes the requirement that the local income tax be approved by a referendum and repeals the five-year sunset on the local income tax. Staff recommendation: Monitor; patron has indicated he views this as an "alternative" transportation funding bill. (13103316D)

SB 1329 (Wagner) (SEH) Expands the class of Medicaid recipients in Virginia to include those meeting the criteria in the federal Patient Protection and Affordable Care Act. Such expansion would expire if federal financial participation for the expanded population is reduced below 90%. The bill also authorizes the Department of Medical Assistance Services to seek federal authorization to reform the Medicaid service delivery model in Virginia. Staff recommendation: Support; position in Legislative Program. (13103997D)

SB 1361 (Black) (STRAN) requires DRPT to provide the General Assembly an overall economic and financial analysis of any expanded or proposed rail or other transit project prior to state grants, financing or other funding. Staff recommendation: Oppose; there are already requirements in place for new rail projects. Additionally, the language is extremely vague and could affect and/or delay transit service changes. (13104287D)

SB 1362 (Black) (SGL) places conditions upon the Governor of Virginia's authorization of Amendment No. 4 to the Lease of the Metropolitan Washington Airports between the United

States of America acting by and through the Secretary of Transportation and the Metropolitan Washington Airports Authority. Staff recommendation: Oppose. This bill could stop the Phase 2 project from going forward, by requiring General Assembly approval before the Governor signs Amendment No. 4 of the MWAA lease agreement. Amendment #4 (which was approved by the MWAA Board of Directors and currently awaits signature by US Secretary of Transportation) includes language, consistent with the USDOT IG report and developed in consultation with USDOT, to: assure lease compliance by providing USDOT immediate access to MWAA's records; and improve MWAA's policies and procedures based on best practices in procurement, contracting, human resources, budget, travel, ethics, governance and transparency. Also defines "airport purposes" and conditions MWAA's activity subject to US-DOT Secretary approval. (13104343D)

Legislation Requiring Further Review (*Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.*)

HB 1406 (Bell, R.) (HED) requires each school board to annually provide parent educational information or screen public school students in grades five through 10 for eating disorders. (13101583D) (*Added Jan. 25*)

HB 1556 (Comstock) (HED) changes the ratio of students in average daily membership to full-time equivalent teaching positions from a divisionwide ratio to a schoolwide ratio. (13101345D)

HB 1696 (Minchew) (HAPP) authorizes the Virginia Department of Transportation to enter into an agreement with the Metropolitan Washington Airports Authority (MWAA) whereby MWAA would reduce tolls on the Dulles Toll Road in exchange for the Commonwealth's moral obligation backing of bonds, not exceeding an aggregate principal amount of \$500 million, issued by MWAA to fund Phase 2 of the Dulles Corridor Metrorail project. (13103285D)

HB 1864 (Robinson) (HED) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement and to the parents of any minor student who is the specific object of such acts. (13101520D) (*Added Jan. 25*)

~~**HB 1882** (Morrissey) (HGL) requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree (i) that 51 percent of all positions created in performance of the contract be filled by Virginia residents, (ii) that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and (iii) to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who~~

~~was previously laid off by the contractor. The bill provides that it does not apply to any contracts for professional services. (13103440D)~~

HB 1993 (Massie) (HFIN) provides exclusions from the gross rental proceeds upon which the motor vehicle rental tax is imposed. The exclusions include cash discounts taken on a rental contract; finance, carrying, and other service charges; charges for motor fuels; charges for optional accidental death insurance; and other specified exclusions. (13100570D)

HB 1994 (Massie) (HTRAN) provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the Public-Private Transportation Act or a qualifying project under the Public-Private Education Facilities and Infrastructure Act, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project." (13100571D)

HB 2028 (Dudenhefer) (HED)/**SB 986** (Stuart) (SEH) allows school boards to require current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AEDs) for bus drivers, increases required school personnel with such training per school, and requires such training for those seeking initial teacher licensure, renewal of a license to teach, or a provisional teaching license with a waiver for disabilities. For students, beginning with first-time ninth grade students in the 2014-2015 school year, the bill adds a requirement that recipients of the standard and advanced diplomas must receive training in emergency first aid, CPR, and the use of AEDs with a waiver for students with disabilities. The bill also requires an AED in every school by the 2014-2015 school year and schoolwide cardiopulmonary resuscitation drills. (13103531D, 13103554D)

HB 2060 (Yancey) (HED) provides that in cases in which a school attendance officer files a complaint alleging that a juvenile is a truant and the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance laws, the intake officer shall defer filing of a petition alleging that the child is in need of supervision for 90 days and shall refer the child to the family assessment and planning team for development of a truancy plan. If the juvenile or his parent, guardian, or other person standing in loco parentis refuses to participate in the truancy plan, or if at the end of the 90-day period the child has failed to comply with the truancy plan, the intake officer shall file a petition alleging that the child is in need of supervision. (13102736D)
(Added Jan. 25)

HB 2116 (Garrett) (HTRAN)/**SB 1209** (Stuart) (STRAN) amends the powers and duties of the Commissioner of Highways and the Commonwealth Transportation Board to create new efficiencies and streamline procedures by granting the Commissioner greater authority over administrative operations, matters involving the practice of civil engineering, and interaction with stakeholders. (13101417D, 13101418D)

HB 2120 (Herring)(HCT)/**SB 1006** (Barker) (SEH) provides that a licensed health care provider may perform a physical evidence recovery kit examination for a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision regarding consent to such examination when there is an immediate need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed. (13102046D, 13102047D)

HB 2258 (James) (HTRAN) requires the responsible public entity to obtain the approval of each affected jurisdiction prior to the execution of a comprehensive agreement under the Public-Private Transportation Act of 1995 (PPTA) or the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) whenever the development or operation of the qualifying transportation facility or project impacts local tax revenues or increases the fees or expenses that are paid by residents of the affected jurisdictions. The bill also (i) provides for the guidelines established by a responsible public entity under the PPTA to require that a final environmental impact study be completed prior to commencing project development and (ii) prohibits a comprehensive agreement under the PPTA from containing a non-compete or damage provision or any similar provision requiring additional payments to the private entity to recover reduced revenue due to improvements made by the Commonwealth to any other transportation facility. (*Added Jan. 25*)

HB 2330 (Miller) (HCL)/**SB 1353** (Watkins) (SACNR) establishes a process for the Department of Mines, Minerals and Energy (DMME) to issue permits for the mining of uranium ore. DMME, in consultation with the Department of Environmental Quality, Department of Health, State Corporation Commission, Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Historic Resources, and Department of Agriculture and Consumer Services, is required to adopt regulations governing uranium mining. DMME shall not accept an application for a uranium mining permit from an applicant unless the applicant had a valid permit for uranium exploration on July 1, 2013. DMME shall not accept an application for a permit to mine uranium at a location more than 10 miles from an area for which a uranium exploration permit was in effect on January 1, 2012. Permit holders are required to pay application fees and annual fees, which shall be sufficient to defray the costs of administering the uranium mining program. The measure establishes the Uranium Administrative Fund, Uranium Response Fund, and Long-Term Monitoring Fund, which will be funded by fees assessed on permittees. A permittee that violates a permit condition or provision of law or regulation may be subject to civil penalties. A person who conducts uranium mining without a permit, violates a condition of a permit, fails to comply with a regulation or order, makes certain false statements, violates recordkeeping requirements, or impedes the DMME in its performance of duties is subject to criminal penalties. A uranium mining permit shall not be issued to an applicant unless the applicant is licensed by the State Corporation Commission as a uranium development corporation, the requirements for which are established by this measure. The Commission is authorized to suspend a uranium development license if it finds that a licensee is not in compliance with financial responsibility requirements or if it receives notice of a determination by an agency that an operation is being conducted in violation of a permit or license. The Commission may revoke a uranium

development license if it finds by clear and convincing evidence that the license holder has failed to correct a condition for which its license was suspended or has committed other specified acts. (13103646D, 13103645D) (*Added Jan. 25*)

SB 696 (Lucas) (SGL) creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Under the bill conduct of casino gaming shall be limited to counties, cities, and towns that are located in Planning District 8, 9, 10, 15, 16, 17, 18, 19 20, 21, 22, or 23. The bill also contains technical amendments. (13100292D)

SB 827 (Garrett) (SGL) requires any state agency that is authorized to implement a comparable federal program to receive statutory authorization to promulgate any regulation that is more stringent than the federal statute or regulation. By July 1, 2014, these agencies are required to complete a review of their regulations to determine whether each regulation (i) is more stringent than the comparable federal law or regulation and (ii) whether there is statutory authorization for the regulation that is found to be more stringent. When an agency determines that a more stringent regulation has not been authorized by a state statute the agency is required to amend the regulation to bring it into compliance with the federal law or regulation, or the General Assembly has to enact legislation authorizing the more stringent standard. If neither condition has been met within one year of the agency's determination that its regulation is more stringent than the comparable federal law or regulation, the regulation is deemed to be null and void. (13100718D)

SB 841 (Locke) (SGL) authorizes an owner or managing agent of a residential dwelling unit to develop and implement reasonable occupancy standards restricting the maximum number of occupants permitted to occupy the dwelling unit, provided such standards comply with the federal standards established under federal laws and regulations. The bill also authorizes an owner or managing agent to restrict the number of occupants in a dwelling unit to two persons per bedroom and clarifies that such restriction will not be enforceable under the provisions of the Uniform Statewide Building Code. (13102321D)

SB 1091 (Hanger) (SGL) provides that participation by constitutional officers in the Department of the Treasury's risk management plan shall be determined by the local governing body of the locality served by the officers rather than by the State Compensation Board. Also, local governments and constitutional officers choosing not to participate in the risk management plan shall not be subject to payment of any premium or administrative costs. (13100849D) (*Added Jan. 25*)

SB 1197 (Saslaw) (SGL) authorizes localities within Planning District 8 to enter into individual contracts for architectural or professional engineering services up to \$5 million. Planning District 8 is composed of the counties of Arlington, Fairfax, Loudoun, and Prince William, the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the towns of Dumfries, Herndon, Leesburg, Purcellville and Vienna. Currently, the authority to enter into such contracts is limited to localities and local authorities, sanitation districts, metropolitan

planning organizations or planning district commissions with populations in excess of 80,000. (13102850D)

~~**SB 1231** (Stanley) (SFloor) allows an attorney to record a corrective affidavit to correct an obvious description error contained in a recorded deed, deed of trust, or mortgage. Obvious description errors include (i) errors transcribing courses and distances, (ii) errors incorporating a recorded plat or deed reference, (iii) errors in listing a lot number or designation, and (iv) omitted exhibits that supply the legal description of the property. Before a corrective affidavit may be recorded, all parties to the deed, deed of trust, or mortgage and the title insurance company must be provided with a copy of the affidavit and such parties have 30 days to object in writing to the recordation of the corrective affidavit. (13104092D-S1)~~

SB 1300 (Barker) (SEH) provides that any student who enrolls full time in a virtual school program served by a multidivision online provider outside his school division of residence shall have his state share of Standards of Quality per pupil funding, as well as 76 percent of his local share, transferred from the school division of residence to the enrolling school division. The total state and local share funds transferred from the resident division to the enrolling division shall not exceed the actual cost of the virtual school program. (13102988D)

SB 1341 (Saslaw) (SLG) exempts certain electrical generation facilities powered by renewable sources of energy from local zoning and land use requirements. The exemption applies to a facility that is owned by an electric utility, has a capacity of at least four megawatts, is on a parcel of at least 25 acres, and has received all required approvals and permits from the State Corporation Commission and environmental regulators. (13104194D) (*Added Jan. 25*)

Elections

~~**HB 1471** (Watts) (HPE) provides that residents of assisted living facilities are permitted to vote absentee. The bill also provides that localities may establish absentee voter precincts at assisted living facilities that will be open prior to an election to allow in person absentee voting by the residents. The bill further provides that upon the request of an administrator of an assisted living facility in which at least 50 registered voters reside, at least two officers of election will be sent to the facility on Election Day to assist persons 65 years old or older or physically disabled with voting. (13102624D)~~

HJ 659 (LeMunyon) (HPE)/**HJ 668** (Surovell) (HPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant must provide his full social security number in order to register to vote. (13100563D, 13100564D)

~~**SB 883** (Deeds) (SPE) provides that the general registrar shall issue and mail a new Virginia voter registration card to all registered voters in his county or city no later than October 1 of each year. (13101191D)~~

~~**SB 1062** (Herring) (SPE) provides for numerous reforms to improve voter access to the polls, including (i) extending the hour that polls close on election day from 7:00 p.m. to 8:00 p.m.; (ii) allowing for early voting by qualified voters for a period from 10 to three days before the election, or eight to three days before a special election, at the office of the general registrar or secretary of the electoral board and other approved locations; (iii) shortening the deadline to register to vote from 21 days before a general or primary election and either six or 13 days before special elections to three days before any election, which would be the last day of the early voting period; and (iv) authorizing the Secretary of the State Board of Elections to establish a pilot program to allow members of the military on active duty and their spouses, citizens residing outside of the United States, and military voters with disabilities or injuries to vote absentee by secure electronic means or other new technologies. The bill also provides that the State Board shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. The bill also requires the State Board, in conjunction with the Department of Emergency Management, to create a written plan addressing the continuity of operations of elections in the event of an emergency. The bill also requires that the State Board perform periodic reviews of the conduct of elections and, based on the findings of such reviews, develop a written plan for minimizing the amount of time a voter has to wait to cast his vote on election day. (13103449D)~~

SB 1077 (Obenshain) (SPE) authorizes the State Board of Elections to apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by the U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security. The SAVE Program enables access to immigration status and citizenship status information possessed by the U.S. Department of Homeland Security. If the application is approved, the State Board will utilize the SAVE Program for the purposes of verifying that voters listed in the Virginia Voter Registration System are United States citizens and shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program. (13103248D)

~~**SB 1150** (Barker) (SPE) requires each electoral board to develop a plan to ensure that no voter waits for more than one hour to cast his vote on election day. Each board would submit to the State Board of Elections and the governing body of the city or county of the electoral board a list of resources necessary, including the optimum number of officers of election, pollbooks, ballots, and other voting equipment, to implement the plan. The bill also provides that officers of election may work in multiple precincts throughout election day. (13103374D)~~

School Resource Officers

HB 1730 (Cole) (HED) requires each local school board to establish a collaborative agreement with local law-enforcement agencies to employ one full-time uniformed school resource officer in every school in the local school division. (13103100D)

HB 2244 (HAPP) provides that proceeds of the School Resource Officer Grants Fund may be disbursed to award matching grants to local law-enforcement agencies and local school boards

that have established a collaborative agreement to employ school resource officers in elementary schools within their shared district. Under current law, funds may be disbursed only when school resource officers are employed in middle or high schools within the district. (13103688D)

SB 940 (Stuart) (SEH) requires every school board throughout the Commonwealth to coordinate with the local law-enforcement agency to provide at least one school resource officer for every public elementary, middle, and high school within the district. The bill provides that funding for these school resource officers shall be provided through the general appropriation act and not by any locality or school board. (13103170D)

SB 1240 (Deeds) (SEH) requires every school board throughout the Commonwealth to coordinate with the local law-enforcement agency to provide at least one school resource officer for every public elementary school within the district. The bill provides that funding for these school resource officers shall be provided through the general appropriation act and not by any locality or school board. (13103156D)

Staff “Watch List”/May Have State Revenue/Policy Implications *(Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.)*

HB 1334 (Purkey) (HTRAN) requires approval of both the Governor and the General Assembly before any change in ownership of any Virginia port is permitted. (13100652D)

HB 1373 (Head) (HCCT) allows localities with a population of 50,000 or greater to meet certain notice requirements by utilizing their websites, radio, or television instead of a newspaper of general circulation. (13100973D)

HB 1374 (Head) (HCT) allows motions for summary judgment to be based, in whole or in part, upon depositions, answers to interrogatories, admissions in the proceedings, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties. (13100535D)

HB 1419 (Pogge) (HCCT) amends requirements governing zoning ordinances for temporary family health care structures to reduce from two to one the number of activities of daily living with which a person must require assistance to qualify as a "mentally or physically impaired person" eligible to reside in a temporary family health care structure; amend the occupancy restriction to allow a married couple, both of whom are mentally or physically impaired persons, to reside in a temporary family health care structure; and extend the time by which a temporary family health care structure must be removed from 30 to 90 days from the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving or in need of assistance. (13100491D)

HB 1460 (Tyler) (HTRAN) prohibits tolling on Interstate 95 without the approval of the General Assembly. (13102793D)

HB 1488 (Rush) (HACNR) delays the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014, to July 1, 2015. (13102265D)

HB 1547 (Knight) (HCCT) provides that the minimum tree canopy as required by localities during the development process shall be 10 percent for cemeteries. (13101788D)

HB 1552 (Loupassi) (HCT) increases the punitive damages cap from \$350,000 to \$675,000 to reflect the effect of inflation since the cap was first established. The bill also provides that the cap will be adjusted annually in an amount equal to the annual increase in the United States Average Consumer Price Index for all items, all urban consumers. (13101757D)

HB 1562 (Orrock) (HACNR)/**SB 828** (Blevins) (Passed Senate) authorizes an animal control officer or law-enforcement officer to apply to a magistrate for a summons where the officer believes that the owner of a dangerous or vicious dog has willfully failed to comply with the law. The bill clarifies the distinctions between dangerous dogs and vicious dogs, requires the owner of either type of dog to provide basic care while confining the animal, and authorizes a court to order the owner to pay for the care of a dangerous or vicious dog while it is in state custody. (13101195D, 13100989D-E)

HB 1575 (Webert) (HCCT) provides that local ordinances governing child care services and facilities shall not provide for inclusion of the child care provider's own children or any children who reside in a home in which child care services are offered in the total number of children for whom care is provided. (13100607D)

HB 1589 (Minchew) (HCCT)/**SB 744** (Black) (SLG) authorizes a locality to demolish or remove a derelict nonresidential structure and to file a lien against the property for the cost of the demolition or removal. The bill requires the locality to obtain the written consent of the property owner for such demolition or removal and prohibits the use of the authority to remove a building that is located in a local historic district or individually designated as a historic landmark. (13102354D, 13101612D)

HB 1616 (Gilbert) (HCT) provides that no state agency or organization having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police nor any department of law enforcement of any city, county or town, shall procure a public unmanned aircraft system (drone aircraft) without the approval of the General Assembly or the local governing body, respectively. The bill requires a warrant for use of such an aircraft. The bill also provides that it is not unlawful for any law-enforcement officer or other public official to operate a public unmanned aircraft system and disclose personal information from such operation if such officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and the situation requires operation of a public unmanned aircraft system before a warrant authorizing such interception can, with due diligence, be obtained and there are grounds upon which such a warrant could be entered to authorize such operation. The bill also provides that it is not unlawful for a public institution of higher education to operate a public

unmanned aircraft system solely for research or academic purposes. The bill also contains extensive procedural guarantees against release of personal information and contains reporting requirements by agencies and courts with respect to use of and data collected by such aircraft. (13100177D) (*Added Jan. 25*)

HB 2012 (Cline) (HCT) places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2014. (13103615D) (*Added Jan. 25*)

HB 1624 (Hugo) (HGL) provides, under certain conditions, that when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of a transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, neither the Commonwealth Transportation Board nor any state transportation agency nor any construction manager acting on behalf of such entities shall, in their bid specifications, project agreements, or other controlling documents, provide an incentive in the scoring of such bids that favors entities entering into project labor agreements. The bill defines "transportation facility" and sets out exceptions to this requirement. (13101645D)

HB 1637 (BaCote) (HCT) creates a procedure for restoring parental rights to a parent whose rights to his child have previously been terminated when the child is at least 14 years of age and the child has not achieved his permanency goal. The bill also provides that the juvenile and domestic relations court may appoint a special advocate to provide services to a child who is the subject of judicial proceedings for the restoration of parental rights. (13100391D)

HB 1642 (Pogge) (HCT) provides that parents have a fundamental right to direct the upbringing, education, and care of their children and such right shall not be infringed by the government unless the governmental interest as applied to the parents is of the highest order and not otherwise served. (13103598D)

HB 1647 (Farrell) (HFloor) requires that a Virginia resident who is convicted of a (substantially similar) DUI in another state comply with Virginia ignition interlock requirements. (13103210D)

HB 1708 (Habeeb) (HCT) allows for motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, admissions on file, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties. (13102871D)

HB 1715 (Iaquinto) (HCT) makes various changes to the provisions that allow circuit court clerks to provide remote access to certain records and to charge a fee for such access. The bill also directs that fees assessed for electronic filing of cases and other records and accessing certain records remotely shall be paid to the clerk's nonreverting local fund to be used to cover the clerk's operational expenses. (13101978D)

HB 1743 (Brink) (HHWI) provides that local departments of social services and licensed child-placing agencies may make independent living services available to persons 18 to 21 years of age who are released from commitment to the Department of Juvenile Justice after reaching 18 years of age and who were committed or entrusted to the care of a local board of social services or child-placing agency at the time they were committed to the custody of the Department of Juvenile Justice. (13102187D)

HB 1754 (Wright) (HCT) provides that in order to be timely, service of process must be made within 90 days from the commencement of the action. Currently, service of process is timely if made within 12 months. The bill also provides that no nonsuit may be taken more than 90 days after the commencement of an action in the absence of timely service of process unless the court finds that the plaintiff exercised due diligence in attempting to serve process. (13103080D)

HB 1804 (Miller) (HFIN) establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the Commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the Commonwealth. The other half of the proceeds shall be distributed to the locality from which the uranium was severed. (13103390D)

SB 919 (Watkins) (SFIN) establishes a three percent state severance tax on the gross receipts of any uranium severed from the earth in the Commonwealth. One-half of the proceeds of the tax shall be deposited in the general fund of the Commonwealth. The other half of the proceeds shall be deposited into an Economic Development and Environmental Trust Fund established for each locality from which uranium is mined. Each locality's fund would be administered by a board appointed by the governing body of the locality. (13102561D)

~~**HB 1812** (McQuinn) (HFIN) alters the provisions governing local service charges on property owned by the Commonwealth (i) by including the value of hospitals and educational institutions owned by the Commonwealth in calculating the threshold that must be met before a locality may impose the service charge (under current law, the value of property owned by the Commonwealth must exceed 3% of the total value of all real property in the locality) and (ii) by including emergency medical services in the services whose cost is used to determine the amount of the service charge. (13102608D)~~

HB 1824 (Purkey) (HFIN) extends the tax credit beginning in 2013 to (i) growers or distributors of wheat, grains, fruits, nuts, crops, or plants and (ii) persons severing minerals or gases from the earth or distributors of the same. Under current law, manufacturers and distributors of manufactured goods that ship at least 75 net tons of noncontainerized cargo or 10 loaded 20-foot equivalent units (TEUs) through Virginia port facilities during a calendar year are eligible for an income tax credit if their volume of shipments through such facilities increases by at least five percent over a designated base year volume. The tax credit equals \$50 for each TEU above the base year volume shipped through a Virginia port facility. This bill would extend the tax credit to (i) growers or distributors of wheat, grains, fruits, nuts, crops, or plants and (ii) persons severing minerals or gases from the earth or distributors of the same. (13102485D)

HB 1828 (Villanueva) (HFloor) allows the purchase of land for the construction of railway lines by the Department of Rail and Public Transportation for the purpose of alleviating traffic congestion on highways. (13101411D)

HB 1836 (Lingamfelter) (HCCT) provides that the itemized contemplated expenditures in a local budget shall include any discretionary funds to be designated by individual members of the governing body and the specific uses and funding allocation planned for those funds by the individual member. (13100255D)

HB 1853 (Knight) (HCCT)/**SB 1029** (Reeves) (SLG) requires local planning commissions to consider the effects of development on military installations. The bill requires a local planning commission to cooperate with the commander of any military installation that will be affected by development and permits a governing body to appoint an additional nonvoting member to its planning commission to represent a local installation. (13101334D, 13101335D)

HB 1949 (Yancey) (HCT) eliminates the provision making driving 80 mph or faster reckless driving and allows speed limits of 80 mph on toll roads, including HOT lanes. (13103600D)

HB 1979 (May) (HAPP) authorizes the Commonwealth Transportation Board to issue bonds to (i) acquire the Dulles Greenway and (ii) if determined necessary by the Board, improve or upgrade the Dulles Greenway. If the Board were to acquire the Dulles Greenway, the Board would impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of the same. The aggregate principal amount of bonds that could be issued by the Board would be conditioned upon the revenues from the tolls or other charges to be imposed on the Dulles Greenway as proposed and established by the Board, as follows: the revenues from the tolls or other charges proposed by the Board would reasonably be expected by the Board to pay (a) in full and when payable the debt service on all bonds or other obligations issued or entered into by the Board to acquire the Dulles Greenway, (b) the ongoing costs of operating and maintaining the Dulles Greenway, (c) the costs of purchasing and installing electronic tolling equipment or other equipment for the Dulles Greenway if such equipment is determined necessary, (d) the cost of purchasing parking facilities, and (e) ongoing necessary administrative costs relating to the Dulles Greenway. The bill provides no bonds could be issued by the Commonwealth Transportation Board to acquire the Dulles Greenway unless the Treasury Board provides through a written certification provided to the Governor and the Commonwealth Transportation Board its opinion that the revenues from the tolls or other charges proposed by the Commonwealth Transportation Board for use of the Dulles Greenway are reasonably expected to result in a debt service coverage ratio of at least 1.25. (13100658D)

HB 1980 (May) (HTRAN) creates the Dulles Greenway Authority to, among other things, operate and maintain the Dulles Greenway. The Authority would be governed by a board of directors composed of 15 voting members as follows: one current member of the local governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park to be appointed by the Governor; four nonlegislative citizen members to be appointed by the Speaker

of the House of Delegates; and two nonlegislative citizen members to be appointed by the Senate Committee on Rules. The Secretary of Transportation would serve as a nonvoting ex officio member of the Board. For voting purposes, the members of the Board appointed by the Governor from the local governing bodies of the County of Fairfax and the County of Loudoun would each be entitled to cast two votes on each question put before the Board. The Authority would operate, maintain, and administer the Dulles Greenway on behalf of the Commonwealth using such moneys as provided to it for such purposes. The Authority would collect all tolls and other charges established by the Commonwealth Transportation Board for the use of the Dulles Greenway and would deposit such funds into the state treasury. The Authority would be prohibited from establishing or fixing tolls, rents, fees, or other charges for the use or enjoyment of any facility owned by the Commonwealth. The provisions of the bill would not become effective unless and until the Commonwealth Transportation Board acquires the Dulles Greenway on or before July 1, 2015.

HB 2004 (Cline) (HCT) provides that the possessor of real property owes no duty of care to a trespasser except to refrain from injuring the trespasser by an intentional, willful, or wanton act. However, a possessor of real property may be liable for injury or death to a trespasser if (i) the possessor knew or should have known of the trespasser's presence on the property and failed to exercise ordinary care to protect the trespasser from an unsafe condition that is not open and obvious or (ii) the trespasser is a child of tender years who was injured by an instrument, machine, or other object that contained a concealed or latent danger that was not obvious to the child and the instrument, machine, or other object was easily accessible to children and in a location where children frequently gather. (13101516D)

HB 2010 (Cline) (HTRAN) allows motorcyclists who are 21 years old or older to ride without wearing helmets. (13103488D)

HB 2048 (Sherwood) (HACNR) moves the water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The composition of the Virginia Soil and Water Conservation Board is changed, reducing the number of voting members from 12 to seven, and the Department of Environmental Quality is assigned responsibility for staffing the Board. The Virginia Soil and Water Conservation Board will continue its oversight responsibilities of the soil and water conservation districts and of resource management planning. The Board of Conservation and Recreation will be responsible for administration of the flood prevention and dam safety laws. (13101882D)

HB 2081 (Marshall, D.) (HRUL) prohibits the Commonwealth and its political subdivisions from adopting or implementing sustainable development policy recommendations of the United Nations or to enter into contracts with entities that assist in the implementation of such recommendations of the United Nations. The bill defines "state agency" and "sustainable development." (13100691D)

HB 2150 (Purkey) (HFIN)/**SB 1241** (Stosch) (SFIN) advances the conformity with the federal tax code from December 31, 2011, to January 2, 2013, and restores conformity with the federal earned income tax credit. The bill contains an emergency clause. (13103454D, 13103455D)

HB 2223 (Cline) (HRUL) precludes the Commonwealth and its political subdivisions from adopting or implementing policy recommendations as may be required by the United Nations' Agenda 21 that infringe upon or restrict private property rights without due process. (13103763D)

HB 2132 (Keam) (HRUL) prohibits any committee of the General Assembly from reporting a bill containing a new sales and use tax exemption or renewing an existing sales and use tax exemption unless such bill contains an expiration date of not longer than five years from the effective date of the new or renewed sales and use tax exemption. (13102339D)

HB 2142 (Keam) (HCCT) provides that a locality may not regulate the number or frequency of usual and customary activities and events at farm wineries. The bill also states that regular business hours shall, at a minimum, include the hours between 9:00 a.m. and 9:00 p.m. (13102827D)

HB 2209 (Knight) (HACNR) transfers authority for administration of the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board. The bill also empowers the Board to allocate general fund moneys to soil and water conservation districts to support their operations and oversee districts' programs. (13103324D)

HB 2296 (Bulova) (HAPP) requires the Department of Conservation and Recreation to administer an urban best management practices cost-share program. The program would provide matching funds of up to 50 percent to promote best management practices on private property. Eligible projects must be located in a locality subject to MS4 Phase I or Phase II stormwater permits. The bill also establishes the Virginia Urban Best Management Practices Cost-Share Fund as a subfund of the Virginia Water Quality Improvement Fund to provide the matching funds for the cost-share program. (13103926D) (*Added Jan. 25*)

HB 2319 (Villanueva) (HFIN) makes numerous changes intended to facilitate the attraction and operation of a National Hockey League or National Basketball Association franchise, or other events, among which are amendments that will (i) entitle the Authority, subject to appropriation, to personal, pass-through entity, and corporate income tax revenues generated by the operation of the facility; (ii) change the definition of "arena" by requiring a seating capacity of no less than 15,000, and expanding the purpose of the arena to include a venue for conferences and entertainment events; (iii) allow the City of Virginia Beach to remit certain local taxes generated from the facility to the Authority, including sales and use taxes, admissions taxes, food and beverage taxes, and business, professional and occupational license taxes; (iv) permit such locality to charge fees, ticket surcharges, or other charges for such facility and to remit all or a portion of such charges to the Authority; (v) exempt the Authority

from the Virginia Public Procurement Act; (vi) require review by the State Treasurer prior to the issuance of bonds, and approval of the General Assembly if the bond issuance would constitute tax-supported debt or adversely affect the Commonwealth's debt capacity or credit rating; and (vii) eliminate the requirement that state tax revenues be applied to repayment of the bonds. The provisions of the bill expire on January 1, 2018, if the Hampton Roads Sports Facility Authority has not (a) executed a lease with a team that is a member of the National Hockey League or the National Basketball Association or (b) issued bonds for an arena for the purpose of holding conferences and entertainment events. (13103733D) (*Added Jan. 25*)

HB 2320 (Villanueva) (HFIN) gives the City of Virginia Beach rights similar to those that had been given in the past to the Hampton Roads Sports Facility Authority in constructing an arena for professional sports teams or for conferences and entertainment events. Among those rights is the authority to (i) issue bonds to construct an arena, and (ii) receive state income tax and sales tax revenue that is attributable to an arena, to repay the bonds. (13103735D) (*Added Jan. 25*)

~~**HJ 542** (Marshall) (HPE) provides for the refund of surplus revenues, above the amount required to be deposited to the Revenue Stabilization Fund, to the Commonwealth's income tax payers, provided such surplus exceeds \$50 million. (13100479D)~~

~~**HJ 574** (Pogge) (HCT) provides that the right of parents to direct the care, upbringing, and education of their children is a fundamental right that shall not be infringed upon by the Commonwealth without a demonstration that the interest of the Commonwealth is of the highest order and not otherwise served. (13102424D)~~

HJ 609 (Gilbert) (HACNR) directs the Department of Environmental Quality to study the substances contained in biosolids generated from wastewater treatment facilities that are applied to lands for agricultural purposes. (13101943D)

~~**HJ 677** (Cline) (HPE) provides that in any 10 fiscal year period beginning with fiscal years of the Commonwealth starting on or after July 1, 2014, no more than five percent of the average of the projected revenues for each fiscal year shall be used directly or indirectly for principal, interest, or other payments on debt. This limitation may be exceeded only by a vote of at least two-thirds of the members elected to each house of the General Assembly. The bill provides that the General Assembly shall define the terms "debt" and "projected revenues." (13103501D)~~

SB 734 (Petersen) (SCT) provides that any person who knowingly makes, uses, or causes to be made or used a false or fraudulent record, document, or statement in support of any foreclosure shall be liable to the injured party. Upon proof of both a violation and damages, the injured party shall be entitled to appropriate equitable relief and compensatory damages. If compensatory damages are awarded, an injured party may also be awarded punitive damages. A person violating the provisions of this bill shall be liable for reasonable attorney fees and costs of a civil action. (13100542D)

~~**SB 771** (Wagner) (STRAN) reduces the number of license plates furnished by DMV to registered motor vehicles from two to one and requires the single license plate to be attached to the rear of the vehicle. (13101237D)~~

SB 810 (Garrett) (SRUL) prohibits any committee of the General Assembly from reporting any bill impacting localities that does not fully fund any net expenditures that otherwise would have to be paid by localities. (13100889D)

SB 851 (Howell) (SFloor) reinstates the authority of Arlington County, which expired pursuant to a January 1, 2012, sunset date, to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The revenues from the tax shall be spent solely for the purpose of promoting tourism and business travel in the county. (13102549D)

SB 860 (Lucas) (SGL) provides that no real property asset that produces annual average revenue for the Commonwealth of \$10 million or more over the five most recent fiscal years, or \$10 million revenue for the Commonwealth in the most recent fiscal year, may be (i) the subject of any lease, concession agreement, or similar type of agreement that transfers to a nongovernmental entity possession or control of the asset for more than 10 years at a time, including any renewal, (ii) sold, or (iii) securitized as a part of a qualified transportation facility under the Public-Private Transportation Act of 1995 or a qualified project under the Public-Private Education Facilities and Infrastructure Act of 2002 unless it has been declared to be surplus property. The bill also requires any comprehensive agreement for a qualifying transportation facility where the responsible public entity is a state entity to provide a summary containing the major business points of the agreement to the Public-Private Partnership Advisory Commission for review and comment. In addition, the bill provides that any proposed comprehensive agreement for a qualifying transportation facility, when the responsible public entity is an agency or institution of the Commonwealth, that (i) creates state tax-supported debt, (ii) requires a level of appropriation beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) alters the Commonwealth's discretion to change the level of services or the funding for such services over time must be reviewed by the General Assembly prior to execution. (13103247D)

SB 908 (Reeves) (SCT) provides that parents have a fundamental right to direct the upbringing, education, and care of their children and such right shall not be infringed by the government unless the governmental interest as applied to the parents is of the highest order and not otherwise served. (13103252D)

SB 929 (Vogel) (SFIN) provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management. The allowance would not be considered taxable income for state income tax purposes. (13101552D)

SB 977 (Lucas) (STRAN) requires the responsible public entity to obtain the approval of each affected jurisdiction prior to the execution of a comprehensive agreement under the Public-

Private Transportation Act of 1995 (PPTA) or the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) whenever the development or operation of the qualifying transportation facility or project impacts local tax revenues or increases the fees or expenses that are paid by residents of the affected jurisdictions. The bill also (i) provides for the guidelines established by a responsible public entity under the PPTA to require that a final environmental impact study be completed prior to commencing project development and (ii) prohibits a comprehensive agreement under the PPTA from containing a non-compete or damage provision or any similar provision requiring additional payments to the private entity to recover reduced revenue due to improvements made by the Commonwealth to any other transportation facility. (13103277D)

SB 1095 (Hanger) (SFIN) authorizes the Virginia Public Building Authority to issue an additional \$150 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Implementation Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007. (13101579D)

SB 1105 (McDougle) (SFloor) provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2015, through June 30, 2017. The bill requires that the fiscal year beginning July 1, 2014, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget). (13102430D)

SB 1279 (Hanger) (SACNR) moves the water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The composition of the Virginia Soil and Water Conservation Board is changed, reducing the number of voting members from 12 to seven, and the Department of Environmental Quality is assigned responsibility for staffing the Board. The Virginia Soil and Water Conservation Board will continue its oversight responsibilities of the soil and water conservation districts and of resource management planning. The Board of Conservation and Recreation will be responsible for administration of the flood prevention and dam safety laws. (13101883D)

SB 1296 (Stosch) (SFIN) declares a tax credit obsolete if it has not been claimed by any taxpayer during the preceding five calendar years, and prohibits the Department of Taxation from authorizing any taxpayer to claim a tax credit once it has been declared obsolete. The Department shall report annually to the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance on credits that have been declared obsolete and shall post such report on its website. (13101145D)

SB 1336 (Black) (SLG) provides that all affected landowners shall be given notice of a proposed voluntary boundary adjustment. The bill authorizes landowners to file a petition to intervene in the action under certain circumstances. (13103372D) (*Added Jan. 25*)

SB 1338 (Martin) (SFIN) requires prior General Assembly approval to toll any component of the Interstate Highway System in existence prior to July 1, 2013, except for HOT and HOV lanes. (13103791D)

SJ 281 (Petersen) provides that no tax credit shall remain in effect longer than five years unless it is reenacted by the General Assembly. (13100549D)

Cigarette Tax Bills

HB 1780 (Gilbert) (HCT)/**SB 1020** (Howell) (SCT) adds possession with intent to distribute tax-paid contraband cigarettes as a qualifying offense under the Virginia Racketeer Influenced and Corrupt Organization Act. (13102136D, 13102137D)

HB 1783 (Gilbert) (HCT) increases the penalty for possession with intent to distribute more than 25 but fewer than 500 cartons of tax-paid cigarettes by a person other than an authorized holder from a Class 2 to a Class 1 misdemeanor for a first offense and from a Class 1 misdemeanor to a Class 6 felony for a second or subsequent offense. The bill also imposes a Class 6 felony for possession, with intent to distribute, of 500 or more cartons of tax-paid cigarettes by a person other than an authorized holder and a Class 5 felony for a second or subsequent offense. (13102168D)

HB 1820 (Ware, O.) (HCT) provides that it is a Class 6 felony to sell, purchase, transport, receive, or possess 500 or more packages of unstamped cigarettes; under current law, the threshold is 3,000 or more packages. The Class 2 misdemeanor threshold is reduced from less than 3,000 to less than 500 packages. (13102131D)

HB 1822 (Ware, O.) (HFIN) increases the penalties for the sale, purchase, transport, receipt, or possession of unstamped cigarettes, including heightened penalties for a second or subsequent offense. (13102135D)

HB 2219 (Peace) (HFIN) Provides that the bond or irrevocable letter of credit required to be filed by a wholesale dealer to obtain cigarette tax stamps without payment of the cigarette tax be in a face amount determined by the Tax Commissioner to cover possible losses from nonpayment of the tax, but not to exceed two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. Under current law, the face amount of the bond or irrevocable letter of credit that is required to be filed is fixed at approximately two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. (13100922D)

SB 1017 (Howell) (SCT) Increases the penalty for possession with intent to distribute more than 25 but fewer than 500 cartons of tax-paid cigarettes by a person other than an authorized holder from a Class 2 to a Class 1 misdemeanor for a first offense and from a Class 1

misdemeanor to a Class 6 felony for a second or subsequent offense. The bill also imposes a Class 6 felony for possession, with intent to distribute, of 500 or more cartons of tax-paid cigarettes by a person other than an authorized holder and a Class 5 felony for a second or subsequent offense. (13102140D)

SB 1018 (Howell) (SCT) Provides that it is a Class 6 felony to sell, purchase, transport, receive, or possess 500 or more packages of unstamped cigarettes and a Class 5 felony for a second offense; under current law, the threshold is 3,000 or more packages and there is no heightened penalty for a second offense. The bill also provides that it is a Class 1 misdemeanor to sell fewer than 500 packages of unstamped cigarettes; under current law the threshold is fewer than 3,000 packages and is a Class 2 misdemeanor. (13102141D)

SB 1019 (Howell) (SCT) provides that any person who knowingly distributes or possesses with the intent to distribute counterfeit cigarettes where the amount is fewer than 10 cartons is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. If the amount is 10 or more cartons, the offense is a Class 6 felony. (13102143D)

SB 1021 (Howell) (SFloor) authorizes (i) the Attorney General and the Department of Taxation to accept electronic filing of reports by stamping agents and manufacturers and (ii) the Department of Taxation to allow electronic purchase of cigarette tax stamps. (13102144D)

SB 1022 (Howell) (SCT) allows forfeiture of cigarettes possessed in violation of laws regarding the sale, purchase, transport, receipt, or possession of unstamped cigarettes and the possession with intent to distribute of certain amounts of tax-paid cigarettes if the violation is knowing and intentional. (13102139D)

SB 1092 (Hanger) (SFIN) provides that the bond or irrevocable letter of credit required to be filed by a wholesale dealer to obtain cigarette tax stamps without payment of the cigarette tax be in a face amount determined by the Tax Commissioner to cover possible losses from nonpayment of the tax, but not to exceed two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. Under current law, the face amount of the bond or irrevocable letter of credit that is required to be filed is fixed at approximately two times the anticipated average monthly amount of purchases of cigarette tax stamps by the wholesale dealer. (13100953D)

Legislation Provided for Information (*Bills added on January 25 are so noted; bills defeated since the January 18 meeting are stricken through.*)

HB 1307 (Ingram) (HHWI)/**HB 1577** (Wilt) (HHWI)/**HB 2153** (Garrett) (HHWI)/**SB 1180** (Reeves) (SRSS) prohibits the use of Temporary Assistance for Needy Families cash assistance paid to an eligible recipient (i) for the purchase of alcoholic beverages, tobacco products, or lottery tickets or (ii) in any transaction in any government store established for the sale of alcoholic beverages, establishment in which pari-mutuel wagering or charitable gaming is

conducted, or adult entertainment establishment in which performers appear nude or partially nude. (13100179D, 13101969D, 13103679D, 13103680D)

HB 1366 (Morrissey) (HMP)/SB 975 (Northam) (SCT) makes it unlawful for a person to smoke in a motor vehicle in the presence of a child younger than 13 years of age; punishable by a civil penalty of \$100. (13101395D, 13102217D)

HB 1371 (Morrissey) (HCT) removes driving in excess of 80 mph regardless of the applicable speed limit as an instance of reckless driving. (13101362D)

HB 1441 (Morris) (HACNR) directs the Department of Conservation and Recreation to adopt regulations stating that the certification of nutrient management planners has no effect on the rights or qualifications of licensed architects, professional engineers, land surveyors, or landscape architects and does not qualify such planners to practice the profession of engineering. The Department is also directed to accept the qualifications of a licensed architect, professional engineer, land surveyor, or landscape architect as meeting the current certification requirement, found in Department regulations, of a combination of nutrient management-related educational courses and three years of practical experience related to nutrient management planning. (13101194D)

HB 1495 (Dance) (HMP) prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense. (13102953D)

HB 1512 (Krupicka) (HFIN) establishes an individual and corporate income tax subtraction beginning in 2013 for income from the lease of commercial or industrial space to a local public school division that used such space primarily to (i) provide instruction to K through 12 public school students or students in a publicly funded pre-kindergarten program or (ii) administer K through 12 public education programs or publicly funded pre-kindergarten education programs. (13101135D)

HB 1513 (Krupicka) (HHWI) provides that the state plan for medical assistance shall include a provision for the payment of medical assistance for counseling and pharmacotherapy for cessation of tobacco use. (13101131D)

HB 1540 (Watts) (HMP)/SB 981 (Howell) (STRAN) provides that any person who operates a moving motor vehicle within a school zone or school crossing zone while using any handheld personal communications device in any manner for any purpose is guilty of a traffic infraction punishable by a fine of no more than \$250. The bill also provides that signs marking school zones shall contain a notice indicating that the use of handheld personal communications devices is prohibited within the zones. (13103183D, 13103147D)

HB 1566 (Orrock) (HFIN) authorizes localities to impose an additional recordation tax at a rate equal to one-tenth of the state recordation rate, if the tax is approved by referendum. The revenue from the tax shall be used solely to provide affordable shelter. (13100893D)

HB 1581 (Garrett) (HFIN) exempts entities organized under §501(c)(6) of the Internal Revenue Code from collecting sales and use tax on occasional sales of meals that occur fewer than 24 times a year. Under current law, this exemption is available only to entities organized under §501(c)(3) of the Internal Revenue Code and to entities organized for a charitable purpose under §501(c)(4) of the Internal Revenue Code that are eligible for the sales and use tax exemption on their purchases. (13102500D)

HB 1591 (Ware, O.) (HACNR) bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles, (ii) at least 2.25 mils thick, and (iii) specifically designed and manufactured for multiple reuse. (13102851D)

HB 1526 (Rust) (HTRAN) provides that emergency vehicles and law-enforcement vehicles that otherwise would be allowed free use of HOT lanes cannot do so when the vehicle is being used to commute. (13101828D)

HB 1559 (Morris) (HCT)/**HB 1928** (Morris) (HCT) provides that any person convicted of a fourth or subsequent offense of §18.2-266 (DUI) within any time period is guilty of a Class 6 felony and that punishment shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of \$1,000. Under current law, penalties are the same but the offenses must occur within a 10-year period. (13103202D, 13102909D)

HB 1567 (Head) (HCT) provides that any person who drives a motor vehicle in a reckless manner knowing his driver's license is suspended or revoked and causes an accident that results in the death of another person is guilty of a Class 6 felony. (13103203D)

HB 1713 (Plum) (HTRAN) provides that all persons issued Virginia driver's licenses will be presumed to be participants in the organ donor program, unless otherwise indicated by the applicant in his application. Licensees who thus opt out will have this information shown on their driver's licenses. (13103141D)

HB 1826 (Villanueva) (HMP) provides that whenever the necessity arises for the enforcement of laws related to kidnapping, police officers and other officers, agents, and employees of a locality, Capitol Police officers, and campus police may be sent beyond their territorial limits. (13101030D)

HB 1849 (Albo) (HGL)/**SB 1127** (McWaters) (SRSS) includes in the privileges for winery and farm winery licensees the ability to operate a contract winemaking facility. In the bill, "contract winemaking facility" is defined as the premises of a licensed winery or farm winery that obtains grapes, fruits, and other plants grown exclusively in Virginia from a person holding a Class A farm winery license and crushes, processes, ferments, bottles, or provides any

combination of such services pursuant to an agreement with the Class A farm winery licensee. (13103339D, 13103340D)

HB 1885 (LeMunyon) (HAPP) requires VDOT, to the extent funds are made available, to determine a quantitative rating on the pavement condition and ride quality of every highway in the primary and secondary state highway systems at least every five years and to post the ratings on its website. (13103178D)

HB 1895 (Kory) (HTRAN) clarifies the language of § 46.2-858 which prohibits a person from overtaking or passing another vehicle at certain intersections when a pedestrian is present. The bill does not make any substantive changes to existing law. (13100700D)

HB 1950 (Lopez) (HTRAN)/**HB 2124** (Keam) (HTRAN)/**SB 1060** (Reeves) includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. (13101219D, 13102002D, 13103493D)

HB 1963 (James) (HFIN)/**SB 859** (Blevins) (SFIN) allows a qualified taxpayer to deduct from his Virginia adjusted gross income an amount equal to 50 percent of the amount paid by the taxpayer for tolls in a qualified locality. A qualified locality is one in which the unemployment rate is higher than the statewide average and (i) in which a public-private transportation project that includes tolling is located or(ii) that is adjacent to a locality in which such a project is located. A qualified taxpayer is a taxpayer who resides in a qualified locality. (13102360D, 13101689D)

HB 2164 (Morris) (HED) requires all moneys derived from local funds unencumbered in any year in any school division to be available for use the next year by the governing body that appropriated the funds. Under current law, only moneys derived from local funds unexpended in any year are required to be available for use the next year by the governing body that appropriated the funds. (13103169D)

HB 2172 (Torian) (HTRAN) creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. (13101971D)

HB 2188 (Jones) (HAPP) allows a political subdivision with employees eligible for coverage under the Line of Duty Act to make an irrevocable election to self-fund the benefits available under the Line of Duty Act. (13103632D) (*Added Jan. 25*)

HB 2221 (Hope) (HMP) adds persons found legally incompetent or mentally incapacitated, persons involuntarily admitted to a mental health facility or sent for involuntary outpatient mental health treatment, and those who were the subject of a temporary detention order and subsequently agreed to voluntary admission to a mental health facility to the list of persons for whom it is a Class 6 felony to sell, barter, give, or furnish a firearm if the seller knows that the person is prohibited from possessing or transporting a firearm. (13103879D)

HR 130 (James) (HRUL) recognizes the need for mitigation measures for disadvantaged populations adversely affected by the imposition of tolls in the Commonwealth. (13103944D) *(Added Jan. 25)*

SB 736 (Petersen) (HTRAN) requires drivers and passengers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. The bill also requires that in this case vehicle doors only be left open as long as necessary. A violation constitutes a traffic infraction punishable by a fine of not more than \$100. (13100546D-E) *(Added Jan. 25)*

SB 759 (Edwards) (SFloor) makes various changes to guardianship and conservatorship laws, including: (i) permitting another person to initiate a guardianship proceeding before an incapacitated child turns 18 if there is no living parent; (ii) requiring a petition to state the basis for the court's jurisdiction; (iii) clarifying the court's ability to award reasonable fees for a guardian ad litem and counsel for the respondent; (iv) requiring the court to hold a hearing on the appointment of a guardian or conservator within 120 days from filing; (v) confirming that the court should consider the respondent's best interests when determining the need for a guardian or conservator; (vi) granting a conservator the power to make elections for a family allowance, exempt property allowance, and homestead allowance; and (viii) granting a court the ability to authorize a conservator, for good cause shown, to create and fund a trust for an incapacitated person. (13101678D-E)

SB 763 (Edwards) (SCT) provides that it is a Class 6 felony for a person to publish on the Internet a photograph or video made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy. (13101720D)

SB 736 (Petersen) (STRAN) requires drivers and passengers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. The bill also requires that in this case vehicle doors only be left open as long as necessary. A violation constitutes a traffic infraction punishable by a fine of not more than \$100. (13100546D)

SB 804 (Garrett) (SFloor) allows localities affected by a voluntary boundary agreement to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. The section formerly restricted the type of attachment to either a plat or a metes and bounds description. (13103984D-S1)

SB 811 (Garrett) (SCT) provides that any person who knowingly files a fraudulent lien or encumbrance in a public record against the real or personal property of a state or local employee, member of the General Assembly, member of a local governing body, constitutional officer or employee of a constitutional officer, or board member or employee of a regional jail or jail farm on account of the performance of the official duties of such member, employee, or officer, knowing or having reason to know that such lien or encumbrance is false or contains a materially false or fraudulent statement or representation is guilty of a Class 5 felony. (13100964D)

SB 853 (Petersen) (SCT) elevates the punishment for committing an assault and battery against a magistrate who is engaged in the performance of his public duties from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement. (13102891D)

SB 863 (Favola) (SRSS) provides that local departments of social services and licensed child-placing agencies may make independent living services available to persons 18 to 21 years of age who are released from commitment to the Department of Juvenile Justice after reaching 18 years of age and who were committed or entrusted to the care of a local board of social services or child-placing agency at the time they were committed to the custody of the Department of Juvenile Justice. (13100686D)

SB 864 (Favola) (SCT) creates a Class 1 misdemeanor for the physical possession of a firearm while in the residence of the alleged victim or the transport of a firearm by a person subject to an emergency protective order issued as a result of an assault and battery against a family or household member. (13102324D)

~~**SB 970** (Ebbin) (SFIN) 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 is punishable by fines of \$250, \$500, and \$1,000 for the first, second, and third or subsequent offenses, respectively. (Bill was almost successfully amended to provide for a two-year pilot program for Fairfax, Falls Church, Arlington, and Alexandria, but was defeated by Senate Finance. Companion bill HB 1381 (Morrissey) was tabled in House Finance subcommittee.)~~

SB 976 (Lucas) (STRAN) provides that the Governor may remove any citizen member of the Commonwealth Transportation Board from office for malfeasance, misfeasance, incompetence, or gross neglect of duty. Currently, such members of the Board may be removed by the Governor at his pleasure. (13103610D)

SB 1163 (Stanley) (SCT) creates a rebuttable presumption in actions for the personal injury or wrongful death that a person who, at the time of the injury or death, was an infant or was at least 18 years of age but less than 24 years of age and was enrolled as a full-time student would have earned wages during his lifetime at the federal minimum wage rate in effect at the time the action was filed. Such wages shall be calculated based on 40 hours of work per week for the person starting from (i) age 19, if the person was an infant, or (ii) age 24, if the person was at least 18 years of age but less than 24 years of age and a full-time student, and continuing until the person would have been 62 years of age. (13102401D)

SR 30 (Lucas) (SRUL) directs the Senate Committee on Finance to study how the impact of tolls on Virginia's disadvantaged citizens can be mitigated. (13103868D) (*Added Jan. 25*)

Elections

~~**HB 1456** (Watts) moves four census blocks in Fairfax County from the Fifty third to the Thirty ninth District in order to place all of the Camelot Precinct in the Thirty ninth District. Camelot Precinct currently is split between the two districts. The deviation from the ideal district population will be plus 1.4 percent. (13101994D)~~

HB 1725 (Rust) (HAPP) requires any person who offers to mail or deliver 25 or more absentee ballot applications to first register with the State Board of Elections, receive training, and include a specified notice and information to applicants. The bill includes requirements for the timely return of applications. Failure to comply with these requirements is a Class 4 misdemeanor; destruction of or failure to mail an application is a Class 1 misdemeanor. Also, any person who knowingly aids or abets, or attempts to aid or abet, a violation of the Uniform Military and Overseas Voters Act is guilty of a Class 4 felony. (13101841D) (*Added Jan. 25*)

HB 1747 (Cosgrove) (HPE)/**SB 1008** (Stanley) (SFloor) requires individuals and groups conducting voter registration drives to register with the State Board of Elections or local offices, provide information as required by the State Board, receive training, and execute a sworn affidavit that they will abide by all Virginia voter registration laws and rules. The bill also prohibits pre-populating registration applications with information unless directed by the applicant to do so. Finally, the bill reduces the time limit for mailing or delivering such completed applications from 15 to 10 days. (13101455D, 13101454D) (*Added Jan. 25*)

HB 1599 (Anderson)/**SB 906** (Deeds) authorizes the State Board of Elections to provide for a pilot program in which localities may establish vote centers for use in primary elections instead of having to operate a polling place for every precinct in the locality. A vote center will consist of a location where voters from two or more designated precincts may vote. The State Board shall publish a report on the program by August 15 of any year in which a vote center is used. The provisions of the bill expire on December 31, 2016. (13102801D)

HB 2143 (Kearney) (HPE) specifies that only the last four digits of an individual's social security number are to appear on the green envelope into which a provisional ballot is placed and that only the last four digits shall be required for absentee ballot applications. Clarifying language also is added to emphasize that provisional ballot envelopes are to be placed in the ballot container promptly. (13102661D) (*Added Jan. 25*)

SB 962 (Ebbin) provides that a local electoral board may appoint a person 17 years of age as an officer of election, provided such person is a citizen of the United States, a resident of the Commonwealth, and, to the extent practicable, a resident of the precinct he is appointed to serve. (13101018D)

SB 967 (Ebbin) eliminates the requirement that a person applying for an absentee ballot provide additional information regarding the reason the applicant will be absent or cannot vote at his polling place on the day of the election. (13101139D)

Opening of School Year

HB 1309 (Comstock) (HED) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13100146D)

HB 1310 (Habeeb) (HED) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13100106D)

HB 1467 (Greason) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (13101806D)

HB 1491 (Kory) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (13100490D)

HB 1673 (Krupicka) (HED) permits the Board of Education to waive the requirement for a school board to set the first day that students are required to attend school after Labor Day in any school division that is providing (i) a minimum of 190 days or 1045 hours of instructional time for grades one through 12 and 190 days or 570 hours of instructional time for kindergarten or (ii) extensive and high-quality teacher collaboration, preparation, or professional development time as determined by the Board pursuant to regulation. (13101179D)

SB 1099 (Smith) (SEH) makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (13102639D)

Studies

HJ 619 (Jones) (HRUL) directs the Joint Legislative Audit and Review Commission to study all state-supported preschool programs in the Commonwealth. In conducting the study, the Commission shall (i) inventory and identify all state-supported preschool programs in Virginia; (ii) determine the socioeconomic status of students served by such programs and whether

sufficient outreach is extended to potentially eligible students; (iii) determine where such programs are predominantly located and identify gaps in service; (iv) identify the level of parental involvement; and (v) assess whether these programs meet state requirements for academics, teacher-student ratio, and conformity with federal requirements, if any. The Commission shall also review exemplary public preschool programs in other states to ascertain best practices that may be considered for adoption in Virginia. The Commission must report its findings and recommendations to the 2014 Session of the General Assembly. (13101772D)

HJ 620 (Jones) (HRUL) directs the Joint Legislative Audit and Review Commission to study the efficiency and sufficiency of funding for transportation programs in the Commonwealth. (13102206D)

HJ 635 (Gilbert) (HRUL) directs the Joint Legislative Audit and Review Commission to study the amount of federal revenue that Virginia receives at the state and local level annually, by functional area, and determine its importance and impact. (13101942D)

~~**HJ 675** (James) (HRUL) establishes a joint subcommittee to study how Virginia can mitigate the impact of tolls on Virginia's disadvantaged citizens. (13102363D)~~

~~**HJ 685** (Kean) (HRUL) directs the Joint Legislative Audit and Review Commission to study the Standards of Quality, giving particular attention to teacher student ratios in grades K-12 and academic advanced programs. The joint resolution, among other things, to consider the feasibility of (i) converting prevailing costs to ratios for each major category of the support services positions, including ratios for all or some of the categories included in the appropriation act; (ii) establishing alternative staffing approaches to provide school divisions with additional instructional resources to address identified needs; (iii) assigning weights for at-risk students and requiring additional support and services for English language learners and disadvantaged students; (iv) updating technology staffing ratios in view of the role of technology in instruction, assessments, and operations; (v) mitigating the incentive of reducing a school division's special education funding when students with disabilities are mainstreamed; and (vi) updating career and technical education staffing ratios relative to the implementation of new curricular pathways that require high-tech equipment and specialized instruction. The study must be completed prior to the Board of Education's review of the Standards of Quality for the 2014-2016 biennial budget. The Commission must report its findings and recommendations by the first day of the 2014 Regular Session of the General Assembly. (13102005D)~~

SJ 278 (Locke) (SRUL) directs the Joint Legislative Audit and Review Commission to study issues relating to property tax relief for low-income property owners. (13102855D)

SJ 289 (Deeds) (SRUL) establishes an eight-member joint committee to conduct a one-year study of the scheduling of elections in Virginia, evaluate the costs of annual statewide elections, and investigate various means to improve the scheduling of elections and to make possible accompanying improvements that will ensure efficient voting practices both at the polls and by absentee voting. (13100769D)

SJ 299 (Vogel) (SRUL) directs the Joint Legislative Audit and Review Commission to study the efficiency of the Virginia Department of Transportation. (13101559D)

SJ 312 (Lucas) (SRUL) recognizes the need for mitigation measures for disadvantaged populations adversely affected by the imposition of tolls in the Commonwealth. (13101658D)

SJ 317 (Lucas) (SRUL) establishes a joint subcommittee to study how Virginia can mitigate the impact of tolls on Virginia's disadvantaged citizens.

SJ 318 (Hanger) (SRUL) establishes a joint subcommittee to study local and state government service responsibility and taxing authority.

SJ 328 (Saslaw) (SRUL) directs the Joint Legislative Audit and Review Commission to study funding for elementary and secondary schools in Virginia and determine if adequate state support is being provided to the Commonwealth's public schools and if not, how state support may be increased and used more efficiently. The study ends in November 2014. (13103648D)

Constitutional Amendments (added Jan. 25)

HJ 537 (Habeeb) (HPE)/**HJ 564** (Head) (HPE) provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. The General Assembly may designate a joint legislative commission or pair of standing committees representing both houses to suspend any administrative rule or regulation during the interim that the General Assembly is not in regular session. (13100111D, 13100534D)

HJ 602 (Krupicka) (HPE) requires the Board of Education to develop Learning Readiness Quality Standards for state-supported early learning programs. The General Assembly is mandated to allocate funds to ensure that every Virginia family has the option to use a high quality early learning program that meets the standards and that is available for each child in the year in which the child reaches four years of age through a qualified early learning program.

HJ 622 (Jones) (HPE)/**SJ 275** (Obenshain) (SPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except

for making certain debt service payments on transportation-related bonds and notes. (13102211D, 13101568D)

HJ 659 (LeMunyon) (HPE)/**HJ 668** (Surovell) (HPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant must provide his full social security number in order to register to vote. (13100563D, 13100564D)

SJ 261 (Carrico) (SPE) expands the freedom of speech provisions of the Constitution of Virginia to permit prayer and the recognition of religious beliefs, heritage, and traditions on public property, including public school property. The amendment also provides that the Commonwealth and its political subdivisions, including public school divisions, shall not compose prayers and shall not require any person to join in prayers or other religious activity. (13100404D)

SJ 266 (Lucas) (SFloor) 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. (13104052D-S1)

SJ 319 (Ebbin) (SPE) requires that contributions to defined benefit retirement plans that are maintained for state employees and employees of participating political subdivisions and school divisions be made in strict adherence with contribution rates and times for the payment of the contributions as recommended by the Board of Trustees of the Virginia Retirement System (VRS). Under the resolution, for the four fiscal years beginning on and after July 1, 2014, the General Assembly could make contributions at a rate that is less than the VRS recommended contribution rate without any deferred contributions being recognized so long as the contributions are at least equal to certain minimum amounts. In addition, for fiscal years beginning on or after July 1, 2018, the General Assembly could provide for the deferral of all or any portion of such contributions for any fiscal year in which the maximum amount is appropriated from the Revenue Stabilization Fund by a separate vote of a majority of all the members voting in each house. All contributions deferred would be required to be repaid within 10 years at an annual interest rate equal to the current actuarially calculated long-term rate of return as determined by VRS. The resolution also requires that retirement contributions deferred in 2010 be repaid by June 30, 2024. The resolution also specifies how certain other factors and variables used in setting contribution rates are to be determined. (13101035D)

SJ 367 (Ebbin) (SPE) provides that appointments to local electoral boards and as officers of election shall be on a nonpartisan basis, eliminating current provisions for party representation. (13104026D)

Board of Supervisors

January 29, 2013

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Attachments: Supplementary documents dated January 18, 2013

cc: Susan Datta, Chief Financial Officer
David J. Molchany, Deputy County Executive
Patricia Harrison, Deputy County Executive
David M. Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors
Richmond Team
Tom Biesiadny, Director, Department of Transportation
Michael H. Long, Deputy County Attorney

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**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2013 GENERAL ASSEMBLY

January 27, 2013

Fairfax County Legislative Summary 2013 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee
↑	↑	↑
<p><u>HB 589</u> - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p>12/5/2005</p>
<p>Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

Bold = Board Position, [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken)
Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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* * *

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1337 - Cole (88) Polling place procedures; voter identification requirements.</p>	<p>11/20/2012 House: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13100862D) - Historical position of the Board. See also SB 719 (Black). Summary: Elections; polling place procedures; voter identification requirements. Removes several items from the list of acceptable identification documents that a voter must present when voting at the polls on election day: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. These documents continue to be valid identification for certain first-time voters at federal elections who are required to show identification under the Help America Vote Act of 2002.</p>		
<p>HB 1401 - Cole (88) Real property tax; prohibits localities from instituting sale of sole dwelling for delinquent taxes.</p>	<p>12/17/2012 House: Referred to Committee on Finance 1/16/2013 House: Subcommittee recommends reporting (6-Y 4-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13101129D) - Eliminates a collection tool, although it is only used by localities as a last resort. Summary: Real property tax; sale of sole dwelling for delinquent taxes. Prohibits localities from instituting a judicial sale for delinquent taxes on real property that is the sole dwelling of the taxpayer.</p>		
<p>HB 1412 - Crockett-Stark (6) VIEW Programs; substance abuse screening and assessment of public assistance recipients.</p>	<p>12/18/2012 House: Referred to Committee on Health, Welfare and Institutions 1/24/2013 House: Subcommittee recommends incorporating (HB1789-Bell, Robert B.) (7-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose Unless Amended] (13100376D) - Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. See also HB 1789 (Bell), HB 2009 (Cline), HB 2109 (Morefield), SB 721 (Carrico). Summary: Substance abuse screening and assessment of public assistance recipients. Requires local departments of social services to screen each Virginia Initiative for Employment Not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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 Temporary Assistance for Needy Families (TANF) payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program.</p>		

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
HB 1429 - Morris (64) Zoning; attorney fees.	12/20/2012 House: Referred to Committee for Courts of Justice	[1/18/2013]
<p>[Oppose] (13101582D) Summary: Provides that a court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in a zoning action brought against it or that successfully challenges the validity of a zoning ordinance.</p>		
HB 1430 - Lingamfelter (31) Right to Farm Act; expands definition of agricultural operations.	12/20/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/18/2013]
<p>[Oppose] (13101109D) Summary: Right to Farm Act. Expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the Right to Farm Act. Two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void.</p>		
HB 1437 - Purkey (82) Intangible personal property tax; classification of certain machinery and tools.	12/20/2012 House: Referred to Committee on Finance 1/25/2013 House: Subcommittee failed to recommend reporting (2-Y 2-N)	[1/18/2013]
<p>[Oppose] (13100654D) - Eliminates local machinery and tools tax; oppose. Historical position of the Board. Summary: Classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools purchased on or after July 1, 2013, that have not been in service for more than three years.</p>		
HB 1507 - Lewis, Jr. (100) Recording deeds; statement of preparation.	1/3/2013 House: Referred to Committee for Courts of Justice 1/16/2013 House: Reported from Courts of Justice with amendment (18-Y 0-N) 1/23/2013 House: Passed House (98-Y 0-N)	[1/18/2013]
<p>[Oppose] (13100915D) Summary: Clarifies that the circuit court clerk may reject for filing or recording only deeds conveying real property, and not other types of deeds, unless the deed states on its first page that it was prepared either by the owner of the property or by an attorney licensed to practice in Virginia.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1528 - Rust (86) Commercial insurance policies; only first named insured required to be given notice of cancellation.</p>	<p>1/3/2013 House: Referred to Committee on Commerce and Labor 1/15/2013 House: Reported from Commerce and Labor with substitute (22-Y 0-N) 1/21/2013 House: Passed House (87-Y 0-N) 1/22/2013 Senate: Referred to Committee on Commerce and Labor</p>	<p>[1/18/2013]</p>
<p>[Amend] (13103878D-H1) - Amend to require notice to any locality that is an additional insured. Summary: Insurance notices. Provides that only the first named insured is required to be given notice by the insurer of the cancellation or nonrenewal of certain commercial insurance policies.</p>		
<p>HB 1535 - Rust (86) Town and county; joint powers.</p>	<p>1/3/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13100969D) Summary: Joint town and county powers. Clarifies that where a town and county generally enjoy the same power, a county power applies in or as to a town when the county power is granted and exercised for a county-wide purpose, as determined by the county. A town may by ordinance negate the application of the exercised county power in or as to the town; may itself exercise the joint power, preempting the exercise of the county's power in or as to the town; or may adopt and affirm the application of the exercised county power in or as to the town. Where a county and a town generally enjoy the same power, and the county power is granted and exercised for a local or municipal purpose that expressly or impliedly only applies in the unincorporated county, the county power does not apply in or as to the town absent the town's ordinance so applying the exercised county power in or as to the town. The bill also provides that this act is declarative of existing law.</p>		
<p>HB 1555 - Bell (20) Virginia State Virtual School; established as statewide school division, report.</p>	<p>1/4/2013 House: Referred to Committee on Education 1/24/2013 House: Subcommittee recommends referring to Committee on Appropriations (7-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13102616D) - Implications of a statewide virtual school should be carefully examined before enactment; could impact local school division funding. Summary: Virginia State Virtual School; created as school division. Establishes the Virginia State Virtual School as a statewide school division, to be supervised and administered by the Board of Education, for the delivery of full-time online educational programs and services to school-age persons in the Commonwealth. The bill also sets out procedures for (i) student enrollment, (ii) participation by multidivision online providers, and (iii) calculation of the state and local share of funding per participating student.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1574 - Minchew (10) Uniform Statewide Building Code; enforcement by towns.	1/4/2013 House: Referred to Committee on General Laws 1/17/2013 House: Reported from General Laws with amendments (22-Y 0-N) 1/23/2013 House: Passed House (98-Y 0-N)	[1/18/2013]
<p>[Oppose] (13102113D) - See also SB 1239 (Herring). Summary: Provides that if any town does not elect to enforce the Uniform Statewide Building Code, then such enforcement shall be the responsibility of the county in which the town is situated. The bill also provides that the enforcement by the county shall be with equal dignity as the county does in unincorporated areas of the county and no agreement between the town and the county shall be required as a prerequisite for the county to perform this obligation. The bill contains technical amendments.</p>		
HB 1598 - Anderson (51) Real property tax; boards of equalization.	1/6/2013 House: Referred to Committee on Finance	[1/18/2013]
<p>[Oppose] (13101346D) - Oppose as written; bill contains a number of adverse provisions, including proposal to revise the presumption statute for assessments. Historical position of the Board. Summary: Modifies several provisions governing boards of equalization including (i) adding new qualifications for membership of certain boards; (ii) authorizing boards to receive complaints electronically as long as taxpayers may also file complaints on paper forms; (iii) prohibiting a board to deny relief based on a lack of information from the taxpayer as long as certain specified information is provided; (iv) providing procedures by which a taxpayer may appoint a representative; and (v) providing procedures to be followed before a board may increase assessments on certain types of property.</p>		
HB 1611 - Hugo (40) Onsite sewage systems; inspections shall be required only once every two years rather than annually.	1/6/2013 House: Referred to Committee on Health, Welfare and Institutions	[1/18/2013]
<p>[Oppose] (13102505D) - Historical position of the Board. Summary: Onsite sewage systems. Provides that inspections of onsite sewage systems shall be required only once every two years rather than annually.</p>		
HB 1687 - Iaquinto (84) Real property tax; increases in assessed value for prior years.	1/7/2013 House: Referred to Committee on Finance 1/16/2013 House: Subcommittee recommends reporting (10-Y 0-N) 1/21/2013 House: Reported from Finance (15-Y 5-N) 1/24/2013 House: VOTE: PASSAGE (75-Y 24-N)	[1/18/2013]
<p>[Oppose] (13102001D) - Historical position of the Board. Summary: Reduces the period of time in which the assessed value of real property may be increased for prior years from the three preceding tax years to the preceding tax year.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1722 - Head (17) Facilities; assistance and documentation to person seeking business license, etc.</p>	<p>1/8/2013 House: Referred to Committee on Counties, Cities and Towns 1/23/2013 House: Subcommittee recommends laying on the table by voice vote</p>	<p>[1/18/2013]</p>
<p>[Amend] (13103566D) - Amend to make permissive under the circumstances of each case. Summary: Assistance and documentation required from localities. Provides that in any instance in which a person is seeking a business permit, a license, or an application for any similar local government approval from a locality, the locality shall provide documentation and instructions that outline all steps necessary to obtain the permit, license or approval. The locality shall also specify any further permit, license or other approval that may be required to complete the original project or business activity and shall disclose the expected time required by the locality for the completion of each step of the process to obtain the license, permit or other approval.</p>		
<p>HB 1787 - Bell (58) Polling places; identification required to vote.</p>	<p>1/8/2013 House: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103361D) - Historical position of the Board. Summary: Elections; identification required to vote. Amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014.</p>		
<p>HB 1788 - Bell (58) Elections; identification to register to vote and present at polls.</p>	<p>1/8/2013 House: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103250D) - Historical position of the Board. Summary: Elections; identification to register to vote and to vote. Requires that an applicant to register to vote must present proof of citizenship with his registration application. The bill provides that any person who is registered in Virginia as of January 1, 2014, is deemed to have provided satisfactory proof of citizenship and provides a method for applicants who do not possess and cannot afford a document proving citizenship to obtain such proof for free. The bill also amends the type of identification a voter must present to vote at the polls. All such identification must contain the voter's name, date of birth, and photograph; must be issued by the United States or the Commonwealth; and must contain an expiration date that is unexpired or that expired only after the most recent general election. The bill also requires that the Department of Motor Vehicles shall issue a free special identification card to voters who do not possess and cannot afford the necessary photo identification. The bill has a delayed effective date of July 1, 2014.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1789 - Bell (58) VIEW; substance abuse screening & assessment of public assistance applicants and recipients.</p>	<p>1/8/2013 House: Referred to Committee on Health, Welfare and Institutions 1/24/2013 Subcommittee recommends reporting with amendment(s) (5-Y 2-N) and referring to Committee on Appropriations</p>	<p>[1/18/2013]</p>
<p>[Oppose Unless Amended] (13102901D) - Historical position of the Board. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. See also HB 1412 (Crockett-Stark), HB 2009 (Cline), HB 2109 (Morefield), SB 721 (Carrico). Summary: 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.</p>		
<p>HB 1831 - Lingamfelter (31) Businesses, beginning;tax incentives.</p>	<p>1/8/2013 House: Referred to Committee on Finance 1/25/2013 House: Subcommittee recommends laying on the table (4-Y 1-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103296D) - Oppose as written; any BPOL exemption should be local option. Potential revenue loss estimated at \$9.5 million. Summary: Tax incentives for beginning businesses. Exempts beginning businesses owned by disabled veterans with service-connected disabilities from certain fees imposed by the State Corporation Commission (SCC) and exempts all beginning businesses from the local business license tax. The bill also establishes state tax credits for beginning businesses for local personal property taxes paid by such businesses. The exemptions and tax credits would apply up through the first two full years that the business is in operation in the Commonwealth. The SCC fee exemptions and the business license tax exemption would only apply to businesses beginning operations on or after July 1, 2013, while the state tax credits would apply to businesses beginning operations on or after January 1, 2013.</p>		
<p>HB 1887 - LeMunyon (67) Rail-to-Dulles Project; places limitations and conditions on expenditure of revenues of State.</p>	<p>1/8/2013 House: Referred to Committee on Transportation 1/24/2013 House: Subcommittee failed to recommend reporting (2-Y 4-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103175D) Summary: Rail-to-Dulles Project. Places limitations and conditions on the expenditure of revenues of the Commonwealth on Phase II of the Rail-to-Dulles Project.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2009 - Cline (24) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.</p>	<p>1/9/2013 House: Referred to Committee on Health, Welfare and Institutions 1/24/2013 House: Subcommittee recommends incorporating (HB1789-Bell, Robert B.) (7-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose Unless Amended] (13101964D) - Historical position of the Board. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. See also HB 1412 (Crockett-Stark), HB 1789 (Bell), HB 2109 (Morefield), SB 721 (Carrico). Summary: 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. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services 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.</p>		
<p>HB 2020 - LeMunyon (67) Tolls; use of revenues.</p>	<p>1/9/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13101077D) Summary: Use of toll revenues. Prohibits use of toll revenues for any purpose other than the construction, reconstruction, replacement, maintenance replacement, improvement, or maintenance of the facility for the use of which the tolls were imposed and collected, except as otherwise provided in Â§ 33.1-23.03:4 (Toll Facilities Revolving Account) and subsection D of Â§ 33.1-23.03:10 (tolls on Interstate Highway System components). The bill exempts from its provisions tolls imposed and collected on January 1, 2013.</p>		
<p>HB 2070 - Comstock (34) Mass Transit; removes all current allocations made by CTB and implements performance-based funding.</p>	<p>1/9/2013 House: Referred to Committee on Transportation 1/24/2013 House: Subcommittee recommends laying on the table by voice vote</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103445D) - See also SB 1140 (Petersen). Summary: Commonwealth Mass Transit Fund. Removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2072 - Peace (97) Condemnation; local application process.</p>	<p>1/9/2013 House: Referred to Committee on Counties, Cities and Towns 1/24/2013 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 1/25/2013 House: Reported from Counties, Cities and Towns with amendment (21-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Amend] (13103364D) - Amend to clarify that land use approvals can still have dedication of land as a condition. Summary: Local application process; condemnation. Provides that no locality shall condition or delay the timely consideration of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the locality to condemn or otherwise acquire the property or to commence any process to consider whether to undertake condemnation or acquisition of the property.</p>		
<p>HB 2078 - Peace (97) Public procurement; increases public notice of requests for proposals, technical amendments.</p>	<p>1/9/2013 House: Referred to Committee on General Laws 1/24/2013 House: Subcommittee recommends laying on the table by voice vote</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103358D) Summary: Public procurement; design-build; construction management; protests; private investment. Increases public notice of requests for proposals from 10 to 30 days. The bill also (i) limits the use of competitive negotiation for construction projects, including certain public institutions of higher education, for which the aggregate or sum of all phases is not expected to exceed \$10 million, the nature of the project is such that it is unusually complex or extraordinary conditions exist, and the Director of the Department of General Services and the Secretary of Administration certify such conditions exist; (ii) requires posting on eVa and other appropriate websites for state and local public bodies using certain methods of procurement; (iii) changes the process for procurement of design-build or construction management projects; and (iv) allows a bidder or offeror to protest a public body's use of competitive negotiation. The bill contains technical amendments.</p>		
<p>HB 2096 - Habeeb (8) Opportunity Educational Institution; established, report.</p>	<p>1/9/2013 House: Referred to Committee on Education</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13102767D) - Changes the governance of education; implications could be far-reaching and should be understood. Summary: Opportunity Educational Institution established. Creates the Opportunity Educational Institution (Institution) to be administered and supervised by the Opportunity Educational Institution Board (Board) and requires any school that has been denied accreditation for the previous two school years to be transferred to the Division and remain in the Division for five years or until the school achieves full accreditation. The bill also sets forth requirements for student attendance, staffing, and funding for the Division.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 2109 - Morefield (3) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.	1/9/2013 House: Referred to Committee on Health, Welfare and Institutions 1/24/2013 House: Subcommittee recommends incorporating (HB1789-Bell, Robert B.) (7-Y 0-N)	[1/18/2013]
<p>[Oppose Unless Amended] (13101011D) - Historical position of the Board. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. See also HB 1412 (Crockett-Stark), HB 1789 (Bell), HB 2009 (Cline), SB 721 (Carrico).</p> <p>Summary: 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits.</p>		
HB 2129 - Spruill, Sr. (77) Toll roads.	1/9/2013 House: Referred to Committee on Transportation	[1/18/2013]
<p>[Oppose] (13102418D)</p> <p>Summary: Requires General Assembly approval for tolling of any Interstate, state primary, or state secondary highway system component.</p>		
HB 2152 - Anderson (51) Transportation commission membership.	1/9/2013 House: Referred to Committee on Transportation	[1/18/2013]
<p>[Oppose] (13103708D) - See also SB 1210 (Stuart).</p> <p>Summary: Gives the Chairman of the Commonwealth Transportation Board or his designee equal voting weight on the Virginia Railway Express oversight board. The bill also provides that the Chairman of the Commonwealth Transportation Board or his designee shall be included for purposes of constituting a quorum on certain transportation commissions and shall have voting rights equal to the appointees of component governments.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2190 - Cosgrove (78) Stormwater management ordinances; requires localities to adopt more stringent requirements.</p>	<p>1/10/2013 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/24/2013 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103377D) Summary: Requires localities that adopt more stringent stormwater management requirements than those necessary to ensure compliance with the minimum regulations of the Soil and Water Conservation Board to submit such requirements to the Board to confirm that statutory requirements have been met and that the locality's determinations pursuant to the statute are reasonable. The bill ensures the availability of best management practices authorized by the Virginia Stormwater Management Regulations and the Virginia Stormwater BMP Clearinghouse Committee as a means of complying with regulations and requirements.</p>		
<p>HB 2196 - Peace (97) Tolls on Interstate Highway System components.</p>	<p>1/10/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103576D) Summary: Requires approval by the General Assembly prior to tolling any Interstate Highway System component in operation prior to July 1, 2013, except for HOV lanes and HOT lanes and continued tolling on toll facilities in operation prior to January 1, 2013.</p>		
<p>HB 2204 - Marshall, III (14) Polling places; location shall not be in public or private school building.</p>	<p>1/10/2013 House: Referred to Committee on Privileges and Elections 1/23/2013 House: Subcommittee recommends striking from docket by voice vote</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103093D) - Majority of County polling places are schools. Summary: Polling places. Provides that no polling place shall be located in a public or private school building.</p>		
<p>HB 2238 - Marshall, III (14) Recorded plats & final site plans; plan shall be deemed final once it has been reviewed & approved.</p>	<p>1/14/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103120D) Summary: Provides that a site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirement remaining to be satisfied in order to obtain a building permit is the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. The bill also amends a 2012 act by adding an enactment that clarifies the validity of previous</p>		

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Bills	General Assembly Actions	Date of BOS Position
extensions of valid plats and site plans.		
<p>HB 2239 - Marshall, III (14) Cash proffers; shall not be used for any capital improvement to an existing facility.</p>	<p>1/14/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Amend] (13103032D) - Amend to allow renovation needed to address new development impact. Summary: Cash proffers. Provides that cash proffers shall not be used for any capital improvement to an existing facility that does not expand facility capacity or for any operating expense of an existing facility such as ordinary maintenance or repair.</p>		
<p>HJ 693 - Habeeb (8) Constitutional amendment (first resolution); statewide school division for schools.</p>	<p>1/9/2013 House: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103571D) - Changes the sole constitutional authority of the Board of Education. See also SJ 327 (McDougle). Summary: Constitutional amendment (first resolution); statewide school division for schools denied accreditation. Authorizes the General Assembly to establish a statewide school division to supervise and administer schools that have been denied accreditation for a number of consecutive school years, as determined by the General Assembly. Supervision of the statewide school division is to be vested in a single statewide school board established as may be provided by law. Funding of the statewide division is to be provided by law, and transfer of certain per pupil shares of various funds from the local school district of residence to the statewide district is authorized.</p>		
<p>SB 719 - Black (13) Polling place procedures; voter identification requirements.</p>	<p>12/3/2012 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13101225D) - Historical position of the Board. See also HB 1337 (Cole). Summary: Elections; polling place procedures; voter identification requirements. Removes several items from the list of acceptable identification documents that a voter must present when voting at the polls on election day: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. These documents continue to be valid identification for certain first-time voters at federal elections who are required to show identification under the Help America Vote Act of 2002.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 721 - Carrico, Sr. (40) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.	12/3/2012 Senate: Referred to Committee on Rehabilitation and Social Services 1/18/2013 Senate: Reported from Rehabilitation and Social Services with amendments (8-Y 6-N) 1/18/2013 Senate: Rereferred to Finance	[1/18/2013]
<p>[Oppose Unless Amended] (13100403D) - Historical position of the Board. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. See also HB 1412 (Crockett-Stark), HB 1789 (Bell), HB 2009 (Cline), HB 2109 (Morefield).</p> <p>Summary: Requires local departments of social services to screen each Virginia Initiative for Employment Not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. In cases in which drug testing is required, the cost of testing shall be paid by the Department of Social Services. 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 substances shall be ineligible to receive Temporary Assistance for Needy Families (TANF) payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits.</p>		
SB 865 - McEachin (9) Tolls; General Assembly to approve prior to imposition and collection on Interstate Highway System.	1/3/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Rereferred to Finance	[1/18/2013]
<p>[Oppose] (13101747D)</p> <p>Summary: Requires General Assembly approval before tolls are imposed or collected by the Commonwealth Transportation Board on any component of the Interstate Highway System except for High-occupancy toll lanes.</p>		
SB 884 - Deeds (25) Impoundment structures; notice of increase in the flow of water, penalty.	1/4/2013 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/17/2013 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (14-Y 0-N)	[1/18/2013]
<p>[Amend] (13101257D) - Amend to exempt localities.</p> <p>Summary: Prohibits a dam owner from substantially increasing the flow of water through a dam without first notifying riparian owners and local emergency service organizations within 10 miles downstream. The bill also requires a dam owner to make the dam's current emergency action plans and reservoir regulation protocols available to riparian landowners within 10 miles, as well as to property owners within the dam break inundation zone.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 1039</u> - Newman (23) Vital records; allows DMV access to records and to issue certified copies.</p>	<p>1/8/2013 Senate: Referred to Committee on Education and Health 1/17/2013 Senate: Rereferred to Transportation 1/23/2013 Senate: Reported from Transportation with substitute (14-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Amend] (13101973D) - Amend to clarify that fees collected would still go to local health departments; potential loss of estimated \$500,000 with bill in its introduced form. Summary: Access to vital records; certified copies of vital records. Directs the State Registrar to enter into an agreement with the Commissioner of the Department of Motor Vehicles to allow the Department of Motor Vehicles access to vital records by October 1, 2013, and to further allow the Department of Motor Vehicles to issue certified copies of such records by July 1, 2014. The bill also directs the Department of Motor Vehicles and the Department of Health to study transferring vital records and the functions associated with keeping such records to the Department of Motor Vehicles and report.</p>		
<p><u>SB 1072</u> - Obenshain (26) Elections; electronic pollbooks, photographs.</p>	<p>1/9/2013 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103420D) - Historical position of the Board. Summary: Elections; electronic pollbooks; photographs. Provides that electronic pollbooks shall contain a photograph of and identifying information for each voter either received from the Department of Motor Vehicles or taken by an officer of election when the voter presents himself to vote that shall be accessed by the officer of election when the voter presents himself to vote. If the voter does not appear to be the same person depicted in the photograph in the pollbook, any qualified voter may and the officer of election shall challenge the vote of such voter. A voter with religious objections to being photographed may refuse to have his photograph taken.</p>		
<p><u>SB 1073</u> - Obenshain (26) Attorney; fees in certain land use cases.</p>	<p>1/9/2013 Senate: Referred to Committee on Local Government 1/22/2013 Senate: Failed to report (defeated) in Local Government (6-Y 9-N)</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103650D) Summary: Attorney fees in certain land use cases. Provides that a court, in addition to any other relief provided, and for good cause, may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action successfully challenging an ordinance, administrative act, or other local action related to planning, subdivision of land, zoning, or other land use activity.</p>		
<p><u>SB 1140</u> - Petersen (34) Commonwealth Mass Transit Fund.</p>	<p>1/9/2013 Senate: Referred to Committee on Finance</p>	<p>[1/18/2013]</p>
<p>[Oppose] (13103479D) - See also HB 2070 (Comstock). Summary: Removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 1210 - Stuart (28) Transportation commission membership.	1/9/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation with amendment (8-Y 4-N)	[1/18/2013]
<p>[Oppose] (13103705D) - See also HB 2152 (Anderson). Summary: Gives the Chairman of the Commonwealth Transportation Board or his designee equal voting weight on the Virginia Railway Express oversight board. The bill also provides that the Chairman of the Commonwealth Transportation Board or his designee shall be included for purposes of constituting a quorum on certain transportation commissions and shall have voting rights equal to the appointees of component governments.</p>		
SB 1239 - Herring (33) Uniform Statewide Building Code; enforcement by towns.	1/9/2013 Senate: Referred to Committee on General Laws and Technology	[1/18/2013]
<p>[Oppose] (13102035D) - See also HB 1574 (Minchew). Summary: Provides that if any town does not elect to enforce the Uniform Statewide Building Code, then such enforcement shall be the responsibility of the county in which the town is situated. The bill also provides that the enforcement by the county shall be with equal dignity as the county does in unincorporated areas of the county and no agreement between the town and the county shall be required as a prerequisite for the county to perform this obligation. The bill contains technical amendments.</p>		
SB 1256 - Obenshain (26) Voter identification requirements; photo ID.	1/10/2013 Senate: Referred to Committee on Privileges and Elections	[1/18/2013]
<p>[Oppose] (13103249D) - Historical position of the Board. Summary: Requires photo ID at the polls by eliminating all forms of identification that do not contain a photograph of the voter from the list of forms of identification any one of which a voter must present in order to be allowed to vote. The bill also adds a valid United States passport to the list and requires that a student identification card issued by an institution of higher education in the Commonwealth contain a photograph in order to be used by a voter. The bill does not affect the right of a voter who does not present one of the required forms of identification to cast a provisional ballot. The bill also provides that the State Board shall provide voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>SJ 327 - McDougle (4) Constitutional amendment (first resolution); statewide school division; schools denied accreditation.</p>	<p>1/9/2013 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
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[Oppose] (13103634D) - Changes the sole constitutional authority of the Board of Education. See also HJ 693 (Habeeb).

Summary: Constitutional amendment (first resolution); statewide school division for schools denied accreditation. Authorizes the General Assembly to establish a statewide school division to supervise and administer schools that have been denied accreditation for a number of consecutive school years, as determined by the General Assembly. Supervision of the statewide school division is to be vested in a single statewide school board established as may be provided by law. Funding of the statewide division is to be provided by law, and transfer of certain per pupil shares of various funds from the local school district of residence to the statewide district is authorized.

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Fairfax County Positions
(Support)

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Bills	General Assembly Actions	Date of BOS Position
HB 1302 - Loupassi (68) Tolling fees; prevents VDOT from charging monthly fees for payment program and its transponders.	7/16/2012 House: Referred to Committee on Transportation 1/24/2013 House: Tabled in Transportation (13-Y 9-N)	[1/18/2013]
<p>[Support] (13100038D) Summary: Tolling fees. Prevents the Department of Transportation from charging monthly fees for the automatic electronic tolling payment program and its transponders.</p>		
HB 1333 - Farrell (56) Service district boundaries; allows localities to amend after notice and public hearing.	11/12/2012 House: Referred to Committee on Counties, Cities and Towns 1/18/2013 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 1/23/2013 House: Passed House(98-Y 0-N)	[1/18/2013]
<p>[Support] (13100400D) - See also SB 798 (Garrett). Summary: Amendment of service district boundaries. Allows localities to amend service district boundaries after notice and a public hearing.</p>		
HB 1340 - Ware, Jr. (65) Electoral boards and general registrars; reimbursement of costs of compensation and expenses.	11/20/2012 House: Referred to Committee on Privileges and Elections 1/18/2013 House: Reported from Privileges and Elections (19-Y 2-N) 1/18/2013 House: Referred to Committee on Appropriations	[1/18/2013]
<p>[Support] (13100628D) - Historical position of the Board. See also SB 813 (Garrett). Summary: Compensation and expenses of electoral boards and general registrars. Provides for reimbursement by the state to the localities of the entire costs of compensation and expenses of the electoral boards and general registrars.</p>		
HB 1341 - Ware, Jr. (65) Presidential primaries; localities shall be reimbursed by State for all costs incurred.	11/20/2012 House: Referred to Committee on Privileges and Elections 1/18/2013 House: Reported from Privileges and Elections (16-Y 5-N) 1/18/2013 House: Referred to Committee on Appropriations	[1/18/2013]
<p>[Support] (13100629D) - Historical position of the Board. See also SB 806 (Garrett). Summary: Presidential primary costs. Provides that localities shall be reimbursed by the state for all costs incurred in conducting the presidential primary.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1357 - Rust (86) Handheld personal communications devices; texting while driving a primary offense.</p>	<p>12/3/2012 House: Referred to Committee for Courts of Justice 1/21/2013 House: Subcommittee recommends incorporating (HB1907-Anderson) by voice vote</p>	<p>[1/18/2013]</p>
<p>[Support] (13100970D) - Historical position of the Board. See also SB 875 (Barker). Summary: Texting while driving. Makes texting while driving a primary offense.</p>		
<p>HB 1360 - Cline (24) Reckless driving; using a handheld personal communications device, penalty.</p>	<p>12/4/2012 House: Referred to Committee for Courts of Justice 1/21/2013 House: Subcommittee recommends incorporating (HB1907-Anderson) by voice vote</p>	<p>[1/18/2013]</p>
<p>[Support] (13101224D) - Historical position of the Board. See also HB 1848 (Loupassi), SB 1222 (Norment). Summary: Reckless driving; using a handheld communications device; penalty. Provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense.</p>		
<p>HB 1423 - O'Bannon, III (73) Mandatory outpatient treatment; who may file petition.</p>	<p>12/19/2012 House: Referred to Committee on Health, Welfare and Institutions 1/15/2013 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N) 1/18/2013 House: Passed House(98-Y 0-N) 1/18/2013 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/21/2013 Senate: Referred to Committee on Education and Health</p>	<p>[1/18/2013]</p>
<p>[Support] (13100600D-E) Summary: Allows the community services board serving the county or city in which the person who would be the subject of an order for mandatory outpatient treatment following a period of voluntary or involuntary treatment resides to petition for an order of mandatory outpatient treatment.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1455 - Watts (39) Elderly and incapacitated persons; financial exploitation, penalty is a Class 3 felony.	12/27/2012 House: Referred to Committee for Courts of Justice 1/25/2013 House: Incorporated by Courts of Justice (HB1682-Bell, Robert B.) by voice vote	[1/18/2013]
<p>[Support] (13102365D) - Consistent with Board's initiative from 2011 and 2012. See also similar bills HB 1682 (Bell), HB 1781 (Filler-Corn), SB 706 (Stuart), SB 1258 (Herring).</p> <p>Summary: Financial exploitation of elderly and incapacitated; penalty. Provides that any person who knowingly exploits the impaired mental capacity or the physical capacity of an incapacitated adult or an adult (defined for the purposes of the bill as 60 years old or older) by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation to use, obtain, convert, or take control of or endeavor to use, obtain, convert, or take control of the incapacitated adult's or adult's money, assets, property, or financial resources with the intent to deprive the incapacitated adult or adult of the use, benefit, or possession of the money, assets, property, or financial resources and to convert such money, assets, property, or financial resources to the perpetrator's own use or benefit is guilty of a Class 5 felony. However, any responsible person or a person who has a fiduciary relationship with the incapacitated adult or adult who commits such a violation is guilty of a Class 3 felony. It is not a defense that the accused did not know the age of the victim.</p>		
HB 1458 - Watts (39) TANF; assistance when convicted of drug-related felony.	12/27/2012 House: Referred to Committee on Health, Welfare and Institutions 1/22/2013 House: Referred to Committee on Rules	[1/18/2013]
<p>[Support] (13102025D) - Historical position of the Board. See also SB 835 (Favola).</p> <p>Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.</p>		
HB 1468 - Greason (32) Public schools; possession & administration of epinephrine by employees of local governing bodies.	12/28/2012 House: Referred to Committee on Education 1/17/2013 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N) 1/21/2013 House: Reported from Education with amendment (17-Y 0-N) 1/24/2013 House: Passed House(99-Y 0-N)	[1/18/2013]
<p>[Support] (13102524D) - County staff coordinated with FCPS to initiate. See also SB 893 (Howell).</p> <p>Summary: Public schools; possession and administration of epinephrine. Adds employees of local governing bodies and employees of local health departments to the lists of individuals who are permitted to possess and administer epinephrine and not be held liable for civil damages when certain conditions are met. The bill also requires local school boards to include in policies for the possession and administration of epinephrine a provision adding any employee of a local governing body or an employee of a local health department who is</p>		

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Bills	General Assembly Actions	Date of BOS Position
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authorized by a prescriber and trained in the administration of epinephrine to administer the drug to any student believed to be having an anaphylactic reaction.

HB 1646 - Bell (20)
Comprehensive services for at-risk youth and families; eligibility for state pool of funds.

1/7/2013 House: Referred to Committee on Health, Welfare and Institutions
1/15/2013 House: Reported from Health, Welfare and Institutions (22-Y 0-N)
1/18/2013 House: Passed House (98-Y 0-N)
1/18/2013 House: Passed House (98-Y 0-N)
1/21/2013 Senate: Referred to Committee on Rehabilitation and Social Services
1/25/2013 Senate: Reported from Rehabilitation and Social Services with substitute (15-Y 0-N)

[1/18/2013]

[Support] (13102314D)

Summary: Clarifies eligibility requirements for funds from the state pool of funds for comprehensive services for at-risk youth and families, making clear that a child who has been placed through an agreement between his parents and a public agency other than the local department of social services, or who is receiving foster care services to prevent foster care placement, is eligible for funds from the state pool.

HB 1649 - BaCote (95)
Pawnbrokers and precious metals dealers; records required to be maintained, etc.

1/7/2013 House: Referred to Committee on General Laws
1/17/2013 House: Reported from General Laws (22-Y 0-N)
1/23/2013 House: Passed House(98-Y 0-N)

[1/18/2013]

[Support] (13100874D) - Historical position of the Board.

Summary: Pawnbrokers and precious metals dealers; records required to be maintained; certain digital images. Requires pawnbrokers and precious metals dealers to take a digital image of the form of identification used by the person involved in the transaction. The bill also prohibits a pawnbroker from pawning or accepting goods or articles if the original serial number affixed to the good or article has been removed, defaced, or altered.

HB 1662 - BaCote (95)
Libraries; locality to adopt an ordinance that prohibits firearms, ammunition, etc. in.

1/7/2013 House: Referred to Committee on Militia, Police and Public Safety
1/17/2013 House: Subcommittee recommends laying on the table by voice vote

[1/18/2013]

[Support] (13102665D) - Historical position of the Board.

Summary: Control of firearms; libraries owned or operated by localities. Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality.

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1682 - Bell (58) Mentally incapacitated persons; financial exploitation, penalty.</p>	<p>1/7/2013 House: Referred to Committee for Courts of Justice 1/23/2013 House: Subcommittee recommends reporting (7-Y 0-N) and referring to Committee on Appropriations 1/25/2013 House: Reported from Courts of Justice with substitute (16-Y 0-N) 1/25/2013 House: Referred to Committee on Appropriations</p>	<p>[1/18/2013]</p>
<p>[Support] (13102056D) - Consistent with Board initiative from 2011 and 2012. See also similar bills HB 1455 (Watts), HB 1781 (Filler-Corn), SB 706 (Stuart), SB 1258 (Herring). Summary: Financial exploitation of incapacitated persons; penalty. Provides that it is unlawful for any person who knows or should know that another person suffers from mental incapacity to, through the use of that other person's mental incapacity, take, obtain, or convert money or other thing of value belonging to that other person with the intent to permanently deprive him thereof. A violation is punishable as larceny.</p>		
<p>HB 1683 - Bell (20) Comprehensive Services, Office of; reporting expenditures for children receiving services.</p>	<p>1/7/2013 House: Referred to Committee on Health, Welfare and Institutions 1/15/2013 House: Reported from Health, Welfare and Institutions (22-Y 0-N) 1/18/2013 House: Passed House (98-Y 0-N) 1/18/2013 House: Passed House (98-Y 0-N) 1/21/2013 Senate: Referred to Committee on Rehabilitation and Social Services 1/25/2013 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13102316D) Summary: Office of Comprehensive Services; reporting expenditures for children receiving services. Adds community-based mental health services to the list of services for which expenditures must be reported by the Office of Comprehensive Services for At-Risk Youth and Families.</p>		
<p>HB 1712 - Plum (36) Local commission on human rights.</p>	<p>1/8/2013 House: Referred to Committee on Counties, Cities and Towns 1/23/2013 House: Subcommittee recommends laying on the table (6-Y 4-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13101099D) - Historical position of the Board. Summary: Provides that any locality that has established a local commission on human rights may include discrimination based on sexual orientation among those areas of discrimination the commission may investigate.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1717 - Anderson (51) Comprehensive plan; transportation component shall be consistent at interstate and primary levels.</p>	<p>1/8/2013 House: Referred to Committee on Counties, Cities and Towns 1/24/2013 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 1/25/2013 House: Reported from Counties, Cities and Towns with amendments (21-Y 0-N)</p>	<p>[1/18/2013]</p>
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[Support] (13102257D) - See also SB 1293 (Barker).
Summary: Comprehensive plan; transportation. Provides that the transportation component of a local comprehensive plan shall be consistent at the interstate and primary levels with various state and local transportation plans. The bill also shortens from 90 to 45 days the time period by which the Department of Transportation shall provide comment upon submission of such local plans for review.

<p>HB 1718 - Anderson (51) Transportation projects; reimbursement of VDOT by localities & metropolitan planning organizations.</p>	<p>1/8/2013 House: Referred to Committee on Transportation 1/24/2013 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)</p>	<p>[1/18/2013]</p>
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[Support] (13102259D) - See also SB 1075 (Barker).
Summary: Termination or alteration of certain transportation projects. Provides for reimbursement of VDOT by localities and metropolitan planning organizations when certain projects are terminated or altered.

<p>HB 1779 - Filler-Corn (41) Tolling transponder fees.</p>	<p>1/8/2013 House: Referred to Committee on Transportation 1/22/2013 House: Subcommittee recommends striking from docket by voice vote</p>	<p>[1/18/2013]</p>
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[Support] (13101125D)
Summary: Prohibits imposition of a monthly fee for any tolling transponder for any month in which the transponder is used at least 10 times.

<p>HB 1781 - Filler-Corn (41) Elderly or incapacitated adults; financial exploitation, penalties.</p>	<p>1/8/2013 House: Referred to Committee for Courts of Justice</p>	<p>[1/18/2013]</p>
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[Support] (13103503D) - Consistent with Board initiative from 2011 and 2012. See also similar bills HB 1455 (Watts), HB 1682 (Bell), SB 706 (Stuart), SB 1258 (Herring).
Summary: Provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property, or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust, it is a Class 3 felony. The bill allows forfeiture of personal property used in

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Bills	General Assembly Actions	Date of BOS Position
connection with the crime.		
HB 1835 - Poindexter (9) Firefighters; emergency medical technicians; cap on damages.	1/8/2013 House: Referred to Committee for Courts of Justice	[1/18/2013]
[Support] (13102675D) Summary: Imposes a \$250,000 cap on damages that may be recovered against firefighters and emergency medical technicians in a civil action arising out of the provision of fire-fighting and emergency medical services.		
HB 1848 - Loupassi (68) Reckless driving; using a handheld personal communications device, penalty.	1/8/2013 House: Referred to Committee for Courts of Justice 1/21/2013 House: Subcommittee recommends incorporating (HB1907-Anderson) by voice vote	[1/18/2013]
[Support] (13102175D) - Historical position of the Board. See also HB 1360 (Cline), SB 1222 (Norment). Summary: Provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense.		
HB 1883 - Bulova (37) Handheld personal communications devices; texting while driving, reckless driving.	1/8/2013 House: Referred to Committee for Courts of Justice 1/21/2013 House: Subcommittee recommends incorporating (HB1907-Anderson) by voice vote	[1/18/2013]
[Support] (13101527D) - Historical position of the Board. Summary: Provides that any person who, while "texting" and driving, causes an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged is guilty of reckless driving. The bill also provides that a violation of this provision shall not preclude prosecution under any other applicable provision of the criminal law.		
HB 1907 - Anderson (51) Driving while texting; primary offense, increased penalties.	1/8/2013 House: Referred to Committee for Courts of Justice	[1/18/2013]
[Support] (13103495D) - Historical position of the Board. See also SB 1160 (Barker). Summary: Provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also changes the offense from a secondary offense (one		

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that can only be charged when the offender is stopped for another, separate offense) to a primary offense.		
HB 1908 - Surovell (44) Commonwealth Transportation Board; changes composition.	1/8/2013 House: Referred to Committee on Transportation 1/24/2013 House: Subcommittee recommends laying on the table by voice vote	[1/18/2013]
[Support] (13100086D) - Historical position of the Board. See similar bills HB 2049 (Rust) and SB 732 (Petersen).		
Summary: Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three will be at-large appointees. The three ex officio members remain unchanged. The bill also replaces the term "metropolitan statistical areas" with "metropolitan planning areas with populations greater than 200,000."		
HB 1956 - Brink (48) Special elections; Commonwealth shall pay costs of conducting to fill vacancy in General Assembly.	1/9/2013 House: Referred to Committee on Privileges and Elections 1/18/2013 House: Reported from Privileges and Elections (16-Y 5-N) 1/18/2013 House: Referred to Committee on Appropriations	[1/18/2013]
[Support] (13102256D)		
Summary: Paying for special elections; General Assembly members. Provides that the Commonwealth shall pay the costs of conducting a special election to fill a vacancy in the General Assembly if such election is held on a day other than the day of a general election.		
HB 1982 - May (33) Local tax bills.	1/9/2013 House: Referred to Committee on Finance	[1/18/2013]
[Support] (13101534D)		
Summary: Permits treasurers to convey, with the consent of the taxpayer, any tax bill by permitting the taxpayer to access his tax bill online from a database on the treasurer's website.		
HB 1990 - Sickles (43) License taxes; allows localities to impose on certain motor vehicles.	1/9/2013 House: Referred to Committee on Counties, Cities and Towns	[1/18/2013]
[Support] (13102234D) - Historical position of the Board.		
Summary: License taxes on certain motor vehicles. Allows localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempt from the requirements of displaying such license plates.		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2011 - Surovell (44) Urban county executive form of government; abandoned personal property.</p>	<p>1/9/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Support] (13103590D) Summary: Provides that any county that has adopted the urban county executive form of government (Fairfax County) may, by ordinance, provide that it shall be unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any dilapidated furniture, appliance, machinery, equipment, shopping cart, building material or other item or personal property, which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building. The ordinance shall provide that any such item which remains on the real property for a period of seven days after a notice of violation is given to the owner of such personal property shall be presumed to be abandoned and subject to being removed from the real property by the county or its agents without further notice. In the event any such item is so removed, the cost of removal, including an administrative fee in the amount of \$150.00, shall be charged to the owner of the personal property. No such ordinance shall apply to any real property used for the purpose of a licensed junk dealer or establishment engaged in the repair, rebuilding, reconditioning or salvaging of equipment. The ordinance may provide that a violation of the ordinance shall constitute a class 1 misdemeanor.</p>		
<p>HB 2026 - Dudenhefer (2) Virginia FOIA; remote participation in meeting by member of public body.</p>	<p>1/9/2013 House: Referred to Committee on General Laws 1/17/2013 House: Subcommittee recommends reporting (7-Y 0-N) 1/22/13 House: Reported from General Laws (22-Y 0-N) 1/25/13 House: Passed House BLOCK VOTE (98-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13102255D) Summary: Allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council.</p>		
<p>HB 2032 - May (33) Virginia FOIA; allows regional public bodies to conduct electronic meetings.</p>	<p>1/9/2013 House: Referred to Committee on Science and Technology 1/16/2013 House: Reported from Science and Technology (17-Y 5-N) 1/16/2013 House: Referred to Committee on General Laws 1/24/2013 House: Subcommittee recommends laying on the table by voice vote</p>	<p>[1/18/2013]</p>
<p>[Support] (13100580D) - Recommendation of Efficiency and Consolidation Task Force. Summary: Allows regional public bodies to conduct electronic meetings in the same manner as state public bodies. The bill also removes the requirement that a public body hold one meeting each year at which no</p>		

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<p>member participates using electronic means. This bill is a recommendation of the Joint Commission on Technology and Science.</p>		
<p>HB 2049 - Rust (86) Commonwealth Transportation Board; increases total membership from 17 to 20 members.</p>	<p>1/9/2013 House: Referred to Committee on Transportation 1/24/2013 House: Reported from Transportation (18-Y 4-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13102214D) - Historical position of the Board. See also similar bills HB 2049 (Rust) and SB 732 (Petersen). Summary: Composition of Commonwealth Transportation Board. Increases the total membership of the Commonwealth Transportation Board from 17 to 20 members by doubling the representation for the Richmond, Hampton Roads, and Northern Virginia highway construction districts.</p>		
<p>HB 2052 - Rust (86) HOT lanes; allows state or local law-enforcement vehicles, etc. to enter.</p>	<p>1/9/2013 House: Referred to Committee on Transportation 1/22/2013 House: Reported from Transportation with amendment (21-Y 0-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13101875D) - See also SB 1204 (McDougle). Summary: HOT Lanes. Allows state and law-enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles to enter HOT lanes by crossing a barrier or buffer and not be guilty of reckless driving.</p>		
<p>HB 2053 - Ware (11) Uniform Power of Attorney Act; violation, penalty.</p>	<p>1/9/2013 House: Referred to Committee for Courts of Justice</p>	<p>[1/18/2013]</p>
<p>[Support] (13102059D) - Consistent with Board initiative from 2011 and 2012. Summary: Uniform Power of Attorney Act; violation; penalty. Provides that an agent under a power of attorney who violates the Uniform Power of Attorney Act with intent to defraud the principal and converts the principal's property is guilty of embezzlement.</p>		
<p>HB 2089 - Wilt (26) Permits and other information; DEQ to transmit electronically air pollution control, etc.</p>	<p>1/9/2013 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/16/2013 House: Reported from Agriculture, Chesapeake and Natural Resources (22-Y 0-N) 1/21/2013 House: Passed House(87-Y 0-N) 1/22/2013 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources</p>	<p>[1/18/2013]</p>
<p>[Support] (13101320D) Summary: Electronic transmission of permits. Allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2131 - Keam (35) Real property tax; modifies and clarifies special taxes that Fairfax County may impose.</p>	<p>1/9/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Support] (13102351D) Summary: Real property tax in certain service districts; Fairfax County. Modifies and clarifies the special real property taxes that Fairfax County may impose in a service district to pay for the costs of the additional improvements and services provided in the district. The bill states that the tax may be imposed on property used for different purposes, not just zoned for different purposes. In addition, if the use or zoning of real property changes from one that is taxed in the service district to one that is not, then the local governing body may require the property owner to pay a lump sum equal to the present value of future taxes that will be lost as a result of the change in use or zoning.</p>		
<p>HB 2165 - Dudenhefer (2) Signs or advertising within limits of highways.</p>	<p>1/9/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Support] (13103562D) Summary: Imposes a civil penalty of \$100 for first violations and \$250 for second or subsequent violations for placing advertising within highway rights-of-way.</p>		
<p>HB 2265 - Knight (81) Cash proffers; locality may waive certain written notice requirements to reduce outstanding payment.</p>	<p>1/15/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Support] (13103137D) Summary: Cash proffers. Provides that a locality may waive certain written notice requirements in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner.</p>		
<p>HB 2297 - Filler-Corn (41) Railroad right-of-way access; allocation of funds.</p>	<p>1/17/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Support] (13103818D) Summary: Provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation are to be allocated from the public transportation portion of federal Surface Transportation Program funds.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HJ 551 - Ramadan (87) Constitutional amendment; real property tax exemption for spouses of soldiers killed in action.	11/19/2012 House: Referred to Committee on Privileges and Elections 1/21/2013 House: Subcommittee recommends reporting (5-Y 0-N) 1/25/2013 House: Reported from Privileges and Elections with amendment (22-Y 0-N)	[1/18/2013]
(13100523D) - Support only as an initiative funded by the state. See also SJ 272 (Black). Summary: Constitutional amendment (first resolution); real property tax exemption for spouses of soldiers killed in action. Provides a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action.		
HJ 573 - Hope (47) Constitutional amendment; property tax exemption for nonprofit medical clinics serving indigent.	12/18/2012 House: Referred to Committee on Privileges and Elections	[1/18/2013]
(13100892D) - Support only as an initiative funded by the state. Summary: Constitutional amendment (first resolution); property tax exemption for nonprofit medical clinics serving the indigent. Exempts property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent.		
HJ 732 - Sickles (43) Federal Bureau of Investigation headquarters.	1/15/2013 House: Referred to Committee on Rules	[1/18/2013]
[Support] (13103580D) Summary: Memorializes the Congress of the United States to encourage the U.S. General Services Administration to consider Northern Virginia as the site for the new		
SB 701 - McEachin (9) State government employment; nondiscrimination.	10/25/2012 Senate: Referred to Committee on General Laws and Technology 1/21/2013 Senate: Reported from General Laws and Technology with amendments (8-Y 7-N) 1/25/2013 01/25/13 Passed Senate (24-Y 16-N)	[1/18/2013]
[Support] (13100446D) - Historical position of the Board. Summary: Nondiscrimination in state employment. Prohibits discrimination in state employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.		

Bold – Indicates BOS formal action

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 706</u> - Stuart (28) Elderly or incapacitated adults; financial exploitation, penalties.</p>	<p>11/27/2012 Senate: Referred to Committee for Courts of Justice 1/21/2013 Senate: Reported from Courts of Justice with substitute (12-Y 0-N) 1/21/2013 Senate: Rereferred to Finance</p>	<p>[1/18/2013]</p>
<p>[Support] (13100827D) - Consistent with Board initiative from 2011 and 2012. See also similar bills HB 1455 (Watts), HB 1682 (Bell), HB 1781 (Filler-Corn), SB 1258 (Herring). Summary: Financial exploitation of elderly or incapacitated adults; penalties. Provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property, or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust, it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime.</p>		
<p><u>SB 724</u> - Miller (1) Absentee voting; persons age 65 and older on day of an election are entitled to vote absentee.</p>	<p>12/5/2012 Senate: Referred to Committee on Privileges and Elections 1/15/2013 Senate: Reported from Privileges and Elections with substitute (11-Y 3-N 1-A) 1/21/2013 Senate: Passed Senate (28-Y 9-N) 1/25/2013 House: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Support] (13101448D) Summary: Elections; absentee voting. Provides that persons age 65 and older on the day of an election for which an absentee ballot is requested are entitled to vote absentee.</p>		
<p><u>SB 732</u> - Petersen (34) Commonwealth Transportation Board; increases number of membership, changes areas of representation.</p>	<p>12/12/2012 Senate: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Support] (13100540D) - Historical position of the Board. See also similar bills HB 1908 (Surovell) and HB 2049 (Rust). Summary: Composition of the Commonwealth Transportation Board. Increases the number of members of the Commonwealth Transportation Board to 18, by the addition of one citizen member, and changes the areas of representation from the construction districts to the congressional districts.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 767</u> - Wagner (7) Retail sales and transient occupancy taxes; taxes on room rentals based upon charges for use, etc.</p>	<p>12/18/2012 Senate: Referred to Committee on Finance 1/22/2013 Senate: Reported from Finance with substitute (9-Y 4-N 1-A) 1/25/2013 Senate: Passed Senate (23-Y 17-N)</p>	<p>[1/18/2013]</p>
<p>[Support] (13100678D) - Historical position of the Board. See also SB 1094 (Hanger). Fiscal impact estimated at \$200,000. Summary: Retail sales and transient occupancy 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 intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The effective date of the bill is January 1, 2014.</p>		
<p><u>SB 798</u> - Garrett (22) Service districts; modifying boundaries, dissolution of district.</p>	<p>12/19/2012 Senate: Referred to Committee on Local Government 1/15/2013 Senate: Reported from Local Government with substitute (15-Y 0-N) 1/25/2013 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/18/2013]</p>
<p>[Support] (13100886D) - See also HB 1333 (Farrell). Summary: Amendment of service district boundaries. Allows localities to amend service district boundaries after notice and a public hearing.</p>		
<p><u>SB 805</u> - Garrett (22) Elections; costs of primaries.</p>	<p>12/20/2012 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Support] (13101210D) - Historical position of the Board. Summary: Provides that the state will reimburse the localities for the costs of primary elections as funded by the general appropriation act.</p>		
<p><u>SB 806</u> - Garrett (22) Presidential primaries; localities shall be reimbursed by State for all costs incurred.</p>	<p>12/20/2012 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/18/2013]</p>
<p>[Support] (13101211D) - Historical position of the Board. See also HB 1341 (Ware). Summary: Presidential primary costs. Provides that localities shall be reimbursed by the state for all costs incurred in conducting the presidential primary.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 813 - Garrett (22) Electoral boards and general registrars; reimbursement of costs of compensation and expenses.	12/20/2012 Senate: Referred to Committee on Privileges and Elections	[1/18/2013]
<p>[Support] (13101212D) - Historical position of the Board. See also HB 1340 (Ware). Summary: Provides for reimbursement by the state to the localities of the entire costs of compensation and expenses of the electoral boards and general registrars.</p>		
SB 835 - Favola (31) TANF; assistance when convicted of drug-related felony.	12/28/2012 Senate: Referred to Committee on Rehabilitation and Social Services 1/18/2013 Senate: Reported from Rehabilitation and Social Services with amendment (13-Y 1-N) 1/18/2013 Senate: Rereferred to Finance	[1/18/2013]
<p>[Support] (13100684D) - Historical position of the Board. See also HB 1458 (Watts). Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.</p>		
SB 875 - Barker (39) Provisional driver's license holders; changes from secondary offense to primary use of cell phones.	1/4/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation (13-Y 0-N) 1/25/2013 House: Referred to Committee on General Laws	[1/18/2013]
<p>[Support] (13102739D) - Historical position of the Board. See also HB 1357 (Rust). Summary: Changes from a secondary offense to a primary offense use of a cell phone by a provisional driver's license holder.</p>		
SB 888 - Deeds (25) Advertising; payment of penalties & costs associated with enforcement of prohibition on certain.	1/4/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation (13-Y 0-N) 1/22/2013 01/22/13 Passed Senate (40-Y 0-N) 1/25/2013 House: Referred to Committee on Transportation	[1/18/2013]
<p>[Support] (13101751D) Summary: Provides that penalties and costs collected as the result of an agreement between the Commissioner of Highways and a locality to enforce the prohibition on advertising within highway rights-of-way shall be paid to the locality.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 893</u> - Howell (32) Public schools; possession & administration of epinephrine by employees of local governing bodies.</p>	<p>1/4/2013 Senate: Referred to Committee on Education and Health 1/10/2013 Senate: Reported from Education and Health (15-Y 0-N) 1/15/2013 Senate: Passed Senate (40-Y 0-N) 1/25/2013 House: Referred to Committee on Education</p>	<p>[1/18/2013]</p>
<p>[Support] (13102627D) - County staff coordinated with FCPS staff to initiate. See also HB 1468 (Greason). Summary: Public schools; possession and administration of epinephrine. Adds employees of local governing bodies and employees of local health departments to the lists of individuals who are permitted to possess and administer epinephrine and not be held liable for civil damages when certain conditions are met. The bill also requires local school boards to include in policies for the possession and administration of epinephrine a provision adding any employee of a local governing body or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to administer the drug to any student believed to be having an anaphylactic reaction.</p>		
<p><u>SB 894</u> - Petersen (34) Uniform Statewide Building Code; who may be cited for violations.</p>	<p>1/4/2013 Senate: Referred to Committee on General Laws and Technology 1/14/2013 Senate: Reported from General Laws and Technology with amendments (15-Y 0-N) 1/18/2013 Senate: Passed Senate (38-Y 0-N) 1/25/2013 House: Referred to Committee on General Laws</p>	<p>[1/18/2013]</p>
<p>[Support] (13100545D) Summary: Clarifies that a local enforcement officer may issue a summons or a ticket to the owner, lessor, or sublessor of a residential dwelling unit for violation of any Building Code provision.</p>		
<p><u>SB 959</u> - Favola (31) Pedestrians, etc; local government to adopt ordinances requiring to stop at marked crosswalks.</p>	<p>1/7/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation with substitute (13-Y 0-N) 1/22/2013 Senate: Passed Senate (40-Y 0-N) 1/25/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
<p>[Support] (13104084D-S1) Summary: Crossing highways. Allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 1005 - McWaters (8) Handheld personal communications devices; using while driving on bridge or tunnel, primary offense.</p>	<p>1/8/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation (11-Y 2-N) 1/22/2013 Senate: Rereferred to Courts of Justice</p>	<p>[1/18/2013]</p>
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[Support] (13100467D)
Summary: Use of a handheld personal communications device while driving. Makes using a handheld personal communication device while driving on a bridge or in a tunnel a primary offense. All other offenses involving the use of a handheld personal communication device while driving remain secondary offenses. The bill also increases the penalty for causing an accident because of the use of a handheld personal communications device while driving on a bridge or in a tunnel to \$150 for a first offense and \$250 for a second or subsequent offense.

<p>SB 1075 - Barker (39) Transportation projects; requires locality to repay VDOT when locality requests termination.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Reported from Transportation with amendments (14-Y 0-N)</p>	<p>[1/18/2013]</p>
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[Support] (13103476D) - See also HB 1718 (Anderson).
Summary: Transportation planning and projects. Requires a locality to repay the Department when a locality requests termination of a project and the Department does not agree to the termination. The bill also expands the step before a locality requests alterations to a project to include the approval of project scope and final engineering by the Department.

<p>SB 1094 - Hanger, Jr. (24) Retail sales and transient occupancy taxes; taxes on room rentals based upon charges for use, etc.</p>	<p>1/9/2013 Senate: Referred to Committee on Finance 1/22/2013 Senate: Incorporated by Finance (SB767-Wagner) (14-Y 0-N)</p>	<p>[1/18/2013]</p>
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[Support] (13101563D) - Historical position of the Board. See also SB 767 (Wagner). Fiscal impact estimated at \$200,000.
Summary: Retail sales and transient occupancy 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 intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The effective date of the bill is January 1, 2014.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 1160</u> - Barker (39) Driving while texting; primary offense, increased penalties.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Rereferred to Courts of Justice</p>	<p>[1/18/2013]</p>
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[Support] (13103482D) - Historical position of the Board. See also HB 1907 (Anderson).
Summary: Driving while texting; primary offense; increased penalties. Provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also changes the offense from a secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. The bill also provides that a violation of this provision does not preclude prosecution under any other applicable provision of the criminal law or of the law governing the operation of motor vehicles.

<p><u>SB 1165</u> - Newman (23) Driver's licenses, provisional; person under age 18 certain restrictions.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation with amendments (13-Y 0-N) 1/22/2013 Senate: Passed Senate (40-Y 0-N) 1/25/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
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[Support] (13102649D)
Summary: Provisional driver's licenses. Provides that the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than one passenger who is (i) less than 21 years old and (ii) not a member of the driver's family or household. Under current law, the holder of a provisional driver's license under age 18 is not authorized to operate a motor vehicle with more than three passengers who are (i) less than 18 years old and (ii) not members of the driver's family or household.

<p><u>SB 1204</u> - McDougle (4) HOT lanes; allows state or local law-enforcement vehicles, etc. to enter.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/16/2013 Senate: Reported from Transportation (13-Y 0-N) 1/22/2013 Senate: Passed Senate (40-Y 0-N) 1/25/2013 House: Referred to Committee on Transportation</p>	<p>[1/18/2013]</p>
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[Support] (13101874D) - See also HB 2052 (Rust).
Summary: HOT Lanes. Allows state and law-enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles to enter HOT lanes by crossing a barrier or buffer and not be guilty of reckless driving.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 1222</u> - Norment, Jr. (3) Reckless driving; using a handheld personal communications device, penalty.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Rereferred to Courts of Justice</p>	<p>[1/18/2013]</p>
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[Support] (13102174D) - Historical position of the Board. See also HB 1360 (Cline), HB 1848 (Loupassi).
Summary: Reckless driving; using a handheld communications device; penalty. Provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense.

<p><u>SB 1226</u> - Stuart (28) Cash proffers; extends from 7 to 12 years time by which locality must begin utilization.</p>	<p>1/9/2013 Senate: Referred to Committee on Local Government 1/22/2013 Senate: Reported from Local Government with amendments (10-Y 1-N)</p>	<p>[1/18/2013]</p>
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[Support] (13102261D)
Summary: Zoning; cash proffers. Extends from 7 to 12 years the time by which a locality must begin utilization of cash proffers. The bill also removes the requirement that when cash proffers are used for alternative improvements, such improvements must be used in the same vicinity as the initial improvements.

<p><u>SB 1238</u> - Barker (39) Handheld personal communications devices; texting while driving is punishable as reckless driving.</p>	<p>1/9/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Rereferred to Courts of Justice</p>	<p>[1/18/2013]</p>
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[Support] (13103497D)
Summary: Reckless driving; texting; penalty. Provides that texting while driving is punishable as reckless driving, a Class 1 misdemeanor; currently, violations incur a \$20 fine. The bill also makes texting while driving a primary offense; currently, law-enforcement officers must have cause to stop or detain a driver for some other violation before issuing a citation for texting while driving. If the degree of culpability is slight, the person may be found not guilty of reckless driving but guilty of texting while driving, which is punishable by a \$50 fine.

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Bills	General Assembly Actions	Date of BOS Position
SB 1253 - Northam (6) Smoking; localities to ban in designated public parks, etc.	1/9/2013 Senate: Referred to Committee on Local Government	[1/18/2013]
<p>[Support] (13102254D) Summary: Allows localities to ban smoking in designated public parks, public beaches, and similar outdoor public areas.</p>		
SB 1258 - Herring (33) Elderly or incapacitated adults; financial exploitation, penalties.	1/10/2013 Senate: Referred to Committee for Courts of Justice 1/21/2013 Senate: Incorporated by Courts of Justice (SB706-Stuart) (13-Y 0-N)	[1/18/2013]
<p>[Support] (13103692D) - Consistent with Board initiative from 2011 and 2012. See also HB 1455 (Watts), HB 1682 (Bell), HB 1781 (Filler-Corn), SB 706 (Stuart). Summary: Provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property, or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust, it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime.</p>		
SB 1293 - Barker (39) Comprehensive plan; transportation component shall be consistent at interstate and primary levels.	1/15/2013 Senate: Referred to Committee on Transportation 1/23/2013 Senate: Reported from Transportation with amendments (14-Y 0-N)	[1/18/2013]
<p>[Support] (13103477D) - See also HB 1717 (Anderson). Summary: Provides that the transportation component of a local comprehensive plan shall be consistent at the interstate and primary levels with various state and local transportation plans. The bill also shortens from 90 to 45 days the time period by which the Department of Transportation shall provide comment upon submission of such local plans for review.</p>		
SJ 272 - Black (13) Constitutional amendment; real property tax exemption for spouses of soldiers killed in action.	12/13/2012 Senate: Referred to Committee on Privileges and Elections	[1/18/2013]
<p>(13102717D) - Support only as an initiative funded by the state. See also HJ 551 (Ramadan). Summary: Provides a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action.</p>		

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Fairfax County Positions
(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
HB 1329 - Head (17) Local taxes; interest on refunds and delinquent taxes.	11/8/2012 House: Referred to Committee on Finance	[1/18/2013]
<p>[Monitor] (13100533D) - See also similar bills HB 1578 (Wilt) and SB 710 (Hanger). Summary: Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer.</p>		
HB 1578 - Wilt (26) Local taxes; interest on refunds and delinquent taxes.	1/4/2013 House: Referred to Committee on Finance 1/16/2013 House: Subcommittee recommends laying on the table (9-Y 0-N)	[1/18/2013]
<p>[Monitor] (13101713D) - See also similar bills HB 1329 (Head) and SB 710 (Hanger). Summary: Authorizes each locality not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer, provided that the locality does not collect interest on taxes that are delinquent because of errors made by the locality. The benefit of not collecting or paying interest applies only when the refund or payment of the delinquent taxes is made within 60 days of notice of the error.</p>		
HB 1692 - Jones (76) Public-Private Transportation Act; receipt of competing proposals, disclosure of business points.	1/7/2013 House: Referred to Committee on Transportation 1/24/2013 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N)	[1/18/2013]
<p>[Monitor] (13102965D) - Clarify posting requirements. Summary: Public-Private Transportation Act; receipt of competing proposals; disclosure of major business points. Requires that within 30 days of the receipt of an unsolicited proposal for the development or operation of a qualified transportation facility, a responsible public entity shall post a public notice of the unsolicited proposal on the Department of General Service's electronic procurement website and provide 120 days for the submission of any competing proposals. The bill specifies that the notice is to include specific information regarding the nature, timing, and scope of the qualifying transportation facility, and that the responsible public entity must afford opportunities for public comment on the proposals submitted. The bill also requires that once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity is required to post the major business points of the interim or comprehensive agreement. The bill contains technical amendments.</p>		
SB 710 - Hanger, Jr. (24) Local taxes; interest on refunds and delinquent taxes, report.	11/28/2012 Senate: Referred to Committee on Finance 1/22/2013 Senate: Stricken at request of Patron in Finance (14-Y 0-N)	[1/18/2013]
<p>[Monitor] (13100850D) - See also similar bills HB 1329 (Head) and HB 1578 (Wilt). Summary: Authorizes a locality to not pay interest on refunds owed to a taxpayer that are due to willful errors</p>		

Bills	General Assembly Actions	Date of BOS Position
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made by the taxpayer. The bill also directs the Chairmen of the House and Senate Committees on Finance to convene a working group to consider the feasibility and fiscal impact on local governments of establishing uniform methods of assessing interest earned on overpayment of taxes or charged for underpayment of taxes and uniform criteria for evaluating the timely repayment of taxes.

<p>SB 803 - Garrett (22) Hunting; lawful to hunt or kill coyotes on Sunday.</p>	<p>12/20/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/17/2013 Senate: Reported from Agriculture, Conservation and Natural Resources with amendments (8-Y 7-N) 1/23/2013 Senate: Read third time and defeated by Senate (13-Y 26-N)</p>	<p>[1/18/2013]</p>
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[Monitor] (13100717D)
Summary: Hunting nuisance species. Makes it lawful to hunt or kill nuisance species on Sunday. Among the species that could be hunted on Sunday are blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, and those species designated as nuisance species by regulations of the Board of Game and Inland Fisheries.

<p>SB 860 - Lucas (18) State entities; procurement by using public-private partnerships.</p>	<p>1/3/2013 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/18/2013]</p>
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[Monitor] (13103247D)
Summary: Procurement by state entities using public private partnerships; Public-Private Transportation Act; Public-Private Education Facilities and Infrastructure Act of 2002. Provides that no real property asset that produces annual average revenue for the Commonwealth of \$10 million or more over the five most recent fiscal years, or \$10 million revenue for the Commonwealth in the most recent fiscal year, may be (i) the subject of any lease, concession agreement, or similar type of agreement that transfers to a nongovernmental entity possession or control of the asset for more than 10 years at a time, including any renewal, (ii) sold, or (iii) securitized as a part of a qualified transportation facility under the Public-Private Transportation Act of 1995 or a qualified project under the Public-Private Education Facilities and Infrastructure Act of 2002 unless it has been declared to be surplus property. The bill also requires any comprehensive agreement for a qualifying transportation facility where the responsible public entity is a state entity to provide a summary containing the major business points of the agreement to the Public-Private Partnership Advisory Commission for review and comment. In addition, the bill provides that any proposed comprehensive agreement for a qualifying transportation facility, when the responsible public entity is an agency or institution of the Commonwealth, that (i) creates state tax-supported debt, (ii) requires a level of appropriation beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) alters the Commonwealth's discretion to change the level of services or the funding for such services over time must be reviewed by the General Assembly prior to execution.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 1081 - Miller (1) Public-Private Transportation Act of 1995, etc.; additional requirements.</p>	<p>1/9/2013 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/18/2013]</p>
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[Monitor] (13103521D)
Summary: Public-Private Transportation Act of 1995 and Public-Private Education Facilities and Infrastructure Act of 2002; addition requirements for comprehensive agreements. Provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act or a qualified project under the Public-Private Education Facilities and Infrastructure Act with a total value of \$1 billion or more shall be executed by a state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly.

**BUDGET PROPOSALS FOR FY 2014
DURING THE 2013 GENERAL ASSEMBLY SESSION
as of January 17, 2013**

FY 2014 Estimated Impact to Fairfax County

	Governor's Proposals
<u>Direct Fairfax County Impact</u>	
Restores \$3.2 million Aid to Locality Reduction	\$3.2 million
Compensation Board - Commonwealth Attorneys	\$70,000
<u>Fairfax County Public Schools</u>	
Higher Enrollment	\$8.9 million
2% Salary Increase - State Funding	\$5.0 million
2% Salary Increase - Cost to FCPS	\$38.0 million
Net Impact of Salary Increase	(\$33.0 million)

PREVIOUS LOSS OF COUNTY FUNDING FY 2009 - FY 2013
FY 2009 \$ 6.5 million
FY 2010 \$ 11.1 million
FY 2011 \$ 8.0 million
FY 2012 \$ 8.5 million
FY 2013 \$ 3.8 million (preliminary)
TOTAL \$37.9 million

**BUDGET PROPOSALS FOR FY 2012- FY 2014 DURING THE 2013 GENERAL ASSEMBLY SESSION
as of January 18, 2013**

Issue	Fairfax County Impact
Central Appropriations	
<u>Aid to Localities</u>	
Governor McDonnell's Amendments: Provides \$45 million in FY 2014 to eliminate the across-the-board cut in aid to localities.	Would restore \$3.2 million to Fairfax County in FY 2014. The County's cut in FY 2013 remains \$3.6 million.
Compensation Board	
<u>State-Supported Employee Compensation</u>	
Governor McDonnell's Amendments: Additional funding of \$2.1 million to increase the salaries of each Assistant Commonwealth's Attorney by \$3,308 and to increase the entry level salary to \$48,693. The funding is the initial step toward an intention to provide a similar increase in FY 2015.	Will result in a salary reimbursement of approximately \$70,000 for Fairfax County.
<u>Inmate Per Diem Funding</u>	
Governor McDonnell's Amendments: Provides an additional \$6.3 million in FY 2013 for inmate per diem based on updated inmate population forecasts. No additional funding was added for FY 2014. No changes for per diem rates.	Funding will be based on County's inmate population in FY 2013. With no additional funding in FY 2014 to meet the higher statewide inmate population, FY 2014 funding to the County could be impacted.
Public Safety	
<u>State Aid to Localities with Police Departments (HB 599)</u>	
Governor McDonnell's Amendments: Holds funding in FY 2013 and FY 2014 at the FY 2012 level although HB 599 funding is supposed to follow the percentage change in the State's General Fund revenue. State general fund revenue is projected to rise 3.6% in FY 2013 and 3.8% in FY 2014.	Funding will be maintained at \$23.7 million in FY 2103 and FY 2014.
Other Items of Interest	
<u>Water Quality Improvement Fund (WQIF)</u>	
Governor McDonnell's Amendments: Includes a \$200 million bond package to address critical water quality needs, including \$101 million for Water Quality Improvement Fund (WQIF) grants for anticipated water quality funding needs through FY 2016. Of the \$101 million, \$35 million is for urban stormwater (non-point) with an additional \$16.9 million from surplus funding for combating non-point source pollution through local stormwater programs and agricultural best management practices.	Potentially positive impact. Because of a lack of funds, the WQIF has been reimbursing just 85% of the approved grant amount.

**BUDGET PROPOSALS FOR FY 2012- FY 2014 DURING THE 2013 GENERAL ASSEMBLY SESSION
as of January 18, 2013
HUMAN SERVICES**

Issue	Fairfax County Impact
Human Services	
<u>Comprehensive Services Act (CSA)</u>	
<p>Governor McDonnell's Budget Amendments: reduces program expenditures in two areas. One item reduces program funding in FY 2014 by \$9.9 million in anticipation of new software that will integrate multiple data systems currently used to track components of CSA and its population and potentially find areas of overlap, waste and other problems. Another item reduces spending by \$21.9 million in FY 2013 and \$19.7 million in FY 2014 to levels consistent with anticipated program expenditures.</p>	<p>No direct impact is expected. However, because the state Office of Comprehensive Services (OCS) is in its first year of conducting locality audits and integrating data systems, there is currently no information to support a \$9.9 CSA expenditure reduction from the identification of waste or other problems.</p>
<u>Medicaid Eligibility Determination</u>	
<p>Governor McDonnell's Budget Amendments: allows the agency to modify aspects of this process to be in compliance with mandated provisions of the federal Patient Protection and Affordable Care Act. These changes include methodology changes, the ability to accept telephonic applications, real-time application assistance, and customer service. Local departments of social services conduct Medicaid eligibility processes on behalf of the state.</p>	<p>To Be Determined (TBD)</p>
<u>Congregate Care Rates</u>	
<p>Governor McDonnell's Budget Amendments: to encourage the move of people with complex medical or behavioral needs from state training centers into community-based settings or to help individuals in imminent risk of institutionalization stay in the community, DMAS is authorized to establish a 25 percent higher reimbursement rate for such services during FY 2014.</p>	<p>TBD</p>
<u>Medicaid Utilization</u>	
<p>Governor McDonnell's Budget Amendments: removes \$1.1 billion in federal funding in FY 2014 that was added last year for the new population predicted to be eligible for Medicaid on January 1, 2014, as a result of the federal Affordable Care Act (the U.S. Supreme Court's decision allows states to decide whether or not to expand its Medicaid population). Other actions increase state funding (and federal match) by 10% in FY 2013 and 6.5% in FY 2014 due to hospital rebasing in FY 2014, hospital payments delayed from FY 2012 to FY 2013, and the accounting of pharmacy rebates as expenditures versus revenue.</p>	<p>TBD</p>
<u>Dual Eligibility Demonstration Project</u>	
<p>Governor McDonnell's Budget Amendment: provides state funding of \$650,784 and \$1.9 million in federal funding in FY 2014 to start this three-year integrated managed care model in January 2014. This voluntary program may cover up to 70,000 individuals who are eligible for both Medicare and Medicaid (dual eligible) and have complex health care needs. They will receive all covered benefits from one managed care plan. The project will be implemented in Central Virginia, Northern Virginia, Tidewater and Western/Charlottesville regions.</p>	<p>TBD</p>
<u>Early Intervention Part C Services (Infant and Toddler Connection)</u>	
<p>Governor McDonnell's Budget Amendments: increases state funding for this program by \$3 million each year. Part C services are federally mandated, and are provided to children from infancy to three years of age who display possible developmental delays or disabilities. In FY 2013, up to \$750,000 will be used to update and enhance the data collection and accountability system associated with the program.</p>	<p>TBD</p>
<u>Auxiliary Grants</u>	
<p>Governor McDonnell's Budget Amendments: reduces state funding by \$500,000 in FY 2014 as a result of fewer individuals participating in this program.</p>	<p>No impact as this aligns the state budget with actual spending levels.</p>

**BUDGET PROPOSALS FOR FY 2012- FY 2014 DURING THE 2013 GENERAL ASSEMBLY SESSION
as of January 18, 2013
HUMAN SERVICES**

Issue	Fairfax County Impact
<u>Crisis services for intellectually and developmentally disabled children</u>	
Governor McDonnell's Budget Amendments: provides funding (\$1.25 million in FY 2014) in accordance the U.S. Justice Department agreement, for mobile crisis, in-home, and psychiatric services.	TBD
<u>Children's behavioral health crisis services</u>	
Governor McDonnell's Budget Amendments: adds \$1 million in FY 2014 to build on existing funding for crisis services, child psychiatry, case management, in-home services or other crisis services deemed appropriate by the Commissioner.	TBD
<u>Crisis services for adults with intellectual and developmental disabilities</u>	
Governor McDonnell's Budget Amendments: provides \$3.8 million additional funding in FY 2014 for services as required by the U.S. Justice Department agreement.	TBD
<u>Discharge Assistance Program</u>	
Governor McDonnell's Budget Amendments: adds \$750,000 in FY 2014 to provide community-based services to individuals determined clinically ready for discharge from state hospitals but who face barriers that impede their transition to the community.	TBD
<u>Northern Virginia Mental Health Institute</u>	
Governor McDonnell's Budget Amendments: provides \$700,000 in FY 2014 to continue operation of beds at NVMHI through this biennium.	TBD
<u>Foster Care</u>	
Governor McDonnell's Budget Amendments: dedicates \$318,868 in state funds, \$260,892 in federal funds and up to 10 staff positions in FY 2014 to improve financial oversight of child welfare programs and meet federal standards. State Title IV-E foster care programs are under federal financial review, and penalties could amount to as much as \$18 million. These staff will assess and review all foster care spending to ensure that federal and state standards are met.	TBD
<u>Health Insurance Credit</u>	
Governor McDonnell's Budget Amendments: provides \$439,338 in state funds each year and \$422,109 in federal funds each year to cover the cost of the health insurance credit for retired local social services employees.	TBD
<u>Adoption Programs</u>	
Governor McDonnell's Budget Amendments: adds \$2 million in state funds and \$350,000 in federal funds in FY 2014 to fund pilot projects aimed at providing adoptive parents with financial assistance and work with non-state entities to enhance the state's child welfare system and increase the number of foster children adopted in Virginia. Also adds \$1 million in state funds to be used to give a one-time payment of up to \$1,000 to parents adopting foster care children.	No direct impact. This funding will be provided to non-profits to encourage adoptions which could reduce the foster care population.
<u>Kindergarten Readiness</u>	
Governor McDonnell's Budget Amendments: provides \$750,000 in FY 2014, bringing total state funding to \$1.5 million for that year (same as in FY 2013) to the Virginia Early Childhood Foundation. Funds are matched with local public and private resources. The Foundation works with coalitions across the state through its Smart Beginnings program to improve early learning skills and improve readiness for kindergarten and beyond. Language requires the Foundation to work with public and private entities to develop recommendations for a kindergarten readiness assessment and subsequent pilot projects.	TBD

**BUDGET PROPOSALS FOR FY 2012 - FY 2014 DURING THE 2013 GENERAL ASSEMBLY SESSION
PUBLIC EDUCATION
as of January 18, 2013**

Public Education	Fairfax County Impact
<p>Direct Aid to Public Education Governor McDonnell's Amendments: Includes \$58.7 million in FY 2014 to support the state share of a 2% salary increase for funded SOQ instructional positions, effective July 1, 2013. The salary increase is optional for school divisions. The Governor indicated that the statewide salary increase was partially paid for by the elimination of the Cost-of-Competing supplement for Northern Virginia localities.</p> <p>State funding for the salary increase is contingent on teacher reform measures included in the proposed Educator Fairness Act. The Educator Fairness Act extends the probationary period for teachers from 3 to 5 years. The legislation will provide a definition of incompetence to include one or more unsatisfactory performance evaluations. In addition, the act will streamline grievance procedures.</p> <p>Governor McDonnell's Amendments: Provides \$4.9 million to support the costs of teachers and staff for blind or visually impaired students.</p> <p>Elimination of Cost-of-Competing Governor McDonnell's Amendments: Proposes to totally eliminate the already reduced cost-of-competing supplement for support personnel in Northern Virginia. This change reduces state funding to Northern Virginia by \$12.1 million in FY 2014.</p> <p>The \$12.1 million cut in FY 2014 by the Governor is the amount that had been partially restored by the 2012 General Assembly. The cut to Northern Virginia from the previous cost-of-competing level is \$32 million (\$12 million to Fairfax County).</p> <p>School Nurse Funding Methodology for 2014-16 Biennium Governor McDonnell's Amendments: Inserts language to base state funding for school nurses on one nurse per school, plus one additional nurse for schools with at least 1,500 students in the 2014-2016 biennium. The amendment is a funding standard that does not establish a staffing standard that school divisions would have to meet. However, additional new language in the budget recommends that the Board of Education adopt similar staffing standards; if it did, the funding standard would then become a mandate for staffing.</p>	<p>Based on projected payments by the Virginia Department of Education (DOE), funding for FCPS will increase \$13.9 million in FY 2014 compared to the FY 2013 DOE projected funding <u>if</u> FCPS chooses to increase salaries by 2%. A 2% salary increase would cost FCPS an additional \$38 million. Without a salary increase, funding from the State would increase \$8.9 million which is the result of higher projected enrollment.</p> <p>This results in a \$4.0 million loss in FY 2014 to FCPS from what would have been received if the cost-of-competing was not eliminated.</p> <p>The County does not currently meet this staffing standard. If the Board of Education adopts it, the additional cost to the County would be \$14.8 million.</p>

Budget Proposals for the 2013 - 2014 Biennium - Transportation

Budget Item #	Issue	Fairfax County Impact
430	Governor McDonnell's Budget Amendments: Provides significant additional authority to transportation agencies, by allowing them to state all actions necessary to ensure the maximization of federal transportation funds, notwithstanding any provision of law to the contrary. Similar language allowing the Secretary flexibility has been included in the past, but this expand that authority.	The provision is broad and the potential ramifications could be substantial, by affecting the existing transportation formulas.
430	VRE Funding Governor McDonnell's Budget Amendments: states that funds for contract fees paid by by VRE for access to the right-of-way of CSX, Norfolk Southern, and Amtrak, will be allocated from the public transportation's portion of federal Surface Transportation Program funds.	This appears to address the funding that was in jeopardy because of the Equity Bonus program being discontinued, thereby reducing the likelihood of a need for an increase in fares, decrease in service, or increase in local subsidy for VRE service.
435	DMV - NVTC Funding Governor McDonnell's Budget Amendments: Provides DMV with funding from the 2.1% sales tax on fuel in certain transportation districts (NVTC and PRTC) for administrative costs in implementing and collecting the tax. Similar language has been included for Department of Taxation.	Should have little to no impact, but will monitor. Similar language is included for Department of Taxation, which is transferring administration responsibilities to DMV in 2013.
439	Governor McDonnell's Budget Amendments: Conveys to DMV that the allocation of 2.1% sales tax must go to the respective commissions in amounts equivalent to the shares collected by member jurisdictions, as previously done by Department of Taxation.	No impact. States change in administering agency, per HB 876 (2012).

441	<p>Mass Transit Funding</p> <p>Governor McDonnell's Budget Amendments: increases funding for Financial Assistance for Public Transportation for the FY 2014 by \$3,287,148. Operating Assistance for FY2014 is increased by transit for the biennium is increased by \$6,212,646.</p>	<p>Based on previous allocations, and if the allocation formula remains the same, an additional \$2,174,000 may be available for transit operations within Fairfax County.</p>
446	<p>Highway Maintenance and Construction</p> <p>Governor McDonnell's Budget Amendments: increases funding for Highway System Acquisition and Construction by \$199,588,566 for the biennium. Within that account, Dedicated and Statewide Construction is decreasing by \$3,662,252 and interstate construction is decreasing by \$86,464,778; while primary construction is increasing by \$160,252,359; and secondary construction is increasing by \$33,642,388; and urban construction is increasing by \$90,239,171.</p>	<p>Depending on what decisions are made by the CTB for Six-Year Program allocations, an estimated additional \$30 million may be available for highway construction projects in Fairfax County over the biennium.</p>
447	<p>Governor McDonnell's Budget Amendments: increases funding for Highway System Maintenance and Operations by \$133,354,907 for the biennium; with \$31,185,396 less for Interstates, \$129,776,192 less for primaries; \$174,382,926 more for secondaries; and \$100,275,667 more for Transportation Operations Services.</p>	<p>Currently unclear at this point, but using historical estimates, an estimated additional \$20 million may be available for maintenance within Northern Virginia.</p>
3-5.09	<p>Additional General Fund Support for Transportation.</p> <p>Governor's Budget Amendments: authorizes that 0.05 percent of the current 5-cent sales and use tax rate be used to add revenue to the Highway Maintenance and Operating Fund for transportation maintenance. The language would move \$48.1 million in FY14 from the general fund to the highway maintenance fund.</p>	<p>Using historical estimates, an estimated additional \$6.7 million may be available for maintenance within Northern Virginia. However, the funds would come from the General Fund, thereby possibly reducing funding received for other programs.</p>

White Paper on Medicaid Expansion in Virginia

Fairfax County strongly supports the expansion of Medicaid eligibility in Virginia to 133% of the Federal Poverty Level by the 2013 General Assembly.

Background

- Virginia's Medicaid program provides payment for health care for people in particular categories. Currently, Medicaid in Virginia typically covers: pregnant women with household incomes up to 133% of the Federal Poverty Level (FPL), children (up to age 18) up to 133% of FPL, older adults up to 80% of FPL, some people with disabilities up to 80% of FPL, and parents up to 24% of FPL. 133% of FPL translates to \$14,856 per year for individuals or \$30,657 per year for families of four.
- Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines – the federal match rate for Virginia's Medicaid program is 50%; for its children's health program (FAMIS) the match rate is 65%.
- Virginia's current eligibility requirements are so strict that although it is the 11th largest state in terms of population and 7th in per capita personal income, Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.
- In FY 2012, 996,835 Virginians were enrolled in Medicaid (17% were adults, 57.2% children, 17.8% people with disabilities, and 8% older adults), and the state spent approximately \$7 billion.

What is Medicaid Expansion?

- In June 2012, the U.S. Supreme Court upheld the constitutionality of all the major provisions of the Patient Protection and Affordable Care Act (ACA), but provided the states the option of whether or not to expand Medicaid eligibility up to 133% (plus a 5% income disregard) of federal poverty.
- Costs of the expansion are 100% federally funded for 2014 through 2016, decreasing incrementally to 90% for 2020 and subsequent years for all newly eligible enrollees. After 2016, the state share increases gradually, and is capped at 10% by 2020.
- The federal match for children/pregnant women would increase from 65% to 87% between 2015 and 2019.

Arguments in Favor of Medicaid Expansion in Virginia

Medicaid expansion would provide insurance coverage for more Virginians.

- Beginning January 1, 2014, as many as 430,000 Virginians could gain Medicaid coverage, including 25,000 to 30,000 individuals in Fairfax County.
- Primarily low income, working adults earning up to 133% FPL (individuals earning below \$14,856 per year or families below \$30,657 per year), this group also includes children transitioning from foster care and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

The cost to the Commonwealth will be minimal in the first few years, and likely manageable in the longer term when balanced against expected savings elsewhere in the state budget.

- The federal government will pay 100% of the cost through 2016, decreasing incrementally to 90% for 2020 and subsequent years.
- Some of the cost of providing care to individuals with behavioral health needs could be shifted to Medicaid, providing coverage to approximately 22,000 people and potentially saving the Commonwealth \$12 million per year.
- The 2012-14 biennium budget includes \$209 million GF for indigent health care costs at VCU Health System and UVA Medical Center – these costs to the state could be saved if such patients were Medicaid eligible.
- Over \$1 billion was spent on indigent care in Virginia in the last decade, with \$112 million spent in FY 2012 – annual savings could range from 50% to 80% of current spending (\$56 million to \$90 million annually).
- The state Department of Corrections could save \$15.2 million annually due to expanded eligibility for individuals whose care was previously paid for by the state.

Providing insurance coverage to uninsured Virginians could lower health care costs for all Virginians.

- Commercial insurance enrollees already pay a “hidden tax” to cover uncompensated care provided for uninsured Virginians. With fewer uninsured, “hidden tax” currently borne by other commercial payers should shrink (potentially \$17 million to \$24 million annually).
- Uninsured Virginians would likely receive more preventative and primary care, reducing more expensive emergency care and treatments for sicker individuals. These cost saving potentials have already been documented in a recently published MCV study.

Medicaid expansion could dramatically increase health care coverage for Fairfax County residents.

- 25,000 to 30,000 low-income residents would become eligible through the expansion.
- County-funded safety net providers, including non-profits, are expected to realize enhanced revenue streams, as uninsured individuals who generally receive uncompensated care will become eligible for Medicaid.
- The Fairfax-Falls Church Community Services Board (CSB) estimates that the percentage of clients receiving substance abuse or mental health services who are covered by Medicaid will rise from 38% to 50%.
- The Fairfax County Health Department estimates that 25% of the clients served by the Community Health Care Network (CHCN) – over 3,200 individuals – will become eligible for Medicaid through the expansion. As these clients are able to find other providers, there will be a decrease in the CHCN wait list.

Opting out of the Medicaid expansion could increase the burden on safety net providers and the cost of uncompensated care.

- Individuals who earn at least 100% of FPL will be eligible for subsidized insurance through the health exchange; however, individuals earning below 100% FPL are ineligible for such subsidized insurance as they were envisioned by the federal law to be covered by Medicaid.
- If Virginia does not participate in the expansion, a “donut hole” could be created where very low income individuals are left with no affordable health care options – essentially some Virginians would be too “wealthy” to qualify for Medicaid and too poor to qualify for the health exchange.
- Federal Disproportionate Share Hospital (DSH) reimbursements will be cut by ACA beginning in October 2013, potentially requiring the state and hospitals to assume those costs alone, rather than using federal dollars under expanded Medicaid (Virginia’s FY 2010 DSH allotment was \$172 million).

Key Aspects of the ACA

- Requires most US citizens and legal residents to have health insurance.
- Increases Medicaid primary care reimbursement rates to 100% of Medicare rates for 2013 and 2014; Virginia currently reimburses providers at 85% of the Medicare rate.
- Creates health benefit exchanges to help individuals and small businesses purchase health insurance (Governor McDonnell has indicated Virginia will utilize a federal health exchange).
- Offers subsidies to low-income individuals (up to 400% of FPL) to help them afford private insurance.

Fairfax County Statement on Medicaid Expansion in Virginia

Fairfax County strongly supports increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians. It is estimated that the expansion would provide coverage to as many as 430,000 Virginians, including 25,000-30,000 individuals in Fairfax County, at a minimal cost to the Commonwealth in the first few years. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the “hidden tax” currently borne by all Virginians.

Information in this fact sheet is from Senate Finance, House Appropriations, JLARC and Fairfax County sources.
Figures are current as of January 2013.

Fairfax County White Paper on Elimination of Cost of Competing for Support Positions

Fairfax County strongly opposes any proposal to eliminate Cost of Competing for support positions in FY 2014; in fact, the factor should be fully funded at 24.61%, as affirmed by a 2012 JLARC study.

Background

- Cost of Competing Adjustment (COCA) is an additional factor used in the state K-12 funding formula, recognizing the higher salaries required in certain high cost areas of the Commonwealth to attract and retain highly qualified teachers and support staff.
- COCA was first proposed as a specific factor in Virginia's education funding formula in a 1988 JLARC report.
- The idea behind COCA is that in ways beyond the control of school divisions, the price school divisions must pay for their personnel is influenced by the need to compete in a regional labor market.
- The 1988 JLARC study proposed that the Commonwealth recognize a higher cost of competing for school division personnel in Northern Virginia, as the Commonwealth does for its own employees in Northern Virginia.
- The 2012 JLARC study reaffirms that Northern Virginia is the state's most expensive labor market, with a cost of living 25% higher than the next closest region.
- **In fact, the Commonwealth provides state employees in similar positions stationed in NOVA a 30% pay supplement, reflecting the increased cost of hiring and retaining high quality employees in that region.**
- According to the ACCRA Cost of Living Index (widely used by the federal government, economists, researchers and corporations to measure relative cost of living), the cost of living in Northern Virginia is 66% higher than Henry, 50% higher than Blacksburg, 54% higher than Roanoke, 43% higher than Richmond, 35% higher than Hampton Roads, 51% higher than Staunton/Augusta, 57% higher than Danville, 49% higher than Harrisonburg/Rockingham.

Governor's Budget Amendment

- Full support staff COCA funding for NOVA school divisions and surrounding areas is \$32 million per year.
- In the final days of the 2012 GA session, the budget conference report restored most of this COCA funding for FY 2013 (\$28 million), and included a reduced amount for FY 2014 (\$12.2 million).
- The Governor's budget amendment proposes to eliminate COCA for support positions in FY 2014.
- Fairfax County supports full restoration of COCA for support positions at \$32 million for FY 2014 (\$11 million of which would be for Fairfax County).

Localities Adversely Affected

- **Eliminating COCA for support positions would cost FCPS \$11 million in state aid in FY 2014.**
- **The loss for all of NOVA school divisions and surrounding areas is \$32 million in FY 2014:** Fairfax County -- \$11 million; Loudoun -- \$6.3 million; Prince William -- \$10 million; Manassas -- \$902,000; Manassas Park -- \$436,000; Stafford -- \$846,000; Fauquier -- \$241,000; Fredericksburg -- \$50,000; Spotsylvania -- \$702,000; Clarke -- \$49,000; Warren -- \$147,000; Frederick -- \$377,000; Culpeper -- \$219,000; Winchester -- \$103,000; Arlington -- \$839,000; Alexandria -- \$485,000; Fairfax City -- \$123,000; Falls Church -- \$87,000.

Arguments Against Eliminating Cost of Competing for Support Positions

The proposed COCA elimination hurts localities gaining new school children.

- The 18 localities that would lose state funding comprise 460,000 or 38% of school children in the state.
- The jurisdictions being harmed by this recommendation stand to lose \$32 million, while they are also projected to gain over 18,000 school children between FY 2012 and FY 2014.
- Fairfax County is projected to gain nearly 6,800 kids in between FY 2012 and FY 2014 – this is more children than the entire school population in 99 school divisions.

The proposed COCA elimination is unfair.

- COCA has long been an agreed upon factor in the state K-12 funding formula.
- **As previously stated, the Commonwealth provides state employees in similar positions stationed in NOVA a 20-30% pay supplement, reflecting the increased cost of hiring and retaining high quality employees in that region.**
- At the fully funded level, the COCA factor is 24.61% for support positions in PDC 8, and is 6.15% (25% of the PCD 8 factor) for support positions in the outer Northern Virginia suburbs.
- This proposal targets Northern Virginia.
- State K-12 funding is already calculated using lagging data (2009 data is used for the 2012-2014 biennium budget). This action would further divorce state funding from the actual costs of running high quality school systems.
- A bipartisan coalition of legislators from Northern Virginia and surrounding localities restored COCA during the 2012 GA session.

A 2012 JLARC report reaffirmed the need for COCA.

- While the Governor quoted the report stating, “Most school districts, including those in NOVA, can effectively recruit and retain staff based on current salaries offered,” he fails to acknowledge that current salaries are competitive due primarily to the local dollars NOVA school divisions spend.
- JLARC also states, “NOVA is the state’s most expensive labor market based on several measures,” and “Comparing salaries across divisions reveals that NOVA school divisions...offer salaries above salaries offered in the rest of the state. This further confirms that the labor market in which school divisions in NOVA must recruit and retain staff is more competitive than the rest of the State.”

NOVA is a donor to jurisdictions around the Commonwealth.

- NOVA contains 27% of the state’s population, and generates 40% of the state General Fund (GF). NOVA only receives 21% of the GF in return (22% including the car tax).
- FCPS receives 19% of its K-12 funding from the state (other receive 48% on average).
- Fairfax County received \$2,636 per pupil in FY 2012, as compared to \$4,235/child for Chesterfield, \$4,117/child for Virginia Beach, \$4,658/child for Norfolk, \$4,047 for Henrico, \$3,905 for Colonial Heights.
- The entire Commonwealth shared in the good times and the revenue generated from NOVA during the economic boom.
- NOVA generates funds that educate kids throughout the state, while our taxpayers contribute dramatically more than the state requires to our own school systems.

The quality of K-12 in NOVA is a major economic driver for the region and the Commonwealth.

- Fortune 500 companies like Volkswagen cite NOVA’s excellent schools and educated workforce as reasons to move to NOVA.
- State K-12 funding problems should not be solved by taking funds from NOVA’s kids.

Fairfax County Statement on Elimination of Cost of Competing Funding

Fairfax County strongly opposes the arbitrary elimination of Cost of Competing funding for support positions contained in the executive budget. The higher cost of living in Northern Virginia is an accepted fact, reinforced by the Commonwealth’s own decision to pay an additional differential to state employees assigned to Northern Virginia. State K-12 funding formulas must be implemented consistently, fairly and equitably, so all localities benefit from their partnership with the Commonwealth.

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Chief Patron: Governor McDonnell

Item **C-34.15 #1g**

Veterans Affairs And Homeland Security

Department Of Veterans Services

Language

Language:

Page 462, after line 21, insert:

"C-34.15 New Construction: Northern Virginia Veterans Care Center

The Governor is authorized to request federal funds to construct a new veterans care center with up to 240 beds in the northern area of Virginia. After the United States Department of Veterans Affairs has determined that federal funds will be allocated for the new center, the Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of \$28,500,000 to the Department of Veterans Services for the state share of the construction cost, so that the project may proceed without further action by the Commonwealth, in accordance with 38 CFR 59.50 and 38 CFR 59.70(b). The treasury loan shall be repaid by such sources of funding as determined by the Governor and General Assembly. The Director, Department of Planning and Budget, is authorized to sign and certify any federal documents or forms to acknowledge that the state share of funding for the Northern Virginia Veterans Care Center is available without further action by the Commonwealth."

Explanation:

(This amendment provides budget language regarding the availability of state matching funds for construction of a new veterans care center in the Northern Virginia area to comply with the Code of Federal Regulations (CFR). 38 CFR 59.50 and 38 CFR 59.70 require Virginia to certify, once it is determined that federal funds are to be allocated, that the project may proceed "without further action required by the state.")

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900 EAST MAIN STREET
RICHMOND, VA 23219

Air Force Association
American Ex-Prisoners
of War
American Legion
AMVETS
Association of the United
States Army
Disabled American
Veterans
Fleet Reserve
Association
Korean War Veterans
Association
Legion of Valor of the
U.S., Inc.
Marine Corps League
Military Order of the
Purple Heart
Military Officers
Association of America
Military Order of the
World Wars
National Association for
Uniformed Services
Navy Seabee Veterans of
America
Non-Commissioned
Officers Association
Paralyzed Veterans of
America
Reserve Officers
Association
Roanoke Valley Veterans
Council
Veterans of Foreign Wars
Vietnam Veterans of
America
Virginia National Guard
Association
Women Marines
Association

Adopted
July 11, 2012

COMMONWEALTH OF VIRGINIA
JOINT LEADERSHIP COUNCIL OF
VETERANS SERVICE ORGANIZATIONS

2013 Position Paper
Northern Virginia Veterans Care Center

1. **Objective:** To set aside land currently owned by the Commonwealth of Virginia at the Northern Virginia Training Center in Fairfax County for the future construction of the Northern Virginia Veterans Care Center.
2. **Background:**
 - The *Long-Term Care Feasibility Study: Quality Care They Earned* was prepared for the Virginia Department of Veterans Services in 2007 by the Schroeder Center for Healthcare at the College of William & Mary.
 - Among the six primary recommendations made in the study was the need for a new veterans care center in the Northern Virginia Planning District (Arlington, Fairfax, Loudoun, Prince William, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City). The report recommended that new care centers "...be located near veteran population centers without a Veterans Care Center..."
 - A specific site for the Northern Virginia center has not yet been designated.
 - As of the 2000 census there were nearly 42,000 veterans over 65 in the Northern Virginia Planning District, second only to Hampton Roads with nearly 48,000.
 - The Northern Virginia Training Center is located in Fairfax County near the George Mason University Campus. The Commonwealth and the U.S. Department of Justice in January 2012 reached a settlement agreement, under which Virginia will close the center by 2015.
3. **Discussion:**
 - This property is already owned by the Commonwealth of Virginia.
 - Land set aside would be used to construct the new veterans care center with up to 240 beds. Actual construction would occur after the United States Department of Veterans Affairs has determined that federal funds will be allocated, and Virginia approves and allocates the state share of the construction costs.
 - The cost of property in the Northern Virginia area is very high. By utilizing property already owned by Commonwealth the cost of the project should be significantly reduced.
4. **Recommendation:** That the Governor take the necessary administrative or legislative actions to formally set aside land currently owned by the Commonwealth at the Northern Virginia Training Center in Fairfax County for the future construction of the Northern Virginia Veterans Care Center.

Transportation Funding Proposals

January 18, 2013

Governor's Transportation Plan

- **Eliminate the current 17.5 cents per gallon gasoline tax and replace it with a 0.8 cent increase to the sales tax on all retail sales except:** The tax on diesel fuel remains. *Approximately \$607 million over 5 years.*
 - Allocation: 85 percent of the increased sales tax will go to the maintenance and operations and 15 percent will go to the Transportation Trust Fund (for highway construction, transit, ports, airports, space flight authority).

- **Transfer an additional .25 cent of the state's portion of the existing sales tax from the General Fund to transportation:** Transportation currently receives 0.5 cent of the sales tax, and the Governor proposes to phase in this share to 0.75-cent over five years. *Approximately \$811 million over 5 years.*
 - Allocation: these revenues will be dedicated for maintenance and operations. During the first three years, up to \$300 million, in total, will be committed to the Dulles Metrorail Extension Project, provided that reforms to MWA, identified by the U.S. Department of Transportation Inspector General, are implemented.

- **Increase vehicle registration fees by \$15 and dedicate the revenue to intercity passenger rail and transit.** *Approximately \$547 million over 5 years.*
 - Allocation: 50 percent for transit and 50 percent for passenger rail.

- **Impose a \$100 annual Alternative Fuel Vehicle Fee and dedicate the revenues to transit:** Legislation passed during the 2012 session already required a fee for electric vehicles - this applies the increased fee to all alternative fuel vehicles. *Approximately \$66 million over 5 years.*
 - Allocation: All will be dedicated to the Mass Transit Fund.

- **Adopt the Marketplace Equity Act now and dedicate projected revenues to transportation and education:** Should Congress enact the Marketplace Equity Act, which grants states the legal authority to collect out-of-state sales taxes, this will allow the Commonwealth to collect these taxes. *Approximately \$1.15 billion for Transportation over 5 years, contingent on passage of a federal bill.*
 - Allocation:
 - 1.125 cents of the 5.8 cents sales tax will be dedicated to public education (\$310 million over 5 years),
 - 1 cent will be given back to the localities, half to be used at their discretion (\$138 million over 5 years) and half for local transportation priorities (\$138 million over 5 years). Currently, the full 1 cent given back to the localities from the existing sales tax is for use at their discretion.
 - 0.5 cents will be given back to the localities for local transportation priorities (\$138 million over 5 years)
 - 3.675 cents will be provided to the Transportation Trust Fund (\$1.02 billion over 5 years).

Transportation Funding Proposals

January 18, 2013

HB 1472 (Watts)

- Imposes a motor fuels sales tax rate of 5% for highway maintenance.
- Increases the state sales tax in Northern Virginia by 0.5% for transportation projects in Northern Virginia.
- Adds an additional grantors tax in Northern Virginia at a rate of \$0.40 per \$100 valuation.
- Reduces the sales tax rate on food for human consumption from 1.5% to 1%.
- Currently, the Northern Virginia Commercial and Industrial Property (C&I) tax is limited to \$.125 per \$100 of assessed valuation. The bill removes the sunset date (June 30, 2018) for the limit, allowing an increase to \$0.25 per \$100 of assessed value.
- Increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 to \$0.125 per \$100 of assessed value. Jurisdictions that impose the \$.125 rate benefit from other Northern Virginia revenues created through the bill.
- Imposes a \$100 annual fee on alternative fuel vehicles.
- Currently, some localities in Northern Virginia and Hampton Roads can impose a local income tax, if approved by a referendum. This bill repeals that authority.

HB 1677 (Hugo)

- Repeals the tax on all motor fuels except diesel fuel and diesel blended fuel.
- Increases the retail sales and use tax rate by 0.75% and allocates that new revenue to transportation according to the current formula for motor fuels tax revenue allocation.

Other Related Bills

Several other bills, some of which are listed below, have introduced have the following provisions and also include some other provisions specified:

- Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline.
- Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, registered owners of hybrid electric vehicles would be eligible for a refund of the new 5% gas tax.

HB 2179 (Rust)/ SB 717 (Watkins) also:

- Prohibits the placement of tolls on existing roads in the Commonwealth without the approval of the General Assembly.
- Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014 - income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate.
- Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013.
- Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation.

Transportation Funding Proposals

January 18, 2013

HB 2063 (Rust) also:

- Authorizes planning district commissions to be eligible to receive revenues to be used solely for transportation purposes within the planning district - the revenues would be generated by an additional 0.5% state sales tax and an additional state recordation tax of \$.15 per \$100 in the localities located in the planning district commission. To be eligible:
 - The planning district commission must determine, in order of priority, a list of 10 transportation projects that it would like to fund with the revenues.
 - The governing bodies of the localities representing at least a majority of the residents within the planning district commission must pass a resolution in support of the generation of such revenues.
 - After these requirements have been met, the General Assembly must specifically authorize the imposition of such taxes in the localities in the planning district commission during the next session.
 - If the revenues are authorized, then a locality would no longer be authorized to impose a local income tax.

HB 2253 (Albo) also:

- Decreases all individual income tax rates by 0.2%.
- Adopts market-based sourcing for corporate income tax for the sourcing of services, marketable securities, and property
- Repeals the:
 - the land preservation tax credit
 - the long-term care insurance tax credit
 - the coalfield employment enhancement tax credit.
- Imposes a 2% state transient occupancy tax
- Imposes an initial state motor vehicle license fee on 1% of the retail value of the vehicle.
- Repeals the sales and use tax exemption for nonprofit entities
- Increases the amount of state sales tax distributed to localities from 1% to 1.23%.
- Imposes a \$0.20 per \$100 grantors fee in any locality in Northern Virginia that is imposing either of the following two local taxes;
 - Authorizes Fairfax County, Loudoun County, and Prince William County to impose a 4% food and beverage tax without a referendum, to be used for the construction of roads that reduce traffic congestion.
 - Authorizes Arlington County and the cities in Northern Virginia to impose an additional 0.5% local sales and use tax to be used for the construction of roads that reduce traffic congestion.
- Authorizes localities in Hampton Roads to impose an additional 1% sales and use tax to be used for the construction of roads that reduce traffic congestion.

2013 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Position	Notes
HOUSE						
Transportation Funding Bills						
HB 1403	Cole	Sales and use tax revenue dedicated to the Transportation Trust Fund.	H Finance			Increases the amount of sales tax dedicated to the Transportation Trust Fund from an amount generated by a 0.5 percent tax rate under current law to an amount generated by a one percent tax rate, phased in by a 0.1 percent increase each year for five years, or over a longer period of time if there is a lack of growth in general fund revenues.
HB 1409	Scott, J.	Motor fuels tax; converts rate of taxation from cents per gallon to a percentage rate.				Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. DMV Commissioner will calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the DMV Commissioner over rolling six-month periods, to determine the cents to be charged.
HB 1438	Purkey	Motor fuels tax; indexed.	H Finance, Sub #1			Requires that the motor fuels tax rate be indexed on January 1, 2014, and each year thereafter, to the average percentage change in the USDOT's Transportation Services Index for the three years ending October 31 of the year immediately preceding the affected year.
HB 1450	Stolle	Additional state sales and use tax in the Hampton Roads Planning District; referendum.	H Finance			Provides for an additional 1% sales tax in the counties and cities located in the Hampton Roads Planning District, with the additional revenues generated by the tax to be used for regional transportation projects. The tax would become effective on January 1, 2014, and only if approved by a majority of the voters in the Planning District at the November 2013 election.
HB 1472	Watts	Transportation funding and administration.	H Finance			Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of 5% for highway maintenance; (ii) increasing the state sales tax in Northern Virginia by 0.5% for transportation projects in Northern Virginia; and (iii) adding an additional recordation tax in Northern Virginia at a rate of \$0.40 per \$100 valuation. The bill reduces the sales tax rate on food for human consumption from 1.5% to 1%, and repeals the authority for certain localities to impose a local income tax. The bill removes the sunset date (June 30, 2018) for the \$1.25 per \$100 of assessed value limit on the Northern Virginia C&I tax, allowing an increase to \$0.25 per \$100 of assessed value. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 to \$0.125 per \$100 of assessed value.
HB 1650	Krupicka	Retail Sales and Use Tax; revenue distributed to certain localities.	H Finance, Sub #1			Provides that if a heavy rail commuter mass transportation Infill station is constructed in a service district in a locality, then the locality is entitled to retain the sales tax revenue generated in the service district, not to exceed \$1.25 million per year, to pay bonds issued to construct such station.
HB 1663	Winchew	Motor fuels tax; authorizes any county or city to impose at rate not to exceed \$0.10 per gallon.	H Finance, Sub #1			Authorizes any county or city to impose a tax at a rate not to exceed \$0.10 per gallon on motor fuel sold by a wholesale distributor to a retail dealer in the locality. The revenue from such tax shall be used solely for transportation projects.

2013 General Assembly Session Transportation Funding/Allocation Bills

HB 1677	Hugo	Transportation funding.	H Finance			Adjusts the sources and amounts of funding for transportation by repealing the tax on all motor fuels except diesel fuel and diesel blended fuel, increasing the retail sales and use tax rate by 0.75% and allocating the additional revenue to transportation according to the current formula for motor fuels tax revenue allocation, and doubling the amount of current sales tax revenue dedicated to the Transportation Trust Fund.
HB 1718	Anderson	Transportation projects; reimbursement of VDOT by localities & metropolitan planning organizations.	H Transportation, Sub #4			Legislation passed in the 2012 Session required localities and regional organizations to reimburse the Virginia Department of Transportation (VDOT) for expenses when terminating a project or requesting alterations that exceed 10% of the total project cost. The bill clarifies that localities and regional organizations are required to pay for terminating projects only when VDOT does not mutually agree to terminate the project and that the provisions requiring localities and regional organizations to pay for project alterations apply after final engineering is approved by VDOT and the project scope is agreed to.
HB 1878	Morrissey	Establishing and adjusting sources of revenue for appropriations of the Commonwealth and its localities.	H Finance			Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the Highway Maintenance and Operations Fund (HMOF), Transportation Trust Fund (TTF), Intercity Passenger Rail Operating and Capital Fund (IPROF), and the localities to be used for transportation purposes. Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, registered owners of hybrid electric vehicles would be eligible for a refund of the new 5% gas tax. Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014 - income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate. Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013; and eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation.
HB 1993	Massie	Motor vehicle rental tax; exclusions from the tax.	H Finance, Sub #1	Recommends Reporting 110		Provides exclusions from the gross rental proceeds upon which the motor vehicle rental tax is imposed, including cash discounts taken on a rental contract; finance, carrying, and other service charges; charges for motor fuels; charges for optional accidental death insurance; and other specified exclusions.

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2013 General Assembly Session Transportation Funding/Allocation Bills

HB 2063	Rust	Establishing and adjusting sources of revenues for appropriations of the Commonwealth.	H Finance		Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline - revenues would be distributed to HMOF, TTF, JPROF, and localities to be used for transportation purposes. Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, registered owners of hybrid electric vehicles would be eligible for a refund of the new 5% gas tax. Repeals income tax credits for vehicle emissions testing equipment effective for taxable years beginning on or after January 1, 2013. Authorizes planning district commissions to be eligible to receive revenues to be used solely for transportation purposes within the planning district - the revenues would be generated by an additional 0.5% state sales tax and an additional state recordation tax of \$.15 per \$100 in the localities located in the planning district commission. In order to be eligible, the planning district commission must determine, in order of priority, a list of 10 transportation projects that it would like to fund with the revenues. Additionally, the governing bodies of the localities representing at least a majority of the residents within the planning district commission must pass a resolution in support of the generation of such revenues. After these requirements have been met, the General Assembly must specifically authorize the imposition of such taxes in the localities in the planning district commission during the next session. If the revenues are authorized, then, if applicable, a locality would no longer be authorized to impose a local income tax.
HB 2179	Rust	Establishing and adjusting sources of revenue for appropriations of the Commonwealth and its localities.	H Finance		Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the HMOF, TTF, JPROF, and localities to be used for transportation purposes. Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, registered owners of hybrid electric vehicles would be eligible for a refund of the new 5% gas tax. Prohibits the placement of tolls on existing roads in the Commonwealth without the approval of the General Assembly; Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014 - income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate. Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013; Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation.
HB 2224	Howell, A.	Motor fuels tax; increases rate by \$0.10 per gallon, revenue to be used for transportation.	H Finance, Sub #1		Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.

HB 2253	Albo	Transportation funding.	H Finance		The bill makes several changes to the individual and corporate income tax: (i) decreases all individual income tax rates by 0.2%; (ii) adopts market-based sourcing for corporate income tax for the sourcing of services, marketable securities, and property; and (iii) repeals (a) the land preservation tax credit, (b) the long-term care insurance tax credit, and (c) the coalfield employment enhancement tax credit, including the ability of electricity generators to allocate tax credits earned by such persons for purchasing coal to persons with an economic interest in coal. The bill imposes a 5% state tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed for maintenance of roads in the secondary state highway system and construction of new roads. The bill also increases the additional state registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, owners of hybrid electric motor vehicles registered in the Commonwealth would be eligible for a refund of the new 5% tax on motor fuels sales. The bill imposes a 2% state transient occupancy tax, an initial 1% state motor vehicle registration fee, and a \$0.20 per \$100 recordation fee in any locality in Northern Virginia that is imposing either of the two local taxes set forth below: The bill completely exempts food for human consumption from state and local sales taxes, repeals the sales and use tax exemption for nonprofit entities, and increases the amount of state sales tax distributed to localities from 1% to 1.23%. The bill authorizes Fairfax County, Loudoun County, and Prince William County to impose a 4% food and beverage tax without a referendum, to be used for the construction of roads that reduce traffic congestion. The bill authorizes Arlington County and the cities in Northern Virginia to impose an additional 0.5% local sales and use tax to be used for the construction of roads that reduce traffic congestion. The bill also authorizes localities in Hampton Roads to impose an additional 1% sales and use tax to be used for the construction of roads that reduce traffic congestion. All provisions of the bill, except the adoption of market-based sourcing for corporate income tax, are effective January 1, 2016. The market-based sourcing for corporate income tax is effective January 1, 2014.
SENATE					
SB 687	Lucas	Virginia Casino Gaming Commission; created, penalties, report.	S General Laws, Sub #1		Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the licensing scheme for casino gaming and provides penalties for violations of the casino gaming law. Under bill, casino gambling shall be limited to localities that in which at least fifty percent of the land area is exempt from local real property taxation pursuant to federal law or Article X, Section 6 A 1 through A 5 and A 7 of the Constitution of Virginia. Provides a portion of the taxes generated for transportation purposes.
SB 689	Lucas	Virginia Casino Gaming Commission; created, penalties, report.	S General Laws, Sub #1		Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming in the state. Under the bill, the conduct of casino gaming is limited to localities in which at least 40 percent of the assessed value of all real estate situated in the locality is exempt from local property taxation pursuant to federal law or Article X, Section 6 or 6-A of the Constitution of Virginia. Provides a portion of the taxes generated for transportation purposes.
SB 695	Lucas	Va. Toll Relief Act and Va. Casino Gaming Commission; regulation of casino gaming, penalties.	S General Laws, Sub #1		Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Provides a portion of the taxes generated for transportation purposes.

2013 General Assembly Session Transportation Funding/Allocation Bills

SB 696	Lucas	Va. Toll Abatement Act and Va. Casino Gaming Commission; regulation of casino gaming; penalties.	S General Laws, Sub #1			Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Under the bill conduct of casino gaming shall be limited to counties, cities, and towns that are located in Planning District 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, or 23. Provides a portion of the taxes generated for transportation purposes.
SB 697	Lucas	Va. Transportation Enhancement and Toll Abatement Act and Va. Casino Gaming Commission; regulation.	S General Laws, Sub #1			Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Under the bill conduct of casino gaming shall be limited to counties, cities, and towns that are located in Planning District 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, or 23. Provides a portion of the taxes generated for transportation purposes.
SB 700	Alexander	Taxes on fuels; issuance of bonds.	S Finance			Makes the retail sale of gasoline, diesel fuel, and other fuels subject to the general 5% retail sales tax and reduces the fuels tax on such fuels by \$0.05 per gallon from \$0.175 per gallon to \$0.125 per gallon. Under current law, the sale of fuels is exempt from the general retail sales and use tax, but fuels are subject to a fuels tax imposed at the rate of \$0.175 per gallon. Of the net additional revenues generated each year, \$250 million would go to the HMOF and the remainder would be deposited into the Highway Construction Projects Trust Fund created under the bill. Moneys deposited into the Trust Fund would be used to finance or fund the construction, acquisition, reconstruction, or replacement of or improvements or additions to highway projects as specifically set forth in the general appropriation act to be financed or funded using moneys from the Fund. The bill authorizes the issuance of up to \$5 billion in bonds for such highway projects with the bonds and the interest thereon to be repaid from the net additional revenues generated by the bill and deposited into the Fund. The CTB is charged with ensuring that of the revenues deposited into the Trust Fund, over the long term, approximately 38% of such revenues would be used for projects in the Northern Virginia highway construction district, 31% for projects in the Hampton Roads highway construction district, and 31% for projects in all the remaining construction districts.
SB 714	Lucas	Va. Toll Mitigation Act & Virginia Casino Gaming Commission; regulation of casino gaming; penalties.	S General Laws, Sub #1			Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Proceeds of the gross receipts tax and admission tax imposed on casino gaming operators will be paid into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the (i) Dominion Boulevard Bridge and Roadway Improvement Project and (ii) Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. Under the bill, a referendum of the location of a casino gaming operation shall be limited to localities within the Hampton Roads Transportation District, and no initial license to operate a casino gaming operation may be issued unless a regional referendum approving casino gaming has been conducted and approved. Provides a portion of the taxes generated for transportation purposes.

2013 General Assembly Session Transportation Funding/Allocation Bills

SB 717	Watkins	Establishing and adjusting sources of revenue for appropriations of the Commonwealth and its localities.	S Finance			Establishes a 5% on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the HMOF, TTF, IPROF, and localities to be used for transportation purposes. Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, owners of the registered hybrid vehicles would be eligible for a refund of the new five percent tax on motor fuels sales. Prohibits the placement of tolls on existing roads in the Commonwealth without the approval of the General Assembly. Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014 - income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate. Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013. Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation.
SB 733	Petersen	Virginia's fuels taxes; annually changing rate by using changes in fuel efficiencies of vehicles.	S Finance			Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill establishes 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the DMV Commissioner would compute the adjusted rates of fuels taxes.
SB 824	McWaters	Hampton Roads Planning District; additional 1% sales & use tax in counties in District.	S Finance			Provides for an additional 1% sales tax in the counties and cities located in the Hampton Roads Planning District, with the additional revenues generated by the tax to be used for regional transportation projects. The tax would become effective on January 1, 2014, and only if approved by a majority of the voters in the Planning District at the November 2013 election.
SB 855	Petersen	Transportation; funding and administration.	S Finance			Increases the base fuel tax rate in Virginia by 10 cents to \$0.275 per gallon of gasoline, gasohol, and diesel fuel, and then increases or decreases the rate each year using a fuel efficiency index and would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the DMV Commissioner would compute the adjusted rates of fuels taxes. The bill also establishes a \$10 fee for the sale of each new electric motor vehicle battery, with the proceeds being deposited into the HMOF. Finally, the bill increases the membership of the CTB from 17 members to 23 members, with four members representing Northern Virginia, three members representing Hampton Roads, and two members representing Richmond. Currently, each of those areas has one representative on the Board.
SB 872	McWaters	Transportation Trust Fund; increases percentage portion of general fund surplus that is deposited.	S Finance			Increases from 67% to 75% the portion of the general fund surplus remaining at the end of each fiscal year that is deposited into the TTF. Such deposit takes place after deposits are made to the Revenue Stabilization Fund and the Water Quality Improvement Fund and other statutorily mandated commitments are met.
SB 925	McWaters	Retail Sales & Use Tax; increases amount of revenue dedicated to Transportation Trust Fund.	S Finance			Increases the amount of sales tax revenue dedicated to the TTF from an amount generated by a 0.5% tax rate under current law to an amount generated by a 0.75% tax rate, phased in over a period of three years.

2013 General Assembly Session Transportation Funding/Allocation Bills

Bill Number	Author	Topic	Session	Committee	Notes
SB 1075	Barker	Transportation planning and projects.	S	Transportation	Requires a locality to repay VDOT only when a locality requests termination of a project and VDOT does not agree. The bill also expands the step before a locality requests alterations to a project to include the approval of project scope and final engineering by VDOT.
Transportation Allocation Formula Bills					
HOUSE					
HB 1884	LeMunyon	Allocation of highway maintenance funds.	H	Transportation, Sub #4	Provides that highway maintenance funds shall be allocated on the basis of vehicle miles traveled in each highway construction district compared to vehicle miles traveled in the Commonwealth as a whole. However, the bill also allows the Commissioner of Highways to direct funds to specific maintenance projects that he believes are needed to protect public safety, provided he provides written notice to the CTB.
HB 2070	Comstock	Mass Transit; removes all current allocations made by CTB and implements performance-based funding.	H	Transportation	Removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit. This is based on DRPT's recommendations from the SJ 297 Study.
HB 2141	Keam	Street maintenance payments.	H	Transportation	Provides for increased highway maintenance payments to municipalities where traffic volumes exceed the statewide average by more than 20%
SENATE					
SB 1140	Petersen	Commonwealth Mass Transit Fund.	S	Finance	Removes all current allocations made by the Commonwealth Transportation Board to mass transit and implements performance-based funding for mass transit. This is based on DRPT's recommendations from the SJ 297 Study.
Transportation Trust Fund					
HOUSE					
HJ 584	Watts	Constitutional amendment; Transportation Funds.	H	Privileges and Elections, Constitutional Amdts. Sub	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTGF, HMOP, Priority Transportation Fund, and any other transportation fund established by general law, other than a general appropriation law. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. Funds be appropriated only for such transportation systems and projects as authorized by the General Assembly by law, excluding a general appropriation law. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years.

HJ 652	Jones, C.	Constitutional amendment (first resolution); Transportation Funds.	H Privileges and Elections, Constitutional Amdts. Sub			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.
HJ 651	Villanueva	Constitutional amendment (first resolution); Transportation Funds.	H Privileges and Elections, Constitutional Amdts. Sub			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.
HJ 652	O'Bannon	Constitutional amendment (first resolution); Transportation Funds.	H Privileges and Elections, Constitutional Amdts. Sub			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2014, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.
Senate						
SJ 275	Obershain	Constitutional amendment; Transportation Funds (first reference).	S Privileges and Elections, Constitutional Amdts. Sub			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.

