

Table of Contents

Vital Statistics from the 2009 Session.....	2
2009 Legislative Priorities.....	3
FY 2009-2010 State Budget.....	6
Summary of Legislation Affecting Counties.....	15
Administration of Government	15
ABC/Wine.....	15
Administration Process Act.....	15
Annexation.....	15
Election.....	15
Freedom of Information, Public Records, Conflicts of Interest.....	17
Personnel.....	19
Procurement.....	19
Public Safety.....	20
Weapons.....	21
Miscellaneous.....	22
Community Development and Planning	23
Local Planning and Zoning.....	23
Economic Development.....	24
Housing.....	25
Miscellaneous.....	25
Education	27
Environment and Agriculture	29
Agriculture, Aquaculture and Forestry.....	29
Animal Control.....	29
Energy.....	29
General Natural Resource Protection.....	31
Waste Management.....	31
Water Quality and Supply.....	32
Finance	35
Local Government.....	35
State Government.....	37
Retirement	37
Constitutional Amendments.....	37
Health and Human Services	38
Telecommunications and Utilities	41
Broadband and telework.....	41
Utilities/State Corporation Commission.....	41
Wireless E-911	42
Transportation	43
Administration & Governance.....	43
Funding and tolls.....	43
Highways and Bridges.....	43
Motor Vehicles.....	44
Studies and Resolutions	46
Failed Legislation	47
Administration of Government.....	47
Education.....	49
Environment and Agriculture.....	49
Finance.....	49
Planning and Zoning.....	49
Taxation.....	50

Vital Statistics from the 2009 Session

	Introduced	Passed Both	Failed	Approved	Vetoed
House Bills	1,096	517	733	457	1
House Joint Resolutions	430	366	85	2	0
House Resolutions	36	31	5	0	0
Senate Bills	754	369	514	319	5
Senate Joint Resolutions	240	192	59	2	0
Senate Resolutions	21	21	0	0	0
General Assembly Totals	2,577	1,496	1,396	780	6

2009 Legislative Priorities

State and Local Fiscal Sustainability

VACo is committed to protecting state and local fiscal stability, which will enable the Commonwealth to provide core public services that are critical to the long-term economic vitality of Virginia.

Fiscal stability also ensures the Commonwealth and its local governments can continue to provide cost effective, quality services with equitable and sufficient tax structures. However, difficult financial times require government at all levels to evaluate its service delivery to determine the continued importance and viability of the programs created to meet critical needs.

The counties in Virginia stand ready to partner with the Commonwealth to make the tough decisions required. State and local leaders must continue to thoroughly evaluate difficult decisions and work together to maintain a structural balance between revenues and expenditures, which promotes the long-term viability of our Commonwealth.

VACo is concerned with protecting the reliability and sustainability of the Commonwealth's general fund, which is critical to state funding of its partnership with local government.

The general fund supports most core government functions—public education (K-12 and higher education), health and human resources, public safety, natural resources and environmental services. If one level of government establishes a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority. The current economic environment threatens the sustainability of these critical services if the Commonwealth reduces its contribution to our financial partnership.

The use of the state's Revenue Stabilization Fund in 2009 will help to buffer the Commonwealth from cuts that will harm the important results that have been achieved.

To that end, and to allow Virginia's economy the opportunity to grow back to support these critical advances, the state should budget a withdrawal from the state's Revenue Stabilization Fund ("Rainy Day Fund") for consecutive years

(one for FY 2009 and an additional withdraw for FY 2010). Without the General Assembly and governor authorizing using a portion of the Rainy Day Fund in FY 2009 and 2010, it is apparent that delivery of the core government services will be decreased to the detriment of Virginians.

VACo also calls upon the Commonwealth to strengthen the stability of the Commonwealth's general fund by initiating state tax reform. Significant tax reform will help reduce pressure on local government leaders who continually must consider raising real estate tax rates to fund K-12 public education, public safety, the comprehensive services act, mental health and mental retardation, and other critical local services.

Tax reform should include a restructuring of the state income and sales and use taxes with the intent to stabilize and increase revenues to meet current and foreseeable core service demands. Reform should also include a revisiting of specific state tax reductions the Commonwealth made during good economic times that may no longer be affordable. A critical evaluation of the user fee structure that funds transportation should be made to allow the Commonwealth to address deteriorating transportation systems throughout the Virginia. Although a core government service, the Commonwealth historically has funded transportation with dedicated non-general funds in order to reserve the general fund for the additional core services.

To meet its mandated level of service delivery local governments require sufficient and sustainable revenue streams. VACo suggests that the Commonwealth grant counties and cities the option, by action of the local governing body without a referendum, to adopt a 0.5 percent sales and use tax to offset state budget reductions to localities.

If appropriate to a particular jurisdiction, the new dollars will help local leaders to fund adequately K-12 public education and the other critical government services; while lessening continued pressure on local property taxes, including real, personal and business. VACo also continues to support equal taxing authority for cities and counties.

Aid to Localities

VACo requests the Commonwealth to use the most current population statistics available, such as those developed by the Weldon Cooper Center for Public Service, for the purposes of determining state aid to those localities that have experienced growth since the last census. Those localities that have remained stable or have lost population should be held harmless and funded based on the last U.S. Census results.

Annexation Moratorium

VACo supports full funding of the Commonwealth's HB 599 commitments. VACo also supports the continuation of the current moratorium on city annexations regardless of whether those commitments have been met. The moratorium has promoted more intergovernmental cooperation between cities and counties; has allowed counties to plan for future growth and economic development within their borders; and has enabled counties to protect their tax base in order to provide needed services to citizens.

Deployment of Broadband Internet Services

VACo urges the Commonwealth to assist communities throughout Virginia in providing connectivity or universal access to broadband Internet services. Assistance should include a combination of economic incentives as well as statewide budgetary and statutory policies. Universal access throughout the state will enhance economic growth. Broadband refers to the high-speed transmission of electronic information usually in connection with the Internet.

Education Funding

VACo supports full state funding for public education (including the SOQ, targeted incentive programs, capital and maintenance support, and teacher salaries). Full state funding should be achieved without reduction to other parts of the federal and state public education budgets or to the other core services. As state general funding diminishes local autonomy should be increased and state education mandates reduced.

Health and Human Resources Funding

VACo supports state policies and funding to ensure

the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

Land Use/Growth Management Tools

Authority to plan and regulate land use should remain with local governing bodies and VACo opposes any legislation to weaken that authority. Furthermore, the General Assembly should grant localities the tools necessary to adequately meet citizens' increasing transportation, education, public safety and other vital public infrastructure needs that are driven by new development. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for the purchase of development rights, and real estate transfer charges.

Stormwater

VACo urges the Soil and Water Conservation Board, prior to approving the newly proposed Virginia Stormwater Management Program (VSMP) permit regulations, to analyze the potential fiscal impacts of these rules on local governments. Any expenses imposed by these new regulations must be born 100 percent by the Commonwealth. The new VSMP regulations expected for final approval in mid-2009 must have achievable objectives tested in "real world" situations, streamlined to minimize administrative reviews by state agencies, and provide localities with flexibility to make appropriate decisions about drainage and land use. Localities enforcing state regulations require full cost recovery through the fee schedule provided by the VSMP regulations.

Transportation Funding

VACo continues to maintain that an efficient transportation network is crucial to sustainable economic growth, a cleaner environment, and enhanced public safety and quality of life. VACo therefore urges the Governor of Virginia and the Virginia General Assembly to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to

address the Virginia's documented transportation infrastructure needs. New revenues should include but not be limited to gas tax revenues. Dedicated, new, significant and recurring annual revenues are required to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including Hampton Roads and Northern Virginia.

Transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety.

Transportation Revenue Sharing

VACo supports restoration of the Revenue Sharing program to the structure that existed prior to the 2006 session with robust funding. Maintenance projects should be eligible for matching funds under the revenue sharing program.

Unfunded Mandates

VACo opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the state and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided. Furthermore, VACo opposes the shifting of fiscal responsibility from the state to localities for existing programs. Any unfunded mandate or shifting of responsibility should be accompanied by a full fiscal and program analysis to determine the relative costs to the state and to the locality and to assure the state is meeting its full funding responsibility before taking effect.

Water Quality Improvement Funding

VACo supports additional state funding and technical assistance to help localities improve water

quality in a manner consistent with tributary strategies, implementation of Total Maximum Daily Loading goals, and water quality standards established by the State Water Control Board. VACo strongly opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any other service provided by a local government or authority.

FY 2009-2010 State Budget

The General Assembly adopted its amendments to the FY 2009-2010 budget on Feb. 28. The following summary is VACo's preliminary analysis to document budget actions impacting counties.

Gov. Timothy M. Kaine proposed recommendations to legislation passed by the 2009 General Assembly, including amendments to the budget, at the reconvened session on April 8. In addition to enacting legislation into law, Gov. Kaine can propose vetoes or amendments. Virginia governors can also propose line item vetoes in the budget.

It is important to note that prior to April 8, specific federal government agencies may issue guidance about allowable uses of designated federal stimulus funding (ARRA), including for example the \$365 million appropriated for public education (see the details below).

The entire conference committee report approved by the General Assembly is available online.

Revenues

Virginia's share of the federal 2009 American Recovery and Reinvestment Act (ARRA) protects state and local core services. The funds include immediate Medicaid and "flexible spending" appropriations totaling more than \$1 billion against a state revenue shortfall of \$3.7 billion.

The federal offsets were more than welcomed; the General Assembly appropriated identifiable ARRA funds in its adopted FY 2009-2010 state budget amendments, including:

- Approximately \$1 billion in new Medicaid funds;
- \$984 million in anticipated "flexible spending" for FY 2010 and FY 2011. These funds are the source for \$730 million of K-12 funding to localities: \$365 million in both FY 2010 and FY 2011 (see details below under Public Education);
- \$218 million in additional "flexible spending" for the state budget; and
- \$23.3 million in federal Byrne Justice Assistance Grant funds - public safety funds.

In the final analysis, Virginia will receive more than \$4 billion in ARRA funds. Virginia's share of transportation funding is greater than \$600 million with approximately \$400 million targeted for roads.

VACo has created a Web page to highlight key information related to the ARRA.

Rainy Day Fund Transfer

The budget transfers \$490 million from the Rainy Day Fund to the state's General Fund in FY 2009. Gov. Kaine recommended a transfer of \$400 million in October 2008. The fund balance currently is greater than \$1 billion. By law, the maximum allowable transfer for FY 2009 equals \$493.3 million. The budget is silent on any transfer for FY 2010.

Proposed Budget Reductions Impacting Local Governments

Counties are required to comply with the previously enacted \$100 million: Aid to Locality Reductions (ATL) - \$50 million in FY 2009, and \$50 million in FY 2010. These reductions were enacted last year. These reductions were reported Dec. 30 in the VACo Summary of Gov. Introduced Budget (FY 2010).

Public Education

- The budget appropriates \$365 million in federal stimulus funding to localities. The dollars are allocated "... based upon the proportion that each school division represents to the statewide total funding reduced from [the governor's] introduced [budget] for the change in the support position funding methodology, the elimination of the school construction grants program, and elimination of the school construction component funded from the Lottery Proceeds Fund."
- In appropriating the dollars, the General Assembly defers specific programmatic and policy decisions until next year, including whether or not to adopt the governor's recommendation to cap administrative support costs.
- In association with the above, the budget "redistributes" the \$60.9 million in the second year from the Lottery Proceeds Fund's Funding Loss Cap account (i.e. the governor's proposed "Stop Loss" that was coupled with his proposed change in administrative support cost funding) into the Additional Support for School Construction and Other Operating Costs account. It also waives the

second year local match requirement and the split for nonrecurring expenses.

The General Assembly money committees released preliminary FY 2009 and FY 2010 locality-by-locality funding estimates on Feb. 28. VACo e-mailed them to local chief administrative officers (CAOs) on March 1. The spreadsheets document the bullets summarized above. They are in the appendix of the Feb. 28 report.

VACo will notify counties when the Virginia Department of Education releases its locality-by-locality spreadsheets detailing the legislature's actions.

Public Education continued:

- The budget does not include the House proposed early retirement plan for school employees.
- The budget does not include the Senate proposed state initiated health insurance pool for school and local government employees.
- The budget waives the local required match for textbooks in FY 2010. In addition, school divisions may use their textbook allocation for other education expenses. This is a one-time action.
- As discussed above, the General Assembly defers specific programmatic and policy decisions until next year, including whether or not to adopt the governor's recommendation to cap administrative support costs. To this end, the budget includes the following language:

"For the purposes of funding certain support positions in Basic Aid in the second year, a cap is used which is based upon the prevailing ratio of support positions to SOQ funded instructional positions as contained in ... [governor's] .. introduced [budget]. For the purposes of making the required spending adjustments in the second year, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.

The Department of Education shall make its calculation for the total cost of re-benchmarking for the fiscal year 2010-2012 biennium to be consistent with the following methodologies: (i) using the 'support position funding cap' methodology change contained in House Bill 1600/Senate Bill 850, as introduced in the 2009 Session; and (ii) using the re-benchmarking methodology which was contained within [the adopted FY 2009-2010 budget in the] 2008 Session. The Department of Education shall report the final calculations and related costs derived from each of these methodolo-

gies to the governor, the Chairmen of House Appropriations and Senate Finance Committees, and the Board of Education prior to Sept. 1, 2009.

The Board of Education shall review the current Standards of Quality to evaluate the appropriateness of the existing staffing standards for instructional positions and the appropriateness of establishing ratio standards for support positions, with the objective of maximizing resources devoted to the instructional program. The findings of this review, its associated costs, and its final recommendations for re-benchmarking shall be submitted to the governor, the Chairmen of House Appropriations and Senate Finance Committees and the Joint Subcommittee on Elementary and Secondary Education Funding established pursuant to Item 1, paragraph H. of this Act no later than Nov. 1, 2009.

The Department of Education shall review state laws, regulations, and procedures that could be modified, reduced, or eliminated in an effort to minimize the administrative burden on local school divisions and the Department of Education. The findings from this review shall be submitted to the governor and the Chairmen of the House Appropriations and Senate Finance Committees by Nov. 1, 2009."

- The budget restores \$1.2 million the second year from the general fund for educational services provided to the Commonwealth Center for Children and Adolescents, located adjacent to the Western State Hospital in Staunton.

Joint Legislative Audit and Review Commission (JLARC)

- The budget directs JLARC to review the funding of the District and Circuit Courts in Virginia and report its findings by Nov. 1, 2009.
- Language directs JLARC to study the funding of courthouse construction, operation, and maintenance in Virginia, including the extent to which the current fee structure provides an equitable, efficient and sufficient source of revenues across the Commonwealth.

Supreme Court

- The budget directs the Executive Secretary of the Supreme Court of Virginia to encourage training of Juvenile and Domestic Relations District Court judges regarding the options available for court-ordered services for families in truancy cases prior to the initiation of other remedies. It is anticipated this budget language will emphasize the utilization of family services, such as counseling or

substance abuse treatment, as a first recourse as opposed to the imposition of jail or fines.

Circuit Courts

- The budget directs that mandated changes or improvements to court facilities pursuant to § 15.2-1643 shall be delayed at the request of the local governing body in which the court is located until June 30, 2010. Provisions of this language shall not apply to facilities that were subject to litigation on or before Nov. 30, 2008. This language temporarily suspends the authority of circuit courts to enter orders requiring localities to repair or replace court facilities if they are deemed out of repair.

Compensation Board

- The budget removes all state general funds in FY 2010 supporting constitutional officers' retiree health care credit. (State support was reduced from 100 percent to 50 percent in the 2008 Session.)
- The budget authorizes a \$12 million transfer from the Wireless E-911 Fund (VITA) to support "the efforts of sheriff dispatchers within the compensation Board." This transfer is taken from the Service Providers' (the industry's) share of the Fund: \$6 million in FY 2009 and \$6 million in FY 2010. (For several years the budget has required annual transfer to the Virginia Department of State Police of \$3.7 million. The transfer is in addition to the existing transfer to VSP.)
- Funding is reduced for the operation of the Loudoun County jail. Funding reductions are due to delays in the completion of construction. The completion date for the construction of the expansion has slipped from July 1, 2009 to Nov. 15, 2009.
- Sheriff's funding: Funding is restored to sheriff's office which was reduced in the introduced budget. The governor is also authorized to use \$23.3 million from the ARRA for sheriff's offices/public safety.
- The budget provides funding to support 13 additional regional jail officers, two additional cooks, and one additional medical position required for an expansion of the Halifax facility of Blue Ridge Regional Jail. Staffing is based upon a review and recommendation by the Department of Corrections for the opening of the new capacity on Nov. 1, 2009.
- Federal Inmate Cost Recovery: Beginning July 1, 2009, the Compensation Board shall determine, by

- individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day costs provided by the Commonwealth, excluding payments otherwise provided for in this item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. This amendment expands the existing federal inmate cost recovery methodology to recoup the entire costs borne by the Commonwealth for the federal inmates housed in local and regional jails. The Commonwealth provides not only the salaries for the jail deputies and regional jail correctional officers, but also office and vehicle allowances, grants, construction reimbursements, and other support. This change will generate about \$256,000 in additional federal inmate cost recoveries for the general fund.
- The budget captures savings of \$2.2 million from the general fund in each year resulting from a re-estimate of per diem payments for inmates in local and regional jails.
- Director's of Finance funding: The budget restores all of the funding for the 10 percent reduction proposed in the introduced budget in the appropriation for the Directors of Finance offices.
- Commissioners of Revenue funding: The budget restores all of the funding for the 10 percent reduction proposed in the introduced budget for the Commissioners of Revenue offices.
- Commonwealth Attorneys funding: The budget restores all funding from the 7 percent reduction proposed in the introduced budget for the Commonwealth Attorneys offices.
- Clerk of Circuit Courts funding: The budget restores funding from the 10 percent reduction proposed in the introduced budget for the Clerk of Circuit Courts offices.
- The budget increases by \$1 million the appropriation from the Circuit Court Clerks' Technology Trust Fund that can be used to support the operations of the clerks' offices.
- The budget provides general fund support for the additional fringe benefit costs of circuit court clerks resulting from the proposed change in the excess circuit court clerks' fees to be retained by the Commonwealth. The proportion retained by the state would increase from one-third to two-thirds. Accordingly, by law, the Commonwealth would be required to reimburse two-thirds of the fringe

benefit costs for circuit court clerks, instead of one-third.

Estimated impact:

FY 2008 actual fee collections:

-Total collected: \$26 million

-Local share of the total (two-thirds of the above): \$17.4 million

-State share of the total (one-third of the above): \$8.6 million

The Section 51.1-137 of the Code of Virginia requires the state to fund Compensation Board Salaries. Excess fees have been allocated for this purpose. In order to comply with this statutory requirement and implement the governor's budget proposal, DPB's FY 2010 estimates allocate one-third of excess fees plus an additional \$1.9 million to localities.

FY 2010 estimate:

-Total: \$26 million

-State share: \$15.5 million

-Local share: \$10.5 million

- Treasurers funding: The Budget restores all of the funding from the ten percent reduction proposed in the introduced budget for the Treasurers offices.

- Budget language directs the Compensation Board to convene a workgroup to revise and update the methodologies used to determine the staffing standards. The workgroup shall complete the review and update the standards on the following schedule: for Commonwealth's Attorney offices, by Nov. 15, 2009; for Sheriffs offices, by June 30, 2010; and for Circuit Court Clerks, Treasurers, Commissioners of the Revenue and Compensation Board funded Directors of Finance, by Nov. 15, 2010.

- The budget includes a \$12 million transfer from the Wireless E-911 Fund (VITA) to support "...the efforts of sheriff dispatchers within the Compensation Board." This transfer is taken from the Service Providers' (the industry's) share of the Fund: \$6 million in FY 2009 and \$6 million in FY 2010. (For several years the budget has required an annual transfer of \$3.7 million from the Wireless E-911 funds to the Virginia Department of State Police. This new transfer of \$12 million is in addition to the existing VSP transfer.)

General Services

- Budget language directs the Department of

General Services to advance the consolidation of bulk and commercial fuel purchases into a single procurement action as recommended in the Vehicle Fleet Operational Review conducted in 2007. The intent of this consolidation will be to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume into a single procurement action to achieve the most favored pricing from private sector fuel providers. The Department shall release a solicitation to consolidate the purchase of fuel no later than Sept. 1, 2009.

Taxation

- The budget directs the Department of Taxation to convene a working group to review and make recommendations, on or before Nov. 30, 2009, to the Senate Finance Committee and to the House Finance Committee with respect to the basis on which recordation and grantor taxes are calculated on the transfer of real estate to the actual consideration for the real estate. The working group shall be comprised of representatives of interested parties identified by the Tax Commissioner, and shall include, without limitation, representatives of associations representing real estate businesses in Virginia, the Virginia Association of Realtors, the Virginia Court Clerks Association, the Virginia Association of Counties, and the Virginia Municipal League. The working group shall consider enforcement and implementation issues associated with § 58.1-812 of the Code of Virginia. The working group shall also review the fiscal impacts related to the current law and to proposed changes in the law. The fiscal impacts on state and local governments and the housing industry will be reviewed in terms of order of magnitude.

Transportation

- The budget requires the Secretary of Transportation to provide the General Assembly with "...a prioritized and comprehensive listing of transportation projects that would be ready to be advertised if funding were to become available in the federal economic stimulus package, regardless of whether or not final criteria have been released."

- The budget allows local transit properties to request a one-year transfer of funding allocated to them from the Mass Transit Capital Fund to Mass

Transit Operating Funds in order to maintain operating funding at the 2009 funding level. The amendment does not reduce formula allocations for capital or operating expenses, but does allow a transit provider the discretion to use capital allocations for operating expenses. This amendment does not allocate new funding to the Mass Transit Fund.

- The budget details how VDOT will allocate the reductions resulting from its proposed reorganization. The budget ties the VDOT reductions to the Commissioner's recent plan presented by the VDOT Commissioner to the Commonwealth Transportation Board and to the legislative committees and includes a quarterly reporting requirement.

Treasury

- The budget sets out the Virginia Public Building Authority (VPBA) bond authorization for each local or regional jail project eligible to receive a contribution from the Commonwealth. They are listed below.

- o Loudoun County Adult Detention Center Phase 2 - \$8,389,677
- o Virginia Beach City Jail Expansion & Renovation - \$11,302,749
- o Rappahannock Regional Jail Expansion - \$24,417,429
- o Riverside Regional Jail Expansion Phase 2 - \$41,662,121
- o Western Virginia Regional Jail - \$46,806,831
- o Blue Ridge Regional Jail - \$31,664,995
- o Prince William /Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations) - \$30,519,905
Projects subject to Board of Corrections approval by June 1, 2009
- o Meherrin River Regional Jail - \$50,000,000
- o New River Valley Regional Jail - \$29,868,567
- o Newport News Public Safety Renovations - \$428,125
- o Patrick County Jail - \$2,689,032
- Total Approved Capital Costs 277,749,431

Health and Human Resources

- Budget language directs the Secretary of Health and Human Resources to develop a blueprint for addressing the comprehensive needs of aging

Virginians with the involvement of interested parties. The blueprint shall be presented to the governor and Chairmen of the House Appropriations and Senate Finance Committees no later than June 30, 2010.

- The budget directs local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) to work collaboratively on developing local plans for intensive care coordination (ICC) for children placed in, or at risk of placement in, residential care and to determine the service provider for these services. Finally, language requires the State Executive Council and Office of Comprehensive Services to develop guidelines for reasonable rates for ICC services and provide training and technical assistance for these services.

- The budget directs the Office of Comprehensive Services (OCS) to develop a plan for conducting training sessions during the fiscal year. In addition, OCS is required to report on training session dates, programs, trainers, evaluations and funds expended beginning Dec. 1 of each year.

- The budget clarifies that state match rates for Medicaid-funded services provided through the CSA program are not reduced during the 2008-10 biennium. Any increases in local Medicaid match rates would violate local cost sharing requirements included within the ARRA, thus jeopardizing \$962 million in federal Medicaid revenue to the Commonwealth.

- The budget directs the State Executive Council of the Office of Comprehensive Services to work with the Department of Education to make sure that funding is sufficient to pay for the educational services of children placed in state or privately operated facilities.

- The budget reduces the amount of funding contained in the introduced budget which diverts \$0.25 from an increase in \$4 for Life Funding for the Department of State Police's med-flight operations. In 2008, the General Assembly increased \$4 for Life Funding from \$4 to \$4.25. Funding was to be deposited to the Rescue Squad Assistance Fund (RSAF). This budget language restores \$1 million of that proposed reduction to the RSAF. Additionally, the Department of State Police was restored \$1 million from the general fund for med-flight.

- The budget reduced by \$2.6 million in FY 2010 for drinking water infrastructure improvements in local communities. The governor is authorized to use \$2.6 million from the ARRA to provide funding for drinking water infrastructure improvements in local communities.

- The budget reflects additional revenue from the federal government in the ARRA for Medicaid. The change in reimbursement for Medicaid, increases the federal share of Medicaid from 50 percent to approximately 56.85 percent in fiscal year 2009 and 60.19 percent in fiscal year 2010, allowing the Commonwealth to reduce its share of Medicaid spending by \$368.8 million in fiscal year 2009 and \$593.7 million in fiscal year 2010.

The enhanced Medicaid funding will continue through Dec. 31, 2010. This additional federal funding is designed to offset higher caseloads in Medicaid and mitigate the need for further reductions in services and provider rates. Accepting this additional federal funding precludes the state from reducing eligibility levels below those established on July 1, 2008 and imposing additional cost-sharing by localities.

- The budget directs the Department of Medical Assistance Services to enter into an agreement with local Healthy Families sites to generate federal Medicaid matching funds with local resources when available.

- The budget provides funding to add 400 mental retardation waiver slots to address the community waiting list for the 2008-10 bienniums. It restores the fiscal year 2010 funding for 200 waiver slots scheduled to be available on April 1, 2009, but were eliminated in the introduced budget. It also provides 200 additional slots beginning Jan. 1, 2010. These slots, along with the 400 new slots added beginning July 1, 2008 will decrease the urgent community waiting list by 20 percent during the 2008-10 biennium.

- The budget adds funding and strikes language from the governor's introduced budget that directed the closure of Southeastern Virginia Training Center (SEVTC). The budget directs a state and community planning team be established to plan for rebuilding of a 75-bed facility and the construction of community housing for individuals who would be transitioned to the community.

- The budget adds funding and strikes language from the governor's introduced budget that set up a

process to close the Commonwealth Center for Children and Adolescents (CCCA) on June 30, 2009. Budget language also requires the Commissioner to set up a process to determine the profile of youth currently served at these facilities, the capacity of the community to treat them, and the role of the state in providing treatment for these individuals.

- The budget adds funding and strikes language from the governor's introduced budget that will continue operating the Adolescent Unit at Southwestern Virginia Mental Health Institute. Budget language directs the Commissioner (DMHMRSAS) to develop a plan to understand the needs of the individuals served at these facilities, the capacity of the community to serve them, and the appropriate role of the state in providing treatment services to this population.

- The budget directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to work with the Community Services Boards in Health Planning Region V to develop transition programs for individuals discharged from Eastern State Hospital (ESH) and lease two buildings at ESH to Community Services Boards in HPR V for these programs.

- The budget requires the Commissioner (DMHMRSAS) to report to the General Assembly on the implications of reallocating funding provided last session for community-based mental health services to reflect the populations served by each CSB as opposed to the existing formula which uses ranges of populations served.

- The budget reduces funding in FY2010 (\$3.2 million) from the federal TANF block grant program which is earmarked for Community Action Agencies. The governor is authorized substitute no less than \$3.2 million from the ARRA to provide funding for community action agencies.

- Budget language assures that localities that proceed with renovations or consolidations at local Departments of Social Services preserve their ranking on DSS' priority ranking of local projects if they are addressing critical renovations, acquiring new space, or consolidating local services.

- The budget modifies language in the introduced budget related to the development of an implementation plan to develop a centralized, web-based eligibility determination system for benefit programs in the Department of Social

Services. Language is added to include the Virginia Information Technologies Agency in the steering committee tasked with overseeing the development and implementation of the plan. Language also requires the Joint Legislative Audit and Review Commission and the Auditor of Public Accounts to review and comment on the plan prior to its submission to the federal government for approval. The Commissioner of Social Services is also required to provide a detailed report on the plan annually to the governor, the Secretary of Finance and the Chairmen of the money committees. Funding to implement the plan is contingent upon approval of the 2010 General Assembly.

- The budget reallocated funds (\$513,000) from the support of administrative functions of the Disability Service Boards (DSB's) to the Department of Rehabilitative Services (DRS) Vocational Rehabilitation (VR) program. This will eliminate all funds provided to DSB's used for administrative functions. Budget language has been included to override the mandate for localities to establish and maintain DSB's. The reallocation of funding will allow the department to address a growing waiting list of clients who are 24 years old and younger. The waiting list for VR services is expected to reach 1,800 by July 1, 2009.

Conservation and Recreation

- Budget language permits the Department of Conservation and Recreation to use up to \$500,000 from the year-end general fund surplus deposited into the Water Quality Improvement Fund for use in modernizing the computer system used by soil and water conservation districts to record data on the implementation of agricultural best management practices. Funding for this effort was initiated by the 2007 Session of the General Assembly.

- The budget captures \$2 million in general fund support from the Virginia Land Conservation Fund. The governor is authorized to substitute \$2 million from the ARRA for land conservation.

Public Safety

- Budget language directs that a joint subcommittee be established to review potential alternatives to

manage the growth of the state correctional system within the limits of available resources.

- The budget directs the Department of Corrections to determine whether there may be additional opportunities to contract with other governmental entities to house prisoners from those jurisdictions, and to enter into such contracts if space is available, subject to the approval of the governor.

- The budget provides for the creation of a new criminal justice academy for Hanover County that will be supported solely by local funds. The creation of this new criminal justice academy is approved pursuant to an agreement between Hanover County, the Hanover County Sheriff's Office, and the Rappahannock Regional Criminal Justice Academy, of which Hanover County was a member. Currently, no new criminal justice academies may be created by the Board of Criminal Justice Services without the approval of the General Assembly.

- The budget reduces by \$1.5 million from the general fund the proposed increase in the second year for local community corrections and pretrial release programs. The budget, as introduced, included an increase of \$3 million and this amendment reduces the increase to \$1.5 million. These additional general funds were expected to result in approximately 3,000 diversions from jail.

- The budget specifies that the distribution of \$23.3 million from Virginia's allocation from the Edward Byrne Memorial Justice Assistance Grant program shall be used for sheriffs offices and local and regional jails to the extent such funds are made available as part of the federal economic stimulus legislation. The governor is authorized to use \$23.3 million from the ARRA for this purpose.

- The budget restores \$6,644,182 in FY 2010 for state aid to localities with police departments (pursuant to House Bill 599 of 1979). With the addition of these funds, the House Bill 599 program will be level funded in FY 2010, rather than reduced by \$6,644,182 below the fiscal year 2009 amount in the budget as introduced.

Fire Programs

- The budget captures \$1.09 million from the Fire

Programs Fund and redirected it to state general funds. The affected funding currently supports transfer payments to localities for local fire department expenditures and funding for training offered by the agency. The reduction reflects a 5 percent cut for localities.

Compensation/Virginia Retirement System

- Budget language allows counties, cities, towns, and local public school divisions to utilize optional actuarial assumptions for retirement plans, consistent with those used by the Commonwealth. In FY 2010, as an alternative to the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees, the rates paid to the VRS on behalf of employees of participating counties, cities, towns, and local public school divisions may, at each participating employer's option, be based on the results of the June 30, 2007, actuarial valuation of assets and liabilities assuming an investment return of 8 percent, a cost of living increase of three percent, and an amortization period of 30 years.

Counties, cities, towns, and local public school divisions electing to utilize the optional actuarial assumptions must certify to the board of the Virginia Retirement System by resolution adopted by the local board that they: 1) are electing to exercise such option, and 2) have reviewed and understand the information provided by the Virginia Retirement System outlining the potential future fiscal implications of such election.

Prior to electing to utilize the optional actuarial assumptions local public school divisions must receive the concurrence of the local governing body. Such concurrence must be documented by a resolution of the governing body.

The board of the Virginia Retirement System shall provide all counties, cities, towns, and local public school divisions participating in the Virginia Retirement System with a summary of the implications inherent in the use of these alternative actuarial assumptions and shall establish minimum fiscal standards for participation in this program that will consider, but not necessarily be limited to, the index of local fiscal stress.

- The budget delays a 2 percent state and state supported local employee pay raise. This delay creates \$44.7 million in state general funds. This

delay was first authorized in the governor's introduced budget.

- The budget eliminates teacher and support staff pay raise in FY 2010. This elimination creates \$71.6 million in state general funds. This elimination was in Gov. Kaine's introduced budget.

American Recovery and Reinvestment Act (ARRA)

- The budget authorizes the governor to allocate sums from federal stimulus funds to state agencies and institutions of higher education pursuant to the American Recovery and Reinvestment Act of 2009, subject to applicable federal rules and regulations governing these funds. The following table represents the estimated potential revenues to be received from the federal distributions:

- o Medicaid - Federal Medicaid Assistance Percentage - \$1,284,768,015
- o Medicaid - Disproportionate Share Hospitals - \$4,344,643
- o Foster Care and Adoption - \$13,360,349
- o Immunization - \$5,621,650
- o Fiscal Stabilization - Education - \$983,865,903
- o Fiscal Stabilization - General - \$218,904,149
- o Title 1 - Grants to Local Education Authorities - \$165,311,666
- o Title 1 - School Improvement - \$47,913,000
- o Part B of the IDEA - Special Education - \$281,415,033
- o Part B of the IDEA - Preschool Special Education - \$9,470,492
- o Part C of the IDEA - Early Intervention Services - \$10,265,580
- o Educational Technology - \$10,801,292
- o Education for Homeless - \$1,009,000
- o Work Study - \$3,743,333
- o Vocational Rehabilitation - \$11,601,624
- o Independent Living - \$342,443
- o Highways and Bridges - \$694,461,000
- o Transit Capital Grants - Urban - \$93,340,956
- o Transit Capital Grants - Rural - \$18,555,163
- o Rail Modernization - Fixed Guideway - \$4,209,386
- o Drinking Water State Revolving Fund - \$20,761,000
- o Clean Water State Revolving Fund - \$80,826,900

- o Weatherization - \$96,931,634
- o State Energy Program - \$69,266,744
- o Emergency Food and Shelter - \$1,247,314
- o The Emergency Food Assistance Program - \$1,704,161
- o Food Stamp Administration - \$5,300,000
- o School Lunch Equipment - \$2,194,703
- o Elderly Nutrition - \$3,029,000
- o CCDF Childcare - \$37,892,000
- o Head Start - \$11,179,767
- o Community Services Block Grant - \$16,009,000
- o Public Housing Capital Fund - \$51,212,000
- o Community Development Block Grant - Entitlement - \$11,311,643
- o Community Development Block Grant - Non-Entitlement - \$5,331,340
- o HOME Investment Partnerships Program - \$44,189,767
- o Homelessness Prevention - \$24,934,000
- o Crime Victims Assistance Grants - \$1,013,000
- o Crime Victims Compensation - \$345,687
- o Internet Crimes Against Children - \$1,901,510
- o Violence Against Women - \$5,516,971
- o Byrne Justice Assistance Grant - \$39,369,013
- o Unemployment Insurance Administration - \$13,737,000
- o Employment Service - \$8,596,000
- o Community Service for Older Americans - \$2,570,474
- o Workforce Investment Act - Adult - \$5,280,438
- o Workforce Investment Act - Youth - \$13,113,750
- o Dislocated Workers - \$13,564,389
- o Food Stamp Benefits - \$355,000,000
- o Child Support Enforcement - \$40,400,000
- TOTAL \$4,847,033,882

Summary of Legislation Affecting Counties

***Unless otherwise stated, all legislation goes into effect July 1, 2009.**

*** Uncodified Act - A bill that may be of short duration that is not given a regular Code number; it can include the budget bill, local government charters, or bills of local application only.**

Administration of Government

ABC/Wine

HB 2071/SB 1033 Licensed farm wineries; restrictions on activities

Amends § 15.2-2288.3 of the Code of Virginia to require local restriction on activities and events held at farm wineries to take into account the agricultural nature of such activities and events. Patrons: Scott, E./Hanger

Administrative Process Act

HB 1969/SB 1299 Administrative Process Act; required review of feasibility of electronic submission

An uncodified Act to require every agency of the Commonwealth promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

Patrons: Massie/Wagner

Annexation

HB 1697/SB 1287/SB 1469 Annexation; extends to 2018 temporary restriction on city authority on granting of city charters

Amends § 15.2-3201 of the Code of Virginia to extend from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

Patrons: Lohr/Newman/Quayle

HB 2487 Library aid; period in which transition of city to town status may continue to receive
Amends § 15.2-4116 of the Code of Virginia to increase from 5 years to 15 years the period in which cities that transition to town status may continue to receive certain state library aid.
Patron: Putney

Elections

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

Amends §§ 24.2-115.1 and 24.2-604 of the Code of Virginia to provide that (i) the electoral board may provide for administering oaths for officers of election taking into account the hours of service of the officers and (ii) at least one party or candidate representative for each poll book station shall be permitted as an observer in the polling place.

Patron: Englin

HB 1740 Campaign Finance Disclosure Act of 2006; unlawful to convert any contributed money to personal use

Amends §§ 24.2-948.4, 24.2-949.9, 24.2-950.9, 24.2-951.9, and 24.2-952.7 of the Code of Virginia to prohibit the conversion of any money, securities, or like intangible personal property that has been contributed to a campaign committee to the personal use of a member of the candidate's family (spouse or dependent child). Patron: Purkey

HB 1771 Constitutional offices; provides special election to fill vacancy therein in certain localities

Amends § 24.2-228.1 of the Code of Virginia to provide that a special election to fill a vacancy in a constitutional office in localities with a population of 15,000 or less, or a constitutional office shared by localities with a combined population of 15,000 or less, shall be scheduled to be held at the next November general election rather than on a more promptly scheduled special election date. Patron: Pollard

HB 1791 Officers of election; authorizes local electoral board to appoint independent voters to serve

Amends § 24.2-115 of the Code of Virginia to authorize local electoral boards to appoint independent voters to serve as officers of election as long as the chief and assistant chief officers represent the two leading political parties. Patron: Brink

HB 1832 Elections; electoral board of city contained within one county may appoint city general registrar

Amends § 24.2-110 of the Code of Virginia to permit the electoral board of a city that is wholly contained within one county to appoint a qualified voter of that county to serve as city general registrar. Cities wholly contained within one county include Bedford City, Buena Vista, Charlottesville, Covington, Danville, Emporia, Fairfax City, Harrisonburg, Lexington, Manassas, Martinsville, Norton, Roanoke City, Salem, Staunton, Waynesboro and Winchester. Patron: Toscano

HB 1877/SB 1070 Absentee voting; firefighters and other first responders are entitled thereto

Amends §§ 24.2-700, 24.2-701, and 24.2-706 of the Code of Virginia to allow law-enforcement officers, firefighters, and other first responders to vote absentee. Patrons: Cosgrove/Martin

HB 1878/SB 848/SB 1188 Elections; clarifications and revisions to registration and election processes

Amends §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-417.1, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia to i) revise the definition of "residence;" ii) permit the appointment of an additional officer of election to assist in closing the polls; iii) require the State Board of Elections (SBE) to promulgate rules to ensure uniform application of law on residence; iv) create presumption that applicant's stated residence address is his domicile and place of abode; v) modify registration application; vi) allow the wearing of campaign buttons or slogans in the polls; and vii) make it a Class 6 felony to vote knowing one is not qualified to vote. Patrons: Cosgrove/Edwards/Blevins

HB 1892 Elections, Board of; powers and duties

Amends § 24.2-103 of the Code of Virginia to specify that electoral boards and registrars are required to follow (i) the elections laws and (ii) the rules and regulations of the SBE insofar as they do not conflict with Virginia or federal law. The Board shall also set the training standards for the officers of election and ensure that members of its own staff refrain from overt political activity. Patron: Brink

HB 2197 Assistance for certain voters; provides certain procedures in language other than English

Amends § 24.2-649 of the Code of Virginia to establish certain procedures for assisting voters in a language other than English and requires the officer or person assisting a voter using a paper or mark-sense ballot to deposit the ballot in the ballot container without examining its contents. Patron: Watts

HB 2422/SB 988 Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election

Amend § 24.2-626 of the Code of Virginia to allow a locality that acquired direct recording electronic (DREs) before July 1, 2007, to conduct a special election when its existing DRE inventory is insufficient because wholly or partly under lock and seal following an election. Patrons: May/Colgan

HB 2465/SB 1394 Removal of public official; no person who signs petition for removal shall be liable for costs

Amends §§ 24.2-233, 24.2-235, and 24.2-238 of the Code of Virginia to provide that the court shall not dismiss a petition for the removal of a public official solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal unless the error or omission is material in determining whether statutory requirements have been met. Further, any person who signs or circulates a petition for the removal of a public official (i) will not be liable for any costs associated with the proceedings, including attorney fees or court costs, and (ii) will not have sanctions imposed on him under the statute that provides sanctions in frivolous court proceedings. Patrons: Morgan/Norment

HB 2544 Election recounts; losing candidate may initiate when difference less than 5% of total vote cast

Amends § 24.2-800 of the Code of Virginia to provide that in an election in which the winning or losing candidate was a write-in candidate, the losing candidate may initiate a recount when the difference between the winning and losing candidates is not more than 5 percent of the total vote cast for those two candidates. Patron: Cole

HB 2642 Elections; verification of registered voter lists

Adds § 24.2-404.3 to the Code of Virginia to require the SBE to conduct a match of registered voter lists with the list of deceased persons maintained by the Social Security Administration. Patron: Orrock

HB 2658 Elections, State Board of; fees to cover expense of regulation

Amends §§ 24.2-114, 24.2-945.2, 24.2-946 through 24.2-946.3, 24.2-946.5, 24.2-947.1, 24.2-947.5, 24.2-947.9, 24.2-948, 24.2-950.8, 24.2-953.3, 24.2-953.4, 24.2-954, and 24.2-955.3 of the Code of Virginia; and adds § 24.2-105.3 to the Code of Virginia to provide that the SBE will accept all electronic campaign finance filings and provide appropriate copies to general registrars and local electoral boards. Further, civil penalties and fees payable under elections law provisions will be deposited in a special fund and used to defray the SBE's expenses incurred in connection with its regulatory duties. The bill establishes certain new fees to be paid in connection with campaign finance disclosure law filings. Patron: Brink

HB 2666 Elections; authorizes candidate representatives to observe part of election day, no assisting voter

Amends §§ 24.2-604 and 24.2-638 of the Code of Virginia to provide that representatives and observers shall be positioned to see and hear voting process and for their right to appeal to the local board if dissatisfied with chief officer's decision on placement. The bill also adds certain requirements in connection with the use of voting equipment to assist curbside voters. Patron: Pogge

SB 1155 Absentee voting; electoral board shall make printed ballots available

Amends § 24.2-612 of the Code of Virginia to clarify that the deadlines for having ballots ready for absentee voting are 45 days before the November general election and 30 days before any other general, special, or primary election. Further, only in the case of a special election when the deadline cannot be met is there a provision for having the ballots ready "as soon after the deadline as possible." Patron: Edwards

SB 1365 Elections; addresses of protected voters

Amends §§ 24.2-405, 24.2-406, 24.2-418, and 24.2-444 of the Code of Virginia to revise statutory language regarding protected voters who are permitted to furnish a post office box in lieu of a residence street address to be included on lists of registered voters and lists of persons who voted. The bill also adds any party participating in the address confidentiality program pursuant to § 2.2-515.2 to those protected persons who may furnish a post office box in lieu of a residence street address. Patron: Ticer

Freedom of Information, Public Records, Conflicts of Interest

HB 2266/SB1478 Freedom of Information Act; exemption for name, address, etc., of complainants relating to zoning

Amends § 2.2-3705.3 of the Code of Virginia to exempt from disclosure under the Freedom of Information Act (FOIA) the names, addresses, and telephone numbers of complainants relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code. Patrons: Ware, O./Locke

HB 2426/SB 1318 Government Data Collection and Dissemination Practices Act; extends implementation of prohibition

Amends §§ 2.2-3800, 2.2-3801 and 2.2-3808, and the second and fourth enactments of Chapters 840 and 843 of the Acts of Assembly of 2008 to extend from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance

of that agency's duties. The bill also contains several technical amendments that will become effective July 1, 2010. Patrons: May/Houck

HB 2427 Protection of Social Security Numbers Act; first five digits to be confidential from disclosure

Adds §§ 2.2-3815 and 2.2-3816 to the Code of Virginia to provide that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the FOIA. The bill allows release of a social security number under certain limited circumstances, including i) proper judicial order; ii) to federal, state or local law-enforcement or correctional personnel; iii) by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and iv) to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. Patron: May

SB 1305 Government Data Collection and Dissemination Practices Act; exempts from public assistance fraud

Amends § 2.2-3802 of the Code of Virginia to exempt from the Government Data Collection and Dissemination Practices Act public assistance fraud investigations conducted by the Department of Social Services and local social service departments. Patron: Hurt

SB 1316 Freedom of Information Act; strikes requirement to publish a database index, etc.

Amends §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia to delete the requirement for state public bodies to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. Patron: Houck

SB 1319 Freedom of Information Act; meeting minutes

Amends § 2.2-3707 of the Code of Virginia to clarify that minutes of public meetings must be in writing. The terms "include" and "in writing" that appear in the bill are defined to mean, respectively,

"include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." Patron: Houck

SB 1344 Freedom of Information Act; amends an existing records exemption for economic development records

Amends §§ 2.2-3705.6 and 2.2-3711 of the Code of Virginia to extend an existing records exemption for economic development records to include records related to the retention of existing business, and to allow the exemption to be used by all public bodies subject to FOIA. The bill makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings. Patron: Reynolds

HB 2255 Solid waste disclosure statements; eliminates requirement applicants provide social security number

Amends § 10.1-1400 of the Code of Virginia to eliminate the requirement that applicants for permits issued under the Virginia Waste Management Act provide the social security numbers of their key personnel in disclosure statements that are submitted to the Department of Environmental Quality. Patron: Nichols

SB 1277 Land records; social security numbers not be contained therein on Internet

Amends § 17.1-294 of the Code of Virginia to require that beginning July 1, 2012, the land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party. Patron: Newman

SB 1505 Freedom of Information Act; proceedings for enforcement, relating to writs of mandamus, etc.

Amends §§ 2.2-3713 and 8.01-644 of the Code of Virginia to clarify that enforcement actions under the FOIA take precedence over other general provisions of law relating to writs of mandamus or injunction. Patron: Puller

SB 1525 Conflicts of Interests Act, State and Local; prohibited contracts

Amends § 2.2-3109 of the Code of Virginia to provide that certain prohibitions on contracts involving local government employees shall not apply when a contract for goods or services or contracts of employment are awarded to an immediate family member of the officer or employee, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract. Patron: Martin

Personnel/Insurance

HB 1678 Grievance procedure; gives localities authority to use an administrative hearing officer if agreed to by grievant

Amends § 15.2-1507 of the Code of Virginia to allow localities the authority to use an administrative hearing officer in lieu of the required three-person panel when addressing grievance procedures only if agreed to by the grievant. Patron: Orrock

HB 1756/SB 1372 Workers' compensation insurance; written agreement approved by State Corporation Commission

Amends §§ 15.2-2703, 65.2-801, and 65.2-1203 of the Code of Virginia to establish a mechanism for the merger of local government group self-insurance associations and local government group self-insurance pools for the purpose of allowing political subdivisions to provide workers' compensation insurance coverage for their employees. Patrons: Hargrove/Ruff

HB 2083 State employees; increases paid leave allowed for volunteer fire department & rescue squad services

Amends § 2.2-2821.2 of the Code of Virginia to increase from 16 to 24 the number of hours of paid leave in any calendar year, in addition to other paid leave, that may be allowed to state employees who serve with a volunteer fire department and rescue squad or auxiliary unit thereof. Patron: Purkey

SB 1529 Employees, local; right to participate in political activities

Amends § 15.2-1512.2 of the Code of Virginia to provide that all local employees as well as firefighters, emergency medical technicians,

law-enforcement officers and local constitutional office staffs, may participate in political activities while off duty, out of uniform, and not on their employment premises. Prohibits the use of official authority to coerce subordinates for political contributions, to discriminate in employment or in the provision of public services because of political affiliation, or to suggest a locality has officially endorsed a candidate or political party.

Patron: Miller, Y.

Procurement

HB 1838 Disposition of surplus materials; authorizes local public bodies to use services of DGS

Amends § 2.2-1124 of the Code of Virginia to authorize local public bodies to use the services of the Department of General Services' Surplus Property Program. Proceeds from the sale of the surplus property are required to be returned to the local public body minus a service fee, which shall be set at the same rate charged by the Department to state public bodies. Patron: Dance

HB 2615 Public Procurement Act; increases amount for single or term contracts for professional services

Amends § 2.2-4303 of the Code of Virginia to increase the amount from \$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation under the Virginia Public Procurement Act. Patron: Iaquinto

SB 834 Public Procurement Act; procurement of architectural & professional engineering service for project

Amends § 2.2-4301 of the Code of Virginia to provide that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Patron: Locke

SB 1096 Design-Build Construction Management Review Board; authorized to make a one-time determination

Amends § 2.2-2405 of the Code of Virginia to authorize the Design-Build Construction

Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination must comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. Patron: Herring

SB 1153 Public-Private Education Facilities & Infrastructure Act of 2002; definitions, review of proposals

Amends §§ 56-575.1, 56-575.17, and 56-575.18 of the Code of Virginia to change the definition of “qualifying project” to include any services designed to increase the productivity and efficiency of a responsible public entity. In addition, the bill (i) requires that a public hearing be held by the responsible public entity on a proposal at least 30 days prior to entering into an interim or comprehensive agreement, and (ii) provides for the Auditor of Public Accounts to post copies of interim and comprehensive agreements that have been periodically reviewed by that office in an online database. The bill also establishes a working group convened by the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws to review annually model guidelines used by responsible public entities and to consider best practices recommendations. Patron: McDougle

SB 1203 Public Procurement Act; prequalification for certain transportation contracts

Amends § 2.2-4301 of the Code of Virginia to provide for a public body to inform the offeror at the early stage of informal interviews of any ranking criteria that will be used in addition to the review of the professional competence. Patron: Puckett

Public Safety

HB 1866 Court-established community service programs

Amends § 19.2-354 of the Code of Virginia to give

a court the discretion to allow persons upon whom fines and costs have been imposed the option to discharge all or part of the fines or costs through the performance of community service. Patron: Janis

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

Amends § 53.1-131.3 of the Code of Virginia to increase from \$1 to \$3 the amount a locality may charge an inmate to defray the costs associated with the inmate’s keep. Patron: Puckett

HB 1961 Special conservation police officers; those appointed after 10/1/09 shall have valid registration

Amends § 29.1-200 of the Code of Virginia to require any special conservation officer appointed after Oct. 1, 2009, to obtain a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services (DCJS). Patron: Mathieson

HB 2123/SB 1093 Mutual aid agreement; institution of higher learning having police force appointed to enter therein

Amends § 15.2-1736 of the Code of Virginia to allow all institutions of higher education with a police force to enter in mutual aid agreements with other state and local law enforcement agencies. Patron: Howell, A. /Locke

HB 2275/SB 1304 Drug Treatment Court Act; County of Franklin provided court if funded within existing appropriation

Amends § 18.2-254.1 of the Code of Virginia to establish a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. Patrons: Poindexter/Hurt

HB 2311/SB 1387 Courthouses; localities to assess fee as part of costs in each criminal or traffic case

Amends § 17.1-281 of the Code of Virginia to allow localities to assess an additional \$3 fee as part of the costs in each civil, criminal, or traffic case to

be used solely for the construction, renovation, or maintenance of a courthouse. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after Jan. 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. Patrons: Melvin/Stolle

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

Amends §18.2-460 of the Code of Virginia to include animal control officers in the misdemeanor provisions of the obstruction of justice statute. Patron: Bell

HB 2532 Reimbursement of expenses in DUI incidents; locality entitled to restitution from person convicted

Amends § 15.2-1716 of the Code of Virginia to specify that a locality may be entitled to restitution from a person convicted of certain DUI offenses, when issuing any arrest warrant or summons, in addition to compensation for an appropriate law-enforcement response. Patron: Iaquinto

HB 2612/SB 1150 Emergency response plans; ensuring victims' rights

Amends §§ 22.1-279.8, 23-9.2:9, 32.1-111.3, 32.1-111.11, 44-146.18, and 44-146.19 of the Code of Virginia to require that all emergency plans to include a provision that the DCJS and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. Patrons: Shannon/Howell

HB 2626/SB 1539 Line of Duty Act; investigation of claims by police departments and sheriffs offices

Amends § 9.1-403 of the Code of Virginia to provide that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances

surrounding the deceased or disabled person and report the findings to the Comptroller. Patrons: Byron/Hurt

SB 1073 Sheriff department; performance of law-enforcement service requires no pre-notification to Division

Amends § 2.2-1839 of the Code of Virginia to clarify when a sheriff or deputy sheriff that is authorized by the sheriff, performs any law-enforcement service that such performance shall be considered in the scope of his duties, and no pre-notification to the Division of Risk Management is required for liability coverage. Patron: Howell

SB 1307 Transport of prisoners; minimum standards for transport by persons other than law-enforcement officers

Amends § 19.2-108 of the Code of Virginia to allow a private company to be used to retrieve fugitives from outside the Commonwealth if the company meets minimum qualifications set by the DCJS. Patrons: Hurt

SB 1377 Juvenile arrest information; police and sheriff departments may release current information

Amends § 16.1-301 of the Code of Virginia to permit police and sheriff departments to release current information on juvenile arrests to law-enforcement agencies in other states. Patron: Stolle

SB 1462 Drug Treatment Court Act; authorized for County of Tazewell

Amends § 18.2-254.1 of the Code of Virginia to authorize a drug treatment court for the County of Tazewell provided that such court is funded within existing state and local appropriations. Patron: Puckett

Weapons

HB 1655/SB 1513 Firearms; award of court costs, etc., to entity that prevails in action challenging locality

Amends § 15.2-915 of the Code of Virginia to permit a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution,

motion, or an administrative action taken in bad faith, as being in conflict with a locality's authority to control firearms. Patrons: Carrico/Smith

HB 2144 Concealed handgun permit applications; access to personal information

Amends § 18.2-308 of the Code of Virginia to protect from public disclosure the names and other descriptive information held by the Department of State Police of persons who have a concealed handgun permit. However, the information would be available to law-enforcement agencies, officers, and agents in the course of their duties, and non-identifying statistical information would be available to the general public. Patron: Nutter

HB 2178 Possession of ammunition by convicted felons; prohibited

Amends § 18.2-308.2 of the Code of Virginia to prohibit a convicted felon from possessing firearm ammunition. Patron: Scott, E.

HB 2528 Disposition of firearms; no participation in program if individuals are given valuable in exchange

Adds § 15.2-915.5 to the Code of Virginia to provide that no locality may establish a "gun buy-back" program unless the governing body of the locality has adopted an ordinance authorizing the program. The ordinance shall require that firearms received through such a program be sold by public auction or sealed bids to a licensed firearms dealer, or be disposed of in any other appropriate manner. Patron: Cole

Miscellaneous

HB 1845/SB 935 Remote access to land records; Prince William County may establish a pilot program assessing fee

Adds § 17.1-276 of the Code of Virginia to allow the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of

Justice on or before Sep. 30, 2012. The bill expires Sep. 30, 2012. Patrons: Lingamfelter/Smith

HB 2473 Public use; term to include public libraries for purposes to prohibit loitering on grounds

Amends § 15.2-926 of the Code of Virginia to clarify the term "public place" to include public libraries for the purposes of any ordinance adopted to prohibit loitering. Patron: Hugo

SB 1189 Law libraries, local; authorized to use space at public libraries, to charge flat rate to patrons

Amends §§ 42.1-65 and 42.1-70 of the Code of Virginia to authorize all or a portion of local law libraries to be housed in local public libraries with the approval of and subject to the management of the local public libraries. Such law libraries are also authorized to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the \$4 assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public. Patron: Puckett

Community Development and Planning

Local Planning and Zoning

HB 1637 Boards of zoning appeals; when actions may be taken

Amends § 15.2-2308 of the Code of Virginia to allow local boards of zoning appeals to take action when a majority of those are present and vote.
Patron: Cole

HB 1680 Vested rights; defines term ‘act of God’ to include any natural disaster or phenomena

Amends § 15.2-2307 of the Code of Virginia to define the term “act of God” for purposes of determining when destroyed nonconforming uses may be rebuilt. Patron: Orrock

HB 2029 Subdivision ordinances; bonding requirements

Amends § 15.2-2241 of the Code of Virginia to reduce until July 1, 2014, the maximum permissible overhead percentage on developer performance bonds for public improvements from 25 percent to 10 percent. Patron: Marshall, D.W.

HB 2034 Plats; extends period of validity with phased developments

Amends §§ 15.2-2241 and 15.2-2260 of the Code of Virginia to clarify the starting point for time limits on recorded plats for phased subdivisions. This bill is intended to overrule disputed interpretation by the Attorney General on legislation enacted in 2008.
Patron: Lingamfelter

HB 2055/SB 1418 Development rights; makes extensive changes to provisions for making transfer process more usable

Amends §§ 15.2-2316.1 and 15.2-2316.2 of the Code of Virginia to make extensive changes regarding the current transfer of development rights statutes. Patrons: Lohr/Vogel

HB 2077 Land use actions; extension of approvals

Adds § 15.2-2209.1 to the Code of Virginia to extend to July 1, 2014, the expiration date for i) any

subdivision plat, recorded plat, or final site plan; ii) certain special exceptions, special use permits, or conditional use permits; and iii) certain proffers that were valid and outstanding as of Jan. 1, 2009. All extensions require that any performance bonds or other financial guarantees for the completion of public improvements are continued for the time of the extension. Patron: Oder

HB 2138/SB 1369 Graffiti abatement; permits localities to charge property owner for cost thereof

Amends § 15.2-908 of the Code of Virginia to permit localities to charge property owner for cost of graffiti removal on public or private structure located on unoccupied property.
Patrons: Miller, J. /Barker

HB 2165 Zoning; locality shall not require special use permit for certain small-scale conversion of biomass

Adds § 15.2-2288.01 to the Code of Virginia to exempt certain small scale biofuels production in agriculture zoning districts from a locality's special use or special exception permit requirements.
Patron: Lohr

HB 2326 Zoning appeals, board of; changes standard by which variance can be granted

Amends § 15.2-2309 of the Code of Virginia to change the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship “approaching confiscation.”
Patron: Athey

HB 2424 Graffiti; restitution for abatement costs

Amends § 15.2-908 of the Code of Virginia to permit courts to order person convicted of unlawfully defacing property to pay a locality for costs of graffiti removal. Patron: May

SB 1064 Comprehensive plan; local planning commission to post plan being considered on their website

Amends §§ 15.2-2225 and 15.2-2226 of the Code of Virginia to require planning commissions and governing bodies to post their comprehensive plans or any amendments under consideration to such

documents on their Web sites or Web sites on which they generally post information.

Patron: Puller

SB 1335 Conditional zoning; amendment to proffered condition is requested by profferor local body may waive

Amends § 15.2-2302 of the Code of Virginia to permit local governing bodies to approve minor proffer amendments without going through a full public hearing process. Patron: Stuart

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

Amends § 15.2-2306 of the Code of Virginia to require applicants for development permits to document that historical or archaeological resources on site will be preserved or accommodated.

Patron: Blevins

SB 1450 Cemeteries; those on private property may be required to register

Adds § 15.2-977 to the Code of Virginia to permit localities to establish a register of cemeteries located on private property. Patron: Colgan

SB 1487 Comprehensive plan; requires urban development areas to provide for mix of residential housing, etc.

Amends § 15.2-2223.1 of the Code of Virginia to provide that urban development areas may include a mix of residential housing types, including affordable housing. Patron: Vogel

SB 1524 Zoning ordinances; broadens administrator's authority to determine vested rights

Amends § 15.2-2286 of the Code of Virginia to broaden the authority of the zoning administrator to determine vested rights in certain circumstances. Patron: Watkins

SB 1533 Special use permits; extension of expiration dates

Adds § 15.2-2288.4 to the Code of Virginia to extend to July 1, 2011, the expiration date of special use permits that were valid and outstanding as of Jan. 1, 2009. Patron: Saslaw

Economic Development

HB 1926/SB 1492 Wallops Research Park; aerospace-related economic development

Amends § 15.2-2403 of the Code of Virginia allow Accomack County to utilize an existing service district authority to construct, maintain, and operate facilities and other infrastructure to enhance aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park.

Patrons: Lewis/Northam

HB 1936/SB 1476 Resources Authority; authorized to finance any program to perform site acquisition develop work

Amends §§ 62.1-198 and 62.1-199 of the Code of Virginia to clarify that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government.

Patrons: Ingram/Marsh

HB 2332/SB 1165 Enterprise zone economic incentive grants; increases amount of investment made to be eligible

Amends §§ 59.1-280, 59.1-548, and 59.1-549 of the Code of Virginia to increase from \$50,000 to \$100,000 the minimum amount of investment required to be made for rehabilitation, expansion or new construction of a building in order to be eligible for an enterprise zone incentive grant.

Patrons: Phillips/Watkins

HB 2408 Community development authorities; makes comprehensive changes to provisions related thereto

Amends §§ 15.2-5101, 15.2-5108, 15.2-5114, 15.2-5115, and other sections of Code of Virginia to make extensive changes regarding the current community development authorities statutes.

Patron: Hall

HB 2550/SB 1119 MEI Project Approval Commission; established

Amends §§ 2.2-2260, 2.2-2261, 2.2-2263, 2.2-3705.6, and other sections of the Code of Virginia to authorize the Virginia Public Building Authority and

the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities.
Patrons: Cox/Colgan

HB 2643 Economic development entities; extension of performance agreements

An uncodified Act to permit state and local economic development entities, including any county, city or town, upon the agreement of the parties, to extend any agreement, contract, or memorandum of understanding that imposes an obligation for minimum private investment or the creation of new jobs in exchange for public grants or other funds, or loans of money. Patron: Merricks

SB 1177 Regional Industrial Facilities Act; expands scope of act

Amends § 15.2-6400 of the Code of Virginia to allow all localities to establish Regional Industrial Facilities Authorities. Patron: Watkins

SB 1535 Planning district commissions; designates Planning Districts 1, 2, and 13 as economic development

Amends § 15.2-4207 of the Code of Virginia to designate Planning Districts 1, 2, and 13 as economic development organizations. Patron: Ruff

Housing

HB 1671/SB 1094 Derelict buildings and structures; locality authorized to require removal, repair, etc., thereof

Amends §§ 36-3, 36-49.1:1, 36-105, 48-5, and other sections of the Code of Virginia to allow local governments to offer incentives for the repair or removal of derelict structures.

Patrons: Dance/Locke

HB 1890 Housing authorities; changes number of qualified voters in locality needed to have referendum

Amends §§ 36-4 and 36-4.1 of the Code of Virginia to increase the number of qualified voters in a locality needed to have a referendum creating a housing authority from at least 100 voters to at least 2 percent of the qualified voters. Patron: Brink

HB 2096 Affordable housing; localities waive certain fee for organization with primary purpose of assisting

Adds § 15.2-958.3 to the Code of Virginia to allow localities to waive building permit and other housing-related fees for 501(c)(3) organizations that provides affordable housing. Patron: Orrock

HB 2132 Workforce housing; locality may offer housing assistance grants to school division personnel

Amends § 15.2-958.2 of the Code of Virginia to permit localities, in cooperation with their school boards, to offer residential housing assistance grants to school employees. Patron: Miller, J.

HB 2150 Notice of sale; locality in Planning District 8 to adopt ordinance to give notice to admin. officer

Adds § 15.2-977 to the Code of Virginia to permit localities in Planning District 8 to require that a notice be given to the chief administrative officer when residential property becomes subject to a sale under a deed of trust. Patron: Rust

Miscellaneous

HB 1735 Arts and cultural districts; grants statewide authority for creation thereof

Amends § 15.2-1129.1 of the Code of Virginia to allow all localities to create arts and cultural districts within their borders and to provide incentives for such districts. Patron: Valentine

HB 2247 Water and waste authorities; lien may apply for delinquent rates applicable to 3 or fewer months

Amends § 15.2-5139 of the Code of Virginia to provide that a lien may apply for delinquent rates or charges applicable to “three or fewer months” rather than “three or fewer delinquent billing periods not exceeding thirty days each” in order to accommodate authorities that bill on a quarterly basis. Patron: Barlow

HB 2663 Water and waste authorities; appointment of industrial or economic development authority directors

Amends § 15.2-5113 of the Code of Virginia to permit the appointment of industrial or economic

development authority directors to the board of water and waste authorities. Patron: Ware, O.

SB 881 Grass; adds Stafford County to counties authorized to require property owners to cut

Amends § 15.2-1215 of the Code of Virginia to add Stafford County to the list of counties that may require owners of occupied residential real property cut their grass or lawn. Patron: Stuart

SB 1461 Southwest Regional Recreation Authority; governing body to appoint members thereto

Amends §§ 15.2-6018 and 15.2-6021 of the Code of Virginia to allow a governing body to appoint members to the Southwest Regional Recreation Authority who is not a member of the governing body. Patron: Puckett

Education

HB 1624 Bullying, harassment, etc.; provides specific information for Bd. of Education in its model policy

Amends § 22.1-279.6 of the Code of Virginia to require the Board of Education include the use of electronic means for purposes of bullying, harassment, and intimidation in its guidelines and model policies for codes of student conduct standards for school boards. Patron: Englin

HB 1836 Pesticides; schools shall permit immediate application thereof to eradicate pest infestations

Adds § 22.1-132.2 to the Code of Virginia to direct the Department of Education to make information available to school boards on integrated pest management programs that address the application of chemical pesticides and other pest control measures on school property. Patron: Toscano

HB 1679 Child abuse and neglect data; school board applicants

Amends § 22.1-296.4 of the Code of Virginia to clarify that a local school board must take reasonable steps to determine whether an applicant, who has resided in another state within the last five years, was the subject of a founded case of child abuse and neglect in the relevant state. Patron: Orrock

HB 1746/SB 827 Family life education; adds benefits, etc., of marriage for men, etc., to list of topics covered

Amends § 22.1-207.1 of the Code of Virginia to add the value, benefits, challenges, and responsibilities of marriage for men, women, children, and communities to the list of topics to be covered in family life education curricula. Patrons: Pogge/Smith

HB 1923 Textbooks; local school boards may assess reasonable fee or charge for loss or damage to

Amends § 22.1-243 of the Code of Virginia to permit local school boards to assess a reasonable fee for the loss of or damage to a textbook, so long as such textbook has been provided to the student free

of charge. Patron: Tata

HB 1942 Single-sex education; clarifies manner school boards may establish program in school division

Amends § 22.1-212.1:1 of the Code of Virginia to clarify the manner in which school boards may establish a single-sex class or school in a school division. Patron: Peace

HB 1945 Regional alternative education programs; certain students may be administratively assigned thereto

Amends § 22.1-209.1:2 of the Code of Virginia to provide that a school division may assign a student to a regional alternative education program based on available space, and a parent may request, with the consent of the division superintendent, that his child be assigned to a regional alternative education program. Patron: Peace

HB 1980 Family life education; right of parents to review certain materials

Amends § 22.1-207.2 of the Code of Virginia to require school divisions to include on the summary distributed to parents and guardians concerning the family life education program implemented in the school division a statement that states: (i) parents and guardians have the right to review all written and audiovisual educational materials used in the program, and (ii) parents and guardians have the right to remove the child from all or part of family life education instruction. Patron: McClellan

HB 2070 Classroom placement of twins or multiples; school board to develop policies to allow parental input

Amends § 22.1-79.3 of the Code of Virginia to require local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school. Patron: Scott, E.

HB 2089 School boards, local; grievance procedure

Amends § 22.1-79 of the Code of Virginia to provide additional direction to school boards in

establishing and administering a grievance procedure to resolve disputes arising between the school board and certain employees, and that except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education shall apply to all full-time employees of a school board, except supervisory employees. Patron: Fralin

HB 2112 Financial literacy education; school board to implement objectives in grades K through 12

Amends §§ 22.1-209.1:2, 22.1-225, and 22.1-253.13:1 of the Code of Virginia to require local school boards to establish educational objectives in financial literacy for students in middle and high school. Patron: Spruill

HB 2166 Schools; delayed implementation of certain statutes, etc. upon which accreditation is based

An uncodified Act to delay from June 30, 2008, to July 1, 2010, the implementation of new statutes and regulations upon which the accreditation of schools or school divisions are based unless such statutes or regulations are specifically required by federal code, federal regulation, or court action. Patron: Lohr

HB 2269 Expenditures; annual report thereof provided by school board to be made available to public

Amends § 22.1-90 of the Code of Virginia to require the annual report of expenditures provided by the school board to the appropriate governing body to also be made available to the public on a template prescribed by the Board of Education. Patron: Poindexter

HB 2304 Special education; 180 days to appeal due process hearing decisions

Amends § 22.1-214 of the Code of Virginia to provide that any party aggrieved by a decision made in a due process hearing may appeal to a circuit court for a period of 180 days. Patron: Griffith

HB 2409 Holocaust education; Board of Education to establish objectives therefore

An uncodified Act to require the Superintendent of

Public Instruction to distribute a teacher's manual on Holocaust education to all school divisions and that each local school division must provide such manual to each history and literature teacher.

Patron: Hall

HB 2474 Planning time for school teachers; Superintendent to ensure elementary school teachers are provided

Amends § 22.1-291.1 of the Code of Virginia to require that local school boards ensure that all elementary school teachers are provided an average of 30 minutes a day of planning time. Patron: Hugo

HB 2517 Standards of Learning; directs Board of Education provide option of industry certification, etc.

Amends § 22.1-253.13:3 of the Code of Virginia to direct the Board of Education, in prescribing Standards of Learning assessments, to provide the option of industry certification and state licensure examinations in lieu of administering tests to assess the progress of students. Patron: Lohr

HB 2589 Students; assessment of those English proficient

An uncodified Act to provide that local school divisions must administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act for the 2009-2010 school year, so long as such assessment has been approved by the Board of Education. Patron: Englin

SB 1285 School budgets; local school divisions to publish on Web site

Amends §§ 15.2-2506 and 22.1-93 to require local governing bodies and local school divisions to publish the estimated required local match in the publication of the annual school budget. Patron: Newman

Environment and Agriculture

Agriculture, Aquaculture and Forestry

HB 2565 Farmland Preservation, Office of; to provide technical assistance to local governments interested

Amends § 3.2-201 of the Code of Virginia to allow State Office of Farmland Protection to provide technical assistance to localities for development of farmland preservation strategies. Patron: Knight

HB 2566 Purchase of land by Department of Forestry; used for non-state forest purposes

Amends § 10.1-1107 of the Code of Virginia to clarify that proceeds derived from properties used for non-state forest purposes acquired or managed by the Department of Forestry are not subject to distribution by the Department to those localities in which the properties are located. Patron: Knight

SB 1295 Silvicultural activities; State Forester to inspect land to determine if activity causing pollution

Amends § 10.1-1181.2 of the Code of Virginia to authorize the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution. Patrons: Reynolds

Animal Control

HB 1951 Dangerous Dog Registry; authorizes use of copies of all records, etc., associated therewith

Amends § 3.2-6542 of the Code of Virginia to authorize the use as evidence copies of all records, documents, and papers associated with the Dangerous Dog Registry in Virginia courts if the documents have been certified and authenticated by the State Veterinarian or the Dangerous Dog Registry administrator. Patron: Shuler

HB 2097/SB 897 Animal shelter and pounds; allowed to purchase, etc., certain controlled substances for euthanizing

Amends §§ 54.1-3423 and 54.1-3801 of the Code of Virginia and repeals § 54.1-3425 of the Code of Virginia to allow the Board of Pharmacy to register an animal shelter or pound for the purchase and use of certain controlled substances approved by the

State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals. Registered shelters and pounds may also administer certain controlled substances to prevent, control and treat certain communicable diseases. Patrons: Orrock/McDougle

Energy

HB 1707 Energy performance-based contracts; Department of Mines, Minerals, and Energy to provide advice

Amends § 11-34.3 of the Code of Virginia to require the Department of Mines, Minerals and Energy to make a reasonable effort to provide general assistance to localities considering energy performance-based contracts. Patron: Oder

HB 1828 Green roof construction; localities and water authorities to offer rate incentives therefore

Amends §§ 15.2-5101 and 15.2-5114 of the Code of Virginia and adds § 15.2-977 to the Code of Virginia to allow localities and water authorities to offer rate incentives for vegetative or similar roof construction based on percentage of stormwater runoff reduction. Patron: Fralin

HB 1975/SB 1058 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.

Adds § 58.1-3852 to the Code of Virginia to allow localities to grant financial and regulatory incentives for the use of solar or vegetative roof construction, repair or remodeling in residential and commercial buildings. Patrons: Ware, L./Whipple

HB 2001/SB 1186 Biofuels Production Incentive Grant Program; producer of non-advanced neat biofuels eligible

Amends § 45.1-394 of the Code of Virginia to distinguish between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae and those standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels and requires the production of one million gallons per year for eligibility. Patrons: Cosgrove/Hanger

HB 2002/SB 1427 Energy Plan; promotes use of sustainable biofuels made from traditional agricultural crops, etc.

Amends §§ 67-101 and 67-102 of the Code of Virginia to revise the Virginia Energy Plan to reorganize the objective of increasing the state's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, and to support the delivery infrastructure needed for statewide distribution of such products to consumers.

Patrons: Cosgrove/Hanger

HB 2171 Agricultural waste; excludes any farm, etc., that owns & operates facilities within State

Amends §§ 56-1, 56-88, 56-232, and 56-265.1 of the Code of Virginia and adds §§ 1-222.1 and 56-594.1 to the Code of Virginia to provide that any farm that operates facilities for the generation of electric energy from waste-to-energy technology is excluded from regulation as a public utility if it receives at least 51 percent of its annual gross income from farm operations and produces the agricultural waste used as feedstock to generate energy. The bill also allows such operations to connect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission (SCC).

Patron: Vanderhye

HB 2172 Renewable energy sources; location of facilities for distribution of electricity, steam, etc.

Amends §§ 56-15, 56-17, and 56-259 of the Code of Virginia and adds §§ 67-1100 through 67-1110 to the Code of Virginia to establish a process for non-utility renewable electrical, steam, or landfill gas energy facilities to connect to the existing public utility or locality owned pipeline or electrical grid.

Patron: Hogan

HB 2175/SB 1347 Small renewable energy projects; DEQ to develop procedure permitting construction and operation

Amends §§ 56-46.1 and 56-580 of the Code of Virginia and adds §§ 10.1-1197.5 through 10.1-1197.11 to the Code of Virginia to require the Department of Environmental Quality (DEQ) to develop a permit by rule for the construction and operation of small renewable energy projects that

have a maximum capacity of 100 megawatts if they generate electricity from certain renewable sources of energy. As a condition for permit approval, certification must be provided to demonstrate compliance by the applicant with all applicable local land use ordinances. Such projects will be exempt from requirements that the SCC permit its construction and operation, but the SCC retains jurisdiction regarding use of rights-of-way and interconnection of such facilities.

Patrons: Hogan/Wagner

HB 2576 Solid waste; electricity generated there from

Amends § 56-575.1 of the Code of Virginia to expand the definition of a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 to include any solid waste management facility that produces electric energy derived from solid waste. Patron: May

SB 1004 Energy-efficient buildings for local taxes; adds architects to those persons authorized to certify

Amends § 58.1-3221.2 of the Code of Virginia to add architects to the list of persons currently authorized to certify buildings as energy efficient using standards prescribed in the Uniform Statewide Building Code. Patron: Quayle

SB 1128 Wells; issuance of an express geothermal permit for construction thereof

Amends § 32.1-176.4 of the Code of Virginia to require the Board of Health to develop regulations for the construction of wells for closed loop geothermal heating systems. Patron: Petersen

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

Adds § 15.2-958.3 to the Code of Virginia to allow localities to provide loans for the initial purchase and installation of clean energy improvements on existing private property and new construction. The local ordinance must specify the kinds of distributed generation renewable energy sources or energy efficiency improvements eligible.

Patron: Deeds

SB 1358 Alternative fuel tax; exemption for agricultural operations

Amends § 58.1-2250 of the Code of Virginia to exempt from the alternative fuel tax any alternative fuel produced by the owner or lessee of an agricultural operation and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles operated by the producer of such fuel.

Patron: Hanger

SJ 332 Constitutional amendment (first resolution); tax exemptions for buildings constructed or designed to conserve energy

Authorizes the General Assembly to enact laws to permit localities to exempt from local property taxes, any property equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. Patron: Petersen

General Natural Resource Protection

HB 1918/SB 865 Coal combustion by-products; use, reuse, or reclamation in a flood plain

Adds § 10.1-1402.02 to the Code of Virginia to require a solid waste permit to place unamended coal combustion byproduct in a 100-year flood plain. Patrons: Crockett-Stark/Edwards

HB 1973 Litter Control and Recycling Fund; limits awarding of grants to localities

Amends §§ 10.1-1422 and 10.1-1422.01 of the Code of Virginia and repeals § 10.1-1422.05 of the Code of Virginia to limit the award of grants to only those localities whose litter prevention and recycling grant applications meet the criteria established by the DEQ in its Guidelines for Litter Prevention and Recycling Grants. Patron: Ware, L.

HB 2218/SB 1324 Soil and water conservation district directors; notice of election

Amends § 10.1-523 of the Code of Virginia to require that notice of the date that nominating petitions and of the election for soil and water conservation district directors have to be posted in a prominent location at each district office 30 days before the filing date. Districts may use additional means to provide notice to the public of the election of district directors. Patrons: Jones/Reynolds

HB 2351 Natural Resources Commitment Fund; Comptroller shall deposit 10 percent of one-third of remaining general fund

Amends §§ 2.2-1514 and 10.1-2128.1 of the Code of Virginia to change the formula for allocating moneys in the Virginia Natural Resources Commitment Fund so that 8 percent will be distributed to the Soil and Water Conservation District, 55 percent will be used for matching grants for Best Management Practices on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed. Patron: Landes

SB 1024 Open Space Lands Preservation Trust Fund; removes requirement to have additional local co- holder

Amends § 10.1-1801.1 of the Code of Virginia to remove the requirement to have an additional “local co- holder” of a conservation or open-space easement when grants from the Open-Space Lands Preservation Trust Fund are used to mitigate the costs of the easement. The primary holder of the easement in such cases will continue to be the Virginia Outdoors Foundation, which may elect to maintain a relationship with a local co-holder. Patron: Hanger

Waste Management

HB 1872 Hampton Roads area; requirements for refuse collection/disposal system authorities

Adds § 15.2-5102.1 to the Code of Virginia to establish the requirements for any authority created to collect and dispose of refuse with member localities consisting of the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk. Patron: Cosgrove

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

Adds § 10.1-1425.39 to the Code of Virginia to allow localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction. Patron: Plum

HB 2558 Biosolids permit; if amended to increase acreage by 50 percent more than initial permit give public notice

Amends §§ 62.1-44.19:3 and 62.1-44.19:3.4 of the Code of Virginia to clarify that if a biosolids permit is amended to increase the acreage by 50 percent or more than was permitted in the initial permit, public notice shall be given and a public meeting shall be held. The bill also requires that the State Water Control Board (SWCB) not issue a permit for land disposal until a public meeting has been held and comments received from the local governing body or until 30 days have lapsed from the date of the public meeting. Patron: Byron

Water Quality and Supply

HB 1681 Wells, private; requires site plan to be included in an application for permit to construct

Amends §§ 32.1-176.3 and 32.1-176.5 of the Code of Virginia to require a site plan to be included in an application for a permit to construct a private well. Clarifies that it is the landowner's responsibility to ensure that the well is located on his property. Patron: Lewis

HB 1788/SB 1276 Alternative on-site sewage systems; no locality shall prohibit use thereof

Amends § 15.2-2157 of the Code of Virginia to preempt local regulation of the installation operations and/or maintenance of alternative onsite sewage systems after the Board of Health adopts rules on the operations and maintenance of such systems. Patrons: Hull/Martin

HB 1856 Residential Property Disclosure Act; disclosure of stormwater detention facilities

Amends § 55-519 of the Code of Virginia to provide that an owner of real property makes no representations with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property. Patron: Shannon

HB 1930 Certification of stormwater development property; Dept. of Conservation & Recreation to certify

Amends § 58.1-3660.1 of the Code of Virginia by replacing the DEQ with the Department of Conservation and Recreation (DCR) as the agency authorized to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. Patron: Plum

HB 1931 Water Facilities Revolving Loan Fund; authorizes Resources Authority to provide portion of fees

Amends § 62.1-225 of the Code of Virginia to authorize the Virginia Resources Authority to provide a portion of the fees it receives for administering the loan fund to DEQ to cover some of that agency's costs for administering the construction assistance loan program. Patron: Plum

HB 1991 Stormwater management programs; establishment by localities

Amends § 10.1-603.3 of the Code of Virginia to extend the period of time that localities have to adopt a local stormwater management program from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board may grant an extension to the locality of an additional 12 months if DCR finds that such an extension is warranted. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010. Patron: Bulova

HB 2074/SB 1022 Wastewater treatment plant; Board to accept petition from facility subject to waste load allocation

An uncodified Act to create a process for the 17 sewage treatment plants with 2 waste load allocations to petition the SWCB for up to 5 additional years to complete their planned expansion but the facilities must still comply with such allocations by Dec. 31, 2010. Patrons: Scott, E./Hanger

HB 2148 Onsite treatment works; designs therefore include a report by professional soil scientist

Amends § 32.1-163.6 of the Code of Virginia to require that onsite sewage system designed by professional engineer be appropriate for the soil characteristics of the site to be served.

Patron: Nutter

HB 2168 Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply

Adds § 10.1-603.8:1 to the Code of Virginia to authorize permit issuing authorities (local governments with approved programs) to allow future holders of stormwater discharge permits to comply with state and local stormwater programs by acquiring “nonpoint nutrient offsets.” Among other conditions, the offsets are required to be in the same tributary as the permitted activity and generated within same or adjacent eight-digit hydrologic unit code. Patron: Abbitt

HB 2188 Onsite sewage system; Board of Health shall establish procedures for requiring survey plat

Amends § 32.1-164 of the Code of Virginia to require the Board of Health develop procedures requiring a survey plat as part of a permit application for any onsite sewage system. Clarifies that it is the landowner’s responsibility to ensure the onsite system located as permitted. Patron: Phillips

HB 2270 Private residential wells; minimum storage capacity and yield requirements

Amends § 32.1-176.4 of the Code of Virginia to require the Board of Health develop regulations for minimum storage capacity and yield requirements for residential drinking wells. Patron: Poindexter

HB 2551/SB 1468 Onsite treatment works; provides specific requirements therefore designed by professional engineer

Amend § 32.1-163.6 of the Code of Virginia to require that onsite sewage system designed by professional engineer to meet discharge, effluent, and surface and groundwater quality standards. The bill also requires the State Board of Health to develop emergency regulations for operation and

maintenance of alternative onsite sewage systems. Patrons: Orrock/Quayle

HB 2646 Betterment loans; eligibility therefore to repair or replace failing onsite sewage systems

Amends §§ 32.1-163 and 32.1-166.6 of the Code of Virginia and adds § 32.1-164.1:2 to the Code of Virginia to require the Board of Health to develop procedures for qualifying the owners of failing septic tanks, underground storage tanks, and contaminated dry cleaning stores to be eligible for betterment loans provided by private lenders.

Patron: Poindexter

SB 982 Stormwater; requires localities to regulate

Amends § 15.2-2114 of the Code of Virginia to require localities to provide full or partial waivers from stormwater fees for properties that reduce post-development stormwater flows. Patron: Wagner

SB 1114 Stormwater management; emerging technology

Amends § 10.1-603.4 of the Code of Virginia to require the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that prove effective in reducing nonpoint source pollution. Patron: Ticer

SB 1471 Stormwater control and water or waste systems; allows Governor to disclaim rights, etc., of State

Amends § 15.2-5146 of the Code of Virginia to authorize the Governor, at the request of a local authority and in a form approved by the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established. Patron: Saslaw

SB 1509 Residential onsite sewage systems; replacement or modifications thereof to include nitrogen removal

Amends §§ 10.1-2132 and 32.1-164 of the Code of Virginia to clarify that DCR may award grants from the Water Quality Improvement Fund for residential onsite sewage systems that are replaced or modified to achieve improvements in nitrogen removal capabilities. The bill also allows the Board of Health to set nitrogen-reducing performance requirements for alternative onsite sewage systems that protect public health and ground and surface water quality.
Patron: Ticer

Finance

Local Government

HB 1830/SB 1292 Setoff Debt Collection Act; allows local governments to collect past due local taxes contingent upon the enactment of federal law

Amends §§ 58.1-520 and 58.1-530 of the Code of Virginia to allow local governments, contingent upon the enactment of federal law and with the Department of Taxation's assistance, to collect past due local taxes and fees from federal income tax returns. Patrons: Fralin/Edwards

HB 2059 Local meals tax

Amends §§ 58.1-3833 and 58.1-3840 of the Code of Virginia to require specific meals tax exemptions. Patron: Hamilton

HB 2084 Exempts pollution control equipment & facilities from specific local taxes

Amends § 58.1-3660 of the Code of Virginia to exempt pollution control equipment and facilities, but not land, from local property taxes for tax year beginning Jan. 1, 2011. Patron: Purkey

HB 2098 Real property tax; use value assessments

Amends § 58.1-3230 of the Code of Virginia to provide that real property that qualifies for use value assessment does not lose such designation solely because (i) a portion of the property is used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, or (ii) utility lines are located on the property. Patron: Orrock

HB 2133 Boards of Equalization; removes nine-year term limit for members

Amends § 58.1-3374 of the Code of Virginia to remove the nine-year term limit for members of local boards of equalization. Patron: Miller, J.

HB 2135/SB 1157 Recordation/grantor taxes; penalty for understating consideration (false with intent to evade)

Amends § 58.1-812 of the Code of Virginia to increase the penalty for knowingly misrepresenting the consideration for the interest in property

conveyed for purposes of recordation and grantor taxes. Patrons: Miller, J./Saslaw

HB 2182/SB 1200 Vehicle license fees and taxes; allows localities to exempt veterans and surviving spouses

Amends § 46.2-752 of the Code of Virginia to allow localities to exempt disabled veterans, non-disabled veterans, or the surviving spouses of veterans from local vehicle license fees and taxes. Patrons: Phillips/Puckett

HB 2289/SB 896 Real and personal property taxes; duty to provide information to commissioner of revenue

Amends § 58.1-3901 of the Code of Virginia to require (i) certain entities that manage real property and that maintain names of the owners of such property to provide such names to the commissioner of revenue upon request, and (ii) the owner or manager of a self-storage facility to provide to the commissioner of the revenue the names and addresses of the lessees of any portion of the facility's outdoor common area. Patrons: Cline/McDougale

HB 2308/SB 1003 Exception for public hearings notice regarding real property taxes

Amends § 58.1-3321 of the Code of Virginia to provide that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which a state appropriation act or budget amendments to a state appropriation act have not been enacted by April 30 of such year. Patrons: Melvin/Quayle

HB 2472/SB 1419 Short-term rental property; new definitions and tax designations

Amends § 58.1-3510 of the Code of Virginia and adds §§ 58.1-3510.4 through 58.1-3510.7 to the Code of Virginia to create a separate local tax classification of property for daily rental equipment. The bill also allows qualifying businesses to pay one of two local rates depending upon the type of business activity. Patrons: Hugo/Watkins

HB 2502/SB 1176 Transient occupancy tax; adds representatives of lodging properties to local tourism organizations

Amends § 58.1-3819 of the Code of Virginia to add representatives of lodging properties to those local tourism organizations with whom counties consult prior to determining what tourism-related expenditures to make with the revenue from the additional three percent transient occupancy tax available to some counties. The bill also expands the list of considerations regarding a proposed expenditure to include whether such expenditure will increase occupancy of lodging properties. Patrons: Pogge/Watkins

HB 2524 Personal property tax; separate classification for motor vehicles with a seating capacity of not less than 30 people

Amends § 58.1-3506 of the Code of Virginia to create as a separate class of property for rate purposes for motor vehicles with a seating capacity of not less than 30 people. Patron: Lingamfelter

HB 2583 Limitations to local government investment pools; reenact clause enacted

Amends § 2.2-4602 of the Code of Virginia to require that no less than 10 percent of local government investment pool assets shall be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. This bill will not become effective unless reenacted by the 2010 General Assembly. Patron: Merricks

HB 2592 Personal property tax; separate classification for motor vehicles powered solely by electricity

Amends § 58.1-3506 of the Code of Virginia to create as a separate class of property for rate purposes for motor vehicles powered solely by electricity. Patron: Caputo

HB 2607/SB 891 Communications sales and use tax; distribution to qualifying localities

Amends § 58.1-662 of the Code of Virginia to establish an administrative process that allows the Department of Taxation to make additional distributions of communications sales and use tax revenues to certain localities that collected allowable

funds in FY 2006, but such funds were either not reported or incorrectly reported to the Auditor of Public Accounts. Patrons: Hugo/McDougle

SB 989 Resources Authority authorized to finance projects of local government buildings

Amends §§ 62.1-198 and 62.1-199 of the Code of Virginia to clarify that the Virginia Resources Authority is authorized to finance projects of local government buildings, including administrative and operations systems and other local government equipment and infrastructure. Patron: Colgan

SB 1052 Affordable housing assessments; determination of fair market value of affordable rental housing

Amends § 58.1-3295 of the Code of Virginia to provide for a determination of fair market value of affordable rental housing, but such a determination may not be made if a pending building code violation exists. Patron: Whipple

SB 1309 Recordation tax; statewide exemption for particular organizations

Amends § 58.1-811 of the Code of Virginia to establish a statewide exemption from the recordation tax for qualifying 501(c)(3) organizations. The groups must be organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means. Patron: Hurt

SB 1315 Taxation of machinery and tools; separate classification for a specialized need

Add § 58.1-3508.3 to the Code of Virginia to establish as a separate class of property for rate purposes specific machinery and tools used directly in the manufacture of precision investment castings. Patron: Locke

SB 1356 Allows Augusta County to reassess at 5- or 6-year intervals

Amends § 58.1-3252 of the Code of Virginia to authorize Augusta County to conduct its general reassessments at either five- or six-year intervals. Patron: Hanger

SB 1451 Resources Authority may increase bond debt ceiling

Amends § 62.1-204 of the Code of Virginia to increase from \$900 million to \$1.5 billion the debt ceiling for bonds issued and local obligations guaranteed by the Virginia Resources Authority without prior approval of the General Assembly. Patron: Colgan

State Government

HB 1761 Security for Public Deposits Act; establishes guidelines to permit banks to withdraw from Virginia Security for Public Deposit pools

Amends §§ 2.2-4403, 2.2-4404, and 2.2-4405 of the Code of Virginia to authorize the Treasury Board to establish guidelines permitting banks to withdraw from the Virginia Security for Public Deposits pooling arrangement. A bank that complies will be responsible for making good on its own public deposits, but not responsible for contributing funds to a pool if another bank holding Virginia public deposits fails. Patron: Kilgore

HB 1779 Retail Sales and Use Tax; exemption of sales by nonprofit entities

Amends § 58.1-609.10 of the Code of Virginia to provide that nonprofit organizations are exempt from collecting the sales tax on their sales of i) food, prepared food, and meals, and ii) tickets to events that include the provision of food, prepared food, and meals, so long as such sales take place on less than 24 occasions in a calendar year.

Patron: Athey

HB 1891/ SB 986 Land preservation tax credit; reduces amount that may be claimed for taxable years 2009 & 2010

Amends § 58.1-512 of the Code of Virginia to reduce from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the tax credit. Patrons: Brink/Colgan

SB 1421 Digital media purchase or rental; fee created

Adds §§ 58.1-1731, 58.1-1732, and 58.1-1733 to the

Code of Virginia to create a fee of 10 percent of the in-room purchase or rental price of digital media. The bill provides that revenues from such a fee shall be divided equally into the state's general fund and the Governor's Motion Picture Opportunity Fund. Patron: Lucas

Retirement

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

Amends § 51.1-138 of the Code of Virginia to require that regional jail boards and authorities, as well as the localities participating in such boards and authorities, participating in the Virginia Retirement System provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's sworn officers. Patron: Hamilton

Constitutional Amendments

HJ 648/SJ 275 Constitutional amendment; property tax exemption for certain veterans (first reference)

Authorizes the General Assembly to exempt from taxation real property that is the principal residence of a veteran, or widow or widower of a veteran, if the veteran has been determined by the United States Department of Veterans Affairs to have a 100 percent service-connected, permanent, and total disability. Patrons: O'Bannon/Puller

HJ 647 Constitutional amendment; limit on taxes or revenues and Revenue Stabilization Fund (first reference)

Increases the size of the Revenue Stabilization Fund from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. Patron: O'Bannon

HJ 688 Constitutional amendment; real property tax relief for persons 65 years old, etc. (first reference)

Authorizes the General Assembly allow localities to either waive or establish their own income or financial worth limitations for purposes of granting real property tax relief for persons 65 years of age or permanently and totally disabled. Patron: Cole

Health and Human Services

HB 2060/SB 1083 Mental health law revisions

Amends §§ 19.2-182.9, 37.2-808, 37.2-815, 37.2-816, 37.2-817, and 37.2-819 of the Code of Virginia to i) clarify that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; ii) clarify that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses and; iii) clarify that the prescreening report shall be admitted into evidence and made part of the record of the case. Patrons: Hamilton/Howell

HB 2061/SB 1122 Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment

Amends §§ 16.1-341, 16.1-342, 16.1-344, 16.1-345, 16.1-345.1, 37.2-808, and 37.2-809 of the Code of Virginia to provide that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. In addition, the bill clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission

and treatment of mental illness. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. Patrons: Hamilton/Lucas

HB 2141 Infectious disease; eliminates requirement that law-enforcement officer give notice

Amends § 32.1-45.1 of the Code of Virginia to require that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a measure that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. The bill also removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his body fluids. Patron: Miller, J.

HB 2257 Outpatient treatment; allows court to order mandatory treatment following involuntary admission

Amends § 37.2-814 of the Code of Virginia to provide that the judge or special justice shall consider evidence regarding the person's past compliance or noncompliance with treatment in determining whether a person is capable of consenting to voluntary admission. Patron: Albo

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

Amends § 63.2-1605 of the Code of Virginia to require local social services departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation. Patron: Athey

HB 2449/SB 1107 Infectious disease; establishes deemed consent to test for HIV & hepatitis B & C and release result

Amends §§ 32.1-45.1 and 32.1-116.3 of the Code of Virginia to require that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice.

Patrons: Sickles/Northam

HB 2486/SB 1079 Emergency custody; authority of law-enforcement officer

Amends § 37.2-808 of the Code of Virginia to authorize a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. Patrons: Ward/Howell

HB 2674/SB 1501 Eliminate MR and IFDDS Waiver waiting lists

An uncodified Act to require the Governor and the General Assembly to develop and implement a plan to provide funding to the Department of Medical Assistance Services to eliminate waiting lists for the Mental Retardation Waiver and the Individual and Family Developmental Disabilities Support Waiver. Patrons: Cox/Barker

SB 898 Elder or dependent adult abuse; emergency services personnel to report suspected abuse, etc.

Amends § 63.2-1606 of the Code of Virginia to require emergency services personnel to report suspected abuse, neglect, or exploitation of adults. Patron: McDougle

SB 1012 Foster care; placement of a child pursuant to agreement between parents & local board

Amends §§ 63.2-906 and 63.2-910 of the Code of Virginia to eliminate the authority of a public agency designated by the community policy and management team to enter into an agreement related to foster care with the parents. Patron: Edwards

SB 1179 State Executive Council; increases membership and establishes term limits

Amends § 2.2-2648 of the Code of Virginia to increase the membership of the State Executive Council by adding additional local government representatives, a public provider, and additional private providers; and adds as an exofficio member the Governor's Special Advisor of Children's Services. Patron: Hanger

SB 1180 State Executive Council for Comprehensive Services; powers and duties

Amends § 2.2-2648 of the Code of Virginia to require the State Executive Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems. The bill also requires the Council to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding. Patron: Hanger

SB 1181 Office of Comprehensive Services; report expenditures on children receiving pool-funded services

Amends § 2.2-2649 of the Code of Virginia to require the Director of the Office of Comprehensive Services to: (i) report to the State Executive Council all expenditures associated with serving children who receive pool-funded services, including all services purchased with pool funding,

all treatment, foster care case management, and residential care funded by Medicaid; and all child-specific payments made through the Title IV-E program; (ii) report to the Council on the nature and cost of all services provided to the population of at risk and troubled children identified by the Council as within the scope of the CSA program; (iii) develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and coordinators to help them guide localities in prioritizing the coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending; and (iv) develop and distribute guidelines, approved by the Council, regarding the development and use of multidisciplinary teams to encourage utilization of multidisciplinary teams in service planning.

Patron: Hanger

SB 1506 Comprehensive Services Act Program; judicial assignment of services for children

Amends § 2.2-5211 of the Code of Virginia to provide that in cases of judicial assignment of services for children under the Comprehensive Services Program where a party requests a level of service not identified or recommended in the report submitted to the court by the family assessment and planning team, the court shall request the community policy and management team to submit a second report characterizing comparable levels of service to the requested level of service.

Patron: Hanger

Telecommunications and Utilities

Broadband and Telework

HB 1660 Telework responsibilities transferred

Amends §§ 2.2-225.1 and 2.2-2817.1 of the Code of Virginia to transfer certain responsibilities regarding telework assistance from the Secretary of Administration to the Secretary of Technology's Office of Telework Promotion and Broadband Assistance. Patron: Scott, J.

HB 2423/SB 1336 Establishes the Broadband Advisory Council

Adds §§ 2.2-2699.3 and 2.2-2699.4 to the Code of Virginia to establish the Governor's Broadband Advisory Council to advise the Governor and legislature on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. Patrons: May/Puckett

HB 2665 Broadband Infrastructure Loan Fund

Adds §§ 15.2-2419 through 15.2-2429 to the Code of Virginia to create the Virginia Broadband Infrastructure Loan Fund administered by the Virginia Resources Authority. The Fund would be used to finance broadband infrastructure projects undertaken by a local government. Priority for loans would be given to projects i) that will utilize private industry in operating and maintaining the projects where private involvement will provide cost savings; ii) that serve two or more local governments; and iii) in unserved areas. Although the legislation establishes the program, the General Assembly failed to appropriate funding for it. Patron: May

Utilities/State Corporation Commission

HB 1729 Undergrounding electric transmission lines; locality may impose an assessment to underground

Amends § 15.2-2404 of the Code of Virginia to authorize the governing body of any locality to enter into an agreement with an electric utility to impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating, and maintaining the proposed line underground. Patron: Cole

HB 1885 Telephone regulatory alternatives; determination of competitiveness

Amends § 56-235.5 of the Code of Virginia to require the State Corporation Commission (SCC), when determining whether the telephone services of a telephone company are competitive, to consider all wireless communications providers that offer voice communications services to be facilities-based competitors owning wireline network facilities and reasonably meeting the needs of consumers. Patron: Nixon

HB 1970 Omnibus reform of underground propane distribution

Amends § 56-265.1 of the Code of Virginia and adds § 56-265.4:6 to the Code of Virginia to reform the regulation of underground propane distribution. The bill excludes companies that provide non-utility gas service from the definition of a "public utility" for purposes of the Utility Facilities Act. The SCC may authorize an entity to provide non-utility gas service to certain residential or commercial customers located within a specified distance from any existing underground natural gas line operated by a regulated utility, if the Commission finds that (i) the natural gas utility that holds the certificate to provide natural gas service in the defined geographic area proposed to be served is not currently offering service to the area and is unable to extend natural gas utility service to the requested area within a reasonable period of time, and (ii) the proposed provision of non-utility gas service is in the public interest. Non-utility gas service providers are required to comply with all pipeline safety standards, and are subject to applicable penalties for violations of pipeline safety requirements. Patron: Ware, L.

HB 2277 Natural gas distribution services by municipalities and authorities

Adds § 15.2-2109.3 to the Code of Virginia to authorize a municipal corporation or public service authority to purchase and distribute natural gas for resale to areas within their jurisdiction that do not have natural gas service. Patron: Bowling

Wireless E-911

SB 1164 Wireless E-911 Fund; clarifies that the fund shall support operating and administrative expenses and costs

Amends § 2.2-2031 of the Code of Virginia to permit payments from the Wireless E-911 Fund for operating expenses and administrative costs of the Division of Public Safety Communications.

Patron: Watkins

Transportation

Administration & Governance

HB 1580/SB 1018 Hampton Roads Transportation Authority; abolished, disposition of revenues, etc.

Amends §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425 and other sections of the Code of Virginia to abolish the Hampton Roads Transportation Authority and the taxes, fees, and charges dedicated to financing its operation and programs. Patrons: Oder/Miller, J.

HB 1907 Twin County Airport Commission; change in membership

Amends Chapter 379 of the Acts of Assembly of 1964 to provide that the Twin County Airport Commission is governed by a six-member commission rather than a seven-member commission. The Counties of Carroll and Grayson would each have two members, rather than one, while several towns would lose representation on the Commission. Patron: Armstrong

HB 2099 George Washington Toll Road Authority; created, encompasses City of Fredericksburg, etc.

An uncodified Act to create the George Washington Toll Road Authority encompassing the City of Fredericksburg and Spotsylvania County. Patron: Orrock

HB 2158 Charlottesville-Albemarle Regional Transit Authority; established

Adds §§ 15.2-7000 through 15.2-7013 to the Code of Virginia to create the Charlottesville-Albemarle Regional Transit Authority for the City of Charlottesville and all or portions of the Albemarle, Fluvanna, Greene, Louisa, and Nelson Counties as their governing bodies desire to be included. Patron: Toscano

HB 2596/SB 1511 Washington Metropolitan Area Transit Authority; amends Compact relating to Board membership, etc.

Amends various prior Acts of the Assembly concerning the Washington Metropolitan Area Transit Authority (WMATA) Compact to comply with federal requirements including that certain

payments made to WMATA to match certain federal funds be made from a dedicated funding source. Patrons: Ebbin/Whipple

SB 1508 Breaks Regional Airport Authority Act; created

An uncodified Act to allow the establishment of the Breaks Regional Airport Authority if the Town of Grundy, or the governing body of Buchanan County declare that there is a need for an airport authority, and an operating agreement is developed. Patron: Puckett

Funding and Tolls

HB 1628 Contractor performance bonds; amount for locally administered transportation improvement projects

Adds § 33.1-223.2:21 to the Code of Virginia to provide that when any locality administers a transportation improvement project and obtains a performance bonds that also names the Virginia Department of Transportation (VDOT) as an obligee, the amount of the bonds shall not be greater than if VDOT had not been included. Patron: Cole

SB 1242 Small Business Financing Authority; activities under Public-Private Transportation Act of 1995

Amends §§ 2.2-2279, 2.2-2280, 2.2-2289, 2.2-2291, and 2.2-2292 of the Code of Virginia to authorize the Virginia Small Business Financing Authority to provide private activity bond financing for entities existing for the sole purpose of developing or operating a qualified transportation facility under the Public-Private Transportation Act. Patron: Stosch

Highways and Bridges

HB 1619/SB 899 Distribution of handbills in highway right-of-way; authority to prohibit

Amends § 46.2-931 of the Code of Virginia to add Hanover and Spotsylvania Counties to the list of localities that may regulate and prohibit the solicitation of contributions and distribution of materials, etc. on highways. The bill also adds Hanover County to the list of localities that may regulate such solicitations and distributions on public roadways and medians. Patrons: Peace/McDougle

HB 1629 Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.

Amends § 46.2-930 of the Code of Virginia to grant counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. Patron: Cole

HB 1694 Parking; allows certain counties and towns to prohibit parking of certain vehicles on streets

Amends § 46.2-1224 of the Code of Virginia to allow Fairfax and Prince William Counties to prohibit on-street parking of commercial vehicles greater than 20 feet in length or vehicles carrying commercial freight in plain view. Exceptions apply to vehicles used by public service companies or in the provision propane gas service. Patron: Albo

HB 2019/SB 1398 Transportation corridors; Transportation Board to establish connection with Transportation Plan

Amends §§ 2.2-229, 15.2-2232, 33.1-12, and 33.1-23.03 of the Code of Virginia to add additional responsibilities to the Office of Intermodal Planning and Investment under the Secretary of Transportation that include i) implementing a comprehensive, statewide multimodal transportation policy; ii) establishing standards for the coordination of transportation investment and land use planning; iii) working with regional organizations to develop transportation and land use performance measures; and iv) providing technical assistance to local governments and regional entities in establishing urban development areas. In addition, the legislation also requires that once the Commonwealth Transportation Board adopts the Statewide Transportation Plan, all local governments must show on the transportation maps in their comprehensive plan any designated corridors of statewide significance that traverse their jurisdiction. Patrons: Rust/Norment

HB 2425 Highways, primary and secondary; transfer roads, bridges, etc., there from to local system of roads

Amends §§ 33.1-35 and 33.1-84.1 of the Code of Virginia to clarify the process for the transfer of roads, bridges, and streets from the primary system

to the local road system and provides that any county assuming responsibility for secondary roads within its boundaries are deemed to have withdrawn from the state system and will receive state payments in accordance with the provisions of § 33.1-23.5. Patron: May

HB 2428 Distribution of handbills, etc. on highways; grants Loudoun County power to regulate

Amends § 46.2-931 of the Code of Virginia to add Loudoun County to the list of localities that may regulate the distribution of handbills, leaflets and other materials, and the solicitation of contributions and the sale of merchandise on public roads. Patron: May

HB 2577 Highway noise abatement; Transportation Board or VDOT to plan therefore when constructing

Adds § 33.1-223.2:21 to the Code of Virginia to require the Commonwealth Transportation Board or the Virginia Department of Transportation to consider traffic noise mitigation in plans for highway construction or improvement. Patron: May

SB 882 Parking; regulation thereof of watercraft, boat trailers, etc., in certain counties

Amends § 46.2-1222.1 of the Code of Virginia to add Stafford County to the list of counties and towns that may by ordinance regulate the parking of watercraft, boat trailers, motor homes, and camping trailers on any public highway. Patron: Stuart

SB 1530 Subdivision streets; acceptance into state secondary highway system

Amends § 33.1-72.1 of the Code of Virginia to provide that no secondary street can be taken into state system until all required permits have been obtained and any outstanding fees, charges, or other financial obligations have been satisfied through payment or bonding. Patron: Norment

Motor Vehicles

HB 1724 Trespassing vehicle; local regulation of removal and immobilization thereof

Amends § 46.2-1232 of the Code of Virginia to provide that local ordinances may require towing and recovery operators to obtain at the time the

vehicle is towed, verbal approval of an agent designated in the ordinance. Any local ordinances requiring “second signatures” before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. Patron: Rust

HB 1747/SB 1404 Towing & Recovery

Operators, board of; public safety towing

Amends §§ 46.2-2809 and 46.2-2826 of the Code of Virginia to prohibit the Board for Towing and Recovery Operators from establishing regulations for public safety towing and recovery services.

Patrons: Pogge/Norment

HB 1752 Weight limits for gravel trucks, coal haulers, etc.; extends sunset provision thereon

Amends § 46.2-1143 of the Code of Virginia, to extend until July 1, 2010, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. Patron: Carrico

HB 1837 Speed limit; adds Albemarle County to list of maximum speed limit on nonsurface treated highways

Amends § 46.2-873.1 of the Code of Virginia to add Albemarle County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron: Toscano

Studies and other Resolutions

HJ 651 requests school divisions to consider launching a Project Lead the Way program in the division's high schools. Patron: Cosgrove

HJ 652 requests school divisions to consider using existing intervention, remediation, and at-risk funding to hire K-8 Mathematics Specialists. Patron: Cosgrove

HJ 681 directs the Joint Legislative Audit and Review Commission to study Virginia's corporate income tax system. Patron: Massie

HJ 711 extends for another year the mandate of the Joint Subcommittee to Study the Transportation network of Hampton Roads. Patron: Jones, C.

SJ 318 continues the Joint Subcommittee to study strategies and models for substance abuse prevention and treatment. Patron: Hanger

SJ 325 directs the Joint Commission on Health Care to study opportunities for early identification and preventive care of chronic diseases. Patron: Houck

SJ 328 directs the Joint Legislative Audit and Review Commission to study post election audits of voting equipment. Patron: Herring

SJ 345 encourages state and local governments to increase the use of recycling receptacles at public places and governmental facilities. Patron: Vogel

SJ 357 continues the joint subcommittee to study the feasibility of creating a rapid transit network connecting existing and emerging population centers in major transportation corridors. Patron: Barker

SJ 359 continues the joint subcommittee to study the operations of circuit court clerks' offices. Patron: Stolle

Failed Legislation

Administration of Government

HB 1613/SB 1374 Polygraph examiners; only a federal, state, or local law-enforcement officer shall operate device

Authorizes federal, state, or local law-enforcement officers to operate a polygraph instrument provided that the officer is certified by the manufacturer of the instrument to operate the instrument. The Governor vetoed this legislation.

HB 1616 Conflict of Interests Act, State & Local Government; disclosure by certain members of advisory agency

Requires non-salaried citizen members of any board, commission, or council established by the governing body to advise on land use policies to file, as a condition of assuming office, a disclosure form of their personal interests, and to make annual disclosures of all their personal interests.

HB 1749 Workers' compensation; infectious disease presumption for wastewater systems employees

Extends workers' compensation infectious disease presumption to sewage treatment plant workers employed by a locality or other political subdivision.

HB 1780 Elections, special; filling vacancies in certain local offices

Provides that vacancies in a governing body or elected school board must be filled at the next ensuing November general election notwithstanding any other statutory or charter provision to the contrary. In the case of a vacancy in a local governing body, the locality may request a special election on a date prior to the next general election.

HB 1801 Conservators of peace, special; those employed by locality authorized to use flashing blue lights

Allows special conservators of the peace to use flashing blue lights in their vehicles and to wear a uniform with an insignia containing the seal of Virginia.

HB 1815 Questioning employees about criminal convictions; prohibits employer from asking about certain

Prohibits public employers from asking applicants questions about criminal history except for certain violent felonies.

HB 1910 Control of firearms; libraries

Allows localities to prohibit firearms in public libraries.

HB 1996/SB 925 Grievance procedure; permits grievant to have witness present during all steps of grievance

Permits the grievant to have a witness present all steps of the grievance procedure.

HB 2107 Public use; definition thereof

Restricts locality's ability to exercise "quick take" condemnation authority under § 15.2-1904 by limiting to actions involving (i) streets and roads, (ii) drainage facilities, (iii) water supply and sewage disposal systems, including pipes and lines, and (iv) oyster beds and grounds.

HB 2263 Animal control officers; moves oversight & governance thereof to Department of Criminal Justice Services

Transfers oversight of animal control officers from the State Veterinarian to the Department of Criminal Justice Services.

HB 2354 Suspension of mandates; requires Governor to temporarily suspend on locality facing fiscal stress

Requires the governor to suspend temporarily mandates on any locality if he finds that the local government is facing fiscal stress and that the suspension of the mandate, in whole or in part, will alleviate the financial hardship.

HB 2478 Infectious disease presumption; emergency declaration by Governor

Extends workers' compensation infectious disease presumption to public safety employees for any disease contracted during a public health emergency declared by the Governor.

HB 2628 Public Procurement Act; cooperative procurement

Provides that no public body shall purchase construction in excess of \$200,000 from another public body's contract that is more than 75 miles in distances from the public body procuring the construction.

HB 2632 Health insurance program for teachers; development of a proposed program

Requires Department of Human Resource Management to develop a statewide optional health insurance plan for all employees and retirees of local school boards and localities.

HB 2638/SB1409 Capital murder; add auxiliary police officer, etc. to definition of law-enforcement officer statute

Amends § 18.2-31 of the Code of Virginia to add auxiliary police officers and auxiliary deputy sheriffs, as well as fire marshals and assistant fire marshals with police powers, to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer or marshal.
Patrons: Pogge/Norment

SB 821 Workers' compensation; presumption that injury arises out of employment

Presumes that if an employee is found dead or incurred brain injury during working hours that the injury was compensable under the Workers' Compensation Act.

SB 832 Control of firearms; possessing or carrying a dangerous weapon in public buildings during official meetings of the governing body

Allows localities to prohibit firearms in community or recreation centers, administrative buildings, or public libraries during an official meeting of the governing body.

SB 887 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; conduct of interrogations

Allows firefighters or emergency medical technicians to have a witness of their choice present during an interrogation.

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

Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. The Governor vetoed this legislation.

SB 1069 Fire marshals and assistant fire marshals; capital murder thereof

Adds fire marshals and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for the murder of such a fire marshal. The Governor vetoed this legislation.

SB 1072 Prayer at public events; governmental agency shall have no authority to regulate religious content

Prohibits local regulation of any prayer, invocation, or benediction at a public event sanctioned by a governmental entity.

SB 1178 Independent cities; eliminates presumption that all are independent by deleting word in statutes

Eliminates the presumption that all cities are independent cities by deleting the word "independent" in numerous statutes.

SB 1205 Officials and officers, local; retirement benefits for certain

Permits localities to provide enhanced early retirement benefits to constitutional officers, with the exception of the sheriff, and the chief administrative officer.

SB 1541 Law-Enforcement Officers Procedural Guarantee Act; officer be given notice before being questioned

Requires that a law enforcement officer be given reasonable notice before being questioned in an administrative investigation as long as the notice will not jeopardize the investigation or public safety.

SB 1551 State and Local Government Conflict of Interest Act; disclosure by certain nonsalaried citizen members of local government

Clarifies that a local governing body may require the nonsalaried citizen members of any board, commission, or council it has created to file a disclosure of the member's personal interests as a condition of assuming office and to annually file such disclosure.

HJR 725/SJR 290 Constitutional amendment; taking of private property for public uses

Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment.

SJR 277 Tort claims brought against entities; JLARC to study costs incurred by State or its localities

Directs the Joint Legislative Audit and Review Commission to study the costs incurred by the Commonwealth and localities resulting from tort claims brought against such entities.

SJR 346 Local government; joint subcommittee to study organization thereof

Establishes a joint subcommittee to recommend methods for modernizing local government structure and organization.

Education

HB 2063/SB 1342 Triennial census of school population; sales and use tax distribution

Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division.

SB 1327 Health insurance credits; all retired employees of local school divisions to receive

Increases health insurance credit for all retired school employees.

Environment and Agriculture

HB 2387/SB 1252 Green Public Buildings Act; certain new or renovated buildings to be built to certain standards

Requires localities to build or renovate certain public buildings to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED).

HB 2591 Biosolids sampling and testing

Amends current Department of Environmental Quality Biosolids Permit Program by mandating sampling and testing during site visits.

SB 930 Statewide waste management plan

Requires the Department of Environmental Quality to prepare a statewide waste management plan that includes goals and minimum recycling rates.

HB 2072/SB 1008 Board for Architects, Professional Engineer, Land Surveyor, etc.; licensure of landscape architects

Exempts persons who prepare plans, specifications, documents, and designs for conventional and alternative onsite sewage systems receiving residential wastewater from licensure under certain circumstances.

Finance

SB 1386 Jail construction, local and regional; adjusts state reimbursement thereof

Eliminates the state reimbursement to localities of a percentage of the capital costs of local and regional jail construction.

Planning and Zoning

HB 1728 Road impact fees; allows localities to reduce or exempt fee for commercial development

Exempts commercial development from road impact fees.

HB 1879/SB 2355 Local government; publication of notices for charter changes, referenda, and public hearings, etc.

Gives local governments the option to publish official notice of public hearings and local

ordinance summaries on the Internet, public access TV or automated voice or text alert system.

HB 2613 Cash proffers; requires localities to phase out acceptance thereof

Requires localities to phase out the acceptance of cash proffers by July 1, 2014.

HB 2125/SB 1308 Zoning; person to post sign notifying public of place & time of public hearing regarding property

Allows a locality to require any person applying for a planning or zoning matter to post a sign notifying the public of the place and time of the public hearing regarding the property.

HB 2563 Street construction; allows locality to withhold acceptance of plat approval if street not complete

Allows localities to withhold acceptance of plat approvals if the applicant has other projects in the locality with streets not completed or on track for completion.

SB 1423 Subdivision ordinances; requirement that each locality provide a checklist to potential developers

Requires each locality provide a checklist developers that specifies what must be shown on the development plans along with the legal authority for each requirement.

Taxation

HB 1730/SB 1272 Tax legislation; requires a sunset date of no more than four years on all

Requires a sunset date of no more than four years on all bills that add or increase a state or local tax.

HB 2205 BPOL taxes; repeals local business taxes

Repeals local business license (BPOL) taxes.

HB 2601/SB 1514 Real estate tax; notice of change in assessment

Increase from 15 days to 30 days the notice requirement for a new or changed real estate assessment and require the notice to contain specific information regarding the new tax levy and the prior year's tax levy.

SB 979 Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations

Allows localities to impose a fee, not to exceed \$10, on all motor vehicle violations, with the fee going to the locality to purchase fuel for local law-enforcement vehicles.

HJR 686/SJR 333 Constitutional amendment; certain property exempt from taxation

Authorizes localities to enact a homestead exemption.

HJR 789 Constitutional amendment; limits appropriations in fiscal year to preceding years

Limits state appropriations in a year to the preceding year's total adjusted by inflation and population growth.

SJ 349 Constitutional amendment; localities to cap annual increase in assessed values of real estate

Allows localities to cap the annual increase in assessments.

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