



2011 Legislative Summary



May 4, 2011

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Vital Statistics from the 2011 Session

	Introduced	Passed Both	Failed	Approved	Vetoed
House Bills	1,335	505	795	495	1
House Joint Resolutions	493	425	70	2	0
House Resolutions	50	48	2	0	0
Senate Bills	747	387	452	377	2
Senate Joint Resolutions	251	220	45	0	0
Senate Resolutions	16	14	2	0	0
General Assembly Totals	2,692	1,599	1,366	874	3

2011 Legislative Priorities

State and Local Obligations and Revenues

- VACo reaffirms its commitment to protecting state and local fiscal stability that enables the Commonwealth and local governments to provide core public services critical to the long-term economic vitality of Virginia. The counties in Virginia stand ready to collaborate with the Commonwealth to make the tough fiscal and programmatic decisions required.

State Funding

- VACo is dedicated to protecting the reliability and sustainability of the Commonwealth's general fund that funds core government services mandated by the state but provided by local governments, including public primary and secondary education (K-12).

Local Government Fiscal Policy

- VACo calls for the repeal of the state's reduction in Aid to Localities.
- VACo supports local discretion to manage state mandated reductions for non-educational services.

Local Government Revenues and State Tax Reform

- VACo opposes elimination or reduction of specific local tax revenues, including local business taxes.
- VACo supports equal taxing authority for cities and counties. VACo also asks that the Commonwealth grant counties and cities the option, by action of the local governing body without a referendum, the ability to increase the local sales and use tax by 0.5 percent to help offset state budget reductions affecting localities.
- VACo opposes mandated "one-size-fits-all" budget, revenue and investment policies that hinder local government efficiencies.
- VACo opposes changing the legal presumption for the application of local taxes.

State Tax Reform

- VACo supports tax reform that includes restructuring of state income and sales and use taxes to stabilize and increase revenues to meet current and foreseeable core service demands. Tax reform also will reduce pressure on local government leaders who must continually 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 services.

Broadband

- VACo urges the Commonwealth to assist communities in their efforts to deploy universal affordable broadband services, particularly in underserved and rural areas, by adopting targeted statewide budgetary and statutory policies.

Education

- VACo supports sufficient state funding for public education programs, including the Standards of Quality, the Standards of Accreditation, the Standards of Learning, teacher salaries and retirement costs, incentive and categorical aid, and capital and maintenance support.
- VACo opposes changes in methodologies and the division of financial responsibility intended to shift education costs from the state to localities.

Health and Human Resources

- VACo supports state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services.

Growth Management Tools

- VACo opposes any legislation to weaken the authority to plan and regulate land use.
- VACo supports legislation to grant localities additional tools necessary to meet citizens' increasing public infrastructure needs that are driven by new development.

ABC Privatizing Virginia's Wholesale and Retail Operations of Distilled Spirits

- VACo opposes any privatization of Virginia's Wholesale and Retail Operations of Distilled Spirits unless the following principles are met:

- o Localities must retain full authority to participate in the initial ABC licensing process for retail liquor outlets and in subsequent processes that will result in the transfer of those licenses;

- o Businesses selling distilled spirits must remain subject to all local land use and zoning ordinances, including public hearing requirements and regulations;

- o State general fund dollars that are available from the Commonwealth's ownership of ABC must be replaced on a dollar-for-dollar basis and steps must be taken to ensure that, at a minimum, this ABC related funding is available to the general fund in the long run;

- o Businesses selling distilled spirits must be subject to all local taxes that are levied on any other similar establishments (e.g., BPOL);

- o The state must ensure that revenues from privatization adequately fund the enforcement of state ABC laws and locally-administered substance abuse prevention and rehabilitation programs;

- o The state must recognize that new, one-time revenues are not a replacement for a comprehensive, adequately funded revenue stream that is dedicated to meeting all of Virginia's multi-modal transportation needs; and

- o In the event the state gains new revenues from privatization, the state must resume the sharing of profits from the sale of all ABC products with localities.

Sovereign Immunity

- VACo opposes any substantive change in local governments' present defense of sovereign immunity. VACo opposes bringing counties under the Virginia Tort Claims Act.

Stormwater

- VACo supports stormwater requirements related to new development, redevelopment and existing development that are cost-effective, affordable and manageable at the local level.

Transportation

- VACo urges the Commonwealth to enact a funding package for transportation with new revenues separate from the general fund that are stable, recurring and sufficient to meet Virginia's transportation infrastructure needs.

- VACo supports restoration of the Revenue Sharing program that existed prior to the 2006 session.

- VACo opposes any legislation or regulation that would require the transfer of responsibility for construction, maintenance or operation of new and existing roads to counties.

Unfunded Mandates

- VACo opposes unfunded mandates by the Commonwealth.

Water Quality

- VACo supports partnerships among all levels of government to improve water quality.

- VACo opposes any strategy to penalize local governments by withdrawing current financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to accomplish those processes.

- VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority.

FY 2010-2012 State Budget

Key Links

- K-12 Public Education - The Virginia Department of Education (DOE) has released locality specific funding and budget information. Visit the DOE website (Direct Aid and State Payments).
- Constitutional Officers - The Compensation Board has released locality specific funding and budget information. Visit the Compensation Board website (FY 2012 budget estimates for Constitutional Officers).
- Police Departments - The Department of Criminal Justice Services (DCJS) has released locality specific funding and budget information. Visit "HB 599" for locality specific funding levels for FY 2012.
- Retirement - VRS biennial rates as shown in the adopted FY2010-2012 biennial budget. Visit VRS Employer Update, April 2011 Special Edition.
- TAX has posted their 2012 estimates on local distribution:
 - 1) State Sales and Use Tax for Public Education
 - 2) Local Option Sales and Use Tax
 - 3) Recordation and Grantor's Tax

Last year the General Assembly adopted a budget for the 2010 - 2012 Biennium, so when the 2011 session convened in January, Gov. Robert F. McDonnell and the General Assembly focused on amendments to the biennial budget.

By the end of the reconvened session in April, the legislature had adopted a general fund budget with \$620 million more in resources to spend than approved last year (HB 1500). That included \$224 million more than the governor's introduced budget. This puts the Commonwealth in the posture of realizing 5 to 6 percent general fund growth in FY 2011 and 2012.

The governor's introduced budget for FY 2012 funded his priorities in transportation, economic development, higher education, water quality improvement (WQIF), state retirement (VRS), and technology (VITA) and increased Medicaid utilization spending. In the end, however, the General Assembly had its own priorities, and their changes to the introduced budget included:

- Restoration of \$75 million to Governor's K-12 funding cuts (\$25 million above last year), albeit mainly one-time funding of \$130 per pupil.
- \$110 million increase over Governor's budget for increased health and human service spending, primarily Medicaid provider payments, behavioral health trust fund, increased developmentally disabled and mental health community waivers and CSA restoration.

- Restored public safety funding (including local aid for police and sheriffs).
- Added \$64 million to Rainy Day Fund reserves.
- Began phase-out of accelerated sales tax payment for dealers.
- VRS changes: Implemented state employee 5 percent for 5 percent (explained later under VRS), eliminated 4th quarter lag, and increased teacher contribution rate (but less than introduced budget).
- Reduced Governor's spending on transportation and economic development.

The tables on Page 6 were developed by Fiscal Analytics and represent change in General Fund resources as compared to past budgets. See the next page for the tables.

VACo's budget priorities supported increased funding to assist in the delivery of basic core government services. See our budget letter to the conferees. Following is analysis of actions approved by the Assembly that make up the FY 2010-2012 state budgets.

Accelerated Sales Tax

Accelerated sales tax (AST) of \$230 million was assumed in FY 2010. Language adopted last year called for "unwinding" the AST by 15 percent beginning in FY 2013. The final budget action represents 20 percent phase out, resulting in loss of

Change in General Fund Resources Available for Appropriation in 2010-2012 (\$ Millions)

	<u>2010 Adopted</u>	<u>2011 Intro</u>	<u>2011 Adopted</u>	<u>Change over 2010</u>
Balances	\$655.3	\$713.9	\$836.4	\$181.1
Revenues	\$29,886.6	\$30,169.6	\$30,293.0	\$406.3
Transfers	<u>\$859.1</u>	<u>\$913.4</u>	<u>\$891.2</u>	<u>\$32.1</u>
Total	\$31,401.0	\$31,796.9	\$32,020.5	\$619.5

Change from 2010 Session Adopted Budget (GF \$ Millions)

	Introduced		Conference		Total Change from Last Year		
	FY 2011	FY 2012	FY 2011	FY 2012	FY 2011	FY 2012	2010-12
Legislative and Executive Departments	(0.4)	(0.1)	-	0.1	(0.4)	(0.0)	(0.4)
Judicial Department	5.6	5.6			5.6	5.6	11.2
Treasury Board GF Debt Service	(11.6)	(9.7)			(11.6)	(9.7)	(21.3)
Compensation Board, Finance, & Technology	15.1	6.2	(1.3)	6.0	13.8	12.2	26.0
Rainy Day Fund				64.0	-	64.0	64.0
Commerce and Trade	(2.4)	60.7	(1.5)	(38.3)	(3.9)	22.4	18.5
Agriculture & Natural Resources	36.4	0.8		4.8	36.4	5.6	42.0
K-12 Public Ed	(24.8)	(25.3)	(1.2)	75.6	(26.0)	50.3	24.3
Higher Ed. (incl. Central Appropriations funding)	-	77.4	2.5	14.4	2.5	91.8	94.3
DMAS (Medicaid)	(112.4)	145.3	(0.4)	78.0	(112.8)	223.3	110.5
Other HHS	5.5	37.9	(0.7)	33.3	4.8	71.2	76.0
Public Safety	(1.7)	14.6	(1.3)	16.4	(3.0)	31.0	28.0
Transportation	150.0	-	(117.3)		32.7	-	32.7
Central Appropriations (not including higher educ.)	28.1	(9.5)	(1.5)	85.0	26.6	75.6	102.2
Capital	-	<u>3.3</u>	-	<u>5.2</u>	-	<u>8.5</u>	<u>8.5</u>
Total GF Expenditure Changes	87.4	307.2	(122.7)	344.5	(35.3)	651.7	616.4

\$45.7 million general fund revenue in FY 2011. Retailers with less than \$5.4 million in annual taxable sales would not be required to remit sales tax early. This action eliminates over 7,000 additional smaller retailers from the requirement.

"Rainy Day" Fund

Required deposits to the Rainy Day Fund are estimated to be over \$220 million next biennium. With an additional \$64 million approved by the 2011 General Assembly on top of the \$50 million reserved last year, roughly half of the funds required next biennium would be set aside.

K-12 Public Education

The adopted budget adds \$75.6 million in general funding for FY 2012 over the governor's introduced budget which was a priority funding request identified by VACo. (See education spreadsheet for distribution by locality).

This funding includes \$87.7 million for "Supplemental Support for Operations Costs" to all school divisions based on the state's share of \$130 per pupil, combined with another \$16.6 million to "make whole" all school divisions for Composite Index hold harmless payments in the 2010 adopted budget, adjusted for final 2010 actions and projected enrollment in the introduced budget.

Additionally, the budget actions reduce textbook funding by \$5.9 million and make a technical reduction of \$1.1 million in FY 2011 due to updated data on state operated education programs (hospitals, detention facilities).

The budget also accelerates payments to the retirement system through an increase of 2.4 percent in the employer contribution rate for teachers' retirement in FY 2012. The current rate of 3.93 percent in FY 2011 will rise to 6.33 percent in FY 2012. The compromise keeps the 5 percent teacher member contribution to retirement the same as in the pension reform in HB 1189/SB 232 adopted in 2010.

Budget language was adopted to extend the current authority for school divisions to carry forward unspent state funds from FY 2011 to FY 2012, also from FY 2012 to FY 2013.

Additionally, budget language provides for an increase in the required cost to school divisions for

their share of optional school efficiency reviews from the current 25 percent to 37.5 percent.

Health and Human Resources

The revised biennial budget added additional funding of \$110.3 million for core services delivered through health and human resources. This funding includes \$66.8 million for Medicaid provider restorations and \$30 million for the Behavioral Health and Developmental Services (BHDS) Trust Fund.

Additionally, the budget funds 275 Intellectual Disability (ID) waivers to address community waiting list, 100 ID waivers for individuals transitioning from training centers from the BHDS Trust Fund, and 150 Development Disability (DD) waivers.

The budget and subsequent actions during the reconvened session restored \$12.5 million in Comprehensive Services Act (CSA) funding to prevent cost-shifting to localities, which includes reinstatement of \$5 million for non-mandated services, \$7.5 million for therapeutic foster care services and \$7 million for local department of social services. These actions were priority funding requests for VACo as local governments struggle to meet core funding requirements.

House language that shifted services and funding of mental health services for children from Medicaid to CSA was opposed by VACo and was eliminated in the budget. However, five regional pilot programs will be established in coordination with community services boards to improve care, utilization, outcomes, and cost effectiveness of community mental health rehabilitative services for children enrolled in the Medicaid or FAMIS programs.

The budget restores partial funding for prevention and home-visiting services offered through Comprehensive Health Investment Project (CHIP) of Virginia (\$500,000), Healthy Families programs (\$500,000) and Community Action Agencies (\$500,000), all of which were identified as priority funding requests by VACo.

Finally, the General Assembly lowered the Virginia Department of Health's (VDH) annual food establishment fees that were increased in the 2008 and 2010 General Assembly sessions. The fees revert to their fiscal year 2008 levels. The fees were

actually reduced from \$285 to \$40 for a restaurant, hotel, summer camp, and campground permitting. The amendment provides \$4.28 million from the general fund to offset the loss of revenue to VDH. This amount of general fund increase has to be matched by localities, estimated to be \$3.1 million. Language is modified in the introduced budget to implement this change. The locality matching rates are not changing based on the Health Department Cooperative Formula.

Public Safety

The budget adds \$15.1 million over the biennium for public safety services excluding sheriffs and jails, which are detailed below. The additional funding is inclusive of \$12.4 million to partially restore HB 599 funding (state aid to localities with police departments) and \$800,000 for local juvenile diversion & crime control (VJCCCA). Both issues were identified as priority funding requests by VACo.

Sheriffs and Regional Jails

The budget provides for restoration of \$6 million to offset a portion of the remaining shortfall in FY 2012 that resulted from the failed passage of the Virginia Public Safety Fund fee during the 2010 session of the General Assembly. This was another priority funding recommendation identified by VACo.

- This amount approved by the legislature is in addition to \$8.3 million restored in FY 2011 and \$8.3 million restored in FY 2012 in the governor's introduced budget, addressing the 2010 failure to restore any of the \$30 million in funds eliminated in the 2010 budget bill anticipated to be replaced with new Public Safety Fund fees that ultimately failed.

- Based upon these restorations to the (originally) un-restored 2010 funding reduction amount of \$30 million, the remaining shortfall will result in reductions of \$7.4 million to office budgets in FY2012. However, actions approved during the reconvened session could reinstate the \$7.4 million as a one-time allocation depending on state general fund balances.

Budget language is included under sections related to the Department of Corrections (DOC) to require the DOC to assess staffing of the Piedmont Regional and Western Tidewater Regional Jails and provides the Compensation Board the authority to fund staff necessary to house state and local responsible inmates in beds formerly built for hous-

ing federal inmates.

Budget language is included under sections related to the Department of Corrections directing the DOC to report annually on the double-bunking capacity of local and regional jails.

The budget provides for additional positions and funding totaling \$1.3 million is included in FY 2012 for staffing the expansion project of the Blue Ridge Regional Jail (Amherst) beginning Jan. 1, 2012.

Jail per Diem Funds

The budget provides for additional inmate per diem funding of \$6.1 million in FY 2011 (the net result of a Budget Bill increase of \$7.4 million based upon fall inmate population forecasts, and a reduction of \$1.3 million based on actual inmate populations through January 2011.) The FY 2012 per diem rates remain unchanged as reported last year:

- For local responsible inmates housed in local or regional jails \$4 per day
- For local responsible inmates housed in jail farms \$18 per day
- For state responsible inmates housed in local or regional jails or jail farms \$12 per day

Language in the Appropriation Act provides that if funding available for a quarterly per diem payment be insufficient to cover the entire amount of the payment, the payment will be pro-rated accordingly. Additional funds needed associated with inmate population growth will be determined based on updated population data during the fall 2011 budget development process and considered during the 2012 General Assembly session.

Constitutional Officers

Budget language is included to limit the Compensation Board's retirement reimbursement cap for constitutional officers and their employees at no more than the FY 2011 state employee rate (2.13 percent). With a FY 2012 approved rate of 2.08 percent through March 2012, changing to 3.79 percent through June 2012, it appears that the Compensation Board will reimburse a maximum of 2.08 percent for July 2011 through March 2012, and a maximum of 2.13 percent for April through June 2012.

The budget provides for a reduction of \$1.7 million in funding for the cost of the Virginia Risk

Management liability insurance and surety bond premiums paid by the Compensation Board on behalf of Constitutional Officers, Directors of Finance, and Regional Jails. The Compensation Board presently pays this premium and recovers 50 percent of such cost from reimbursements to localities. Language has been amended providing for the recovery of 100 percent of the cost in FY12 from localities.

Circuit Court Clerks: Budget language is included that clarifies the intent of changes approved by the 2010 General Assembly for commissions paid to Circuit Court Clerks, where commissions should continue to be paid on revenues collected by the Circuit Court, but not on revenues deposited by lower courts. This was a language clarification supported by VACo. The budget reduces \$3.4 million in FY 2011 and \$6.2 million in FY 2012 to the appropriation for the Clerks' Technology Trust Fund (TTF) to match actual cash balances available and projected revenues. This is a technical adjustment that does not affect TTF cash or funds available for budgeting to Clerks' offices.

Treasurers, Commissioners of Revenue, Directors of Finance and Commonwealth's Attorneys: No program specific changes were made to the FY 2012 State Budget. The following actions are FY 2010 - 2012 budget reductions as reported last year.

- **Treasurers Funding:** FY 2011-2012 across the board reductions equal 22.86 percent. The budget provides for restoration of general funds totaling \$7.2 million in each year of the biennium.

- **Commissioners of the Revenue Funding:** FY 2011-2012 across the board reductions equal 17.94 percent. Total appropriations not restored, excluding vacancy freeze funds, is \$3 million in each year of the next biennium.

- **Directors of Finance Funding:** FY 2011-2012 across the board reductions equal 28.76 percent. The budget provides for restoration of general fund reductions totaling \$4.6 million in each year of the biennium. Total unrestored appropriation reductions, excluding vacancy freeze funds, is \$1.6 million in each year of the next biennium.

Administration: The budget provided no funding of future salary increases or salary bonuses for Constitutional Officers and their employees in FY 2012. All language regarding mandatory re-appropriation of prior fiscal year-end balances has been removed from most programs.

Compensation and Retirement

Line of Duty Benefits: The shifting of state funding responsibilities to localities under the Line of Duty Act, as contained in the FY 2010 - 2012 budget, remains unchanged from the governor's introduced budget. The budget requires local governments to pay all benefits for professional and volunteer public safety officers killed or permanently injured in the line of duty. Local governments must make an irrevocable decision by July 1, 2012 to opt out or be deemed to be included in the state plan administered by the Department of Accounts and VRS. The provision of benefits shall continue to exist regardless of whether localities choose to self-fund or participate in the state program.

Localities will be responsible for past and future liabilities of the former state program. VACo opposed this unfunded mandate and also offered alternative language that allowed self funded localities to administer the benefits locally or within a pooled program established under §15.2-2700. Budget language to move the irrevocable decision from July 1, 2011 to July 1, 2012 was accepted, but no alternative language to administer the program was approved.

In addition, the state comptroller may advance Line of Duty death benefits to pay funeral expenses when a death is likely to be covered under the program. In the event that a subsequent investigation determines that the death was not covered, VRS can deduct the previously paid funeral expenses from any other benefits owed to a member's beneficiaries.

VRS: Budget language was removed that provided localities with the option to require employees hired prior to July 1, 2010 to contribute a 5 percent employee-share amount toward the cost of VRS retirement premiums if provided with a pay raise. Language was reverted to its original form, providing again that the local decision to contribute the 5 percent employee-share amount for these employees is irrevocable.

There were amended provisions of various Virginia Code sections that were updated to recognize the difference in certain benefits for Plan 2 members [those hired after July 1, 2010]:

- Plan 2 state employees must be at least age 60

to qualify for retirement under the Workforce Transition Act (WTA).

- An employee who is approved for disability benefits on or after the date that is five years prior to his or her normal retirement date is eligible for five years of disability benefits.

- Certain state employees and county, city and town employees covered under VRS who have 20 or more years of service credit may be eligible to retire with an unreduced benefit at age 50 if they are in Plan 1 or age 60 if they are in Plan 2 if they are

investment gains on state agency contributions. This does not impact local governments.

Employer Contribution Rate Increases: The budget provides \$41 million to increase VRS rates in FY 2012. This is inclusive of \$10.9 million to phase-in increased VRS rates in the last half of FY 2012 and \$31 million to increase teachers' retirement rate by 2.4 percent in FY 2012 (already mentioned in K12 Public Education section). Employer contribution rates for VRS (general state employees only), SPORS, VaLORS and JRS, are detailed below.

Employer Contribution Rates FY 2012

	June 25, 2011 to March 24, 2012	March 25, 2012 to June 24, 2012
Retirement - 1		
State - VRS	2.08%	6.58%
SPORS	7.73%	21.16%
VaLORS	5.07%	13.09%
JRS	28.65%	42.58%
Teacher – VRS - 2	6.33%	6.33%
Political Subdivisions – VRS - 2	No Change Varies by locality	No Change Varies by locality
Group Life Insurance		
State	No Change Remains at 0.28%	No Change Remains at 0.28%
Teacher - 2	No Change Remains at 0.28%	No Change Remains at 0.28%
Political Subdivisions - 2	No Change Remains at 0.28%	No Change Remains at 0.28%
Health Insurance Credit		
State	No Change Remains at 0.10%	No Change Remains at 0.10%
Teacher - 2	No Change Remains at 0.60%	No Change Remains at 0.60%
Political Subdivisions - 2	No change Varies by locality	No change Varies by locality
VSDP		
	No change Remains at 0.00%	No change Remains at 0.00%

involuntarily separated from employment.

- Plan 2 death-in-service benefit calculations for non-hazardous duty employees will assume age 60.

- Optional group life insurance coverage for Plan 2 disability and service retirees and their dependents will continue until their normal retirement age under their plan if they do not convert their coverage to an individual policy upon retirement.

State Employer Contribution Payments:

State agencies will submit payments to VRS on a monthly basis instead of quarterly basis in order to invest state funds sooner and potentially yield higher

1. Retirement contribution rates do not include the 5 percent member contribution.

2. Teacher and political subdivision rates are effective for the entire months of July 2011 through June 2012.

Collection of Overpayments: Under certain conditions, HB 1794 provides that VRS may collect member or beneficiary benefit overpayments from the employer. These situations include overpayments resulting from:

- A retiree granted a salary increase by the employer that is not related to a promotion and the primary purpose is to increase the retiree's benefit;

- An employer hiring a retiree in a non-covered position without complying with the provisions that govern the bona fide break in service and other return-to-work requirements; or

- An employer hiring a retiree in a covered position while the employee continues to receive a retirement benefit.

Loss of Benefits for Certain Felony

Convictions: Upon notification by the employer to VRS, members who are convicted of a felony associated with the performance of their job duties on or after July 1, 2011 will forfeit their eligibility for retirement, life insurance, VSDP and VSDP long-term care benefits. If these members are convicted after they begin receiving benefits, their benefits will stop. These members will be eligible for a full or partial refund of their member contributions and interest based on whether or not they are vested, as provided under legislation effective last July 1. If the person returns to a covered position at a later date, the service lost as a result of the felony action cannot be purchased. (HB 2095)

JLARC Study on Employee Retirement

Programs Proposed: While the proposed defined contribution plan option for new employees did not pass during this session, the Joint Legislative Audit and Review Commission (JLARC) has been asked in the budget to undertake a review of Virginia's employee retirement programs. If approved, the study will be available for consideration during the 2012 session of the General Assembly.

General Government

Reduction in aid to localities: Language and an associated funding reduction to localities totaling \$60 million in FY2012 was maintained by the 2011 General Assembly, creating a reversion clearing account to achieve savings in funding provided for all state aid to localities programs. This action requires that within 30 days of enactment of the budget bill, the Department of Planning and Budget (DPB) is to provide an estimate of aid to localities funding for the upcoming year and provide a savings apportionment amount to each locality based upon a proportion of the aggregate total required to achieve the \$60 million. Each locality will have until August 30, 2011, to choose whether to to (1) take the total savings out of one program included on the list provided by the Department of

Planning and Budget, (2) reduce multiple state aid programs on a proportional basis or by a specified percentage reduction, or (3) reimburse the Commonwealth in aggregate for their share of the savings, thereby keeping the state aid programs at an unreduced level. Each locality may also use number 3 above in combination with 1 or 2.

Transportation

In an attempt to address the Commonwealth's unmet transportation needs, the governor proposed a comprehensive funding package that included changes in how Virginia manages its transportation program as well as additional funds. The governor's plan were included in HB 2527/SB 1446 that was adopted, for the most part, by the General Assembly and the additional funding was part of the budget.

The bills created the Virginia Transportation Infrastructure Bank (VTIB), managed by the Virginia Resources Authority, capitalized in the budget with a total of \$283 million. Those funds included \$250 million in nongeneral funds as well as a one-time deposit of \$32.7 million from the general fund. The governor and the House initially proposed to increase the general fund deposit to \$150 million, which was opposed by VACo, but the Senate desire to keep the general fund portion to a minimum prevailed.

Up to 20 percent of funds in the VTIB may be used to make grants or interest rate subsidies to localities for transportation projects, and the remainder is used to make loans to private or public entities for transportation projects. The bills also authorize the issuance of \$500 million and \$600 million in bonds for transportation projects in FY 2012 and FY 2013, respectively. Further, the state is authorized to issue federal Guaranteed Anticipation Revenue Vehicle bonds not to exceed \$1.2 billion to support specific transportation projects. Moreover, the bills establish, the Intercity Passenger Rail Operating and Capital Fund to be used on projects that expand and improve intercity passenger rail service but no additional funds for this program were included in the budget.

Both pieces of legislation make major changes to the Revenue Sharing Program that will benefit counties. The bills increase the maximum annual allocations from \$50 million to \$200 million,

increases the per project cap from \$1 million to \$10 million, and provides that the funds allocated by the Commonwealth Transportation Board will be distributed only to projects included in the Six Year Improvement Program or a locality's capital improvement plan. Localities may also match revenue sharing funds through other revenue sources than their local general fund.

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Summary of Legislation Affecting Counties

***Unless otherwise stated, all legislation goes into effect July 1, 2011.**

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

Administration of Government

Elections

HB 1507 Primary schedule in 2011; moves primary date to August 23, 2011, in anticipation of redistricting

An uncodified act to move the June 14, 2011, primary date to August 23, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date. The bill is effective upon passage and expires Jan. 1, 2012. Patron: Cole

HB 1508 Elections; certain prohibitions for local electoral boards

Amends § 24.2-106 of the Code of Virginia to prohibit a member of a local electoral board from being the spouse or other relative of a candidate for or holder of an office filled in whole or in part by voters in the jurisdiction of the electoral board. The bill is not effective until Jan. 1, 2012 Patron: Cole

HB 1646 Referendum elections; voter petition requirements

Amends § 24.2-684.1 of the Code of Virginia to provide that the name, residence address and, if different, mailing address, and the name of the organization, if any represented, of the person circulating a petition calling for a referendum election must appear on each page, front and back, of the petition. Patron: Brink

HB 1660 Special elections; filling vacancies in certain local offices

Amends § 24.2-226 of the Code of Virginia, to state that a vacancy in a local office shall be filled by special election to be held no later than the next general election in November, or in May if the vacant office is regularly scheduled by law to be filled at that time. If the vacancy occurs within 90 days of such general election, the special election shall be held no later than the second such general election. Patron: Alexander

HB 1702 Elections; member of local office, elected school board, etc., to take oath before first meeting

Amends § 24.2-228 of the Code of Virginia to provide that the failure by an elected local governing body member, mayor, or school board member to take the oath of office before attending his first meeting will not create a vacancy in the office so long as he takes the oath within 30 days after the first meeting. Patron: Lewis

HB 1746 Biennial county supervisor elections; staggered terms

Amends § 24.2-219 of the Code of Virginia to provide that if the exact number of supervisors who are elected following the change to biennial elections and staggered terms volunteers to accept a two-year term as the number of two-year terms to be assigned, they may accept the two-year terms and avoid the need for a drawing to assign the two-year and four-year terms. Patron: Ingram

HB 2080/SB 1340 Elections; acquisition of voting equipment by localities

Amends § 24.2-626 of the Code of Virginia to allow until June 30, 2012, the purchase of direct recording electronic machines from any source to meet legal mandates to provide accessible voting equipment. Patrons: Landes/Puller

SB 887 Special elections; adjusts various deadlines

Amends §§ 22.1-57.2, 24.2-228.1, 24.2-507, 24.2-510, and 24.2-685 of the Code of Virginia to adjust various deadlines for certain special elections and nominations in response to changes required by the federal Military and Overseas Voter Empowerment Act regarding when ballots are to be prepared and made available for absentee voting. Patron: Martin

SB 889 Referendum petitions; voter who signs may provide last four digits of his social security number

Amends § 24.2-684.1 of the Code of Virginia to provide that each voter who signs a petition to call for a referendum election may provide the last four digits of his social security number on the petition. Patron: Martin

SB 1036 Direct recording electronic voting machines (DREs); localities to modify to meet legal mandates

Amends § 24.2-626 of the Code of Virginia to allow localities with prior approval of the State Board of Elections to modify their DREs to meet legal mandates to provide accessible voting equipment. Patron: Barker

Eminent Domain

HJ 693 Constitutional amendment; taking or damaging of private property for public use (first reference)

A proposed amendment to remove an existing provision in the Code of Virginia authorizing the General Assembly to define what constitutes a public use. This resolution also provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private

benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that the use is public. Patron: Joannou

HB 1522 Water and waste authorities; eminent domain powers

Amends § 15.2-5114 of the Code of Virginia to allow water and waste authorities to have the power to exercise eminent domain as set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia. Patron: Landes

HB 2161/SB 1436 Eminent domain; condemnor is required to provide an appraisal to owner of condemned property

Amends §§ 25.1-100, 25.1-108, 25.1-204, 25.1-400, and other sections of the Code of Virginia to provide that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor obtained prior to making an offer to acquire or initiating negotiations for the property. The bill also makes changes to the procedure for offering to sell condemned property back to the former owner. The provisions of the bill do not apply to the acquisition of real property by a railroad, public service corporation, municipal corporation, local governmental unit, or political subdivision of the Commonwealth, or any department, agency, or instrumentality thereof, or a combination of two or more such entities, that is (i) the subject of a certificate recorded prior to July 1, 2011, (ii) the subject of a petition for condemnation filed prior to July 1, 2011, or (iii) required to construct a project funded by bonds approved for issuance by a locality prior to July 1, 2011. Patrons: Iaquinto/Smith

Freedom of Information, Public Records, Conflicts of Interest

HB 1457 Freedom of Information Act; violations and penalties

Amends § 2.2-3714 of the Code of Virginia to double the civil penalties imposed for willful and knowing violations of the Freedom of Information Act.

The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA. Patron: Marshall, R.G.

HB 1860/SB 763 Freedom of Information Act; proceedings for enforcement

Amends § 2.2-3713 of the Code of Virginia to require that the party against whom a FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. Patrons: Anderson/Puller

HB 2020 Freedom of Information Act; definition of private records

Amends § 2.2-3701 of the Code of Virginia to clarify that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. Patron: May

HB 2093 Conflict of Interests Act, State & Local Government; prohibited conduct by constitutional officers

Adds § 2.2-3104.02 to the Code of Virginia to prohibit constitutional officers (except Commonwealth's Attorneys) from acting in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer during the one year after the termination of his public service. Patron: Jones

SB 951 Freedom of Information Act; Library of Va. is custodian of records transferred to it for archiving

Amends § 2.2-3704 of the Code of Virginia to clarify that the Library of Virginia is the custodian of records transferred to it for permanent archiving pursuant to the Virginia Public Records Act and for responding to requests made under the Freedom of Information Act. Patron: Houck

SB 744 Conflict of Interests Act, State and Local Government; employees of school boards, exception

Amends § 2.2-3119 of the Code of Virginia to provide that certain relatives of a school board member in Planning District 3 may be considered for employment if (i) the board member certifies that he had no involvement with the hiring decision and

(ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. Patron: Reynolds

Mandates

HB 2319/SB 1382 State agency mandates; assessment imposed on local governments

Amends § 2.2-613 of the Code of Virginia to provide that the assessment of mandates imposed on local governments shall include an estimate of the fiscal impact of the mandates on the affected local governments in addition to a written justification as to why the mandate should not be eliminated.

Patrons: Byron/Stanley

SB 1452 Local Government, Commission on; shall assist a 5-member task force to review state mandates

Amends § 15.2-2903 of the Code of Virginia to provide that the Commission shall assist a five-member task force to be appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates. Patron: Newman

Miscellaneous

HB 1464 Behavioral Health and Developmental Services, Department of; disposition of unclaimed bodies

Amends § 32.1-288 of the Code of Virginia to require cities and counties to pay the cost of the disposition of the unclaimed body of a person in the custody of the Department of Behavioral Health and Developmental Services and died prior to release under certain circumstances. Patron: Wright

HB 1584/SB 1195 Illegal gambling; amends definition

Amends § 18.2-325 of the Code of Virginia, and repeals § 18.2-325.1 of the Code of Virginia pertaining to amend the definition of "illegal gambling" to clarify that the purchase of a product, Internet access, or other thing, which credits the purchaser

with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed illegal gambling. Patrons: Oder/Obenshain

HB 1661 Disposition of dead bodies; payment of expenses

Amends § 32.1-288 of the Code of Virginia to require cities and counties to pay the cost of the disposition of a dead body after release by the State Medical Examiner if a claimant is not able to afford the cost of the disposition under circumstances. Patron: Alexander

HB 1940 Restaurant regulations; exemption for certain nonprofit fund-raisers

Amends § 35.1-26 of the Code of Virginia to allow localities to adopt ordinances exempting nonprofit organizations selling food at fund-raisers from restaurant regulations. Patron: Pollard

HB 2055 Statutory rules of evidence in civil actions; defines terms official publication and publish

Amends § 8.01-385 of the Code of Virginia to define the terms "official publication," "publish" and "required" to include posting on the official website of an agency or political subdivision as they are used in Chapter 14 (Evidence) of Title 8.01 (Civil Remedies and Procedure). Patron: Poindexter

HB 2149 Commonwealth, Secretary of; elimination of need to publish printed certified list of local officers

Repeals § 17.1-218 of the Code of Virginia to eliminate the requirement that local governments send to the Secretary of the Commonwealth and that the Secretary of the Commonwealth publish a printed certified list of all local officers and constitutional officers. Patron: Cline

HB 2155/SB 844 Warrants; authorizes local governments to regularly publish information relating thereto

Amends § 58.1-3131 of the Code of Virginia to authorize local governments to publish information relating to warrants paid by the locality. Patrons: Cline/Petersen

HB 2205/SB 1247 Commonwealth, Secretary of the; acceptance of certain electronic signatures

Amends §§ 2.2-423 and 2.2-3118 of the Code of Virginia and adds § 47.1-5.1 to the Code of Virginia to provide that nonsalaried citizen members of local boards, commissions, and councils may sign their disclosure forms using electronic signatures. Patrons: Comstock/Vogel

HB 2272 Local professional license violations; creates a statute of limitations

Amends § 19.2-8 of the Code of Virginia to create a statute of limitations for local licensure violations by providing that prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense. Patron: Keam

HB 2318/SB 827 Electronic notary; notary to notarize document if signer is not present if identity is established

Amends §§ 47.1-2, 47.1-7, 47.1-12, 47.1-13, and other sections of the Code of Virginia to allow, a notary to notarize a document when the signer is not in the notary's presence if satisfactory evidence of the identity is established (electronic notarization). The bill allows satisfactory evidence to be based on video or audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act. Patrons: Byron/Edwards

HB 2338 Local government; alternative method is to give notice by mail

Adds § 15.2-107.2 to the Code of Virginia to provide that a locality may give notice by regular mail in any instance in which two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail. Patron: Garrett

HB 2364 Joint aid agreements by localities; localities to arrange aid to and from other localities

Adds § 15.2-1300.1 to the Code of Virginia to pro-

vide that a locality may authorize its chief administrative officer to arrange for provision of aid to other localities or receipt of aid from other localities subject to availability of resources in situations where a local emergency is not declared. Patron: Peace

HB 2425/SB 1216 Delinquent sewer and water fees; property owners be given notice within 30 days for bills accrued

Amends §§ 15.2-2119 and 15.2-5139 of the Code of Virginia to require that prior to recording a lien on owner's property for a tenant's unpaid water or sewer fees, a locality or water or sewer authority shall provide the owner with 30 days' written notification. Further, utility service shall not be denied to a new tenant for unpaid fees unless a lien has been recorded against the property owner. Patrons: Ingram/Smith

SB 757 Pneumatic guns; regulations, exceptions

Amends § 15.2-915.4 to prohibit a locality from adopting an ordinance that prohibits the shooting of pneumatic guns on private property, with permission of the owner of the property, if reasonable care is taken to prevent a projectile from crossing the bounds of the property. The bill also invalidates any existing local ordinances that conflict with the provisions of the act. Patron: Reynolds

SB 1302 Special meeting notification; member of local governing body to be notified via electronic mail

Amends § 15.2-1418 of the Code of Virginia to allow a member of a local governing body to be notified of special meetings via electronic mail or facsimile, in lieu of in writing delivered to his home or business, if he so requests. Patron: Ruff

SB 1308 Alcoholic beverage control; referendum on mixed beverage sales in counties

Amends § 4.1-124 of the Code of Virginia to provide for the residents of towns with a population of more than 1,000 to vote on the referendum for the sale of mixed beverages within the county in which those towns are located. Patron: Ruff

SB 1369 Clerks; may provide official certificates and certified records in digital form, etc.

Amends §§ 17.1-258.3:2, 17.1-293, 17.1-294, and 17.1-502 of the Code of Virginia to clarify that clerks of the circuit court may provide official certificates and certified records in digital form of any document maintained by the clerk. Patron: Locke

SB 1483 State and local government entities; limitation of authority over certain charitable organizations

An uncodified act to limit the authority of state and local governments over charitable organizations that are nonstock corporations granted tax-exempt status under § 509(a) of the Internal Revenue Code. Patron: Vogel

Personnel/Insurance

HB 1399 Virginia Fraud Against Taxpayers Act; waiver of sovereign immunity

Amends §§ 8.01-216.2 and 8.01-216.8 of the Code of Virginia to provide that the Virginia Fraud Against Taxpayers Act expressly waives sovereign immunity and creates a cause of action for an employee of the Commonwealth, its agencies, or any political subdivision against his/her employer if an adverse employment action is taken against the employee if the employee has participated in an investigation, action, or hearing under the Act. Patron: Janis

HB 1475/SB 823 Workers' compensation; presumption that certain injuries are work related

Adds § 65.2-105 to the Code of Virginia to create a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. Patrons: Ware, O./Edwards

HB 1729 Criminal background checks; DBHDS to use for employment of certain persons

Amends §§ 37.2-416 and 37.2-506 of the Code of Virginia to allow community services boards to hire a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer under certain circumstances. Patron: Carrico

HB 2179 Choice health insurance pool; local inclusion of employees of area agencies on aging

Amends § 2.2-1204 of the Code of Virginia to include employees of area agencies on aging in the local choice health insurance pool. Patron: Phillips

HB 2467/SB 1062 Health insurance; mandated coverage for autism spectrum disorder

Amends § 38.2-4319 of the Code of Virginia and adds § 38.2-3418.17 to the Code of Virginia to require health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six. Patrons: Greason/Howell

Public Safety

HB 2095 Retirement System; loss of benefits for certain felony convictions

Amends §§ 51.1-153, 51.1-205, 51.1-216, and 51.1-305 of the Code of Virginia and adds § 51.1-124.13 to the Code of Virginia to provide that a member of any retirement program administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that arose out of misconduct in any position covered under the retirement programs administered by the system. Patron: Jones

HB 2096 Retirement System; benefits for constitutional officers

Amends § 51.1-155.1 of the Code of Virginia to permit any constitutional officer who has 20 or more years of creditable service, and whose office is abolished, to retire with unreduced benefits (i) at the age of 60 if the officer is first elected to office after July 1, 2010, and (ii) at the age of 50 for all others. Patron: Jones

HB 1434/SB 745 Marijuana, synthetic; penalties for possession, intent to sell, distribute, etc.

Amends §§ 4.1-225, 9.1-176.1, 15.2-907 and other sections of the Code of Virginia and adds §18.2-248.1:1 to the Code of Virginia to make the punishment for possession and distribution of "synthetic marijuana" that same as the criminal provisions for actual marijuana. Patrons: Garrett/Herring

HB 1455 Wiretap devices; supervision and control by sheriff or chief of police

Amends § 19.2-63.1 of the Code of Virginia to allow wiretap devices in the possession of any sheriff's office or police department to be under the direct control and supervision of a designee of the sheriff or chief of police. Patron: Landes

HB 1527 Firefighters; exemption from jury service

Amends § 8.01-341.1 of the Code of Virginia to provide that firefighters, which include emergency medical technicians, lifesaving and rescue squad members, and arson investigators, shall be exempt from jury service if they so request. Patron: Edmunds

HB 1580 Firefighters; allowed to purchase service-issued helmets or boots at fair market value

Adds § 27-15.3 to the Code of Virginia to authorize a locality to allow any paid or volunteer firefighter for such jurisdiction with at least 10 years of service to purchase the helmet or boots issued to the firefighter at fair market value or for \$1 depending on the length of service. Patron: Dance

HB 1611 Landlord and tenant laws; service of process may be accomplished by a sheriff, etc.

Amends §§ 8.01-286.1, 8.01-291, 8.01-293, and other sections of the Code of Virginia, and to repeal the second enactment of Chapter 663 of the Acts of Assembly of 2009 to provide that service of process may be accomplished by a sheriff and service may be received and accepted electronically provided sufficient proof of delivery is retained. Patron: Oder

HB 1675 Emergency medical services; requirements for submission of applications for variances & exemptions

Amends § 32.1-111.9 of the Code of Virginia to provide that an agency or governmental entity applying for a variance or exemption from regulations of emergency medical services shall submit the application to the locality for review, and shall include any recommendations of the locality with the application to state for a variance or exemption. Patron: Pogge

HB 1691/SB 1063 Veterans and military service members; specialty treatment procedures in criminal justice system

Amends §§ 2.2-2001 and 2.2-2001.1 of the Code of Virginia and adds § 9.1-173.1 to the Code of Virginia to require the Department of Veteran Affairs to work with localities to establish special treatment procedures for veterans and active military service members in the criminal justice system. Patrons: Stolle/Miller, J.C.

HB 1747/SB 1260 Child pornography; possession by law-enforcement agency

Amends § 18.2-374.1:1 of the Code of Virginia to provide that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose and that the provisions of the bill are declarative of existing law. Patrons: Watts/Vogel

HB 2012 Law-enforcement employment; disclosure of juvenile records

Amends §§ 16.1-308 and 19.2-389.1 of the Code of Virginia to provide that a person who was adjudicated delinquent may be denied employment with the State Police or a local police department or sheriff's office. The bill also provides that juvenile record information may be disseminated to the State Police or a local police department or sheriff's office for the purpose of screening a person for employment. Patron: Carrico

HB 2033 Prepayment of fines; circuit court may enter order for paying those under traffic infraction

Amends §§ 16.1-69.40:1 and 16.1-69.40:2 to provide that the chief judge of a circuit court may enter an order allowing for the prepayment of fines imposed under local traffic infraction and other local ordinances. Patron: Peace

HB 2143 Notice of seizure; when property is seized for forfeiture, notice is provided to treasurer

Amends § 19.2-386.3 of the Code of Virginia to provide that when property is civilly seized for forfeiture in drug and certain other cases, notice of the seizure is provided to the treasurer of the locality in which seized property is located. Patron: Johnson

HB 2213 Driver training standards; establish for law-enforcement emergency calls and pursuits

Amends § 9.1-102 of the Code of Virginia to provide that the Department of Criminal Justice Services shall establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that comply with best practices for responding to emergency calls and pursuits. Patron: McQuinn

HB 2219 Local correctional facilities; jailers have written policy for revocation of good conduct credits

Amends § 53.1-116 of the Code of Virginia to require the jailer to have a written policy for the revocation of good time credit. Patron: Stolle

HB 2226 Alcoholic beverage control; notice for registered public objections to new licensee applications

Amends § 4.1-230 to require public objections to new licensee applications be registered with the ABC Board within 30 days of initial publication of notice. Patron: Wright

HB 2279 Emergency medical services personnel; certification of applicants

Amends § 32.1-111.5 of the Code of Virginia to require the Commissioner of Health to consider relevant experience, education, and training completed by an applicant for certification as emergency medical services personnel. Patron: Keam

HB 2284/SB 777 Jail processing fee; allows sheriff's department, regional jail, or police department to receive

Amends § 15.2-1613.1 of the Code of Virginia to allow localities to divide the fees collected post-conviction proportionately between a police department and the sheriff's department if costs are incurred by a police department for booking or fingerprinting services. Patrons: James/Lucas

HB 2435 Corrections, Department of; elimination of agency mandates

An uncodified act to direct the Department of Corrections to eliminate mandates related to contract inmate classification reporting requirements imposed on localities. Patron: Habeeb

HB 2449 Computer analysis; clerk may assess person fee performed by law-enforcement agency when convicted

Adds §§ 16.1-69.48:1.02 and 17.1-275.11:1 to provide that a criminal defendant may be assessed costs in an amount equivalent to the actual cost for each computer analysis, not to exceed \$100, performed by a law-enforcement or other investigative agency upon any criminal conviction of any charge or charges requiring computer analysis when the analysis revealed evidence used at the trial of the person. Patron: Gilbert

SB 762 Emergency vehicles; proceeding past red lights

Amends § 46.2-920 of the Code of Virginia to provide that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop must flash emergency lights and either (i) sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) yield right-of-way or, if required for safety, bring the vehicle to a complete stop before proceeding with due regard to the safety of persons and property. Patron: Puller

SB 772 Assault and battery; penalty when against fire marshals with police powers

Amends § 18.2-57 of the Code of Virginia to add fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision. Patron: Locke

SB 854 Sales of secondhand building materials; police chief refuse to issue permit if applicant is a felon

Amends §§ 59.1-117, 59.1-118, 59.1-119, 59.1-120 through 59.1-123, and other sections of the Code of Virginia, and adds § 59.1-116.1 to the Code of Virginia to authorize the chief of police or sheriff to refuse to issue a permit to allow a person to engage in the business of trading in secondhand building materials if the applicant has been convicted of a felony or crime of moral turpitude within three years preceding the application. Patron: Wagner

SB 944 Driver training standards; establish for law-enforcement emergency calls and pursuits

Amends § 9.1-102 of the Code of Virginia to require the Department of Criminal Justice Services to establish training standards and a model policy for law-enforcement personnel assigned to vehicle patrol duties for pursuits and for responding to emergency calls and to establish training standards and a model policy for law-enforcement personnel involved in criminal investigations for conducting photographic and live lineups. Patron: Howell

SB 1227 Electronic visitation and messaging with prisoners; sheriffs, etc., to charge fee for use

Adds § 53.1-127.2 to the Code of Virginia to allow sheriffs and jail superintendents who operate correctional facilities to charge a fee for the use of an electronic visitation system or electronic messaging system. The fee may not exceed the actual costs of establishing and operating the system and the proceeds are to be used only to offset those costs. Patron: Howell

SB 1287 Jails; localities' responsibility to pay jail expenses

Amends § 53.1-126 of the Code of Virginia to provide that a sheriff or jail superintendent may seek payment from a city or county, the regional jail authority, or other body responsible for fiscal management of a regional jail for the cost of food, clothing, and medicines for inmates. Patron: McWaters

Procurement

HB 1592 Public procurement; state agencies to put requests for bids, etc., on DGS' website

Amends §§ 2.2-1110, 2.2-4301, 2.2-4303, 23-38.90, 23-38.110, 56-573.1:1, and 56-575.17 of the Code of Virginia to require all state authorities, agencies, institutions, departments, and other units of state government to put requests for proposal and invitations to bid on the Department of General Services' website. The bill encourages, but does not require, local public bodies to do the same. Patron: Iaquinto

HB 1595 Public Procurement Act; procurement of professional services by local public bodies

Amends § 2.2-4343 of the Code of Virginia to increase the threshold from \$30,000 to \$50,000 for local public bodies procuring professional services in the aggregate or for the sum of all phases of such a contract or project. The bill provides that where such contracts are not expected to exceed \$50,000, the public body may establish written small purchase procedures that provide for competition wherever practicable. Patron: Iaquinto

HB 1609 Public Procurement Act; definition of public body

Amends § 2.2-4301 of the Code of Virginia to add metropolitan planning organizations and planning district commissions to the definition of "public body" as used in the Virginia Public Procurement Act. Patron: Orrock

HB 1951 Public Procurement Act; raises minimum contract amount required for bid, performance, etc.

Amends §§ 2.2-4336 and 2.2-4337 of the Code of Virginia to raise from \$100,000 to \$500,000 the minimum contract amount required for bid, performance, or payment bonds for no transportation related construction projects. The bill provides that for nontransportation related construction projects between \$100,000 and \$500,000 where the bond requirements are waived, the prospective contractors must be prequalified. The amount for transportation-related projects partially or wholly funded by the Commonwealth remains the same. Patron: Villanueva

SB 1016 Public Procurement Act; establishment of historically underutilized business zones (HUB zones)

Amends §§ 2.2-1111, 2.2-1402, and 2.2-2012 of the Code of Virginia and adds § 2.2-4310.1 to the Code of Virginia to require the Department of General Services and the Virginia Information Technologies Agency to develop procurement guidelines to facilitate the participation of small businesses located in historically underutilized business zones (HUB zones). The bill also authorizes local public bodies to develop procurement guidelines to facilitate the

participation of small businesses located in HUB zones. Patron: Puckett

SB 1107 Public Procurement Act; increases small purchases exemption

Amends § 2.2-4303 of the Code of Virginia to increase from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also encourages local public bodies to use the Department of General Services' central electronic procurement website. Patron: Hanger

SB 1126 Public Procurement Act; transportation-related construction projects

Amends § 2.2-4301 of the Code of Virginia to provide for the duration of contract terms for environmental location, design and inspection work to one initial term of two years and clarifies that the sum of all projects in a one-year term may not exceed \$5 million. Patron: Stosch

SB 1127 Public-Private Education Facilities and Infrastructure Act of 2002; review of proposals by private entities

Amends § 56-575.3 of the Code of Virginia to provide that whenever a responsible public entity rejects a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for the rejection. Patron: Stosch

SB 1301 Public Procurement Act; exemptions for certain transactions

Amends § 2.2-4345 of the Code of Virginia to resolve the conflict between two sections of the Virginia Public Procurement Act relating to the amount for local construction contracts involving state aid. Patron: Ruff

SB 1425 Virginia Public Procurement Act; process for withdrawal of bid due to error

Amends § 2.2-4330 of the Code of Virginia to clarify the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his origi-

nal work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. Patron: Locke

Telecommunications and Utilities

HB 2024 Electrical transmission lines; to assist in approval of lines applicant to minimize adverse impact

Amends § 56-46.1 to require that applications to the State Corporation Commission for approval of an electrical transmission line of 138 kilovolts or more include a summary of the applicant's efforts to reasonably minimize adverse impacts on the scenic assets, historic districts, and environment of the area concerned. Patron: May

HB 2027 Underground transmission lines; extends scheduled expiration date of pilot program

An uncodified act to extend until July 1, 2014 the "sunset" on the pilot program for the underground placement of certain electric transmission lines. Patron: May

Community Development and Planning

Authorities and Special Districts

HB 1521 Water authorities, sewer authorities, etc.; specified as political subdivisions of State
Amends § 15.2-5102 of the Code of Virginia to specify that public service authorities are political subdivisions of the Commonwealth. Patron: Landes

HB 2478 Southwest Virginia Health Authority; appointments

Amends § 15.2-5370 of the Code of Virginia to add two additional appointments to the Authority's board of directors. Patron: Phillips

SB 1160 Water and sewer systems; authority may require adjacent property owners to connect their buildings

Amends § 15.2-5137 of the Code of Virginia to provide that an authority may require adjacent property owners to connect their buildings to a water or sewer authority's system upon or after the acquisition or construction of the water or sewer system. Patron: Quayle

SB 1478 Judicial sale of real estate; authorizes locality to institute proceedings to sell certain property

Adds § 58.1-3965.2 to the Code of Virginia to authorize localities to institute proceedings to sell certain real property that is located within or abutting a community development authority and upon which special taxes or assessments have been imposed when the special tax or assessment is delinquent on the first anniversary of the date on which the tax or assessment became due. Patron: Stosch

Economic Development

HB 1599/SB 1348 Enterprise zone incentive grants; policies and procedures for allocation

Amends § 59.1-549 of the Code of Virginia to eliminate the requirement that the accuracy and validity of information from business firms with base year employment of 100 or fewer positions, and that create 25 or fewer grant eligible positions, on permanent full-time positions, wage rates, and provision of health benefits provided in enterprise

zone applications be attested to by an independent certified public accountant. Patrons: BaCote/Norment

HB 2010/SB 893 Southwest Virginia Cultural Heritage Foundation; created

Amend § 2.2-2101 of the Code of Virginia and add §§ 2.2-2734 through 2.2-2737 to the Code of Virginia to create the Southwest Virginia Cultural Heritage Foundation to encourage the economic development of Southwest Virginia through the expansion of cultural and natural heritage ventures and initiatives related to tourism and other asset-based enterprises. Patrons: Carrico/Wampler

HB 2131/SB 779 Joint enterprise zone; authorizes DHCD to expand an existing zone consisting of two localities, etc.

Amends § 59.1-544 of the Code of Virginia to authorize the Department of Housing and Community Development to expand an existing joint enterprise zone consisting of two localities to include an additional locality under certain conditions. Patrons: Barlow/Lucas

SB 1315 Governor's Development Opportunity Fund; contract between political subdivision and beneficiary

Amends § 2.2-115 of the Code of Virginia to provide that the contract between the political subdivision and the business beneficiary regarding a grant awarded under the Governor's Development Opportunity Fund must include consideration of layoffs when determining the total net number of new jobs created over the course of the contract. In addition, the bill provides that whenever net layoffs instituted by a business beneficiary over the course of the period covered by a grant contract causes the total number of the new jobs to be fewer than the number agreed to, then the business beneficiary must return such portion of any funds received as provided by the formula established in the guidelines. Patron: McEachin

Housing

HB 1887 VHDA Act; terms and conditions of purchases from and sales to lenders of mortgage loans

Amends § 36-55.35 of the Code of Virginia to

remove requirement that a lender reinvest sales proceeds and make certification of prudent investment in the case of single family loans that when made by the lender will be purchased by a housing development authority. Patron: Bulova

HB 2168/SB 941 Uniform Statewide Building Code; harmonizes statute of limitations for criminal prosecutions

Amends §§ 19.2-8 and 36-106 of the Code of Virginia to harmonize the statute of limitations for criminal prosecutions under the Uniform Statewide Building Code at one year. Patrons: Abbitt/Miller, J. C.

HB 1611 Landlord and tenant laws; service of process may be accomplished by a sheriff, etc.

Amends §§ 8.01-286.1, 8.01-291, 8.01-293, and other sections of the Code of Virginia, and to repeal the second enactment of Chapter 663 of the Acts of Assembly of 2009 to provide localities must have a uniform set of standards as provided in the Statewide Building Code for smoke detectors, and tenants must maintain smoke detectors. Patron: Oder

SB 786 Mortgage loan originator for residential mortgage loan; allows for exception under definition

Amends § 6.2-1700 of the Code of Virginia to allow for a limited exception under the mortgage loan originator definition for an individual who is employed by a housing counseling organization certified or approved by the U.S. Department of Housing and Urban Development. Patron: Watkins

Local Planning and Zoning

HB 1844 Zoning determination; providing notice to landowners when their real property is subject thereof

Amends §§ 15.2-2204, 15.2-2301, and 15.2-2311 of the Code of Virginia to require that notice must be given to property owner of zoning administrator's decision requested by another party. Patron: Athey

HB 1931/SB 783 Zoning; cluster development subject to land use ordinance of locality

Amends § 15.2-2286.1 of the Code of Virginia to

provide that a cluster development is otherwise subject to applicable land use ordinances of a locality, but the locality shall not impose more stringent land use requirements for such cluster development.

Patrons: Marshall, D.W./Watkins

HB 1965 Local capital improvement programs; adds life cycle costs to facilities estimates

Amends § 15.2-2239 of the Code of Virginia to add "life cycle costs" to the facilities estimates prepared as part of the capital improvement program. Patron: Rust

HB 2408 State agencies; requires notice to localities of certain state projects

Amends § 15.2-2202 of the Code of Virginia to require that notice of certain state capital projects involving new construction costing at least \$100,000 be sent to localities by registered mail prior to the planning phase of the project. Failure of any state agency to comply with such requirements will justify entry of an injunction on behalf of the locality. Patron: Ware, R.L.

HB 2411 Land use approvals; existing performance bonds may be waived if locality has bonding moratorium

Amends § 15.2-2209.1 of the Code of Virginia to provide that in instances where a locality has enacted a bonding moratorium existing performance bonds or other financial guarantees of completion may be waived or modified by the locality. Patron: Lingamfelter

HB 2472 Performance guarantees; no locality shall require those furnished include cost unless shown on plat

Amends § 15.2-2241 of the Code of Virginia to provide that no locality shall require that a performance guarantee apply to any facility or improvement unless such facility or improvement is shown on the approved plat or plan. Patron: Poindexter

SB 873 Subdivision of lot; localities to provide for conveyance to family member if land is held in trust

Adds § 15.2-2244.2 to the Code of Virginia to authorize localities to provide for subdivision of a

lot for conveyance to a family member if the land is held in trust. Patron: Stuart

SB 1204 Cash proffers; allows an award of fees, etc., to prevailing party when contesting certain actions

Amends § 15.2-2303.1:1 of the Code of Virginia to allow for an award of fees, expenses, and court costs to any party who prevails when contesting an action in conflict with the requirement to collect cash proffers at the time of the issuance of a certificate of occupancy. Patron: Obenshain

SB 1339 Urban development areas; population projections

Amends § 15.2-2223.1 of the Code of Virginia to allow official government projections required for federal transportation planning purposes to be used in designating an urban development area. Patron: Puller

Miscellaneous

HB 1963 Resident curator programs; locality may develop for managing, etc., historic areas owned or leased

Amends §§ 15.2-2201 and 15.2-2306 of the Code of Virginia to provide that localities may develop a resident curator program for the purpose of managing, preserving, maintaining, or operating historic areas owned or leased by the locality. Patron: Rust

Education

HB 1483 School calendar; certain school divisions granted waiver from regular opening schedule

Amends § 22.1-79.1 of the Code of Virginia to add to the "good cause" circumstances for which school divisions may be granted a waiver from the post-Labor Day school opening schedule a school division that is entirely surrounded by school divisions that have an opening date prior to Labor Day in the school year for which the waiver is sought. Patron: Cleaveland

HB 1554/SB 810 Accreditation of schools; delayed implementation of certain statutes and regulations, etc.

An uncodified act to delay from June 30, 2010 to July 1, 2012 the implementation of statutes and regulations upon which the accreditation of schools with the exception of the graduation and completion rate index and the economic and financial literacy requirement unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. Patrons: Wilt/Obenshain

HB 1792/SB 1270 Standards of Quality; flexibility to use funds for staffing related to math, reading, etc.

Amends § 22.1-253.13:2 of the Code of Virginia to codify in the Standards of Quality the flexibility to use funds provided in the appropriation act and provided to local school divisions for certain staffing standards related to instructional staff in mathematics, limited English proficiency, reading, technology, and assistant principals. Patrons: Tata/Houck

HB 1885 Public schools; unfunded programs

Amends §§ 22.1-79.1, 22.1-92, 22.1-93 and other sections of the Code of Virginia and to repeal §§ 22.1-208.1, 22.1-208.2, 22.1-208.2:1 and other sections of the Code of Virginia to delete references to educational programs that have not been funded and do not exist and updates language in other sections to conform to current practice. Patron: Bell, Richard P.

HB 1911/SB 946 School buses; installation of video-monitoring systems thereon by school boards

Amends § 22.1-177 of the Code of Virginia to authorize local school boards to install and operate video monitoring systems on school buses. Patrons: Miller, J.H./Howell

HB 2243 School board policies; adopt policies which certain electronic records and signatures are accepted

Amends § 22.1-79.3 of the Code of Virginia to authorize local school boards to adopt policies to allow electronic records and electronic signatures may be accepted from any parent, guardian, or other person having control or charge of a child. Patron: Torian

HB 2494 Standards for Accreditation; any school board may seek approval of alternative plan for its schools

Amends § 22.1-253.13:3 of the Code of Virginia to provide that any school board, on behalf of one or more of its schools, may request from the Board of Education releases from state regulations and approval of an individual School Accreditation Plan. Patron: Scott, E.T.

SB 906 Family life education; SOL objectives related to dating violence, etc., to be taught in school

An uncodified act to require that family life education curriculum offered by a local school division include instruction related to dating violence and the characteristics of abusive relationships. Patron: Deeds

SB 1078 Child care; administration of certain medicines of those regulated by local government

Amends § 54.1-3408 of the Code of Virginia to allow the employees of a child day program regulated by a local government to administer medication to a child under certain circumstances. Patron: Barker

Environment and Agriculture

Agriculture, Aquaculture and Forestry

HB 1621/SB 1104 Open-space land; expands definition

Amends § 10.1-1700 of the Code of Virginia to expand the definition of open-space land in the Open-Space Land Act to include lands provided or preserved for agricultural and forestal production. Patrons: Knight/Hanger

HB 1725/SB 1105 Virginia Farmland Preservation Fund; created

Amends § 3.2-201 of the Code of Virginia to create the Virginia Farmland Preservation Fund, to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources to be used solely for the purposes of preserving farmland in the Commonwealth. Patrons: Knight/Hanger

HB 2078/SB 1092 Agricultural and Forestal Districts Act; creates program administrator, review of applications

Amends §§ 15.2-4302 through 15.2-4305, 15.2-4307, 15.2-4309, 15.2-4310, and 15.2-4314 of the Code of Virginia and to repeal § 15.2-4308 of the Code of Virginia to simplify the administration of the Agricultural and Forestal Districts Act. Patrons: Landes/Hanger

SB 963 Aquaculture opportunity zones; removes authority of MRC to establish commercial shellfish zones

Amends § 28.2-603 of the Code of Virginia to remove the authority of the Marine Resources Commission (MRC) to establish commercial shellfish aquaculture opportunity zones in which temporary protective enclosures can be placed in the waters off the shores of the Northern Neck, the Middle Peninsula, and Tangier Island. Patron: Northam

SB 979 Land preservation tax credit; DCR to report on land qualifying for credit to protect water quality

Amends § 58.1-512 of the Code of Virginia to pro-

vide that the annual report compiled by the Department of Conservation and Recreation (DCR) on qualified donations of less-than-fee interests include information on riparian buffers required by deed restriction on land qualifying for tax credits. Patron: Whipple

Animal Control

HB 1541/SB 1026 Agricultural animals; care by owner, penalty

Amends §§ 3.2-6500 and 3.2-6569 of the Code of Virginia and adds § 3.2-6503.1 to the Code of Virginia to provide standards of care specifically for agricultural animals that ensure accommodation for customary farming activities and clarified procedures local animal control units must observe upon seizure and impoundment of an agricultural animal. The bill also allows local governments to sell an agricultural animal when the former owner has met new adequate care standards. Patrons: Orrock/Puckett

HB 2176/SB 1017 Game and Inland Fisheries, Board of; to introduce new species of game along with local government

Amends § 29.1-103 of the Code of Virginia to require that Department of Game and Inland Fisheries (DGIF) implement policies to acquire and introduce any new species of game birds, game animals, or fish only with the authorization and cooperation of affected local governments. Patrons: Phillips/Puckett

Dam Safety

SB 1060 Impounding structure; determination of hazard potential classification, development of permit

Amends §§ 10.1-603.19 and 10.1-606.4 of the Code of Virginia and adds §§ 10.1-604.1 and 10.1-605.3 to the Code of Virginia to allow the DCR to provide financial assistance to determine the hazard classification for impounding structures. Dam owners shall pay a fee not to exceed 50 percent of the costs for such services. If the DCR finds that the impounding structure has a low hazard potential classification, the owner shall be eligible for coverage under a general permit. Patron: McDougale

SB 1456 Soil and Water Conservation Board; requires owners of dams to submit annual certifications

Amends §§ 10.1-605 and 10.1-605.1 of the Code of Virginia to require dam owners who submit annual certifications relating to dam compliance to do so each year by January 15. Dam owners who fail to submit certifications in a timely fashion shall not enjoy the presumption that the dam is deemed to be in compliance with the spillway requirements of the Soil and Water Conservation Board's (S&WCB) Impounding Structure Regulations. Patron: Hanger

Energy

HB 2191/SB 975 Voluntary Solar Resource Development Fund; established

Adds §§ 67-1300 through 67-1305 to the Code of Virginia to require the Department of Mines, Minerals and Energy to establish the Voluntary Solar Resource Development Fund, capitalized through voluntary donations from customers of electric utilities, to be used for loans to finance projects associated with the acquisition, installation, or operation of photovoltaic devices. Patrons: Ebbin/Whipple

HB 2316/SB 1360 Clean Energy Manufacturing Incentive Grant Program; created

Amends §§ 2.2-1111 and 45.1-394 of the Code of Virginia; adds §§ 59.1-284.25, 59.1-284.26, and 59.1-284.27 to the Code of Virginia; and repeals §§ 45.1-392, 45.1-393, and 45.1-394 of the Code of Virginia to establish the Clean Energy Manufacturing Incentive Grant Program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. Patrons: Byron/Stosch

HB 2389 Virginia Resources Authority; renewable energy projects

Amends §§ 62.1-198 and 62.1-199 of the Code of Virginia to add renewable energy projects to those projects which may be financed by the Virginia Resources Authority. Patron: Pollard

SB 862 Commonwealth Energy Policy; local renewable energy facility siting ordinances

Adds § 67-103 to the Code of Virginia to require that if a locality develops such an ordinance for wind and other renewable projects it must be consistent with Virginia's Energy Plan and the locality's existing ordinances. The ordinance may also have reasonable requirements relating to buffers, noise limitations and decommissioning. Patron: Wagner

General Natural Resource Management

HB 1715 Conservation easements; removes requirement that person recording easement mail certified copy

Amends § 10.1-1012 of the Code of Virginia to require that copies of recording the conservation easement and any associated plats be mailed to, among others, the Director of DCR, the commissioner of revenue for the locality in which the property under easement is located and any other public body named in the instrument. Patron: Wilt

HB 1829/SB 1412 Virginia Soil and Water Conservation Board; increases voting membership

Amends § 10.1-502 of the Code of Virginia to increase the voting membership of the S&WCB from 10 to 12 by adding three new at-large members who are required to be knowledgeable of stormwater management and representative of business and local government interests. Patrons: Scott, E.T./Martin

HB 2368 Supplemental environmental projects; Department of Conservation and Recreation to establish

Adds § 10.1-104.5 to the Code of Virginia to authorize the S&WCB, DCR, and the courts to provide through orders for the undertaking of supplemental environmental projects. As defined by the bill, a "supplemental environmental project" is an environmentally beneficial project undertaken as partial settlement of a civil enforcement action that is not otherwise required by law. Patron: Ware, R.L.

SB 964 Coastal resource management; Marine Resources Commission, et al., to develop integrated guidance

Amends § 28.2-1100 of the Code of Virginia and to add §§ 15.2-2223.2 and 28.2-104.1, to the Code of Virginia to require the MRC to establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. Local governments in Tidewater Virginia must incorporate within their comprehensive plans the next time such plans are scheduled for review, comprehensive coastal resource management guidance developed by the Virginia Institute of Marine Science. Patron: Northam

SB 982 Endangered and threatened species; Board of Game and Inland Fisheries to adopt regulations

Amends §§ 29.1-563 and 29.1-568 of the Code of Virginia to authorize DGIF to adopt regulations that allow the taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species. Patron: Whipple

Solid Waste Management

SB 793 Mercury switches; extends sunset provision that requires removal in certain motor vehicles

An uncodified act to extend to July 1, 2015 the "sunset" on the law that requires the removal of mercury switches in certain motor vehicles prior to their demolition. Patron: Watkins

SB 1007 Permit fees for solid waste facilities; establishes same fee structure for sanitary landfills, etc.

Amends § 10.1-1402.1:1 of the Code of Virginia to establish an annual fee of \$0.115 per ton of waste deposited in sanitary landfills, noncaptive industrial landfills, and construction and demolition debris landfills. The bill also establishes an annual fee of \$0.055 per ton for incinerators and energy recovery facilities. Patron: Watkins

Water Quality and Supply

HB 1495/SB 1064 Erosion and sediment control; allows authorities to file specifications

Amends § 10.1-563 of the Code of Virginia to authorize water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities, to file a general erosion and sediment control plan annually with the S&WCB. Patrons: Ware, O./Edwards

HB 1626 Onsite sewage systems; voluntary upgrades

Amends § 32.1-164.1:1 of the Code of Virginia and adds § 32.1-164.1:3 to the Code of Virginia to allow the owner of an onsite or alternative discharging sewage system that is not failing to obtain a construction permit to improve the system, in accordance with the Board of Health (BOH) regulations, provided such upgrade is for the purposes of reducing threats to the public health, or to ground and surface waters. Patron: Knight

HB 1737 Stormwater management systems; local regulation

Amends § 15.2-2114 of the Code of Virginia to clarify statutory language and makes technical changes regarding a locality's authority to impose stormwater utility fees to help pay for the planning, design, engineering, construction, and debt retirement associated with stormwater management facilities. The bill also clarifies local government authority to provide waivers from payment of stormwater utility fees for certain property owners. Patron: Bulova

HB 1739 Municipal separate storm sewer facilities; right of entry of operators to certain properties

Amends § 10.1-603.12:1 of the Code of Virginia to give the operators of a permitted MS4 system (localities) the right of entry to inspect properties that discharge into their municipal separate storm sewer facilities. Patron: Bulova

HB 1828/SB 1298 Virginia Pollution Abatement Permit; inspection requirements

Amends § 62.1-44.15 of the Code of Virginia to remove the rule that DEQ must inspect all facilities covered by a Virginia Pollution Abatement Permit annually for confined animal feeding operations or at least once every five years for all others. Patrons: Scott, E.T./Ruff

HB 1830 Resource management plans; effect of implementation, exclusions

Adds §§ 10.1-104.5, 10.1-104.6, and 10.1-104.7 to the Code of Virginia to allow owners of agricultural land who implement and maintain a resource management plan to be deemed as being in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediments. Patron: Scott, E.T.

HB 1831/SB 1055 Fertilizer; regulation of application and labeling

Amends §§ 3.2-3600, 3.2-3602, 3.2-3602.1 of the Code of Virginia; adds §§ 3.2-3607.1 and 3.2-3607.2 and § 10.1-104.5 to the Code of Virginia; and repeals § 15.2-924.1 of the Code of Virginia to prohibit the sale, distribution and use of lawn maintenance fertilizer containing phosphorus after December 31, 2013. The legislation clarifies local government's authority to regulate fertilizer application and use consistent with "requirements of the Chesapeake Bay Preservation Act, the Erosion and Sediment Control Law, the Stormwater Management Act or other nonpoint source regulations adopted by the Department of Conservation and Recreation or the Soil and Water Conservation Board." Localities are restricted from regulating use and application of fertilizers on golf courses operating under nutrient management plans approved by the DCR. The Virginia Department of Agriculture and Consumer Services is required to adopt regulations establishing training requirements, proper nutrient management practices, and reporting requirements relating to the use and applications of

fertilizers for contractors and other entities, including local governments. Patrons: Scott, E.T./Stuart

HB 1943 No discharge zones; criteria shall be premised on improvement of impaired tidal creeks

Amends § 62.1-44.33 of the Code of Virginia to provide that the criteria for establishing no discharge zones shall be based on the improvement of impaired tidal creeks. Patron: Pollard

HB 2057/SB 990 Virginia Department of Agriculture and Consumer Services; regulation of fertilizer, penalties

Amends §§ 3.2-3600, 3.2-3601, 3.2-3602.1 and other sections of the Code of Virginia; adds §§ 3.2-3624 and 3.2-3625 to the Code of Virginia; and repeals § 3.2-3623 of the Code of Virginia to revise the laws governing the manufacture and application of fertilizer. The bill establishes generic precautionary labeling requirements to prevent fertilizer runoff into waterways, and requires commercial distributors to submit annual statistical reports relating to fertilizer sales. Patrons: Poindexter/Stuart

HB 2123/SB 1025 Coal surface mining operations; authority to issue pollutant discharge elimination permits

Amends § 45.1-254 of the Code of Virginia to clarify that the authority to issue pollutant discharge elimination system permits for coal surface mining operations has been delegated to the Department of Mines, Minerals and Energy. Patrons: Poindexter/Puckett

HB 2126 Wetland mitigation banks; removes references to an outdated map used to identify

Amends §§ 28.2-1308, 33.1-223.2:1, and 62.1-44.15:23 of the Code of Virginia to remove the references to an outdated map used to identify mitigation banks and instead uses the more readily identifiable hydrologic unit boundaries of the National Watershed Boundary Dataset. Patron: Pollard

HB 2173/SB 1024 Drinking water consumer confidence reports; publication

Amends § 32.1-170 of the Code of Virginia to require the BOH to include in its regulations that

waterworks serving fewer than 10,000 persons may seek a waiver of the requirement that the waterworks mail copies of its consumer confidence report to each customer annually and provides for an alternate means of notifying customers of the report in a newspaper of general circulation or by other means as the Board may approve. Patrons: Phillips/Puckett

HB 2326 Waterworks systems; regulation

Amends § 32.1-174.1 of the Code of Virginia to authorize the BOH's regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers to be based on the age and condition of the system infrastructure and the cost of maintaining, repairing, or replacing such infrastructure. The Board or a locality may proceed against the bond or escrowed fund upon the revocation of a waterworks operation permit. Patron: Lingamfelter

HB 2486/SB 1441 Impaired waters; requires plan developed and implemented to restore waters be controlling

Amends § 62.1-44.19:7 of the Code of Virginia to require that the plan developed and implemented to restore impaired waters be controlling unless it is amended or withdrawn by the State Water Control Board. Patrons: Cox, J.A./Obenshain

SB 1099 Stormwater nonpoint nutrient offsets; establish priorities to be used by permit issuing authorities

Amends § 10.1-603.8:1 of the Code of Virginia to clarify priorities to guide local governments and other permit issuing authorities when considering off-site phosphorus control options for stormwater permits. For certain localities with ordinances limiting off-site reduction of nutrients from land disturbances to participation in locally established pro-rata programs, the bill provides for a transition period that will terminate on June 30, 2014. Upon that date, permittees will be allowed to select other off-site options than local pro-rata programs established by the locality where the land disturbance occurs. Patron: Hanger

SB 1100 Nutrient Offset Fund; created

Amends §§ 62.1-44.19:15 and 62.1-44.19:18 of the Code of Virginia and adds § 10.1-2128.2 to the Code of Virginia to create the Nutrient Offset Fund as a subfund of the Virginia Water Quality Improvement Fund to be administered by DEQ for the purchase of nutrient reductions certified under the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Patron: Hanger

SB 1102 Point source nutrient trading; shall not be subject to a two-for-one trading ratio

Amends § 62.1-44.19:15 of the Code of Virginia to exempt from the "two-for-one" rule point source nutrient removal technologies such as manure gasifiers that are being used by nonpoint sources to generate and sell nutrient allocation offsets. Patron: Hanger

SB 1427 Water reuse; Secretary of Natural Resources to develop guidelines that include criteria & incentive

Amends § 10.1-2129 of the Code of Virginia to require the Secretary of Natural Resources, in developing written guidelines for awarding grants from the Water Quality Improvement Fund, to develop guidelines that define criteria and financial incentives for water reuse. Patron: Hanger

Finance

Local Government

HB 1425 Taxes, local; collection

Amends § 58.1-3919.1 of the Code of Virginia to reduce the period of nonpayment of taxes, from six months to three months, before private collection agents may be used to collect delinquent local taxes. The bill also removes the exclusion of real estate taxes from the local taxes that treasurers may refer to private collection agents for collection. Patron: Albo

HB 1437 BPOL tax; localities to decide to impose on business gross receipts or State taxable income

Amends § 58.1-3702 of the Code of Virginia to allow localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income. Patron: Cole

HB 1452 Transient occupancy tax; adds Counties of Madison, etc., to list of localities that may impose

Amends § 58.1-3819 of the Code of Virginia to add Madison, Accomack, Brunswick and Washington Counties to the list of counties that may impose a transient occupancy tax rate up to three percent in addition to the two percent rate available to all counties. Patron: Scott, E.T.

HB 1470 Real property tax; membership of boards of equalization

Amends §§ 58.1-3371, 58.1-3373, and 58.1-3374 of the Code of Virginia to permit the appointment of alternate members to boards of equalization to serve if a member is absent or abstains. Patron: Greason

HB 1526 Real property tax appeal; information regarding income and expenses of income-producing property

Amends § 58.1-3294 of the Code of Virginia to provide that information regarding the income and expenses of income-producing real property may be used in a complaint to a board of equalization. Patron: Greason

HB 1587 Business license incentive program; Cities of Va. Beach & Chesapeake may establish for businesses

Amends § 58.1-3703 of the Code of Virginia to allow any locality to provide relief from license taxes to any business locating in such county, city or town for the first time, for the first two years after such location. Patron: Iaquinto

HB 1588/SB 1350 Real property tax assessments; appeals

Amends §§ 58.1-3331, 58.1-3379, and 58.1-3984 of the Code of Virginia to specify that the burden of proof is on a taxpayer, when he appeals the assessment of real property to a board of equalization or to a circuit court to show by a preponderance of the evidence that the property in question is valued at more than fair-market value or the assessment is not uniform in its application. The bill includes requirements on assessors to provide certain notice and to furnish certain information in appeals of assessments. The bill is applicable to tax years beginning on or after Jan. 1, 2012. Patrons: Iaquinto/Norment

HB 1610/SB 942 Defective Chinese drywall; disclosure of information, real estate tax exemption

Amends §§ 54.1-2131 through 54.1-2135 of the Code of Virginia and adds §§ 55-225.11, 55-248.12:2, 55-519.2, and 58.1-3284.2 to the Code of Virginia to provide that upon confirmation by a building official that defective Chinese drywall is present, that the commissioner of the revenue or other assessing official may reassess the property accordingly. Local governments may also place the property in a rehabilitation district for purposes of granting the owner a partial real estate tax exemption. Patrons: Oder/Miller, J.C.

HB 1645/SB 987 Real property tax; exemption for disabled veterans

Adds §§ 58.1-3219.5 and 58.1-3219.6 to the Code of Virginia to codify the constitutional amendment adopted by voters in Nov. 2010, that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The bill is effective for tax year beginning on or after Jan. 1, 2011. Patrons: O'Bannon/Puller

HB 1822/SB 999 Local Defense Production Zone; created and creates a separate classification of machinery and tools

Amends § 58.1-3245.12 of the Code of Virginia and adds §§ 58.1-3508.4 and 58.1-3853 to the Code of Virginia to create a separate classification of machinery and tools used in manufacturing or processing materials, components, or equipment for national defense and to tax such machinery and tools at a rate less than the rate generally applicable. Further localities may establish local defense production zones including incentives and regulatory flexibility for businesses producing materials, components, or equipment for national defense. Patrons: Peace/Stosch

HB 1851/SB 860 Real property tax; classification of certain historical buildings

Adds § 58.1-3221.5 to the Code of Virginia to create a separate class of property for real property tax rate purposes, consisting of buildings that are on the Virginia Landmarks Register that are maintained in proper condition, permitting localities to impose a lower tax rate than that imposed on other types of real property. Patrons: Stolle/Wagner

HB 1865 Transportation districts; membership by portions of counties, etc., collection of motor fuels taxes

Amends §§ 15.2-4504 and 58.1-1720 of the Code of Virginia to provide for membership in local transportation districts by portions of counties and cities. The bill also allows members of local transportation districts to determine whether the local motor fuel tax provided for in such districts will be collected. Patron: Cole

HB 1899/SB 785 Real property tax assessment; partial exemption for certain improvements

Amends §§ 58.1-3219.4 and 58.1-3220 of the Code of Virginia to clarify that the partial exemption from the assessed value of real property subject to real property tax for improvements to rehabilitated, renovated, or replacement residential structures or for improvements in rehabilitation districts or redevelopment or conservation areas runs with the land and shall not be reduced during the period of exemption. Patrons: Hugo/Watkins

HB 2004 Bonds; public notice issued prior to public hearing shall state use of proceeds

Amends §§ 15.2-2606 and 24.2-687 of the Code of Virginia to provide that the public notice issued prior to a public hearing held for the issuance of bonds, as well as the notice provided to voters prior to a bond-issuance referendum, shall state the proposed use of the proceeds. Patron: LeMunyon

HB 2038/SB 1085 Cigarette tax; Tax Commissioner shall convene a working group to review current policies, report

An uncodified act to require the Tax Commissioner to convene a working group of interested parties to review policies with regard to how the local cigarette tax is enforced and administered. Patrons: Peace/Hanger

HB 2075/SB 1352 Local governments; private capital lending

Adds §§ 15.2-1815, 15.2-1816, and 15.2-1817 to allow localities to enter into conduit lending agreements to finance certain capital projects. Patrons: Ingram/Norment

HB 2019/SB 909 Town and county treasurers; reciprocal agreements

Amends § 58.1-3910 of the Code of Virginia to allow county treasurers and the treasurers of towns within that county, with the approval of the governing body of each locality, to enter into a reciprocal agreement granting each treasurer the authority to collect the other's local real and personal property taxes. Patrons: May/Herring

HB 2142 Bad checks; raises fee locality may charge

Amends § 15.2-106 of the Code of Virginia to raise from \$35 to \$50 the fee localities may charge for the passing of a bad check to the locality. Patron: Johnson

HB 2183/SB 1226 Sales tax registration; allows dealers to register with local commissioner of the revenue

Amends §§ 58.1-604.2 and 58.1-613 of the Code of Virginia to allow dealers to register for sales tax purposes with the local commissioner of the revenue, if

such commissioner elects to provide such service.
Patrons: Cline/Petersen

HB 2244 Personal Property Tax Relief Act; transmission of certain information by DMV

An uncodified act to provide that the Department of Motor Vehicles shall include in the information furnished to commissioners of the revenue regarding vehicles qualifying for personal property tax relief whether the vehicle is held in a private trust for nonbusiness purposes by an individual beneficiary. Patron: Torian

HB 2278/SB 1073 Real estate tax; relief for elderly and permanently and totally disabled

Amends §§ 15.2-936, 15.2-2407, 21-118.4, 58.1-3211.1, 58.1-3212, 58.1-3213, and 58.1-3215 of the Code of Virginia and repeals §§ 58.1-3211 and 58.1-3218 of the Code of Virginia to codify the constitutional amendment adopted by voters in Nov. 2010, to authorize local governments to establish annual income or financial worth limitations as a condition of eligibility for real property tax relief for the elderly and permanently and totally disabled. Patrons: Keam/Barker

HB 2285/SB 1193 Tourism zones; tax revenues for tourism projects

Adds § 58.1-3851.1 to the Code of Virginia to entitle certain tourism projects to a percentage of the state and local sales tax revenues generated on the premise of the project, to be used towards debt service to bridge the gap between available debt and equity and the expected costs of the project. Patrons: James/Norment

HB 2419 Retail Sales & Use Tax; revenue distribution to certain public facilities

Amends § 58.1-608.3 of the Code of Virginia to expand the definition of the public facilities in which the sales and use taxes collected are distributed to the locality in which the facility is located for repayment of bonds issued to create the public facility. Patron: Villanueva

SB 784 Affordable housing; assessments of real property

Amends § 58.1-3295 of the Code of Virginia to require owners of four or fewer rental units of real

property to furnish to a locality statements of income and expenses attributable to the property to determine that it is affordable rental housing. Patron: Watkins

SB 984 Transient occupancy tax; Counties of Brunswick and Washington authorized to impose

Amends § 58.1-3819 of the Code of Virginia to add Brunswick and Washington Counties to the list of counties authorized to impose a transient occupancy tax not to exceed five percent. Patron: Lucas

SB 1344 Historic Triangle area; additional transient occupancy tax

Amends § 58.1-3823 of the Code of Virginia to prohibit more than one person of the same local government, including the governing body of the locality, from serving as a member of the Williamsburg Area Destination Marketing Committee at the same time. Patron: Norment

SB 1408 Business, professional, occupational license tax; exemption for unprofitable business

Amends § 58.1-3703 of the Code of Virginia to allow localities to exempt from the BPOL tax businesses that lose money and are unprofitable during the taxable year, for taxable years beginning on or after January 1, 2012. Patron: Ruff

Miscellaneous

SB 1271 Auditor of Public Accounts; required to review collection, etc., of local retail sales & use tax

Adds § 30-133.2 to the Code of Virginia to require the Auditor of Public Accounts to review each year the collection and distribution of the retail sales and use tax, with a focus on the collection and distribution of local retail sales and use taxes. Patron: Houck

State Government

HB 1820/SB 1232 Land preservation tax credit; limits maximum amount that any taxpayer may receive

Amends § 58.1-512 of the Code of Virginia to provide that the maximum amount of land preservation tax credits that may be issued in any calendar year by the Department of Taxation would be \$100

million plus any credits that may have been disallowed or invalidated. All credits previously issued but subsequently disallowed or discontinued shall be reissued the following calendar year. Patrons: Ware, R.L./Deeds

HB 2184 Wireless E-911 surcharge; definition

Amends § 56-484.12 of the Code of Virginia to limit liability for the wireless E-911 surcharge to wireless customers with devices capable of two-way interactive voice communication. Patron: Janis

HB 2221/SB 1188 Aircraft sales and use tax; exemption for qualified companies headquartered in Virginia

Amends § 58.1-1505 of the Code of Virginia to create an exemption from the aircraft sales and use tax for qualified companies that are headquartered in Virginia under certain conditions until December 31, 2014. The bill also creates an exemption from the aircraft sales and use tax for aircraft that are purchased in Virginia, but are registered outside of the Commonwealth and removed from the Commonwealth within 60 days of purchase. Patrons: Oder/Norment

HB 2527/SB 1446 Va. Transportation Infrastructure Fund and Va. Transportation Infrastructure Bank; created, report

Amends §§ 2.2-1509.1, 2.2-1514, 33.1-23.05, and other sections of the Code of Virginia; amends § 2 of the second enactment of Chapter 896 of the Acts of Assembly of 2007; and adds §§ 33.1-23.6 through 33.1-23.13, 33.1-23.14 through 33.1-23.26, and 33.1-221.1:1.3 to the Code of Virginia to provide statewide transportation funding. The bills created the Virginia Transportation Infrastructure Bank that may make grants or interest rate subsidies to localities for transportation projects with a portion of the bank's funds. The legislation also increases the maximum annual allocations in the Revenue Sharing Program to \$200 million, increases the per project cap to \$10 million and provides that the funds allocated by the Commonwealth Transportation Board will be distributed only to projects included in the Six Year Improvement Program or a locality's capital improvement plan. Localities may also match revenue sharing funds

through other revenue sources than the local general fund. Patrons: Howell, W.J./Wampler

SB 788 Wireless E-911 Fund; amends procedure by which Wireless E-911 Services Board distributes funds

Amends § 56-484.17 of the Code of Virginia to amend the procedure by which the Wireless E-911 Services Board distributes funds in the Wireless E-911 Fund. The measure requires the Board to recalculate the distribution percentage for each public safety answering point annually before the start of each fiscal year based on the cost and call load data from one or more of the previous fiscal years. Patron: Watkins

SB 974 Income tax, state; agricultural best management practices tax credits

Amends § 58.1-339.3 of the Code of Virginia to allow any taxpayer to apply for a refund of individual income tax credits that he receives for agricultural best management practices and that the taxpayer cannot use, which would be refunded for 100 percent of their face value. Patron: Whipple

SB 1123 Wireless E-911 surcharge; required to be remitted to Department of Taxation

Amends § 56-484.17 of the Code of Virginia to require that all E-911 surcharges collected from customers be remitted to the Department of Taxation rather than the Wireless E-911 Services Board. Patron: Stosch

SB 1153 Land preservation tax credit; credit shall not be reduced by amount of unused credit in prior year

Amends § 58.1-512 of the Code of Virginia to provide that a land preservation tax credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. Patron: Quayle

Health and Human Resources

HB 1608/SB 1224 TANF; establishes Fund, State to support agencies, etc., seeking to assist low-income Virginians

Amends § 63.2-600 of the Code of Virginia and adds § 63.2-601.1 to the Code of Virginia to designate the Department of Social Services (DSS) as responsible for coordinating state efforts related to supporting public agencies and charitable and community groups. The bill also establishes the Temporary Assistance for Needy Families Fund (TANF) to supplement the Department's administration of the TANF block grants. Patrons: Orrock/Barker

HB 1679/SB 1171 Comprehensive Services for At-Risk Youth & Families, State Executive Council for; powers and duties

Amends § 2.2-2648 of the Code of Virginia to authorize the State Executive Council for Comprehensive Services for At-Risk Youth and Families to deny funding to a locality if services provided on or after July 1, 2011 are not in compliance with applicable state law or policy or federal law. Patrons: Bell, Richard P./Marsden

HB 1729 Criminal background checks; DBHDS to use for employment of certain persons

Amends §§ 37.2-416 and 37.2-506 of the Code of Virginia to allow community services boards to hire a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer under certain circumstances. Patron: Carrico

HB 1767/SB 1040 Foster care; placement of child through an agreement between parents and local board

Amends §§ 63.2-100 and 63.2-901.1 of the Code of Virginia to require local social services boards to obtain background checks on adult household members residing in a home with a person with whom the local board is considering placing a child on an emergency, temporary, or permanent basis. Patrons: Crockett-Stark/Barker

HB 1853/SB 1223 Temporary Assistance for Needy Families (TANF) Funding Pool; established

Adds § 63.2-601.1 to the Code of Virginia to establish the TANF Funding Pool to include competitive block grants to be awarded to service providers for expanded TANF programs. Patrons: Dance/Barker

HB 1984/SB 1178 Child welfare; placement of children

Amends § 63.2-900 of the Code of Virginia to provide that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, DSS shall consider other placements and services that may be in the best interests of the child. Patrons: Kilgore/Marsden

HB 2013 Community services boards; Commissioner to establish workgroup to develop a drug formulary for use

Amends § 37.2-304 of the Code of Virginia to require the Department of Behavioral Health and Developmental Services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers. Patron: Pogge

HB 2036/SB 1170 Commitment on parole supervision; court services unit to consult with local social services

Amends § 16.1-293 of the Code of Virginia to change from four weeks to 90 days the time during which the court services unit shall consult with the local department of social services concerning return of a person released from the Department of Juvenile Justice to a locality. Patrons: Peace/Marsden

HB 2037 Social work; unlawful for person not licensed by Board of Social Work to use title social worker

Adds § 54.1-3709 to the Code of Virginia to provide that it is unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the

clarifying initials signifying a degree in social work.
Patron: Peace

HB 2100 Child care facility; some localities require certification from national criminal background check

Amends § 15.2-914 of the Code of Virginia to allow Fairfax County to require a national criminal background check for persons who provide child-care services. Patron: Bulova

HB 2217/SB 1276 Local disability services; agencies may convene local interagency services teams

Amends § 15.2-1535 of the Code of Virginia; adds § 51.5-5.01 to the Code of Virginia; and repeals §§ 51.5-47 through 51.5-52 of the Code of Virginia to eliminate the requirement that localities establish local disability services boards, and the authority of localities to establish local rehabilitative services incentive funds. Patrons: Stolle/Ruff

HB 2376 Agency mandates; DSS to eliminate those related to office space, etc., of local social services

An uncodified act to require the DSS to eliminate a certain mandate related to office space and facility requirements imposed on local departments of social services. Patron: Habeeb

HB 2533/SB 1486 Behavioral Health and Developmental Services Trust Fund; administration of Fund, report

Amends § 37.2-319 of the Code of Virginia to require the Behavioral Health and Developmental Services Trust Fund to be used for the purpose of financing community-based services, including services provided through the Medicaid Intellectual Disability Home and Community Based Waiver program, and for the purpose of transitioning individuals with intellectual disabilities from state training centers to community-based care. Patrons: Cox, M.K./Northam

SB 1038 Foster care; allows child placed in care to remain at his original school

Amends §§ 16.1-281 and 22.1-3.4 of the Code of Virginia and adds § 63.2-900.3 to the Code of Virginia to allow a child placed in foster care to

remain at his original school, if it is determined by the placing social services agency and the local school division to be in the child's best interests.

Patron: Barker

Transportation

Administration and Governance

HB 1648 Rail Enhancement Fund; allocation and use of funds

Amends § 33.1-221.1:1.1 of the Code of Virginia, and to repeal § 33.1-391.3:1 of the Code of Virginia to provide that allocations from this fund may be used as matching funds for federal grants to support rail projects. Patron: Cosgrove

HB 1658 Public-Private Transportation Act of 1995; public entities shall provide notice of receipt, etc.

Amends § 56-559 of the Code of Virginia to provide that any responsible public entity that is a state agency receiving a detailed proposal from a private entity for a qualifying transportation facility that is a port facility shall submit such proposal to the Public-Private Partnership Advisory Commission for review. Patron: Purkey

HB 1825/SB 1005 Commissioner of Highways; changes title from Transportation Commissioner, report

Amends §§ 33.1-1, 33.1-8, 33.1-34 and other sections of the Code of Virginia; adds § 33.1-13.03 to the Code of Virginia; and repeals §§ 33.1-13.01 and 33.1-13.02 of the Code of Virginia to change the title "Commonwealth Transportation Commissioner" to "Commissioner of Highways." The bill also allows the Commissioner to transfer, abandon, and discontinue roads in the primary and secondary systems of state highways or move roads from one such system to another under certain conditions. Patrons: Oder/Watkins

HB 1957/SB 1135 Transportation Board; powers and duties

Amends §§ 33.1-12, 33.1-23, and 33.1-23.03 of the Code of Virginia and to repeal § 33.1-21 of the Code of Virginia to clarify that roads in counties outside the state secondary highway system are local roads and not part of the state system, and to provide for the updating of the Statewide Transportation Plan every four years. Patrons: Rust/Wagner

HB 2230 Based aircraft; definition

Amends § 5.1-1 of the Code of Virginia to add a definition of "based aircraft" to the Code of Virginia. Patron: Ware, R.L.

HB 2233/SB 1004 Transportation agency efficiencies & cost recoveries; exempts VDOT, etc., paying remote access fee

Amends §§ 17.1-276, 33.1-41.1, 33.1-70.01, and 33.1-330 of the Code of Virginia to require that the Virginia Department of Transportation (VDOT) recommend to the Commonwealth Transportation Board (CTB) an annual rate to be used to make payments for maintenance and deletes references to the statewide maintenance cost index, the base lane per mile rate, and fund allocation. The bill also ensures that payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design. Patrons: Anderson/Watkins

HB 2508 Transportation Board; transfer of interest in and control over landings

Amends § 33.1-223.2:17 of the Code of Virginia to provide that, for purposes of transfer of interest in and control over a landing to a public access authority, landing includes wharfs, piers, and docks. Patron: Morgan

SB 1112 Metropolitan Planning Organizations (MPOs); duties and responsibilities

Amends § 33.1-23.03:01 of the Code of Virginia and adds § 33.1-223.2:25 to the Code of Virginia to specify the role of Metropolitan Planning Organizations in the Commonwealth's transportation decision-making process. Patron: Miller, Y.B.

Funding and Tolls

HB 2164 Railroad tracks; funding for construction of industrial access

Amends § 33.1-221.1:1 of the Code of Virginia to change the limit on allocation of funds for construction of industrial access railroad tracks that any county, city, or town receives in any one fiscal year from not more than 25 percent to not more than 50 percent of the funds. Patron: Abbitt

Highways and Bridges

HB 1612/SB 856 Patriots Crossing project; requires VDOT to accept for review unsolicited proposal for construction

An uncodified act to require VDOT to accept for review unsolicited proposals for construction of the Patriots Crossing (Third Crossing) project at Hampton Roads. Patrons: Oder/Wagner

HB 1726 Bridge vertical clearance; responsibility of signage

Amends § 46.2-1110 of the Code of Virginia to clarify that localities are responsible for placing signs for bridge restricted vertical clearances on roads maintained by the locality. Patron: Carrico

HB 1758 Local roads; cities and towns responsible for construction program

Amends §§ 10.1-603.8, 33.1-23.3, 33.1-70.1, and 33.1-70.2 of the Code of Virginia to exempt Rural Rustic Roads from additional engineering or improvements beyond those required to provide an adequate hard surface. Further, the bill eliminates the requirement for a locality hold a public hearing when provided notice that VDOT plans to pave a secondary road under emergency circumstances. Patron: Wilt

HB 2379 Discontinued secondary system highways; shall be available for use by public as a road

Amends § 33.1-152.1 of the Code of Virginia to provide that when a secondary system highway is discontinued, the highway shall continue to be available for use by the public as a road, unless it has been abandoned or its use has been modified by an ordinance. Patron: Pogge

SB 1206 Traffic impact analysis; removes certain requirements

Amends § 15.2-2222.1 of the Code of Virginia to remove the requirement that a supplemental traffic analysis accompany a plat or plan submitted to VDOT by a locality if such plat or plan is permissible by right under the local zoning ordinance. Patron: Obenshain

SB 1221 Local rezoning actions; limited review by VDOT

Amends § 15.2-2222.1 of the Code of Virginia to provide for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan. Patron: Barker

SB 1462 VDOT; review and adopt revisions to certain regulations applicable to transportation planning

An uncodified act to require VDOT to review and revise certain of its regulations on transportation impact analysis, subdivision street acceptance, and access management prior to January 1, 2012. Patron: Puckett

Motor Vehicles

HB 1432 HOV lanes; use by vehicle with clean special fuel license plates

Amends § 33.1-46.2 of the Code of Virginia to extend until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. Patron: Greason

HB 2163 Abandoned motor vehicle; definition

Amends § 46.2-1200 of the Code of Virginia to remove from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. Patron: Abbitt

HB 2457 Abandoned and salvage vehicles; revises definition, penalty

Amends §§ 46.2-1200, 46.2-1603.1, 46.2-1605, and 46.2-1609 of the Code of Virginia to remove from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. Patron: Abbitt

HB 2461 Trucks; maximum weight limits for those hauling gravel, sand, etc.

Amends § 46.2-1143 of the Code of Virginia to extend to July 1, 2012, the "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties.

Patron: Carrico

HB 2485 Reckless driving; expands list to include parking lot, etc.

Amends § 46.2-864 of the Code of Virginia to expand the list of places where a person can be found guilty of reckless driving to include governmental property open to the public. Patron: Miller, J.H.

STUDIES AND RESOLUTIONS

HJ 570 Costs and benefits of providing financial and other incentives to localities; JLARC to study

Directs the Joint Legislative Audit and Review Commission to study the costs and benefits to the Commonwealth of providing financial and other incentives to localities that collaborate on capital facilities, construction projects, and other operating services. Patron: Cox, M.K.

HJ 625 School divisions, local; DOE to study nature and effectiveness of antibullying policies

Requests the Department of Education to study the nature and effectiveness of local school divisions' antibullying policies. Patron: Bell, Robert B.

HJ 645 Local governments; procurement and sharing of technology applications, report

Requests the Secretary of Technology to study opportunities to facilitate cooperative procurement and sharing of custom technology applications to leverage buying power and create efficiencies for local government. Patron: Poindexter

HJ 646 Year-round schools; Joint Legislative Audit and Review Commission to study efficacy thereof

Directs the Joint Legislative Audit and Review Commission to study the efficacy of year-round schools. Patron: Landes

HJ 648 Uniform Statewide Building Code; DHCD, et al., to study feasibility of amendments, etc.

Requests the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units. Patron: Plum

HJ 735 Manufacturing jobs; Manufacturing Development Commission directed to develop plan for repatriating

Directs the Virginia Manufacturing Development Commission to develop a plan for repatriating manufacturing jobs and evaluating possible tax incentives. Report. Patron: May

SJ 292 Public transportation; DRPT to evaluate level of study for improved services in Route 1 corridor

Requests the Department of Rail and Public Transportation to evaluate the level of study necessary to identify and advance potential public transportation services to Fort Belvoir in Fairfax County and the Marine Corps Base at Quantico in Prince William and Stafford Counties. Patron: Puller

SJ 297 Transit-related issues; Department of Rail and Public Transportation to study those in State

Requests the Department of Rail and Public Transportation to make a study of transit programs in the Commonwealth, including but not limited to the funding of such programs. Patron: Miller, Y.B.

SJ 308 Engineering curriculum; Department of Education to development in public schools, report

Requests the Department of Education to establish shared goals for an engineering program of study, and assign a shared responsibility for this program between the existing science, mathematics, and technology disciplines. Chief patron: Wagner

SJ 329 Economic development incentive grants; JLARC to study effectiveness in State

Directs the Joint Legislative Audit and Review Commission to study the effectiveness of economic development incentive grants in Virginia. Patron: Howell

SJ 330 Subaqueous bottomland; VIMS and VMRC to jointly study ways to better utilize those on seaside

Requests the Virginia Institute of Marine Science

and the Virginia Marine Resources Commission to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized. Chief patron: Northam

SJ 334 Chesapeake Bay Watershed Nutrient Credit Exchange Program; Secretary of Natural Resources to study

Requests that the Secretary of Natural Resources study the expansion of the Chesapeake Bay Watershed Nutrient Credit Exchange Program.

Patron: Whipple

SJ 335 Land conservation; JLARC to study long-term dedicated funding sources

Directs the Joint Legislative Audit and Review Commission to study long-term dedicated funding sources for land conservation. Patron: Whipple

FAILED LEGISLATION

Administration of Government

HB 1722 Freedom of Information Act; designation of records, penalties for certain violations

Required that at the time of creation of any public record, the custodian of such records subject to Freedom of Information Act (FOIA) to designate whether the record is subject to FOIA's mandatory disclosure provisions or otherwise exempt from disclosure.

HB 1727 Virginia Fair Employment Act; certain public contractors, etc., to enroll in E-Verify Program

Requires localities to enroll in the E-Verify Program by December 1, 2011, and to use the program for each newly hired employee who is to perform work within the Commonwealth.

HB 1817 Green Public Buildings Act; definitions, building standards

Requires localities to build certain new public buildings or renovate certain public buildings either the LEED Silver or Green Globes two globe standard.

HB 1834 Statewide Fire Prevention Code; permissible fireworks

Prevents localities from prohibiting or regulating the use, design, possession, ignition, display, storage, sale, or transportation of permissible fireworks.

HB 2039 Construction management; limits use of at-risk method for building construction projects

Limits the use of the construction management at-risk method for building construction to projects with a total value of \$25 million or more. The bill amended the definition of "qualifying project" in the Public-Private Education Facilities and Infrastructure Act of 2002 to require that the project be totally supported by private funds.

HB 2079 Local government; publication of notices for charter changes, referenda, and public hearings, etc.

Gives localities alternatives to publication in a news-

paper of general circulation in the locality for legal ads and other notices of proposed action.

HB 2452 Virginia Tort Claims Act; abolishes sovereign immunity up to maximum limits of statutory cap

Includes counties, cities, and towns under the provisions of the Virginia Tort Claims Act, thus abolishing sovereign immunity for such localities.

HJ 510 Sovereign immunity; JLARC to study costs incurred by localities resulting from claims, etc.

Directs the Joint Legislative Audit and Review Commission to study the costs incurred by localities of the Commonwealth resulting from claims brought against localities and the costs that reasonably could have been incurred by localities if such entities were subject to the Virginia Tort Claims Act.

HJ 604 Constitutional amendment; repeal of state law or regulation by localities

Authorizes counties and cities containing at least two-thirds of the state's population to repeal a state law or regulation.

SB 845 Local officials; shall not be questioned on any legislative speech, etc., without leave of court

Provides that an elected member of a local governing body cannot be compelled by law to be questioned on any speech or debate engaged in by the elected member during the exercise of his legislative powers.

SB 911 Local grievance procedures; allows local government at its option to permit observer for each party

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

SB 1030 Primaries; state will reimburse localities for costs of statewide and federal elections

Provides that the state will reimburse the localities for the costs of statewide and federal primary elections held after January 1, 2013.

SB 1121 Local government; establishment and administration of personnel system

Authorize localities to establish a personnel system for local administrative officials and employees based on merit and professional ability.

SB 1357 Veterans Services Officer pilot program; Commissioner of Dept. of Veterans Services to establish

Authorizes the commissioner of the Department of Veterans Services to establish a pilot program with a city or county, in which the locality would hire at least one Veterans Services Officer to help veterans and their families file claims to obtain public benefits.

Community Development and Planning

HB 1561 Zoning administrator; appeal of decisions

Requires the governing body to receive official notice of any zoning administrator decision.

HB 1578 Fair Housing Law; unlawful discriminatory practice on applications that are for affordable housing

Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development that is to be used either wholly or in part as affordable housing, solely on that basis.

HB 1721 Urban development areas; makes incorporation of areas optional rather than mandatory

Makes incorporation of urban development areas in local comprehensive plans optional rather than mandatory.

HB 1864/SB 869 Urban development areas; developable acreage is redefined to exclude certain lands

Makes several changes to the urban development area legislation.

HB 2500 Omnibus Citizen Bill of Rights; created

Removes, among other things, the presumption of

official regularity and correctness in appeals of local zoning and land development decisions.

SB 996 Cash proffers; acceptance by localities

Allows localities to delay collection or acceptance of a cash proffer until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.

SB 997 Street construction; no bond, escrow, etc., may be released until streets are accepted by agency

Allows localities to retain full performance guarantees until streets in a new development are accepted by the public entity responsible for maintaining and operating such public roads.

Compensation, Retirement and Public Safety

HB 1678 Correctional officers; overtime compensation

Adds full-time, sworn employees of correctional facilities to the definition of "law-enforcement employee" for purposes of overtime compensation.

HB 1784/SB 861 Defined contribution retirement plan, local; locality to establish in lieu of other retirement plan

Permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan, for employees hired after such plan is established.

Education

HB 1416 Instructional spending; expenditures and reports

Requires local school boards to allocate 65 percent of its operating budget to instructional spending.

HB 1786/SB 1031 Public schools; allows local school divisions to keep any funds from State for use next year

Requires that any funds appropriated by the locality to a local school board that are not expended in any fiscal year must not revert to the locality but shall be reappropriated to the local school board.

SB 805 Health insurance; credits for retired school division employees

Allows school boards to raise health insurance credit to \$4 per month per years of service; extends such credit to non-professional employees; and provides that the state will not share in the cost of the credit.

SB 840 Judicial review of school board decision; aggrieved person

Provides that, for the purpose of judicial review, any parent, custodian, or legal guardian of a school-age child eligible to attend a school directly affected by an action of the local school board shall presumptively be considered to be aggrieved by such action.

SB 966 Public schools; physical education requirement, exception

Requires at least 150 minutes of physical education per week on during the school year for grades K through eight. (The Governor vetoed this measure.)

SJ 341 Composite Index of Local Ability to Pay; Joint Legislative Audit and Review Commission to study

Directs the Joint Legislative Audit and Review Commission to study the efficiency and effectiveness of the Composite Index of Local Ability to Pay.

Environment and Agriculture

HB 1738 Reporting of water withdrawals; State Water Control Board to impose a civil penalty

Authorizes the State Water Control Board to impose a civil penalty upon any person who fails to report certain water withdrawal information. (The Governor vetoed this measure.)

HB 2071 Stormwater utility fees; an exemption for certain religious and nonprofit uses

Exempts churches and nonprofit entities from local stormwater fees.

HB 2108/SB 842 Humane investigators; allows appointment thereof

Re-instates fully the humane investigator program.

HB 2492 Onsite sewage systems; certain owners may be exempt from requirements for operation and maintenance

Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, and serving a single-family dwelling shall be exempt from the operation and maintenance regulations of the alternative onsite sewage systems for two years.

SB 1056 Wastewater treatment; State Water Control Board develop policies eliminating wastewater discharges

Authorizes the State Water Control Board, in consultation with the Department of Environmental Quality, to eliminate wastewater discharges from sewage treatment facilities by July 1, 2020.

SB 1119 Permit compliance; Department of Environmental Quality increases limit of civil penalty issued

Establishes a schedule of civil penalties issued by special order for failure to comply with regulations issued by the Virginia Waste Management Board. (The governor vetoed this measure.)

SB 1190 Aquaculture production activities; authority of local governments

Expands the definitions of agricultural operation and production agriculture in the "Right to Farm Act" to include the practice of aquaculture.

SB 1277 Onsite treatment works; Department of Health oversight of requirements for review

Exempts alternative onsite sewage systems designed by professional engineers from the performance standards and setback requirements of the alternative onsite sewage system regulations.

Finance

HB 1431 Recordation tax; reduces state tax on deeds of trust

Reduces the state recordation tax on deeds of trust from \$0.25 per \$100 of the amount financed to \$0.2375 per \$100 of such amount.

HB 1441 Motor vehicle title loans, payday loans, and open-end credit plans; caps interest rate

Caps the rate of interest that may be charged on motor vehicle title loans, payday loans, and open-end credit plans at 36 percent per year.

HB 1636 Intangible personal property tax; classification of certain machinery and tools

Classifies as personal property subject solely to state taxation, (i) machinery and tools purchased on or after July 1, 2011, for the first three years following the date of purchase and (ii) machinery and tools used for business purposes, for the first three years after being brought into the Commonwealth for the first time.

HB 1652 Personal property tax; valuation of certain motor vehicles

Provides that the cost basis used in the valuation of motor vehicles that are not listed in an official pricing guide be reduced by the amount of any rebates.

HB 1908 Recordation and grantor taxes; changes basis on which taxes are calculated on property conveyance

Changes the basis on which recordation and grantor taxes are calculated on the conveyance of real estate to the consideration for the property conveyed, effective July 1, 2013.

HB 2404/SB 1394 State sales & use tax revenue; dedicates portion for transportation projects in Hampton Roads, etc.

Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the localities in those two areas.

HB 2456/SB 1417 Alcoholic beverage control; privatization of government stores

Provides for the full implementation of retail privatization of distilled spirits by January 1, 2013.

HJ 539 Constitutional amendment; imposition of taxes and fees by General Assembly or local governing body

Requires that any bill or ordinance passed by the

General Assembly or a local governing body creating, imposing, or increasing a tax, license, fee, or any other charge pass by a three-fifths majority vote of elected members.

HJ 540 Constitutional amendment; state and local budgets, limits on appropriations

Limits the state's or a locality's total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase.

HJ 615 Constitutional amendment; restriction on contents of bill or law that appropriates funds

Prohibits the enactment of any law that appropriates funds containing (i) any provision that imposes, continues, increases, or revives any tax, fee, or fine or (ii) any provision that reduces, suspends, or eliminates any credit, deduction, or exemption associated with any tax, fee, or fine.

SB 780 Recordation and grantor taxes; expands reduced tax accorded to deeds of trust

Expands, for a three-year period, the reduced recordation tax accorded to deeds of trust securing a refinanced mortgage.

SB 972 Retail Sales & Use & transient occupancy taxes; taxes on room rentals computed based on total price

Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room.

SB 1283 Year-end surplus of general fund balance; changes priority of assignment

Changes the priority for assigning any year-end surplus by requiring that any general fund balance remaining after funds are set aside for required deposits to the Revenue Stabilization Fund.

SJ 344 Constitutional amendment; personal property tax exemption on boats and watercraft

Allows localities may offer partial personal property tax exemption for boats.

Transportation

HB 2327 Photo monitoring systems; limitations on local adoption of systems

Limits the operation of a traffic signal enforcement program, commonly referred to as a "photo red program," to those localities that have adopted ordinances establishing the program prior to July 1, 2011.

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