



County of Fairfax, Virginia

MEMORANDUM

DATE: January 26, 2009
TO: Board of Supervisors
FROM: Anthony H. Griffin, County Executive *AHG*
SUBJECT: 2009 Legislative Report No. 1—Board Legislative Committee Meeting of January 23, 2009

The regular 2009 Session of the Virginia General Assembly convened on January 14, 2009, and is scheduled to adjourn on February 28, 2009. This is a “short” session of 45 days.

Due to a rules change in the House of Delegates at the end of the 2008 Session, delegates are now limited to introducing no more than 15 bills each. However, the volume of legislation under consideration remains high; as of January 24, 2,168 bills and resolutions had been introduced.

The Legislative Committee met on January 23 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 23, 2009:

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

Fairfax County Initiation of Legislation

HB 1933 (Plum) (HCCT) adds "sexual orientation" as prohibited discrimination in Fairfax County. (096597324)

HB 2150 (Rust) (HCCT) permits localities to adopt an ordinance to require mortgage lenders or mortgage loan service providers to provide the locality with the name and contact information of a person living or working in such locality, or within 25 miles of that locality, for each vacant residential property where the mortgage loan is in default for three months. The locality may require mortgage lenders or mortgage loan service providers to pay a \$25

processing fee for each property registered, and failure to register properties in violation of the ordinance could be subject to a civil penalty not to exceed \$500. If the mortgage lender or mortgage loan service provider has registered the loan on the property with a national mortgage loan electronic registration system to which the locality may have access, then the mortgage lender or mortgage loan service provider shall not have to also register that property with the locality and shall be deemed to have complied with any such ordinance. (097671324)

HB 2384 (Scott, J.) (HMP) allows the governing body of any county, city, or town to enact a local safety belt ordinance and retain the fees for tickets written under the ordinance. (096599324)

SB 1053 (Whipple) (SLG) provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes. This is a Falls Church initiative; County is supporting. (094341352)

SB 1227 (Barker) (STRAN) makes cell phone use while driving by a provisional driver's license holder a "primary offense." (093564324)

Specific Issues

- Governor Kaine's 2008-2010 Biennium Budget: Staff presented an analysis of the Governor's proposed budget, particularly as it would affect County revenues in the areas of public safety, public health, Constitutional officers, and court fees.

Specific Legislation

HB 1588 (Marshall, R.G.) (HCL)/**SB 1260** (Vogel) (SCL) requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000. Support. (090002616, 097809338)

HB 1655 (Carrico) (HCT) requires a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution, motion, or administrative action as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Oppose. (097759460)

HB 1680 (Orrock) (HCCT) defines the term "act of God" to include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire. Specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property. The proposed amendment provides that a zoning ordinance may allow for a building or structure covered by this section to be brought in compliance with the Uniform Statewide Building Code in effect at the time of the construction of such building or structure. Oppose unless amended to address arson. (097654672)

HB 1710 (Oder (HGL) provides that any provision in a contract relating to the construction by which the contractor performing such work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of performance of the contract, caused by or resulting in whole or in part from the negligence of such other party or his agents or employees, is against public policy. Currently, such damage or injury must result solely from the negligence of such other party for such provision to be against public policy. Oppose. (096658668)

HB 1730 (Cole) (HFIN)/ **SB 1272** (Vogel) (SRUL) requires a sunset date of no more than four years on all taxation bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly. Oppose; diminishes local government taxing authority. (098002468, 097816338)

HB 1783 (Hull) (HFIN) equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. Support; Board has historically supported. (092041552)

HB 1788 (Hull) (HCCT)/**HB 2294** (Merricks) (HCCT) limits a locality's ability to regulate septic systems by restricting localities from prohibiting the use of alternative on-site sewage systems that have been approved for use by the Virginia Department of Health and prohibiting the locality from requiring maintenance of such systems beyond the manufacturer's recommendations or regulation of the Department of Health. Oppose. (090842552, 091276420)

HB 1823 (Albo) (HFIN)/**HB 2135** (Miller, J.H.) (HFIN)/**SB 1157** (Saslaw) (SFIN) Changes the basis on which recordation taxes are calculated on the transfer of real estate to (i) the stated consideration for the real estate, or (ii) when the consideration is nominal or when the sale is through foreclosure or other similar sale, the appraised value of the property. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater. Oppose; likely loss of revenue to the County and the State; also increases chance for fraud. (097764404, 096644640, 092849324)

HB 1839 (Albo) (HFIN) provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate. Oppose; diminishes current County authority. (096628404)

HB 1870 (Janis) (HTRANS) allows two motorcycles to be operated abreast in a single lane. Oppose. (093497568)

HB 1904 (Armstrong) (HHWI) establishes the Virginia Child Protection Accountability System to collect and make available to the public information on the response to reported cases of child abuse in the Commonwealth. Monitor. (091293416)

HB 1932 (Plum) (HTRANS)/**HB 2299** (Caputo) (HTRANS)/**HB 2476** (Hugo) (HTRANS) extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers. Support; Board has historically supported. (098189684, 093805456, 093467548)

HB 1938 (Peace) (HFIN)/**SB 845** (Puller) (SFIN)/**SB 1148** (Whipple) (SFIN) increases the individual livable home tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010. SB 845 - increases the Livable Home Tax Credit limit from \$500 to \$1,000. SB 1148 - increases the individual livable home tax credit limit from \$500 to \$1,000 for taxable years beginning on or after January 1, 2010. Support; Board has historically supported state tax credit; position in Human Services Issue Paper. (091929676, 093201304, 098622352)

HB 1991 (Bulova) (HACNR) extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010. Support. (093954822)

HB 2011 (Ebbin) (HTRANS) prohibits crossing of railroad grade crossings by pedestrians using public highways if a train or locomotive is present or approaching. Support. (093559492)

HB 2017 (Rust) (HFIN) clarifies that the additional transient occupancy tax does not apply within the limits of any town located in Fairfax County. Oppose; \$900,000 loss of revenue for local tourism, including Visit Fairfax. (091927708)

HB 2029 (Marshall, D) (HCCT) amends the subdivision bonding requirements to reduce from 25 percent to 10 percent the additional allowance that may be required from a developer to cover estimated administrative costs, inflation, and potential damage to existing roads and utilities. This provision will sunset in 5 years. Oppose. (092022612)

HB 2077 (Oder) (HCCT) increases from five to 10 years the period of validity for certain preliminary and recorded plats and final site plans. Oppose. (092029668)

HB 2084 (Purkey) (HFIN) mandatory exemption of certain pollution control equipment and facilities from local property taxes. Oppose as unfunded mandate; rough estimate of \$150,000 impact to County. (092585692)

HB 2117 (Nichols) (HTRANS) prohibits the designation of HOT lanes on any portion of I-95 between the Potomac River and the City of Fredericksburg. Oppose. (097725654)

HB 2138 (Miller, J.H.) (HCCT)/**SB 1369** (Barker) (SLG) permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes. Support; regional position. (098477640, 092044201)

HB 2153 (Rust) (HFIN) allows the Towns of Herndon and Leesburg to levy the BPOL tax on any person, firm, or corporation engaging in the business of renting real property. Monitor. (091928708)

HB 2205 (Frederick) repeals local business license (BPOL) taxes. Oppose; Board has historically opposed; loss of \$150 million of revenue to the County. (094509508)

HB 2217 (Jones) (HGL) provides that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects shall, by regulation, require each architect or professional engineer to maintain an errors and omissions policy that is acceptable to the Board and to provide a certification or attestation that such policy is in effect as a prerequisite to license issuance or renewal. Amend to include exemption for those licensed professionals whose sole employment is with the public sector. (090696584)

HB 2232 (Marsden) (HTRANS) requires that when there is a vehicle crash on HOT lanes under construction on the Capital Beltway and the vehicles involved in the crash can be moved and there are no apparent bodily injuries, the drivers must move their vehicles to the nearest designated pull-off area. Failure to do so is punishable by a civil penalty of \$100, to be paid into the Highway Maintenance and Operating Fund. VDOT is required to post the bill's requirements on signs along the Capital Beltway in Virginia where HOT lanes are under construction. The bill's provisions expire when HOT lane on the Capital Beltway in Virginia is completed and the Virginia Department of Transportation accepts the project. Support. (093495608)

HB 2253 (Barlow) (HMP)/**HB 2339** (Amundson) (HMP)/ **SB 970** (Blevins) (STRANS)/ **SB 1161** (Saslaw) (STRANS) makes non-use of motor vehicle safety belts a "primary offense." Support. (096618428, 098037412, 097750204, 093482324)

HB 2326 (Athey) (HCCT) dramatically changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship approaching confiscation and instead requiring a clearly demonstrable hardship and by adding a new standard by which

variances may be granted, where the property owner can convince the BZA of a "compelling reason." Oppose. (090840420)

HB 2385 (Ebbin) (HGL) prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments. Support; Board has historically supported. (096630404)

HB 2386 (Ebbin) (HTRANS)/**HB 2520** (Shannon) (HTRANS)/**SB 1239** (Barker) sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. Support; position in Legislative Program. (094304492, 096711724, 093820201)

HB 2416 (Bouchard) (HTRANS) removes the requirement that the list of proposed intersections for a traffic light signal violation monitoring system that a locality submits to the Virginia Department of Transportation be submitted for the Department's final approval. Support. (096580435)

HB 2470 (Hugo) (HFIN) dedicates, through the year 2019, any additional funds that may be distributed to the Northern Virginia Transportation District Fund as a result of the 2009 Session of the General Assembly increasing the recordation tax revenue distributed to localities pursuant to § 58.1-816, to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service. Monitor. (094310548)

HB 2472 (Hugo) (HFIN) deems rented merchants' capital under contracts giving both the lessor and the lessee the right to terminate at any time to be daily rental property. Under current law, persons engaged in the short-term rental business cannot be taxed in an amount that exceeds one percent of the gross proceeds from daily rental property. Oppose; revenue loss to County, due to an expansion of definition of short-term rental. (091264548)

HB 2477 (Hugo) (HTRANS) designates the entire length of Popes Head Road in Fairfax County a Virginia byway. Support. (093466548)

HB 2479 (Hugo) (HFIN) reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100. Recommend oppose; diminishes current County taxing authority. (098128548)

HB 2480 (Hugo) (HFIN) requires localities to use the revenue from the special real property tax on commercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for new road construction and new public transit construction. Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs. Recommend oppose; removes Board's flexibility. (098028548)

SB 39 (Deeds) increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable." Support. Passed Senate and House.

SB 810 (Howell) (SPE) provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail. Support. (097823248)

SB 811 (Cuccinelli) (SGL) excludes from the definition of elevator mechanic individuals who install, service, or repair residential wheelchair lifts, residential dumbwaiters, or residential incline chairlifts. Oppose. (082438216)

SB 812 (Cuccinelli) (SFIN)/**SB 1129** (Petersen) (SFIN) authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund. Oppose; while Board favors transparency, issue needs further study due to privacy and cost issues. (092817216, 097770293)

SB 832 (Locke) (SLG) provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in community or recreation centers, administrative buildings, or public libraries owned or operated by the locality during an official meeting of the governing body. Support; Board has historically supported. (094317256)

SB 834 (Locke) (SGL) provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current law such contracts are renewable for up to two additional one-year terms. Support. (098218256)

SB 838 (Ticer) (SFIN) provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility. The 60 percent tax credit would apply only if (i) the responsible authorities of a park authority or local park agency or the Department of Conservation and Recreation execute a written document stating its acceptance of the donation, and (ii) the conveyance is in accordance with the current comprehensive plans of the counties or cities in which the donated land is located. All other donations under the land

preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law. Support; position in Program to incentivize donations for parks. (096559336)

SB 872 (Ticer) (SRSS) requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250. The otherwise eligible person must comply with all obligations imposed by the criminal court and be actively engaged in or have completed a substance abuse treatment program. The bill mirrors the authorized federal exemption already granted for food stamp applicants. Support; Board has historically supported. (094489336)

SB 896 (McDougle) (SFIN) adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations to the extent that such list is maintained to the commissioner upon his request. Support. (092842272)

SB 898 (McDougle) (SRSS) amends section requiring emergency services personnel certified by the Board of Health to report suspected abuse, neglect, or exploitation of adults to require such persons to report suspected abuse, neglect, or exploitation of adults either directly via methods specified in this section or directly to the attending physician at the hospital to which the adult has been transported, who shall make the report forthwith. Oppose. (093156272)

SB 914 (Stuart) (SRSS) requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, where a screening indicates reasonable cause to believe a participant is using illegal drugs, the department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments and payments shall be made as protective or vendor payments to a third party payee for the benefit of the members of the participant's household. Persons deemed ineligible for TANF assistance due to failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for TANF assistance once 12 months have elapsed from the date of initial ineligibility. Oppose due to cost concerns. (098050333)

SB 979 (Stuart) (SLG) allows authorities to pass an ordinance that would impose a fee, not to exceed \$10, on all motor vehicle violations. Such fee shall go to the locality for the purpose of purchasing fuel for local law-enforcement vehicles. Support. (098260338)

SB 982 (Wagner) (SLG) requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, localities have the option of providing such waivers. Oppose. (092841340)

SB 1028 (Hanger & Puller) (SRSS) amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult or there is a written or oral expression of consent for that adult. Amend to insure language does not inadvertently confuse local Social Services role; currently County staff already act with respect toward the senior's religious convictions when investigating reports of adult abuse or neglect and, with amendments to the language to clarify, the bill would have no impact on the agency's activities. (094313232)

SB 1052 (Whipple) (SFIN) provides for a determination of fair market value of affordable rental housing, allows for localities to determine definition of affordable rental property, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission. Support as introduced. (097432352)

SB 1064 (Puller) (SLG) provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission and available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body and available to the public. Amend to provide that postings may be on the locality's website, to eliminate any certification requirements by the local planning district, and to provide that failure to post in accordance with the code sections shall not invalidate the actions taken. (093202304)

SB 1065 (Puller) (SGL) provides that effective July 1, 2009, no community association shall prohibit an owner from installing or using a wind energy drying device on that owner's property. Support. (092303304)

SB 1066 (Puller) (STRANS) establishes a fine for boarding or riding a train with a fraudulent or counterfeit ticket and for using a valid ticket outside the designated zone of the paid ride. Support. (091522304)

SB 1096 (Herring) (SGL) authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment. Support. (094501808)

SB 1099 (Herring) (SCT) creates the crime of financial exploitation of an incapacitated adult when a person responsible for the adult (i) knowingly and willfully uses, obtains, takes, secretes, appropriates, or retains the adult's real or personal property or other thing of value with the intent to defraud or with the intent to temporarily or permanently deprive the

incapacitated adult of the use, benefit, or possession of the subject property or (ii) assists another in doing so. The penalty is a Class 1 misdemeanor if the value is less than \$200 in a six-month period and a Class 6 felony if the value is \$200 or more in a six-month period. Support. (098013240)

SB 1175 (Watkins) (SFIN)/**SB 1373** (Ruff) (SFIN) provides that a service charge may be levied upon a county, city or town owning real or personal property within the boundaries of another locality. The service charge shall be equal to the amount that would be assessed as taxes on real property as if such property were otherwise subject to tax valuation and assessment. Oppose. (092028348, 092049320)

SB 1247 (Northam) adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill also removes the provision that limited on private causes of action to where the employers employed more than five but less than 15 persons. Support; Board has historically supported. (092354286)

SB 1276 (Martin) (SLG) clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. Oppose. (098263338)

SB 1335 (Stuart) (SLG) provides that where an amendment to proffered conditions is requested by the profferrer, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing. Oppose as overly broad (092033668)

SB 1398 (Norment) (STRANS) requires that all transportation plans and programs of counties, cities, and towns be based on the Statewide Transportation Plan developed by the Commonwealth Transportation Board. Oppose. (096991284)

SB 1408 (Norment) (STRANS) allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints. Support. (098378284)

SB 1423 (Martin) (SLG) provides that subdivision ordinances shall include a requirement that each locality provide a checklist to potential developers that specifies what shall be shown on the development plans along with the legal authority for each such requirement. Oppose. (094413268)

Fees

SB 1134 (Petersen) (SCT) allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal or traffic case to be used solely for an electronic summons system. Support; estimated \$600,000 revenue increase. (091301293)

SB 1191 (Puckett) (SCT) increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession.

Support; Board discussion at Lines of Business meeting with Sheriff. Estimated \$100,000 per year revenue increase. (098183300)

SB 1481 (Ruff) (SCT) allows the circuit court clerk to assess a local fee of up to 10 percent of the total fees charged in criminal cases to be retained by the clerk for use in the operation of the clerk's office. Support. Estimated additional \$100,000 at current collection level. (098784320)

Texting

HB 1615 (Howell, A.T.) (HTRANS) prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways while using any wireless telecommunication device for the purpose of sending, receiving, or reading any text message. The prohibition, however, does not extend to entering names or numbers for making telephone calls and does not apply to the operator of emergency vehicles. Support. (096168540, 098399275)

HB 1876 (Cosgrove) (HTRANS) prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for the use of global positioning systems (GPS) and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. Support. (095805868)

HB 2380 (Scott, J.) (HTRAN) prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on highways while using any wireless telecommunications device for the purpose of composing or sending any text message or email. Provides exemptions for persons lawfully parked or stopped, the use of global positioning systems (GPS), and the use of a wireless telecommunications device to report an emergency. Does not apply to operators of emergency vehicles. Support. (095829720)

Constitutional Amendments

HJ 688 (Cole) (HPE) amends the Constitution of Virginia to allow localities to either waive or establish their own income or net worth limitations for purposes of granting real property tax relief for persons not less than 65 years of age or persons permanently and totally disabled. Support. (098099468)

HJ 709 (Frederick) (HPE) provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year. Oppose; Board has historically opposed. For example, in FY 2007, loss would have been \$265 million in revenue. (098574508)

HJ 725 (Bell) (HPE) establishes what constitutes a taking of private property for a public use. Takings are for a public use only if (i) the property is taken for the possession, occupation, and

enjoyment by the public or a public entity; (ii) the land is taken for construction, maintenance, and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public entity providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. Property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. Oppose; Board has historically opposed. (090121432)

HJ 728 (Joannou) (HPE) defines the term "public uses" and specifies permitted public uses for which private property may be taken. The definition is the same definition enacted in 2007 and set out in § 1-219.1 of the Code of Virginia. Oppose; Board has historically opposed. (095504572)

SJ 290 (Obenshain) (SPE) establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use. Oppose; Board has historically opposed. (098384288)

SJ 349 (Newman) (SPE) authorizes localities to cap the annual increase in assessed values of real estate at no more than 25 percent or a greater percentage set by the ordinance. The real estate will be reassessed at fair market value in the year in which it is sold, improved, or otherwise changes hands. Oppose. (091202280)

SJ 353 (McEachin) (SRUL) establishes a joint subcommittee to study the processes and the accuracy of the distribution of local taxes and state taxes collected by state entities for local governments. Support. (092830273)

Commercial Parking

HB 1694 (Albo) (HTRANS) allows Fairfax and Prince William Counties and Clifton, Herndon, and Vienna to prohibit parking of vehicles registered as trucks on streets in areas zoned for residential use. Monitor; further review is needed. (093529404)

HB 2231 (Marsden) (HTRANS) adds pickup and panel trucks to the list of vehicles that Fairfax and Prince William Counties and Clifton, Herndon, and Vienna may prohibit from

parking on streets in areas zoned for residential use. Monitor; further review is needed. (093480608)

SB 1138 (Peterson) (STRANS) allows counties and towns that may by ordinance regulate the parking of (i) watercraft, (ii) boat trailers, (iii) motor homes, and (iv) camping trailers also to regulate or prohibit vehicles transporting commercial freight externally. The bill also replaces circumlocutions with the names of the localities to which those circumlocutions apply. Monitor; further review is needed. (098235293)

Loitering

HB 1629 (Cole) (HTRANS)/**HB 1675** (Orrock) (HTRANS) grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. Monitor. (093585468, 098132672)

Signs

HB 1992 (Bulova) (HTRANS) provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality, rather than partially to the Highway Maintenance and Operations Board. Excludes signs and advertising erected from Saturday through the following Monday rather than three days from those agreements with the Commissioner. Support. (093834444)

SB 830 (Cuccinelli) (STRANS) allows the governing body of any county, city, or town to authorize local law-enforcement agencies or other governmental agencies to act as agents of the Commissioner for the purpose of removing certain signs and advertising. Eliminates requirement for an agreement. Support. (093816216)

Towing

HB 1724 (Rust) (HTRANS)/**SB 997** (Miller, J.H.) (STRANS) provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. Oppose. (098151708, 098399275)

HB 2169 (Abbitt) (HTRANS) repeals the chapter that established the Board of Towing and Recovery Operators. Removes the requirement that the advisory board of a local governing body includes towing and recovery operators who are licensed. Oppose. (093819536)

Legislation Provided for Discussion

Items were brought to the Legislative Committee for discussion. The Committee either took a position on these items, as noted above under "Specific Legislation," or referred them to staff for further review.

Legislation Requiring Further Review

HB 1959 (Mathieson) (HCL) prohibits the Commonwealth, a locality, or a political subdivision, as employer of a public safety employee, from involuntarily discharging or terminating the employment of such an employee suffering from a line of duty injury or occupational illness, for a period of (i) one year after the injury occurred or illness arose, if the employee has not returned to employment in full unrestricted duty, or (ii) two years after the injury occurred or illness arose, if a physician has determined, before the expiration of the one-year period, that the employee, within the ensuing one year, will reach maximum medical improvement and, to a reasonable degree of medical probability, will resume employment without significant limitations in the position he held when the injury occurred or illness arose. (096653618)

HB 2063 (Hamilton) (HAPP) eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division rather than the school-age population of a school division. (098550528)

HB 2383 (Scott, J. M.) (HFIN)/**SB 987** (Colgan) (SFIN) eliminates dealer tax and fee discounts and allowances for the retail sales and use tax, tire recycling fee, communications sales and use tax, cigarette and tobacco products tax, E-911 service tax, and fuels taxes. (091918818, 091924818)

Legislation Provided for Information

HB 1580 (Oder) (HTRANS)/**SB 995** (Miller, J.C.) (SFIN) abolishes the Hampton Roads Transportation Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes. (089766668, 098392275)

HB 1590 (Poisson) (HFIN) provides a tax credit against individual income tax for taxpayers making electronic toll collection payments, such as Smart Tag/EZ Pass, during peak hour traffic flow periods in an amount equal to 10 percent of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on or after January 1, 2009. (089774688)

HB 1648 (Ware) (HTRANS) requires that every agency, instrumentality, and political subdivision of the Commonwealth must give due consideration to what impact or effect any of its plans or projects might have on any road designated a Virginia byway. (094403780)

HB 1669 (Albo) (HAPP) provides that the Commonwealth shall return to cities and counties 50 percent of the growth in income tax collections for each city or county. The amounts returned shall be expended for school construction costs and transportation needs of the cities and counties. (098107404)

HB 1835 (Toscano) (HTRANS) allows the Rail Enhancement Fund to be used to subsidize railroad operations. The bill also limits the 30 percent matching requirement for private funds to capital projects. (093494752)

HB 1848 (Lingamfelter) (HTRANS) provides for the Auditor of Public Accounts to administer an operational and programmatic performance audit focusing on the agencies within the Transportation Secretariat. The audit will be conducted by a private management consulting firm with a final report to be completed by December 31, 2009. The goal of the audit is to determine an objective and independent cost savings assessment of the Commonwealth's organizational structure and efficiency of the Commonwealth's transportation programs to provide information to the Governor and the General Assembly on ways to reduce duplication of effort and implement cost savings measures and programmatic efficiencies in the operation of state transportation programs. Any monetary savings realized from implementation of recommendations of the performance audit will be applied to the Highway Maintenance and Operating Fund. The costs of conducting the audit will be paid from existing appropriations to agencies within the Transportation Secretariat and are not to exceed \$4 million. (090531806)

HB 1880 (Miller, P.J.) (HTRANS) makes VDRPT responsible for ensuring the safety of rail fixed guideway transit systems within the Commonwealth and carrying out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law. (093537828)

HB 1993 (Bulova) (HTRANS)/**SB 1137**(Petersen) (SLG) requires the CTB, in allocating highway maintenance funds, to achieve a minimal level of disparity among VDOT's highway construction districts in meeting asset management performance standards established under § 33.1-13.02. Adds the City of Fairfax to the localities in Northern Virginia who are to use the first 50 percent of the revenues received by the Northern Virginia Transportation Authority solely for urban or secondary road construction and improvements and for public transportation purposes. (093542444, 098232293)

HB 2019 (Rust) (HTRANS) allows the CTB to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. (093830708)

HB 2088 (Fralin) (HTRANS) provides that, prior to making any grant to any publicly held railroad, DRPT must consider right-of-way and public access issues as preconditions to making the grant. (096558504)

HB 2094 (Pollard) (HFIN)/**SB 1141** (Lucas) (SFIN) provides a tax credit for individuals and corporations for renewable energy property placed in service for taxable years beginning on

and after January 1, 2009. Credits are approved on a first-come, first-served basis and cannot exceed \$1,000,000 for individuals and \$1,000,000 for corporations in any year. Renewable energy property means photovoltaic property, solar water heating property, and wind-powered electrical generator property; administration bill. (091926802, 091925802)

HB 2099 (Orrock) (HTRANS) creates a toll road authority encompassing the City of Fredericksburg and the County of Spotsylvania for the purposes of alleviating highway congestion, promoting highway safety, expanding highway construction, increasing the utility and benefits and extending the services of public highways, including bridges, tunnels and other highway facilities, both free and toll, and otherwise contributing to the welfare of the Commonwealth and the George Washington Region. (093822672)

HB 2119 (Nichols) (HTRANS) allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Rail Enhancement Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds from "federal governmental sources" in connection with projects funded from the Fund. (097724654)

HB 2158 (Toscano) (HCCT) establishes a local transit authority in the Charlottesville-Albemarle area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Charlottesville and all or such portions of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson as their governing bodies desire to have covered, to include, but not necessarily be limited to, transit improvements of regional significance. (094326752)

HB 2195 (Watts) (HFIN) provides an income tax credit for every individual taxpayer who pays medical and in-home care expenses for mentally or physically impaired relatives living with the taxpayer for taxable years beginning on or after January 1, 2010, and who claims such relative as a dependent on his income tax return. The amount of the credit is equal to the amount paid and not reimbursed for such expenses but not more than \$1,000 annually. The credit will be reduced \$1 for every \$2 that the taxpayer's federal adjusted gross income exceeds \$50,000 for single taxpayers and \$75,000 for married taxpayers. (091186784)

HB 2349 (Landes) (HTRANS) relocates the RMA "charter" from Title 33.1 (where it is incorporated by reference, but not set out) to Title 15.2, and sets out the text in full. The bill eliminates a provision in present law requiring the approval of the Richmond-Petersburg Turnpike Authority for connection of an Authority-controlled highway to the Richmond-Petersburg Turnpike. In connection with "operation of vehicle for transportation of persons or property for compensation" on Authority facilities, a reference to the State Corporation Commission has been changed to the Department of Motor Vehicles. A requirement that no action be taken by the Authority to contravene any bond indenture governing the Richmond-Petersburg Turnpike has been removed. (093489836)

HB 2354 (Landes) (HGL) requires the Governor to temporarily suspend mandates on a locality upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship. Currently, suspension of the mandate is discretionary with the Governor. The bill provides that its provisions will expire on July 1, 2010. (091793592)

HB 2425 (May) provides for the transfer of roads, bridges, and streets from the primary system of state highways to the local system of roads operated by certain localities. Also provides that any county choosing to resume responsibility over the secondary roads within its boundaries shall be deemed to have withdrawn from the secondary system of state highways. (093829828)

SB 861 (Edwards) (SFIN) creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. (093185228)

SB 863 (Edwards) (SRUL) establishes the TransDominion Express Commission, to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the corridor. (093810228)

SB 864 (Edwards) (SFIN) establishes the Rail Transportation Development Authority. The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill further abolishes the Rail Advisory Board (093811228)

SB 936 (Cuccinelli) (SGL) provides for the Virginia Enterprise Applications Program (VEAP) within the Office of the Secretary of Technology to create and maintain a searchable database website containing information on state revenues, appropriations, and expenditures. Under the bill, the Director of VEAP shall develop a pilot searchable database website available for public use no later than July 1, 2010. Beginning in July 2011, the searchable database website shall be updated for (i) fiscal years that ended prior to July 1, 2009, and (ii) for future fiscal years not later than 60 days following the close of the fiscal year. The Director of VEAP, the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission shall work together to coordinate efforts in obtaining, summarizing, and compiling information in order to avoid duplication of efforts. The website shall be made available in a format designed to encourage the greatest amount of use by the general public. The website shall provide access to all levels of budget spending in state government. (092360216)

SB 966 (Blevins) (STRANS) prohibits, except for emergency 911 calls, the use of any cellular telephone, mobile telephone, or other wireless telecommunications device while operating a motor vehicle, unless the device is configured for hands-free operation. (097738204)

SB 1018 (Miller, J.C.) (STRANS) removes the Counties of James City and York and the Cities of Hampton, Newport News, Poquoson, and Williamsburg from the Hampton Roads Transportation Authority. (099804275)

SB 1102 (Herring) (SPE) requires candidates, beginning January 1, 2010, for local or constitutional offices in counties and cities with a population greater than 100,000 to file campaign finance disclosure reports electronically with the State Board of Elections. Present law gives local candidates the option to file electronically with the State Board. The bill applies to the Counties of Fairfax, Prince William, Henrico, Chesterfield, Arlington, and Loudoun and the Cities of Virginia Beach, Norfolk, Chesapeake, Richmond, Newport News, Hampton, Alexandria, and Portsmouth. (098511240)

SB 1106 (Northam) (STRANS) makes it unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, in which a minor is present, punishable by a fine not to exceed \$100. (090669286)

SB 1216 (Deeds) (SFIN) exempts from the retail sales and use tax solar photovoltaic systems, solar thermal systems, and wind-powered electrical generators purchased for installation in or on residential real property; administration bill. (091239818)

SB 1224 (Smith) (STRANS) provides that when matter illegally dumped or disposed of was ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the court, in addition to the criminal penalty provided, may suspend the defendant's license to operate a motor vehicle for a period not to exceed 30 days. (091273326)

SB 1232 (Barker) (STRANS) requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. (093555201)

SB 1257 (Marsh) (SCT) adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check. (091529264)

SB 1265 (Vogel) (STRANS) provides that any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended child" as a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child. (097804338)

SB 1332 (Cuccinelli) (STRANS) provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system. (092373216)

SB 1428 (Quayle) (STRANS) provides that a violation of certain statutes relating to the installation or use of safety lap belts and shoulder harnesses or the use of child restraint devices may be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle. (090533272)

SJ 347 (McDougle) (SPE) provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy. (090113272)

Comprehensive Services Act (CSA)

SB 1180 (Hanger) (SRSS) requires the State Executive Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems. The bill also requires the Council to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding. Both reporting requirements would be included in the biennial state progress report on comprehensive services to children, youth, and families delivered to the General Assembly and community policy and management teams. (093239232)

SB 1181 (Hanger) (SRSS) requires the Director of the Office of Comprehensive Services to report to the Council all expenditures associated with serving children who receive pool-funded services. The report shall include expenditures for (i) all services purchased with pool funding; (ii) treatment, foster care case management, and residential care funded by Medicaid; and (iii) child-specific payments made through the Title IV-E program. (093238232)

SB 1182 (Hanger) (SRSS) requires the Office of Comprehensive Services to report to the State Executive Council on the nature and cost of all services provided to the population of at-risk and troubled children identified by the Council as within the scope of the Comprehensive Services Act (CSA) program. (093240232)

SB 1183 (Hanger) (SRSS) requires the director of the Office of Comprehensive Services to develop and distribute a model job description for the position of Comprehensive Services Act

Coordinator, to guide localities in prioritizing coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending. (093241232)

SB 1184 (Hanger) (SRSS) requires the director of the Office of Comprehensive Services to develop and distribute guidelines regarding the development and use of multidisciplinary teams in service planning. (093242232)

Cell Phones

HB 1659 (Howell, A.T.) (HMP) prohibits use of wireless telecommunications devices, whether handheld or otherwise, while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth, except in an emergency. (098070540)

HB 1769 (Dance) (HMP) provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory. (093508484)

HB 1955 (Mathieson) (HMP) provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory. (098528618)

SB 874 (Ticer) (STRANS) provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory. (098241336)

SB 1444 (Martin) (STRANS) prohibits use of wireless telecommunications devices while operating commercial motor vehicles. (093464268)

Other Business

The Committee directed that staff bring several pieces of legislation to the Committee for consideration at its January 30 meeting.

Attachments: Supplementary documents dated January 23, 2009

cc: Edward L. Long, Jr., Deputy County Executive
David J. Molchany, Deputy County Executive
Verdia L. Haywood, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Nancy Vehrs, Clerk to the Board of Supervisors
Richmond Team
Katharine D. Ichter, Director, Department of Transportation
Michael H. Long, Senior Assistant County Attorney
Katie Boyle, Legislative Assistant

SUPPLEMENTARY DOCUMENTS
GENERAL ASSEMBLY STATUS REPORT NO. 1
January 26, 2009

1.	Fairfax County Legislative Summary	1
2.	Summary of Budget Proposals for the 2008-2010 Biennium	41
3.	Transportation Funding/Allocation Bills	49



**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2009 GENERAL ASSEMBLY

January 26, 2009

Fairfax County Legislative Summary 2009 General Assembly

Board of Supervisors Report Key

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

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

Table of Contents

Bill	Subject
<i>Fairfax County Initiatives</i> <i>(Bills Introduced at Fairfax County's Pages 8-10 Request) :</i>	
<u>HB 1933</u> Del. Plum(36)	Urban county executive form of government; adds sexual orientation as prohibited discrimination.
<u>HB 2150</u> Del. Rust(86)	Vacant residential properties; permits localities to require mortgage lenders to provide name, etc.
<u>HB 2384</u> Del. Scott(53)	Safety belt ordinances; allows local body to enact consistent with state law.
<u>SB 1053</u> Sen. Whipple(31)	Government facilities; local government may by ordinance, make unlawful to possess dangerous weapon.
<u>SB 1227</u> Sen. Barker(39)	Driver's license, provisional; makes cell phone use while driving a primary offense.
<i>Fairfax County Positions</i> <i>(Oppose or Amend) :</i>	
	<i>Pages 11-24</i>
<u>HB 1655</u> Del. Carrico, Sr.(5)	Firearms; award of court costs, etc. to entity that prevails in action challenging locality.
<u>HB 1680</u> Del. Orrock, Sr.(54)	Vested rights; defines term 'act of God' to include hurricane, tornado, etc.
<u>HB 1710</u> Del. Oder(94)	Contracts; certain indemnification provisions in construction contracts declared void.
<u>HB 1724</u> Del. Rust(86)	Trespassing vehicle; local regulation of removal and immobilization thereof.
<u>HB 1730</u> Del. Cole(88)	Tax legislation; requires a sunset date of no more than four years on all.
<u>HB 1788</u> Del. Hull(38)	Alternative on-site sewage systems; no locality shall prohibit use thereof.
<u>HB 1823</u> Del. Albo(42)	Recordation taxes; changes basis on which taxes are calculated on transfer of real estate.
<u>HB 1839</u> Del. Albo(42)	Commercial real estate tax; used for local projects and construct new roads.
<u>HB 1870</u> Del. Janis(56)	Motorcycles; allows two to be operated abreast in single lane.
<u>HB 2017</u> Del. Rust(86)	Transient occupancy tax; Fairfax County limitations.
<u>HB 2029</u> Del. Marshall, III(14)	Subdivision ordinance; bonding requirements.
<u>HB 2077</u> Del. Oder(94)	Plats and site plans; increases from 5 to 10 years period of validity for certain.
<u>HB 2084</u> Del. Purkey(82)	Real and personal property taxes; exempts certain pollution control equipment & facilities.

<u>HB 2117</u> Del. Nichols(51)	HOT lanes; prohibits on any portion of I-95 between Potomac River and City of Fredericksburg.
<u>HB 2135</u> Del. Miller(50)	Recordation tax; changes basis on which are calculated.
<u>HB 2169</u> Del. Abbitt, Jr.(59)	Towing and Recovery Operators, Board of; removes requirement advisory board include those licensed.
<u>HB 2205</u> Del. Frederick(52)	BPOL taxes; repeal.
<u>HB 2217</u> Del. Jones(76)	Board for Architects, Professional Engineers, etc.; required insurance for certain licensees.
<u>HB 2294</u> Del. Merricks(16)	Alternative on-site sewage systems; no locality shall prohibit use thereof.
<u>HB 2326</u> Del. Athey, Jr.(18)	Zoning appeals, boards of; changes standard by which variance can be granted.
<u>HB 2472</u> Del. Hugo(40)	Merchants' capital tax; gives lessor and lessee right to terminate to be daily rental property.
<u>HB 2479</u> Del. Hugo(40)	Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.
<u>HB 2480</u> Del. Hugo(40)	Real property tax; commercial property in Northern Virginia and Hampton Roads.
<u>HJ 709</u> Del. Frederick(52)	Constitutional amendment (first resolution); assessments of real property and tax rates.
<u>HJ 725</u> Del. Bell(58)	Constitutional amendment (first resolution); taking of private property for public uses.
<u>HJ 728</u> Del. Joannou(79)	Constitutional amendment (first resolution); due process of law; obligation of contracts; taking of
<u>SB 811</u> Sen. Cuccinelli, II(37)	Elevator mechanics, certified; definitions.
<u>SB 812</u> Sen. Cuccinelli, II(37)	Warrants, local; authorizes local governments to publish certain information relating thereto.
<u>SB 898</u> Sen. McDougale(4)	Elder or dependent adult abuse; emergency services personnel to report suspected abuse, etc.
<u>SB 914</u> Sen. Stuart(28)	Substance abuse screening & assessment for VIEW; person ineligible to receive TANF if using drugs.
<u>SB 982</u> Sen. Wagner(7)	Regulation of stormwater.
<u>SB 997</u> Sen. Miller(1)	Trespassing vehicle; local regulation of removal and immobilization thereof.
<u>SB 1028</u> Sen. Hanger, Jr.(24)	Adult neglect; religious treatment exemption.
<u>SB 1064</u> Sen. Puller(36)	Comprehensive plan; local planning commission to post plan being considered on their website.
<u>SB 1129</u> Sen. Petersen(34)	Publication of information contained in local warrants.
<u>SB 1157</u> Sen. Saslaw(35)	Recordation and grantor taxes; basis.

SB 1175 Sen. Watkins(10)	Taxation of property owned by locality.
SB 1272 Sen. Vogel(27)	Tax and fee legislation; requires sunset dates on all and on those existing that are increased.
SB 1276 Sen. Martin(11)	Alternative on-site sewage systems.
SB 1335 Sen. Stuart(28)	Conditional zoning; amendment to proffered condition is requested by profferror local body may waive.
SB 1373	Taxation of property owned by locality.
SB 1398 Sen. Norment, Jr.(3)	Statewide Transportation Plan.
SB 1423 Sen. Martin(11)	Subdivision ordinances.
SJ 290 Sen. Obenshain(26)	Constitutional amendment; defines term public uses & specifies which private property may be taken.
SJ 349 Sen. Newman(23)	Constitutional amendment (first resolution); property tax assessments.

***Fairfax County Positions
(Support or Monitor) :***

Pages 25-40

HB 1588 Del. Marshall(13)	Autism spectrum disorder; mandated health insurance coverage therefor.
HB 1615 Del. Howell, Jr.(90)	Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.
HB 1629 Del. Cole(88)	Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.
HB 1675 Del. Orrock, Sr.(54)	Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.
HB 1694 Del. Albo(42)	Parking; allows certain counties and towns to prohibit parking of certain vehicles on streets.
HB 1783 Del. Hull(38)	Government, local; equalizes municipal and county taxing authority.
HB 1876 Del. Cosgrove(78)	Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicle.
HB 1904 Del. Armstrong(11)	Virginia Child Protection Accountability System; established.
HB 1932 Del. Plum(36)	HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.
HB 1938 Del. Peace(97)	Income tax, state; increases livable home tax credit.
HB 1991 Del. Bulova(37)	Stormwater management programs; establishment by localities.
HB 1992 Del. Bulova(37)	Outdoor signs and advertising; all penalties & costs collected for violations of advertising.
HB 2011 Del. Ebbin(49)	Pedestrians; prohibits crossing of railroad grade crossings if train is present or approaching.

<u>HB 2138</u> Del. Miller(50)	Graffiti abatement; permits localities to charge property owner for cost thereof.
<u>HB 2153</u> Del. Rust(86)	Business, professional & occupational license tax; limitation of authority.
<u>HB 2231</u> Del. Marsden(41)	Parking; adds pickup and panel trucks to list of vehicles that Fairfax, etc. may prohibit therefrom.
<u>HB 2232</u> Del. Marsden(41)	Crashes on HOT lanes under construction; if no apparent bodily injuries, drivers must move vehicles.
<u>HB 2253</u> Del. Barlow(64)	Safety belts; makes non-use thereof primary offense.
<u>HB 2299</u> Del. Caputo(67)	HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.
<u>HB 2339</u> Del. Amundson(44)	Safety belts; makes non-use thereof primary offense.
<u>HB 2380</u> Del. Scott(53)	Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.
<u>HB 2385</u> Del. Ebbin(49)	Discrimination; prohibited in public employment based on race, color, religion, etc.
<u>HB 2386</u> Del. Ebbin(49)	Pedestrians and drivers; responsibilities thereof at marked & unmarked crosswalks.
<u>HB 2416</u> Del. Bouchard(83)	Photo-monitoring systems; removes approval of VDOT of proposed intersections for system.
<u>HB 2470</u> Del. Hugo(40)	Northern Virginia Transportation District Fund; dedication of state matching funds.
<u>HB 2476</u> Del. Hugo(40)	HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.
<u>HB 2477</u> Del. Hugo(40)	Popes Head Road.
<u>HB 2520</u> Del. Shannon(35)	Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks.
<u>HJ 688</u> Del. Cole(88)	Constitutional amendment (first resolution); property exempt from taxation.
<u>SB 39</u> Sen. Deeds(25)	Traffic accident reports; increases amount of damage threshold to be reported by law enforcement.
<u>SB 810</u> Sen. Howell(32)	Absentee voting; qualified voters may vote absentee in person without providing an excuse, etc.
<u>SB 830</u> Sen. Cuccinelli, II(37)	Advertising; allows local governing bodies to remove certain.
<u>SB 832</u> Sen. Locke(2)	Firearms; possessing or carrying dangerous weapon in public buildings during official meetings.
<u>SB 834</u> Sen. Locke(2)	Public Procurement Act; procurement of architectural & professional engineering service for project.
<u>SB 838</u> Sen. Ticer(30)	Land preservation tax credit; conveyance for public parks or public recreational facilities.
<u>SB 845</u> Sen. Puller(36)	Livable home tax credit; increase limit.

<u>SB 872</u> Sen. Ticer(30)	TANF; eligibility for food stamps when convicted of drug-related felonies.
<u>SB 896</u> Sen. McDougale(4)	Duty to file lists of renters, etc.; provide name & address thereof to commissioner of revenue.
<u>SB 970</u> Sen. Blevins(14)	Safety belts; makes non-use of safety belts primary offense.
<u>SB 979</u> Sen. Stuart(28)	Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations.
<u>SB 1052</u> Sen. Whipple(31)	Affordable housing assessments
<u>SB 1065</u> Sen. Puller(36)	Covenants regarding wind energy drying devices.
<u>SB 1066</u> Sen. Puller(36)	Trains; fine for boarding or riding with fraudulent or counterfeit ticket, etc.
<u>SB 1096</u> Sen. Herring(33)	Design-Build Construction Management Review Board.
<u>SB 1099</u> Sen. Herring(33)	Financial exploitation of incapacitated adults; penalty.
<u>SB 1134</u> Sen. Petersen(34)	Electronic summons system; fees.
<u>SB 1138</u> Sen. Petersen(34)	Parking on public highways; counties & towns to regulate transporting commercial freight externally.
<u>SB 1148</u> Sen. Whipple(31)	Income tax; livable home tax credit.
<u>SB 1161</u> Sen. Saslaw(35)	Safety belts.
<u>SB 1191</u> Sen. Puckett(38)	Process and service fees.
<u>SB 1239</u> Sen. Barker(39)	Pedestrians and drivers; sets responsibilities thereof at marked and unmarked crosswalks.
<u>SB 1247</u> Sen. Northam(6)	Virginia Human Rights Act; sexual orientation.
<u>SB 1260</u> Sen. Vogel(27)	Health insurance; mandated coverage for autism spectrum disorder.
<u>SB 1369</u> Sen. Barker(39)	Graffiti abatement.
<u>SB 1408</u> Sen. Norment, Jr.(3)	Safety belt enforcement; allows for when violations are observed by officers at checkpoints.
<u>SB 1481</u> Sen. Ruff(61)	Additional local fee; criminal cases.
<u>SJ 353</u> Sen. McEachin(9)	Local governments; distribution of state and local taxes therefor.

Fairfax County Initiatives

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1933 - Plum (36) Urban county executive form of government; adds sexual orientation as prohibited discrimination.</p>	<p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>12/8/2008</p>
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Initiate (096597324)
Summary: Urban county executive form of government; human rights commission. Adds "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County).

<p>HB 2150 - Rust (86) Vacant residential properties; permits localities to require mortgage lenders to provide name, etc.</p>	<p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>12/8/2008</p>
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Initiate (097671324)
Summary: Registration of vacant residential properties. Permits localities to adopt an ordinance to require mortgage lenders or mortgage loan service providers to provide the locality with the name and contact information of a person living or working in such locality, or within 25 miles of that locality, for each vacant residential property where the mortgage loan is in default for three months. The locality may require mortgage lenders or mortgage loan service providers to pay a \$25 processing fee for each property registered, and failure to register properties in violation of the ordinance could be subject to a civil penalty not to exceed \$500. If the mortgage lender or mortgage loan service provider has registered the loan on the property with a national mortgage loan electronic registration system to which the locality may have access, then the mortgage lender or mortgage loan service provider shall not have to also register that property with the locality and shall be deemed to have complied with any such ordinance.

<p>HB 2384 - Scott (53) Safety belt ordinances; allows local body to enact consistent with state law.</p>	<p>1/14/2009 House: Referred to Committee on Militia, Police and Public Safety</p>	<p>12/8/2008</p>
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Initiate (096599324)
Summary: Safety belt ordinances. Allows the governing body of any county, city, or town to enact a local safety belt ordinance not inconsistent with the state law on the same subject. Presently, this ability is limited to the City of Lynchburg.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 1053 - Whipple (31) Government facilities; local government may by ordinance, make unlawful to possess dangerous weapon.</p>	<p>1/13/2009 Senate: Referred to Committee on Local Government</p>	<p>12/8/2008</p>
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Initiate (094341352)
Summary: Dangerous weapons in government facilities. Provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes.

<p>SB 1227 - Barker (39) Driver's license, provisional; makes cell phone use while driving a primary offense.</p>	<p>1/13/2009 Senate: Referred to Committee on Transportation</p>	<p>12/8/2008</p>
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Initiate (093564324)
Summary: Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a "primary offense."

Bold – Indicates BOS formal action
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Fairfax County Positions
(Oppose or Amend)

* * *

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1655 - Carrico, Sr. (5) Firearms; award of court costs, etc. to entity that prevails in action challenging locality.</p>	<p>12/12/2008 House: Referred to Committee for Courts of Justice 1/21/2009 House: Referred to Committee on Militia, Police and Public Safety</p>	<p>[1/23/2009]</p>
<p>[Oppose] (097759460) Summary: Control of firearms; award of court costs and fees. Requires a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution, motion, or administrative action as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915.</p>		
<p>HB 1680 - Orrock, Sr. (54) Vested rights; defines term 'act of God' to include hurricane, tornado, etc.</p>	<p>12/23/2008 House: Referred to Committee on Counties, Cities and Towns 1/23/2009 House: Reported from Counties, Cities and Towns with amendments (21-Y 1-N)</p>	<p>[1/23/2009]</p>
<p>[Oppose Unless Amended] (097654672) - Oppose unless amended to address arson. Summary: Defines the term "act of God" to include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire. Specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property. The proposed amendment provides that a zoning ordinance may allow for a building or structure covered by this section to be brought in compliance with the Uniform Statewide Building Code in effect at the time of the construction of such building or structure.</p>		
<p>HB 1710 - Oder (94) Contracts; certain indemnification provisions in construction contracts declared void.</p>	<p>1/5/2009 House: Referred to Committee on General Laws</p>	<p>[1/23/2009]</p>
<p>[Oppose] (096658668) Summary: Provides that any provision in a contract relating to the construction by which the contractor performing such work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of performance of the contract, caused by or resulting in whole or in part from the negligence of such other party or his agents or employees, is against public policy. Currently, such damage or injury must result solely from the negligence of such other party for such provision to be against public policy.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1724 - Rust (86) Trespassing vehicle; local regulation of removal and immobilization thereof.</p>	<p>1/6/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Oppose] (098151708) Summary: Trespassing vehicle; towing; local ordinances. Provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed.</p>		
<p>HB 1730 - Cole (88) Tax legislation; requires a sunset date of no more than four years on all.</p>	<p>1/6/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (098002468) - Diminishes local government taxing authority. See also SB 1272. Summary: Tax legislation; sunset date. Requires a sunset date of no more than four years on all taxation bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly.</p>		
<p>HB 1788 - Hull (38) Alternative on-site sewage systems; no locality shall prohibit use thereof.</p>	<p>1/9/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2009]</p>
<p>[Oppose] (090842552) Summary: Alternative on-site sewage systems. Limits a locality's ability to regulate septic systems by restricting localities from prohibiting the use of alternative on-site sewage systems that have been approved for use by the Virginia Department of Health and prohibiting the locality from requiring maintenance of such systems beyond the manufacturer's recommendations or regulation of the Department of Health.</p>		
<p>HB 1823 - Albo (42) Recordation taxes; changes basis on which taxes are calculated on transfer of real estate.</p>	<p>1/12/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (097764404) - Likely loss of revenue to the County and the State; also increases chance for fraud. Summary: Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to (i) the stated consideration for the real estate, or (ii) when the consideration is nominal or when the sale is through foreclosure or other similar sale, the appraised value of the property. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1839 - Albo (42) Commercial real estate tax; used for local projects and construct new roads.</p>	<p>1/12/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (096628404) - Diminishes current County authority. Summary: Commercial real estate tax in Northern Virginia. Provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate</p>		
<p>HB 1870 - Janis (56) Motorcycles; allows two to be operated abreast in single lane.</p>	<p>1/12/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Oppose] (093497568) Summary: Motorcycle riding abreast. Allows two motorcycles to be operated abreast in a single lane.</p>		
<p>HB 2017 - Rust (86) Transient occupancy tax; Fairfax County limitations.</p>	<p>1/13/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (091927708) - \$900,000 loss of revenue for local tourism, including Visit Fairfax. Summary: Clarifies that the additional transient occupancy tax does not apply within the limits of any town located in Fairfax County.</p>		
<p>HB 2029 - Marshall, III (14) Subdivision ordinance; bonding requirements.</p>	<p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2009]</p>
<p>[Oppose] (092022612) Summary: Amends the subdivision bonding requirements to reduce from 25 percent to 10 percent the additional allowance that may be required from a developer to cover estimated administrative costs, inflation, and potential damage to existing roads and utilities. This provision will sunset in 5 years.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2077 - Oder (94) Plats and site plans; increases from 5 to 10 years period of validity for certain.</p>	<p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2009]</p>
<p>[Oppose] (092029668) Summary: Plats and site plans; period of validity. Increases from five to 10 years the period of validity for certain preliminary and recorded plats and final site plans.</p>		
<p>HB 2084 - Purkey (82) Real and personal property taxes; exempts certain pollution control equipment & facilities.</p>	<p>1/13/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (092585692) - Oppose as unfunded mandate; rough estimate of \$150,000 impact to County. Summary: Real and personal property taxes. Exempts certain pollution control equipment and facilities from local property taxes.</p>		
<p>HB 2117 - Nichols (51) HOT lanes; prohibits on any portion of I-95 between Potomac River and City of Fredericksburg.</p>	<p>1/13/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Oppose] (097725654) Summary: HOT lanes. Prohibits the designation of HOT lanes on any portion of I-95 between the Potomac River and the City of Fredericksburg.</p>		
<p>HB 2135 - Miller (50) Recordation tax; changes basis on which are calculated.</p>	<p>1/13/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (096644640) - Likely loss of revenue to the County and the State; also increases chance for fraud. Summary: Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2169 - Abbitt, Jr. (59) Towing and Recovery Operators, Board of; removes requirement advisory board include those licensed.</p>	<p>1/14/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Oppose] (093819536) Summary: Board of Towing and Recovery Operators. Repeals the chapter that established the Board of Towing and Recovery Operators. Removes the requirement that the advisory board of a local governing body include towing and recovery operators who are licensed.</p>		
<p>HB 2205 - Frederick (52) BPOL taxes; repeal.</p>	<p>1/14/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (094509508) - Board has historically opposed; loss of \$150 million to the County. Summary: Repeals local business license (BPOL) taxes.</p>		
<p>HB 2217 - Jones (76) Board for Architects, Professional Engineers, etc.; required insurance for certain licensees.</p>	<p>1/14/2009 House: Referred to Committee on General Laws</p>	<p>[1/23/2009]</p>
<p>[Amend] (090696584) - Amend to include exemption for those licensed professionals whose sole employment is with the public sector. Summary: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; required insurance for certain licensees. Provides that the Board shall, by regulation, require each architect or professional engineer to maintain an errors and omissions policy that is acceptable to the Board and to provide a certification or attestation that such policy is in effect as a prerequisite to license issuance or renewal.</p>		
<p>HB 2294 - Merricks (16) Alternative on-site sewage systems; no locality shall prohibit use thereof.</p>	<p>1/14/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2009]</p>
<p>[Oppose] (091276420) Summary: Alternative on-site sewage systems. Limits a locality's ability to regulate septic systems by restricting localities from prohibiting the use of alternative on-site sewage systems that have been approved for use by the Virginia Department of Health and prohibiting the locality from requiring maintenance of such systems beyond the manufacturer's recommendations or regulation of the Department of Health.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2326 - Athey, Jr. (18) Zoning appeals, boards of; changes standard by which variance can be granted.</p>	<p>1/14/2009 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2009]</p>
<p>[Oppose] (090840420) Summary: Boards of zoning appeals; variances. Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship approaching confiscation and instead requiring a clearly demonstrable hardship.</p>		
<p>HB 2472 - Hugo (40) Merchants' capital tax; gives lessor and lessee right to terminate to be daily rental property.</p>	<p>1/14/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (091264548) - Revenue loss to County due to an expansion of definition of short-term rental. Summary: Merchants' capital tax. Deems rented merchants' capital under contracts giving both the lessor and the lessee the right to terminate at any time to be daily rental property. Under current law, persons engaged in the short-term rental business cannot be taxed in an amount that exceeds one percent of the gross proceeds from daily rental property.</p>		
<p>HB 2479 - Hugo (40) Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.</p>	<p>1/14/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (098128548) - Diminishes current County taxing authority. Summary: Real property tax rate; commercial property in Northern Virginia. Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100.</p>		
<p>HB 2480 - Hugo (40) Real property tax; commercial property in Northern Virginia and Hampton Roads.</p>	<p>1/14/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (098028548) - Removes Board's flexibility. Summary: Requires localities to use the revenue from the special real property tax on commercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for new road construction and new public transit construction. Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>HJ 709 - Frederick (52) Constitutional amendment (first resolution); assessments of real property and tax rates.</p>	<p>1/14/2009 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2009]</p>
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[Oppose] (098574508) - Board has historically opposed. For example, in FY 2007, loss would have been \$265 million in revenue.
Summary: Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

<p>HJ 725 - Bell (58) Constitutional amendment (first resolution); taking of private property for public uses.</p>	<p>1/14/2009 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2009]</p>
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[Oppose] (090121432) - Board has historically opposed.
Summary: Establishes what constitutes a taking of private property for a public use. Takings are for a public use only if (i) the property is taken for the possession, occupation, and enjoyment by the public or a public entity; (ii) the land is taken for construction, maintenance, and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public entity providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. Property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation.

<p>HJ 728 - Joannou (79) Constitutional amendment (first resolution); due process of law; obligation of contracts; taking of</p>	<p>1/14/2009 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2009]</p>
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[Oppose] (095504572) - Board has historically opposed.
Summary: private property; prohibited discrimination; jury trial in civil cases. Defines the term "public uses" and specifies permitted public uses for which private property may be taken. The definition is the same definition enacted in 2007 and set out in Â§ 1-219.1 of the Code of Virginia.

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 811</u> - Cuccinelli, II (37) Elevator mechanics, certified; definitions.</p>	<p>11/24/2008 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/23/2009]</p>
<p>[Oppose] (082438216) Summary: Certified elevator mechanics; definitions. Excludes from the definition of elevator mechanic individuals who install, service, or repair residential wheelchair lifts, residential dumbwaiters, or residential incline chairlifts.</p>		
<p><u>SB 812</u> - Cuccinelli, II (37) Warrants, local; authorizes local governments to publish certain information relating thereto.</p>	<p>11/24/2008 Senate: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Oppose] (092817216) - While Board favors transparency, issue needs further study due to privacy and cost concerns. Summary: Publication of information contained in local warrants. Authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund.</p>		
<p><u>SB 898</u> - McDougle (4) Elder or dependent adult abuse; emergency services personnel to report suspected abuse, etc.</p>	<p>12/31/2008 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/23/2009]</p>
<p>[Oppose] (093156272) Summary: Duty to report suspected elder or dependent adult abuse. Amends section requiring emergency services personnel certified by the Board of Health to report suspected abuse, neglect, or exploitation of adults to require such persons to report suspected abuse, neglect, or exploitation of adults either directly via methods specified in this section or directly to the attending physician at the hospital to which the adult has been transported, who shall make the report forthwith.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 914 - Stuart (28) Substance abuse screening & assessment for VIEW; person ineligible to receive TANF if using drugs.</p>	<p>1/5/2009 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/23/2009]</p>
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[Oppose] (098050333) - Oppose due to cost concerns.
Summary: Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, where a screening indicates reasonable cause to believe a participant is using illegal drugs, the department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments and payments shall be made as protective or vendor payments to a third party payee for the benefit of the members of the participant's household. Persons deemed ineligible for TANF assistance due to failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for TANF assistance once 12 months have elapsed from the date of initial ineligibility.

<p>SB 982 - Wagner (7) Regulation of stormwater.</p>	<p>1/12/2009 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2009]</p>
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[Oppose] (092841340)
Summary: Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, localities have the option of providing such waivers.

<p>SB 997 - Miller (1) Trespassing vehicle; local regulation of removal and immobilization thereof.</p>	<p>1/12/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Reported from Transportation (7-Y 4-N)</p>	<p>[1/23/2009]</p>
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[Oppose] (098399275)
Summary: Trespassing vehicle; towing; local ordinances. Provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 1028 - Hanger, Jr. (24) Adult neglect; religious treatment exemption.</p>	<p>1/13/2009 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/23/2009]</p>
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[Amend] (094313232) - Amend to ensure language does not inadvertently confuse local Social Services role; currently County staff already act with respect toward seniors' religious convictions when investigating reports of adult abuse or neglect and, with amendments to clarify, the bill would have no impact on the agency's activities.

Summary: Amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult or there is a written or oral expression of consent for that adult.

<p>SB 1064 - Puller (36) Comprehensive plan; local planning commission to post plan being considered on their website.</p>	<p>1/13/2009 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2009]</p>
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[Amend] (093202304) - Amend to provide that postings may be on the locality's website, to eliminate any certification requirements by the local planning district, and to provide that failure to post in accordance with the code sections shall not invalidate the actions taken.

Summary: Posting of comprehensive plans. Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission and available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body and available to the public.

<p>SB 1129 - Petersen (34) Publication of information contained in local warrants.</p>	<p>1/13/2009 Senate: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
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[Oppose] (097770293) - While Board favors transparency, issue needs further study due to privacy and cost concerns.

Summary: Authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund.

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Bills	General Assembly Actions	Date of BOS Position
SB 1157 - Saslaw (35) Recordation and grantor taxes; basis.	1/13/2009 Senate: Referred to Committee on Finance	[1/23/2009]
<p>[Oppose] (092849324) - Likely loss of revenue to the County and the State; also increases chance for fraud. Summary: Changes the basis on which recordation and grantor taxes are calculated on the transfer of real estate to the actual consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater. The provisions of the bill would become effective on July 1, 2010.</p>		
SB 1175 - Watkins (10) Taxation of property owned by locality.	1/13/2009 Senate: Referred to Committee on Finance	[1/23/2009]
<p>[Oppose] (092028348) Summary: Provides that a service charge may be levied upon a county, city or town owning real or personal property within the boundaries of another locality. The service charge shall be equal to the amount that would be assessed as taxes on real property as if such property were otherwise subject to tax valuation and assessment.</p>		
SB 1272 - Vogel (27) Tax and fee legislation; requires sunset dates on all and on those existing that are increased.	1/14/2009 Senate: Referred to Committee on Rules	[1/23/2009]
<p>[Oppose] (097816338) - Restricts local taxing authority. See also HB 1730. Summary: Requires a sunset date on all bills that add new taxes or fees or increase the rate of existing taxes or fees. The sunset dates would be required for both state and local tax or fee bills.</p>		
SB 1276 - Martin (11) Alternative on-site sewage systems.	1/14/2009 Senate: Referred to Committee on Local Government	[1/23/2009]
<p>[Oppose] (098263338) Summary: Clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems.</p>		
SB 1335 - Stuart (28) Conditional zoning; amendment to proffered condition is requested by profferror local body may waive.	1/14/2009 Senate: Referred to Committee on Local Government	[1/23/2009]
<p>[Oppose] (092033668) - Oppose as overly broad. Summary: Provides that where an amendment to proffered conditions is requested by the profferror, and where such amendment does not affect conditions of use or density, a local governing body may waive the</p>		

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Bills	General Assembly Actions	Date of BOS Position
requirement for a public hearing.		
SB 1373 Taxation of property owned by locality.	1/14/2009 Senate: Referred to Committee on Finance	[1/23/2009]
<p>[Oppose] (092049320) Summary: Provides that a service charge may be levied upon a county, city, or town owning real or personal property within the boundaries of another locality. The service charge shall be equal to the amount that would be assessed as taxes on real property if such property were otherwise subject to tax valuation and assessment.</p>		
SB 1398 - Norment, Jr. (3) Statewide Transportation Plan.	1/14/2009 Senate: Referred to Committee on Transportation	[1/23/2009]
<p>[Oppose] (096991284) Summary: Requires that all transportation plans and programs of counties, cities, and towns be based on the Statewide Transportation Plan developed by the Commonwealth Transportation Board.</p>		
SB 1423 - Martin (11) Subdivision ordinances.	1/14/2009 Senate: Referred to Committee on Local Government	[1/23/2009]
<p>[Oppose] (094413268) Summary: Provides that subdivision ordinances shall include a requirement that each locality provide a checklist to potential developers that specifies what shall be shown on the development plans along with the legal authority for such requirement.</p>		
SJ 290 - Obenshain (26) Constitutional amendment; defines term public uses & specifies which private property may be taken.	12/23/2008 Senate: Referred to Committee on Privileges and Elections	[1/23/2009]
<p>[Oppose] (098384288) - Board has historically opposed. Summary: Constitutional amendment (first resolution); taking of private property for public uses. Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>SJ 349 - Newman (23) Constitutional amendment (first resolution); property tax assessments.</p>	<p>1/14/2009 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2009]</p>
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[Oppose] (091202280)
Summary: Authorizes localities to cap the annual increase in assessed values of real estate at no more than 25 percent or a greater percentage set by the ordinance. The real estate will be reassessed at fair market value in the year in which it is sold, improved, or otherwise changes hands.

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Fairfax County Positions
(Support or Monitor)

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Bills	General Assembly Actions	Date of BOS Position
HB 1588 - Marshall (13) Autism spectrum disorder; mandated health insurance coverage therefor.	9/24/2008 House: Referred to Committee on Commerce and Labor	[1/23/2009]
<p>[Support] (090002616) - See also SB 1260. Summary: Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000.</p>		
HB 1615 - Howell, Jr. (90) Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.	11/19/2008 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (096168540) Summary: Text messaging while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunication device for the purpose of sending, receiving, or reading any text message. The prohibition, however, does not extend to entering names or numbers for making telephone calls and does not apply to the operator of emergency vehicles. Violations are punishable by fines of \$20 for first offenses and \$50 for subsequent offenses.</p>		
HB 1629 - Cole (88) Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.	12/3/2008 House: Referred to Committee on Transportation 1/20/2009 House: Reported from Transportation with substitute (20-Y 0-N) 1/23/2009 House: VOTE: --- PASSAGE (93-Y 4-N)	[1/23/2009]
<p>[Monitor] (098003468) Summary: Loitering. Grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1675 - Orrock, Sr. (54) Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.</p>	<p>12/23/2008 House: Referred to Committee on Transportation 1/20/2009 House: Incorporated by Transportation (HB1629-Cole) by voice vote</p>	<p>[1/23/2009]</p>
<p>[Monitor] (098132672) Summary: Loitering. Grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way.</p>		
<p>HB 1694 - Albo (42) Parking; allows certain counties and towns to prohibit parking of certain vehicles on streets.</p>	<p>1/5/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Monitor] (093529404) - Further review is needed. Summary: Parking. Allows Fairfax and Prince William Counties and Clifton, Herndon, and Vienna to prohibit parking of vehicles registered as trucks on streets in areas zoned for residential use. The bill also eliminates population bracket circumlocutions and names the specific localities to which those brackets were intended to apply.</p>		
<p>HB 1783 - Hull (38) Government, local; equalizes municipal and county taxing authority.</p>	<p>1/9/2009 House: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Support] (092041552) - Board has historically supported. Summary: Local government taxing authority. Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers.</p>		
<p>HB 1876 - Cosgrove (78) Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicle.</p>	<p>1/12/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Support] (095805868) Summary: Text messaging and emailing while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for the use of global positioning systems (GPS) and</p>		

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Bills	General Assembly Actions	Date of BOS Position
using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.		
HB 1904 - Armstrong (11) Virginia Child Protection Accountability System; established.	1/13/2009 House: Referred to Committee on Health, Welfare and Institutions	[1/23/2009]
[Monitor] (091293416) Summary: Establishes the Virginia Child Protection Accountability System to collect and make available to the public information on the response to reported cases of child abuse in the Commonwealth.		
HB 1932 - Plum (36) HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.	1/13/2009 House: Referred to Committee on Transportation	[1/23/2009]
[Support] (098189684) - Board has historically supported. See also HB 2299 and HB 2476. Summary: Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers.		
HB 1938 - Peace (97) Income tax, state; increases livable home tax credit.	1/13/2009 House: Referred to Committee on Finance	[1/23/2009]
[Support] (091929676) - Board has historically supported state tax credit; position in Human Services Issue Paper. See also SB 845 and SB 1148. Summary: Income tax; livable home tax credit. Increases the individual tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010.		
HB 1991 - Bulova (37) Stormwater management programs; establishment by localities.	1/13/2009 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/21/2009 House: Reported from Agriculture, Chesapeake and Natural Resources (21-Y 0-N)	[1/23/2009]
[Support] (093954822) Summary: Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.		

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Bills	General Assembly Actions	Date of BOS Position
HB 1992 - Bulova (37) Outdoor signs and advertising; all penalties & costs collected for violations of advertising.	1/13/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093834444)</p> <p>Summary: Outdoor signs and advertising; Fairfax County. Provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality. Excludes signs and advertising erected from Saturday through the following Monday from those agreements with the Commissioner.</p>		
HB 2011 - Ebbin (49) Pedestrians; prohibits crossing of railroad grade crossings if train is present or approaching.	1/13/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093559492)</p> <p>Summary: Pedestrians; railroad grade crossings. Prohibits crossing of railroad grade crossings by pedestrians using public highways if a train or locomotive is present or approaching.</p>		
HB 2138 - Miller (50) Graffiti abatement; permits localities to charge property owner for cost thereof.	1/13/2009 House: Referred to Committee on Counties, Cities and Towns	[1/23/2009]
<p>[Support] (098477640) - Regional position. See also SB 1369.</p> <p>Summary: Graffiti abatement. Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.</p>		
HB 2153 - Rust (86) Business, professional & occupational license tax; limitation of authority.	1/13/2009 House: Referred to Committee on Finance	[1/23/2009]
<p>[Monitor] (091928708)</p> <p>Summary: Business, professional, occupational license tax; limitation of authority. Allows the Towns of Herndon and Leesburg to levy the BPOL tax on any person, firm, or corporation engaging in the business of renting real property.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 2231 - Marsden (41) Parking; adds pickup and panel trucks to list of vehicles that Fairfax, etc. may prohibit therefrom.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Monitor] (093480608) - Further review is needed.</p> <p>Summary: Parking. Adds pickup and panel trucks to the list of vehicles that Fairfax and Prince William Counties and Clifton, Herndon, and Vienna may prohibit from parking on streets in areas zoned for residential use. The bill also eliminates population bracket circumlocutions and names the specific localities to which those brackets were intended to apply.</p>		
HB 2232 - Marsden (41) Crashes on HOT lanes under construction; if no apparent bodily injuries, drivers must move vehicles.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093495608)</p> <p>Summary: Crashes on HOT lanes under construction on the Capital Beltway. Requires that when there is a vehicle crash on HOT lanes under construction on the Capital Beltway and the vehicles involved in the crash can be moved and there are no apparent bodily injuries, the drivers must move their vehicles to the nearest designated pull-off area. Failure to do so is punishable by a civil penalty of \$100, to be paid into the Highway Maintenance and Operating Fund. VDOT is required to post the bill's requirements on signs along the Capital Beltway in Virginia where HOT lanes are under construction. The bill's provisions expire when HOT lane on the Capital Beltway in Virginia is completed and the Virginia Department of Transportation accepts the project.</p>		
HB 2253 - Barlow (64) Safety belts; makes non-use thereof primary offense.	1/14/2009 House: Referred to Committee on Militia, Police and Public Safety	[1/23/2009]
<p>[Support] (096618428) - See also HB 2339, SB 970, SB 1161.</p> <p>Summary: Safety belts. Makes non-use of motor vehicle safety belts a "primary offense."</p>		
HB 2299 - Caputo (67) HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093805456) - Board has historically supported. See also HB 1932 and HB 2476.</p> <p>Summary: HOV lanes; clean special fuel vehicles. Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 2339 - Amundson (44) Safety belts; makes non-use thereof primary offense.</p>	<p>1/14/2009 House: Referred to Committee on Militia, Police and Public Safety</p>	<p>[1/23/2009]</p>
<p>[Support] (098037412) - See also HB 2253, SB 970, SB 1161. Summary: Safety belts. Makes non-use of motor vehicle safety belts a "primary offense."</p>		
<p>HB 2380 - Scott (53) Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.</p>	<p>1/14/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Support] (095829720) Summary: Text messaging and emailing while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for persons lawfully parked or stopped, the use of global positioning systems (GPS), and the use of a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.</p>		
<p>HB 2385 - Ebbin (49) Discrimination; prohibited in public employment based on race, color, religion, etc.</p>	<p>1/14/2009 House: Referred to Committee on General Laws</p>	<p>[1/23/2009]</p>
<p>[Support] (096630404) - Board has historically supported. Summary: Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.</p>		
<p>HB 2386 - Ebbin (49) Pedestrians and drivers; responsibilities thereof at marked & unmarked crosswalks.</p>	<p>1/14/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Support] (094304492) - Position in Legislative Program. See also HB 2520 and SB 1239. Summary: Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 2416 - Bouchard (83) Photo-monitoring systems; removes approval of VDOT of proposed intersections for system.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (096580435) Summary: Photo-monitoring systems. Removes the requirement that the list of proposed intersections for a traffic light signal violation monitoring system that a locality submits to the Virginia Department of Transportation be submitted for the Department's final approval.</p>		
HB 2470 - Hugo (40) Northern Virginia Transportation District Fund; dedication of state matching funds.	1/14/2009 House: Referred to Committee on Finance	[1/23/2009]
<p>[Monitor] (094310548) Summary: Northern Virginia Transportation District Fund; dedication of state matching funds to the Washington Metropolitan Area Transit Authority. Dedicates, through the year 2019, any additional funds that may be distributed to the Northern Virginia Transportation District Fund as a result of the 2009 Session of the General Assembly increasing the recordation tax revenue distributed to localities pursuant to Â§ 58.1-816, to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service (Metro). The bill expires June 30, 2010, if such federal law is not in effect on June 30, 2010.</p>		
HB 2476 - Hugo (40) HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093467548) - Board has historically supported. See also HB 1932 and HB 2299. Summary: HOV lanes; clean special fuel vehicles. Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers.</p>		
HB 2477 - Hugo (40) Popes Head Road.	1/14/2009 House: Referred to Committee on Transportation	[1/23/2009]
<p>[Support] (093466548) Summary: Designates the entire length of Popes Head Road in Fairfax County a Virginia byway.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>HB 2520</u> - Shannon (35) Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks.</p>	<p>1/16/2009 House: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
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[Support] (096711724) - Position in Legislative Program. See also HB 2386 and SB 1239.
Summary: Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

<p><u>HJ 688</u> - Cole (88) Constitutional amendment (first resolution); property exempt from taxation.</p>	<p>1/13/2009 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2009]</p>
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[Support] (098099468)
Summary: Amends the Constitution of Virginia to allow localities to either waive or establish their own income or net worth limitations for purposes of granting real property tax relief for persons not less than 65 years of age or persons permanently and totally disabled.

<p><u>SB 39</u> - Deeds (25) Traffic accident reports; increases amount of damage threshold to be reported by law enforcement.</p>	<p>12/19/2007 Senate: Referred to Committee on Transportation 1/17/2008 Senate: Rereferred to Courts of Justice 1/21/2008 Senate: Reported from Courts of Justice with amendment (14-Y 0-N) 2/12/2008 House: Referred to Committee on Transportation 2/19/2008 House: Referred from Transportation by voice vote 2/19/2008 House: Referred to Committee for Courts of Justice 2/29/2008 House: Continued to 2009 in Courts of Justice by voice vote 12/1/2008 House: Reported from Courts of Justice (11-Y 0-N) 1/15/2009 House: VOTE: --- PASSAGE (94-Y 2-N)</p>	<p>[1/23/2009]</p>
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[Support] (088179220-E)
Summary: Traffic accident reports. Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

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Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 810</u> - Howell (32) Absentee voting; qualified voters may vote absentee in person without providing an excuse, etc.</p>	<p>11/24/2008 Senate: Referred to Committee on Privileges and Elections 1/20/2009 Senate: Reported from Privileges and Elections (10-Y 4-N)</p>	<p>[1/23/2009]</p>
<p>[Support] (097823248) Summary: Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.</p>		
<p><u>SB 830</u> - Cuccinelli, II (37) Advertising; allows local governing bodies to remove certain.</p>	<p>12/16/2008 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
<p>[Support] (093816216) Summary: Local governing bodies as agents of the Commonwealth Transportation Commissioner; removal of certain advertising. Allows the governing body of any county, city, or town to authorize local law-enforcement agencies or other governmental agencies to act as agents of the Commissioner for the purpose of removing certain signs and advertising.</p>		
<p><u>SB 832</u> - Locke (2) Firearms; possessing or carrying dangerous weapon in public buildings during official meetings.</p>	<p>12/17/2008 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2009]</p>
<p>[Support] (094317256) - Board has historically supported. Summary: Control of firearms; possessing or carrying a dangerous weapon in public buildings during official meetings of the governing body. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in community or recreation centers, administrative buildings, or public libraries owned or operated by the locality during an official meeting of the governing body.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 834 - Locke (2) Public Procurement Act; procurement of architectural & professional engineering service for project.</p>	<p>12/17/2008 Senate: Referred to Committee on General Laws and Technology 1/21/2009 Senate: Reported from General Laws and Technology (13-Y 0-N)</p>	<p>[1/23/2009]</p>
<p>[Support] (098218256) Summary: Virginia Public Procurement Act; procurement of architectural and professional engineering services for multiple construction projects. Provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current law such contracts are renewable for up to two additional one-year terms.</p>		
<p>SB 838 - Ticer (30) Land preservation tax credit; conveyance for public parks or public recreational facilities.</p>	<p>12/22/2008 Senate: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Support] (096559336) - Position in Legislative Program to incentivize donations for parks. Summary: Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility. The 60 percent tax credit would apply only if (i) the responsible authorities of a park authority or local park agency or the Department of Conservation and Recreation execute a written document stating its acceptance of the donation, and (ii) the conveyance is in accordance with the current comprehensive plans of the counties or cities in which the donated land is located. All other donations under the land preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law.</p>		
<p>SB 845 - Puller (36) Livable home tax credit; increase limit.</p>	<p>12/23/2008 Senate: Referred to Committee on Finance</p>	<p>[1/23/2009]</p>
<p>[Support] (093201304) - Board has historically supported state tax credit; position in Human Services Issue Paper. See also HB 1938 and SB 1148. Summary: Livable Home Tax Credit; increase limit. Increases the Livable Home Tax Credit limit from \$500 to \$1,000.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 872 - Ticer (30) TANF; eligibility for food stamps when convicted of drug-related felonies.	12/29/2008 Senate: Referred to Committee on Rehabilitation and Social Services 1/23/2009 Senate: Reported from Rehabilitation and Social Services (9-Y 6-N) 1/23/2009 Senate: Rereferred to Finance	[1/23/2009]
<p>[Support] (094489336) - Board has historically supported.</p> <p>Summary: Eligibility for TANF; drug-related felonies. Requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250. The otherwise eligible person must comply with all obligations imposed by the criminal court and be actively engaged in or have completed a substance abuse treatment program. The bill mirrors the authorized federal exemption already granted for food stamp applicants.</p>		
SB 896 - McDougle (4) Duty to file lists of renters, etc.; provide name & address thereof to commissioner of revenue.	12/31/2008 Senate: Referred to Committee on Finance 1/21/2009 Senate: Reported from Finance (14-Y 0-N)	[1/23/2009]
<p>[Support] (092842272)</p> <p>Summary: Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations to the extent that such list is maintained to the commissioner upon his request.</p>		
SB 970 - Blevins (14) Safety belts; makes non-use of safety belts primary offense.	1/12/2009 Senate: Referred to Committee on Transportation 1/22/2009 Failed to report (defeated) in Transportation (5-Y 6-N)	[1/23/2009]
<p>[Support] (097750204) - See also HB 2253, HB 2339, SB 1161.</p> <p>Summary: Safety belts. Makes non-use of safety belts a primary offense.</p>		
SB 979 - Stuart (28) Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations.	1/12/2009 Senate: Referred to Committee on Transportation 1/15/2009 Senate: Rereferred to Local Government	[1/23/2009]
<p>[Support] (098260338)</p> <p>Summary: Allows authorities to pass an ordinance that would impose a fee, not to exceed \$10, on all motor vehicle violations. Such fee shall go to the locality for the purpose of purchasing fuel for local law-enforcement vehicles.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 1052 - Whipple (31) Affordable housing assessments	1/13/2009 Senate: Referred to Committee on Finance	[1/23/2009]
<p>[Support] (097432352) - Support as introduced. Summary: Provides for a determination of fair market value of affordable rental housing, allows for localities to determine definition of affordable rental property, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission.</p>		
SB 1065 - Puller (36) Covenants regarding wind energy drying devices.	1/13/2009 Senate: Referred to Committee on General Laws and Technology	[1/23/2009]
<p>[Support] (092303304) Summary: Provides that effective July 1, 2009, no community association shall prohibit an owner from installing or using a wind energy drying device on that owner's property.</p>		
SB 1066 - Puller (36) Trains; fine for boarding or riding with fraudulent or counterfeit ticket, etc.	1/13/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Rereferred to Courts of Justice	[1/23/2009]
<p>[Support] (091522304) Summary: Trains operated by transportation districts. Establishes a fine for boarding or riding a train with a fraudulent or counterfeit ticket and for using a valid ticket outside the designated zone of the paid ride.</p>		
SB 1096 - Herring (33) Design-Build Construction Management Review Board.	1/13/2009 Senate: Referred to Committee on General Laws and Technology	[1/23/2009]
<p>[Support] (094501808) Summary: Authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 1099 - Herring (33) Financial exploitation of incapacitated adults; penalty.	1/13/2009 Senate: Referred to Committee for Courts of Justice	[1/23/2009]
<p>[Support] (098013240)</p> <p>Summary: Creates the crime of financial exploitation of an incapacitated adult when a person responsible for the adult (i) knowingly and willfully uses, obtains, takes, secretes, appropriates, or retains the adult's real or personal property or other thing of value with the intent to defraud or with the intent to temporarily or permanently deprive the incapacitated adult of the use, benefit, or possession of the subject property or (ii) assists another in doing so. The penalty is a Class 1 misdemeanor if the value is less than \$200 in a six-month period and a Class 6 felony if the value is \$200 or more in a six-month period.</p>		
SB 1134 - Petersen (34) Electronic summons system; fees.	1/13/2009 Senate: Referred to Committee for Courts of Justice	[1/23/2009]
<p>[Support] (091301293) - Estimated \$600,000 revenue increase.</p> <p>Summary: Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal or traffic case to be used solely for an electronic summons system.</p>		
SB 1138 - Petersen (34) Parking on public highways; counties & towns to regulate transporting commercial freight externally.	1/13/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Reported from Transportation (11-Y 4-N)	[1/23/2009]
<p>[Monitor] (098235293) - Further review is needed.</p> <p>Summary: Regulation of parking on public highways. Allows counties and towns that may by ordinance regulate the parking of (i) watercraft, (ii) boat trailers, (iii) motor homes, and (iv) camping trailers also to regulate or prohibit vehicles transporting commercial freight externally. The bill also replaces circumlocutions with the names of the localities to which those circumlocutions apply.</p>		
SB 1148 - Whipple (31) Income tax; livable home tax credit.	1/13/2009 Senate: Referred to Committee on Finance	[1/23/2009]
<p>[Support] (098622352) - Board has historically supported state tax credit; position in Human Services Issue Paper. See also HB 1938 and SB 845.</p> <p>Summary: Increases the individual tax credit limit from \$500 to \$1,000 for taxable years beginning on or after January 1, 2010.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
SB 1161 - Saslaw (35) Safety belts.	1/13/2009 Senate: Referred to Committee on Transportation	[1/23/2009]
[Support] (093482324) - See also HB 2253, HB 2339, SB 970. Summary: Makes non-use of motor vehicle safety belts a "primary offense."		
SB 1191 - Puckett (38) Process and service fees.	1/13/2009 Senate: Referred to Committee for Courts of Justice	[1/23/2009]
[Support] (098183300) - Board discussion at Lines of Business meeting with Sheriff. Estimated \$100,000 per year in revenue. Summary: Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession.		
SB 1239 - Barker (39) Pedestrians and drivers; sets responsibilities thereof at marked and unmarked crosswalks.	1/13/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Reported from Transportation with amendments (11-Y 4-N)	[1/23/2009]
[Support] (093820201) - Position in Legislative Program. See also HB 2386 and HB 2520. Summary: Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.		
SB 1247 - Northam (6) Virginia Human Rights Act; sexual orientation.	1/14/2009 Senate: Referred to Committee on General Laws and Technology	[1/23/2009]
[Support] (092354286) - Board has historically supported. Summary: Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill also removes the provision that limited on private causes of action to where the employers employed more than five but less than 15 persons.		
SB 1260 - Vogel (27) Health insurance; mandated coverage for autism spectrum disorder.	1/14/2009 Senate: Referred to Committee on Commerce and Labor	[1/23/2009]
[Support] (097809338) - See also HB 1588. Summary: Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000.		
SB 1369 - Barker (39) Graffiti abatement.	1/14/2009 Senate: Referred to Committee on Local Government	[1/23/2009]
[Support] (092044201) - Regional position. See also HB 2138. Summary: Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

<p>SB 1408 - Norment, Jr. (3) Safety belt enforcement; allows for when violations are observed by officers at checkpoints.</p>	<p>1/14/2009 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2009]</p>
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[Support] (098378284)
Summary: Safety belt enforcement. Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

<p>SB 1481 - Ruff (61) Additional local fee; criminal cases.</p>	<p>1/21/2009 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/23/2009]</p>
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[Support] (098784320) - Estimated at \$100,000 at current collection level.
Summary: Allows the circuit court clerk to assess a local fee of up to 10 percent of the total fees charged in criminal cases to be retained by the clerk for use in the operation of the clerk's office.

<p>SJ 353 - McEachin (9) Local governments; distribution of state and local taxes therefor.</p>	<p>1/14/2009 Senate: Referred to Committee on Rules</p>	<p>[1/23/2009]</p>
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[Support] (092830273)
Summary: Study; distribution of taxes to local governments; report. Establishes a joint subcommittee to study the processes and the accuracy of the distribution of local taxes and state taxes collected by state entities for local governments.

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

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

	FY 2009 Estimated Reduction	FY 2010 Estimated Reduction
Previous reductions included in the FY 2008 - FY 2010 Biennium Budget	\$3.9 million	\$3.9 million
Direct County Impact		
HB 599 Law Enforcement Funding	\$1.1 million	\$0.9 million
State-Supported Employee Compensation	\$0.2 million	\$1.4 million
Health Department	\$0.3 million	\$0.8 million
Communication Sales and Use Tax and Railroad and Pipeline Program	\$0.02 million	\$0.02 million
Clerk Fees	\$0.00	\$2.6 million
Court Services	\$0.00	\$0.20 million
Department of Motor Vehicles Transfer Payments	\$0.00	\$0.25 million
Subtotal	\$1.6 million	\$6.2 million
General Fund Supported		
Community Services Board	\$1.2 million	\$1.2 million
TOTAL LOSS OF COUNTY FUNDING	\$6.7 million	\$11.3 million

Fairfax County Public Schools
FCPS staff has indicated that the Governor's amendments cut approximately \$35 million compared to the state budget adopted last year. However, staff had anticipated a reduction in state revenue thus the reductions have already been included in the Superintendent's Proposed Budget. County staff is still reconciling and will update the Board next week.

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
Revenue		
4-1.08	<u>Communication Sales and Use Tax and Railroad and Pipeline Program</u> Governor Kaine's Budget: Requires that the communications tax fund pay the department administrative costs, which will decrease distributions to localities by \$115,855 in FY 2009 and 2010.	This will result in a slight reduction of \$0.02 million in revenue to the County in FY 2009 and FY 2010.
296 and 4-1.08	<u>Health Department</u> Governor Kaine's Budget: Reduces funding to two locally administered Health Departments (Fairfax and Arlington). The total state reduction for the two jurisdictions is \$365,000 in FY 2009 and \$1.0 million in FY 2010.	A reduction of \$0.3 million in FY 2009 and a reduction of \$0.8 million in FY 2010.
447 and 447.10	<u>Department of Motor Vehicles Transfer Payments</u> Governor Kaine's Budget: Reduces estimates of the locality share for the vehicle rental tax and mobile home tax.	No reduction in FY 2009; a reduction of \$0.25 million in FY 2010.
Public Safety		
397	<u>State Aid to Localities with Police Departments (HB 599)</u> Governor Kaine's Budget: The FY 2009 reduction is due to the decrease in State general fund revenue growth as stipulated by statute. Although, State revenue is projected to increase in FY 2010, HB599 funding was reduced 7% below the FY 2008 level and 3.3% below FY 2009.	A reduction of \$1.1 million in FY 2009 and a reduction of \$0.9 million in FY 2010.
69 and 431.1	<u>Wireless E-911 Fund</u> Governor Kaine's Budget: Transfers \$6 million each year from the Wireless E-911 Fund (from the service provider's share of the fund), thereby supplanting state general funds that support the efforts of sheriff dispatch center operations.	No fiscal impact to the County.
290 and 420	<u>EMS Four-for-Life</u> Governor Kaine's Budget: Take \$1.6 million from the Virginia Rescue Squad Assistance Fund to put into the state general fund. This funding came from a \$0.25 fee added to the motor vehicle registration fees by the 2008 General Assembly as was to be added to the funding stream going towards the training of emergency medical services personnel.	The County does not receive funding from the state Virginia Rescue Squad Assistance Fund so there is no direct impact to the County.
Juvenile Justice		
4-1.08	<u>Court Services</u> Governor Kaine's Budget: Reduces funding by \$366,910 in FY 2010 to locally-operated courts services programs (Arlington, Fairfax and Falls Church).	No reduction in FY 2009; a reduction of \$0.2 million in FY 2010.

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
Compensation and Benefits		
472	<u>State-Supported Employee Compensation</u> Governor Kaine's Budget: For FY 2009, eliminated the 2% salary increase for state-supported employees. In FY 2010, a 7% cut for sheriffs and commonwealth's attorneys offices and a 10% reduction for treasurers, finance and court clerks.	A reduction of \$0.2 million in FY 2009 and a reduction of \$1.4 million in FY 2010.
TBD	<u>Clerk Fees</u> Governor Kaine's Budget: Reverses state policy regarding the distribution of excess fees collected by clerks of the circuit court. The State will now receive 2/3 while localities will receive 1/3.	No reduction in FY 2009; a reduction of \$2.6 million in FY 2010.
74	<u>Court Clerks Technology Trust Fund</u> Governor Kaine's Budget: Use \$1.5 million in FY 2010 from the Technology Trust Fund to pay a share of state operating support for clerks' offices. The fund is supposed to be distributed to clerks for automation of land records.	TBD; Loss of revenue.
76	<u>Retiree Health Care Credit</u> Governor Kaine's Budget: Removes all state General funds supporting constitutional officers' retiree health care credit. (State support was reduced from 100 percent to 50 percent in the 2008 Session.)	TBD
State Board of Elections		
89	<u>Electronic Poll Books</u> Governor Kaine's Budget: Language amendment requiring all localities to use electronic poll books beginning as of the November 2010 general election.	TBD; Additional cost to the County.
Department of Corrections		
388.G	<u>Local/Regional Jail Standards</u> Governor Kaine's Budget: Language encourages the state board of corrections to review and revise its standard for design, construction and reimbursement of local jails to 1) conform security standards to those used for state facilities; 2) encouraging and enabling local/regional facilities to construct minimum security facilities to house convicted misdemeanants and other nonviolent inmates; and 3) requiring new jail construction or expansion projects to include adequate space to operate treatment programs, including substance abuse treatment programs.	No immediate impact as the County is not building a jail.

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
	Department of Fire Programs	
TBD	Fire Programs Fund Governor Kaine's Budget: In FY 2010, transfers 5% or \$1.09 million to the state general fund from the Fire Programs fund. Funding currently supports transfer payments to localities for local fire departments expenditures and funding for training offered by the agency.	Staff estimates a reduction of approximately \$130,000 to Fund 102 Federal/State Grant Fund.
	Comprehensive Services Act for At-Risk Youth and Families	
283	CSA Service Pool of Funds Governor Kaine's Budget: Reduces state allocation for CSA by \$6.2 million in FY 2009 and \$6.8 million in FY 2010, based upon revised predictions on state's costs. No changes are made to the policy revisions made last Session establishing new match rates for community-based versus residential treatment services.	None; DPB reports that no change to the sum sufficiency provision for CSA's mandated services is contained in the Governor's budget.
	Department for the Aging	
284	Individual Care Services Governor Kaine's Budget: While some reductions have been made to specific senior centers around the state, none are located in Fairfax. There are no reductions to the home-delivered meals programs.	None.
	Department of Rehabilitative Services	
331	Disability Services Boards Governor Kaine's Budget: Overrides existing Code language that requires local governments to establish disability services boards (51.5-47), and provides discretion to local DSB's as to which duties and responsibilities required in §51.5-48 it will provide. Eliminates \$519,362 GF that had been used for administrative expenses to operate the DSBs. Other funding formerly used for grants to the DSBs is moved to support vocational rehab program for persons 24 years of age and younger.	Eliminates state support for the Fairfax Disabilities Services Board and provides discretion regarding services; could provide new vocational rehabilitation support for Fairfax residents currently on the waiting list for this service. The County currently receives \$13,000 each year in revenue.
	Department of Social Services	
338	Child Care Services Governor Kaine's Budget: Funding allocated to create a "child care management and payment system" is eliminated (\$750,000 GF each year).	Delays automated systems development to improve state management of the child care funding.

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
341 & 344	<p><u>Use of TANF Funds</u></p> <p>Governor Kaine's Budget: General fund appropriations to certain programs is supplanted with TANF funding in the FY 10. Included are: domestic violence crisis programs, domestic violence awareness campaign, community action agencies, Healthy Families, 2-1-1 (Information & Referral), and Centers for Employment & Training.</p>	None.
342	<p><u>Foster Care Payment rates</u></p> <p>Governor Kaine's Budget: Reduces the foster care rate increase to 6% each year and eliminates \$1.2 million GF each year.</p>	Could impact upon County's ability to recruit and retain foster care parents.
338 & 344	<p><u>2-1-1 and Child Care Resource & Referral (CCRR)</u></p> <p>Governor Kaine's Budget: Eliminates \$350,000 in FY 2010 for CCRR's (County received approximately \$20,000). This reduction eliminates the service. 2-1-1 funds are maintained by supplanting GF with NGF federal funding (TANF) in both years.</p>	Requires that 2-1-1 in Northern Virginia fully provide information on child care resources and make referrals.
341	<p><u>Auxiliary Grant (AG) Rates</u></p> <p>Governor Kaine's Budget: Personal care allowance is increased from \$77 to \$81 per month. New language also allows for a pilot for portable Auxiliary Grants to pay for housing in the community under certain specific circumstances. Auxiliary grant rates are a combination of SSI payment and GF grants. Any increases to the AG rates in FY 2009 or FY 2010 are normal increases related to the SSI portion of the grant; no GF allocation is added to the rate in this budget.</p>	The Board has supported increases in personal care allowances and a pilot for portable auxiliary grants in past Sessions.
344	<p><u>Food Banks</u></p> <p>Governor Kaine's Budget: Provides \$1 million GF (FY 2009 only) to the Virginia Food Banks for the purchase of food only.</p>	Could provided a source of food for the County's food banks.
Department of Medical Assistance Services		
305 & 310	<p><u>Medicaid and FAMIS Services for Children</u></p> <p>Governor Kaine's Budget: Provides additional General Fund appropriation in each year to support increased enrollment of children in both Medicaid and FAMIS programs.</p>	Supports increased demand for Medicaid and FAMIS by County residents.
309	<p><u>State/Local Hospitalization Program</u></p> <p>Governor Kaine's Budget: Eliminates the State/Local Hospitalization program; saves \$15,865,799 GF in FY 2010. Local governments' contribution to this fund is eliminated in FY 2010.</p>	Increase uncompensated in-patient and out-patient hospital care.

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
306 S.1	<p><u>School Divisions Medical & Transportation Services</u></p> <p>Governor Kaine's Budget: Maintains 5% reduction in the Federal Financial Participation portion of cost reimbursement to school divisions for these services.</p>	<p>Reduces overall reimbursement available to schools for certain Medicaid-reimbursed services.</p>
306	<p><u>Mental Retardation and Developmental Disability Waiver Slots for the Money Follows the Person Demonstration</u></p> <p>Governor Kaine's Budget: Delays implementation of 200 MR waiver slots scheduled to be available on April 1, 2009 to the 2010-2012 biennium; saves \$5,847,400 GF and \$5,847,400 NGF in FY 2010.</p>	<p>Delays reduction of the current MR waiver waiting list.</p>
306 AAA & III	<p><u>Caps Elderly and Disabled Medicaid Waiver and Home & Community-Based Long-Term Care Waiver</u></p> <p>Governor Kaine's Budget: (1) Limits the number of person covered under the Elderly and Disabled Waiver with Consumer Direction to 15,250 slots, beginning July 1, 2009. This action saves \$5,860,700 GF and \$5,860,700 NGF in FY 2010. (2) Also caps the expenditure amount available to each Home & Community-based Long-Term Care waiver participants to an amount equal to the average institutional placement cost. Current policy allows for this average amount to be applied to the aggregate of all LTC waiver participants. This action saves \$9,187,275 GF and \$9,187,275 NGF in FY 2010.</p>	<p>Could limit services to elderly and disabled Fairfax residents who would have qualified for these Waiver services prior to July 1, 2009. Furthermore, language authorizes the establishment of a waiting list for consumer directed waiver services.</p>
<p>Department of Mental Health, Mental Retardation and Substance Abuse Services</p>		
316	<p><u>Funding Reduced to Community Services Boards</u></p> <p>Governor Kaine's Budget: Continues the 5% reductions in funding to CSBs as contained in the Governor's October 2008 reductions. Savings are to be found in administrative (not service) costs.</p>	<p>A reduction of \$1.2 million in FY 2009 and FY 2010.</p>
315 BB. 315 CC.	<p><u>Commonwealth Center for Children and Adolescents Southeastern Virginia Training Center</u></p> <p>Governor Kaine's Budget: Language directing the Commissioner to close the Commonwealth Center for Children and Adolescents and the Southeastern Virginia Training Center by June 30, 2009. The state and community planning team shall develop a timeline to transition state hospital consumers by June 30, 2009 to community services in the locality of their residence prior to admission or the locality of their choice after discharge.</p>	<p>The impact for the County on these closures will be the loss of facilities that now are at times the only practical residential facilities available to provide residential treatment for children and adolescents with significant diagnosis, including tendencies to violence. This in turn may increase CSA expenditures.</p>
315 Y.	<p><u>Jail Diversion Services</u></p> <p>Governor Kaine's Budget: Reduces the new funds for the continuation and expansion of jail diversion services from \$3.0 million to \$2.7 million each year.</p>	<p>Smaller number of persons may be served.</p>

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
Department of Health		
294	<p>Health Systems Agencies</p> <p>Governor Kaine's Budget: Removes from the regional health planning agencies responsibility for Certificate Of Public Need reviews; consolidates the process for review to the VDH Office of Licensure & Certification; places decision to hold public hearings solely with the Commissioner. Provides new language that allows local governments to request public hearings.</p>	<p>Could require the County's Health Department staff to monitor local COPN applications more closely to assure appropriate public comment is solicited.</p>

**Budget Proposals for the 2008-2010 Biennium
As of January 23, 2009**

Budget Bill Item #	Issue	Fairfax County Impact
	Other State Funding/Items of Interest	
361	<u>Water Quality Improvement Fund</u> Governor Kaine's Budget: The Department of Environmental Quality (DEQ) is recommending a bond issuance of \$137 million to support future Water Quality Improvement Fund (WQIF) grants. This grant Fund supports the upgrade of wastewater treatment facilities. According to DEQ, by September, 2009 available WQIF dollars will be depleted. Surplus budget dollars are statutorily appropriated to the Fund. To date, local governments have submitted nearly \$650 million in grant requests while DEQ has signed grant agreements totaling \$525 million to support 41 facilities.	No direct County impact.
110	<u>Northern Virginia Regional Commission</u> Governor Kaine's Budget: Reduces funding to \$283,998 in FY 2009 (\$4,326 reduction) and \$262,087 in FY 2010 (\$26,237 reduction).	No direct County impact.
109	<u>Foreclosure Counseling</u> Governor Kaine's Budget: Provides \$250,000 (GF) in the second year to support foreclosure counseling services across the Commonwealth. Funding will be used to provide grants to nonprofit organizations to support new or expanded foreclosure prevention counseling services targeted to areas and populations at greatest risk.	No direct County impact.
297	<u>Jeanie Schmidt Free Clinic</u> Governor Kaine's Budget: Reduces funding to \$22,500 in FY 2009 (\$2,500 reduction) and \$20,000 in FY 2010 (\$5,000 reduction). Funding is intended to expand services at the Jeanie Schmidt Free Clinic, located in Fairfax County.	No direct County impact.
395 G.	<u>Fairfax Partnership on Youth</u> Governor Kaine's Budget: Eliminates funding of \$75,000 in FY 2010.	No direct County impact.

2009 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Position	Notes
Transportation Funding Bills						
HB 1579	Oder	Transportation funding and administration for Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District.	H Trans, Sub 4			Provides funds for transportation in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District by capturing a portion of economic growth attributable to or facilitated by the marine terminal for Hampton Roads, by Dulles International Airport and the Ronald Reagan National Airport for Northern Virginia, by the Port of Richmond for the Richmond Highway Construction District, and by the Inland Port at Front Royal for the Staunton Highway Construction District.
HB 1633	Saxman	Offshore drilling; apportions royalties that State receives to certain funds and programs.	H Approp. Economic Develop. Ag. & Nat. Resources Sub.			Apportions any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil among the Transportation Trust Fund, Renewable Electricity Production Grant Fund, the Virginia Coastal Energy Research Consortium, and programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay.
HB 1642	Marshall	Highways, bridges, or interchanges; Transportation Board may name for living person.	H Trans			Allows the CTB to name a highway, bridge, or interchange for a living person, group, or business entity if the cost of construction of the bridge, highway, or interchange is paid by the person, group, or business entity.
HB 1661	Scott	Motor fuels tax; converts rates to percentage that shall be calculated by DMV Commissioner.	H Finance, Sub 3	Tabled in H Finance, Sub 3		Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of DMV in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of DMV over rolling six-month periods. To determine the cents per gallon to be charged.
HB 1669	Albo	Income tax, state; State shall return to cities & counties 50% of growth in collections.	H Approp.			Provides that the Commonwealth shall return to cities and counties 50% of the growth in income tax collections for each city or county. The amounts returned shall be expended for school construction costs and transportation needs of the cities and counties.
HB 1759	Marshall	Transportation Capital Projects Bond Act of 2009; created.	H Trans			Authorizes the CTB to issue bonds in an aggregate amount not to exceed \$4.81 billion for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees.
HB 1784	Hull	Government, local; equalizes municipal and county taxing authority.	H Finance, Sub 2			Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers if such county contributes 2% or more toward the costs of construction or improvement of the urban system highway or street construction projects within the county.
HB 1846	Lingamfelter	Motor fuels tax; converts rates to percentage that shall be calculated by DMV Commissioner.	H Finance, Sub 3			Eliminates the current seventeen and one-half cents per gallon motor fuels tax, and replaces it with a 5% sales and use tax, while retaining the collection of the replacement tax at the "rack" or terminal (wholesale level) where the current cents per gallon tax is collected.
HB 2130	Miller, J	Supplemental Highway Construction Fund; established.	H Approp.; Trans Sub			Allocates 10% of the annual growth in general fund revenues to highway construction.
HB 2319	Marshall	Overload and overweight permits; revises fees.	H Trans			Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council.
SB 1041	Hanger	Fuels taxes; annually adjusted.	S Finance			Adjusts fuels taxes each year by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), (CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2006. The first adjustment would occur on April 1, 2010.
SB 1048	Miller, VB	Temporary vehicle registrations and overload and overweight permits; revises fees.	S Trans			Revises the fees for temporary vehicle registrations and vehicle overload and overweight permits.
SB 1283	Newman	Motor fuels tax; change in tax basis.	S Trans			Replaces \$0.05 per gallon of the current fuels tax on gasoline, gasohol, and diesel fuel with a cents-per-gallon tax equal to five percent of the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The change to the fuels tax rate would only occur if the statewide weekly average wholesale price of a gallon of self-serve unleaded regular gasoline falls below \$0.99 per gallon.
SB 1368	Barker	Highway systems; allocation of maintenance funds.	S Trans			Requires the Commonwealth Transportation Board to utilize the estimated budget required to meet performance standards for asset management under § 33.1-13.02 in determining the total amount of funds that are reasonable and necessary for maintenance of roads; the allocation of the total amount of funds made available for maintenance shall be based on achieving a minimal level of disparity in meeting asset management performance standards established under § 33.1-13.02; such provision to be fully implemented by fiscal year 2015.
SB 1438	Miller, VB	Urban highway system construction funds; 2/3 portion of a city's funds can be used to service debt.	S Trans			Increases from one-third to two-thirds the portion of a city or town's urban highway system construction funds that can be used to service debt.
Transportation Allocation Formula Bills						
HB 1723	Albo	Highway Maintenance and Operating Fund; provides a formula for allocating proceeds.	H Trans, Sub 4			Provides a formula for allocating the proceeds of the Highway Maintenance and Operating Fund.
HB 1861	Shannon	Street maintenance payments; increased where traffic volumes exceed statewide average by 20%.	H Trans, Sub 4			Provides for increased payments where traffic volumes exceed the statewide average by more than 20%.
HB 1993	Bulova	Highway maintenance funds; requirements for Commonwealth Transportation Board in allocating.	H Trans			Requires the Commonwealth Transportation Board, in allocating highway maintenance funds, to achieve a minimal level of disparity among VDOT's highway construction districts in meeting asset management performance standards.
HB 2020	Rust	Highway maintenance funds; provides method Transportation Board is to allocate additional funds.	H Trans			Provides a method by which the Commonwealth Transportation Board is to allocate additional funds for highway maintenance in the event of inefficiency of funds in the Highway Maintenance and Operating Fund. Such allocations would begin with fiscal year 2011.
HB 2118	Nichols	Secondary highway system construction allocations; allocates among counties on basis of population.	H Trans			Allocates construction funds among the counties in the state secondary highway system solely on the basis of population. Presently, allocations are made on the basis of population (80 percent) and area (20 percent).
HB 2184	Watts	Motor fuels tax; rate increase used for transportation purposes.	H Finance, Sub 1			Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2010, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.
HB 2206	Frederick	Budget Bill; Governor to include funding for transportation in biennium equal to at least 10%.	H Approp.			Requires the Governor to include in his Budget Bill funding for transportation in the biennium in an amount equal to at least 10 percent of the amount by which the projected general fund revenues for the biennium exceed the general fund revenues of the immediately previous biennium.

(49)

2009 General Assembly Session Transportation Funding/Allocation Bills

HB 2230	Marsden	Highway construction allocations; Transportation Board allocate projects in Northern Virginia, etc.	H Trans, Sub 1	Provides that every year, the Commonwealth Transportation Board must allocate to highway construction projects in the Northern Virginia highway construction district or the Hampton Roads highway construction district at least as much as was allocated for highway construction in each respective district in fiscal year 2008-09.
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