



County of Fairfax, Virginia

MEMORANDUM

DATE: February 23, 2009

TO: Board of Supervisors

FROM: Anthony H. Griffin
County Executive

SUBJECT: 2009 Legislative Report No. 3 – Board Legislative Committee Meeting of February 13

The General Assembly is moving toward its scheduled conclusion on Saturday, February 28. As of February 21, 2,456 bills and resolutions had been introduced during the 2009 Session, and over 900 were still awaiting final disposition. The deadline for the completion of committee action on legislation is tonight at midnight.

During the remainder of this week, the General Assembly will consider bills in conference committees, and most importantly, the state budget. The deadline for the first conference on the budget to complete its work is midnight tomorrow; budget conferees were scheduled to meet over the weekend to begin negotiations between the House and Senate versions of the budget. To address the anticipated revenue shortfall in the biennium budget—now estimated at \$3.7 billion—the final budget conference report will incorporate funding from the recently passed American Recovery and Reinvestment Act of 2009. However, it is likely that full details about the federal funding designated for the Commonwealth will not be available before the end of the 2009 General Assembly session, so additional budget items may have to be addressed at a later date.

The Legislative Committee met on February 13 to consider several issues of importance to the County and offers the following report and recommendations for action to the Board:

Legislative Committee Actions of February 13, 2009:

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

I. Specific Issues

- **Federal Economic Stimulus Package:** The Committee received a briefing on the American Recovery and Reinvestment Act of 2009. The conference report on the

Office of the County Executive
12000 Government Center Parkway
Suite 552
Phone: (703) 324-2531, TTY 711
Fax: (703) 324-3956
www.fairfaxcounty.gov

bill had been released late on February 12; the President has since signed the legislation. A summary of the bill's provisions is included in the attachments to this report.

- **State 2008-2010 Biennium House and Senate Budget Amendments:** The Committee received a briefing on the General Assembly's actions on the budget during the week of February 9. The House passed its budget on February 12, but the Senate decided to wait for the updated revenue reforecast on February 16 and for further information on the federal economic stimulus package. A comparison of the House-passed budget with the original Senate Finance Committee budget, with respect to areas of interest to the County, is included in the attachments to this report. Note: The final budget that passed the Senate incorporates a portion of the anticipated federal funding available to the Commonwealth from the American Recovery and Reinvestment Act of 2009, while the House passed budget does not include the anticipated federal funds. These issues will be resolved in the House-Senate budget conference mentioned above.

II. Fairfax County Legislative Summary

The Committee discussed the status of legislation that was initiated by the Board and legislation for which the Board had previously taken positions.

III. Specific Legislation

HB 1616 (Marshall, R.G.) (SGL) requires nonsalaried citizen members of any board, commission, or council established by the governing body to advise on land use policies within the locality to file, as a condition of assuming office, a disclosure form of their personal interests. The bill also requires such members to make annual disclosures of all their interests in real estate located in the county, city, or town in which they are appointed and requires such individuals to disqualify themselves from participating in any transaction involving their real estate interests. Oppose; will thwart public participation on advisory committees. (092305616-E)

HB 2257 (Albo) (SCT) provides that, in determining whether a person is capable of consenting to voluntary admission, the judge or special justice shall consider evidence regarding the person's past compliance or noncompliance with treatment. Support. (093281404-H1)

HB 2400 (Bell) (SCT) requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response. Support with funding clarification. (090926432-H1)

HB 1830 (Fralin) (SFIN)/**SB 1292** (Edwards) (HFIN) allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. Support. (092902504-EH1, 092898228-S1)

SB 1365 (Ticer) (Passed Senate) revises statutory language regarding protected voters who are permitted to furnish a post office box in lieu of a residence street address to be included on lists of registered voters and lists of persons who voted. The bill also adds any party participating in the address confidentiality program pursuant to §2.2-515.2 to those protected persons who may furnish a post office box in lieu of a residence street address. Support. (090304808)

Comprehensive Services Act (CSA)

SB 1179 (Hanger) (SRSS) increases the membership of the State Executive Council by adding two local government representatives, the Governor's Special Advisor of Children's Services, a public provider, and two private providers. The bill also places a three year term limit and two consecutive term maximum on all of the Governor's appointments. Amend to be consistent with Board's policy to increase the local government membership to be more in line with state representation on the State Executive Council. (093199232)

SB 1506 (Hanger) (SRSS) provides that in cases of judicial assignment of children to the Comprehensive Services Program the court shall consider (i) the recommendations of the family assessment and planning team and the community policy and management team and (ii) if the cost of any services ordered may exceed the average cost for that category of services, as reported on the publicly accessible website of the Office of Comprehensive Services, the recommendations of the local governing body that will be responsible for the local match portion of the cost of the services. This bill also provides that services ordered shall be limited to services approved by the community policy and management team of the locality that will be responsible for the cost of services rendered pursuant to the order. Support and amend to insure that inclusion of information about cost may be included within the second report, if appropriate. (095864232-S1)

IV. Legislation Provided for Discussion

The following bills were provided for discussion; the Committee took positions on the legislation as noted below.

HB 1703 (Cosgrove) (SLG)/**SB 1105** (Passed House) establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited or such areas contain structurally separated ventilation systems. The bill contains technical amendments and takes effect January 1, 2010. Support as progress toward a statewide ban. Direct staff to draft a letter commending the Governor on this legislation as a step forward. (091848584-EH1, 091847286-H1)

V. Legislation Provided for Information

HB 1635 (Saxman) (SRUL) prohibits any member of the General Assembly from receiving a gift as defined in § 30-111 during a regular, special, or reconvened session. This bill also has an emergency clause. (097830712-E)

HB 2437 (Byron) (SFIN) allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses, whether the manufacturers have a sales factor or not. The provisions of the bill would be effective beginning July 1, 2010, and would be phased in with the apportionment formula having a 100 percent sales factor by 2013. (092221448)

SB 1265 (Vogel) (Passed Senate) amends the definition of abused or neglected child to provide that leaving a child under six in a car unattended is abuse or neglect if it is done with reckless disregard for the child's health or safety. (090916338-S1)

Constitutional Amendments

HJ 620 (Oder) (SPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. (095628668-H1)

HJ 648 (O'Bannon)(SPE)/**SJ 275** (Puller) (HPE) directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. (095619664-H1, 095604304-S1)

HJ 731 (Griffith) (SPE) provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. (099806520)

SJ 361 (Norment) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2010, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a

vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within the three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments. (096581284-E)

MR/DD Waivers

HB 1853 (Cox) (SRUL) requires the Governor and the General Assembly to develop and implement a plan to provide funding to the Department of Medical Assistance Services to eliminate waiting lists for the Mental Retardation Waiver and the Individual and Family Developmental Disabilities Support Waiver. (093279476-EH1)

SB 1501 (Barker) (Passed Senate) expresses the intent of the General Assembly to eliminate the waiting lists for the Mental Retardation Medicaid Waiver and the Individual and Family Developmental Disabilities and Support Medicaid Waiver. Beginning July 1, 2010, and each year thereafter, the Department of Medical Assistance Services shall add at least 400 funded slots for MR Waivers, and at least 67 funded slots for IFDDS Waivers, until the waiting lists for both have been eliminated. (092913212-S1)

VI. Other Business

Energy Legislation: The Committee received an updated summary of bills related to energy and discussed certain provisions regarding renewable energy and conservation goals and performance incentives for electric service providers.

The Committee discussed **SB 936** (Cuccinelli) and recommended that the Board support the legislation. The bill requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technology Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases.

The Committee directed staff to bring several issues back to the Committee in the fall for consideration for the 2010 Legislative Program.

Attachments: Supplementary Documents dated February 13, 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

Board of Supervisors

February 23, 2009

Page 6 of 6

David P. Bobzien, County Attorney

Katharine D. Ichter, Director, Department of Transportation

Nancy Vehrs, Clerk to the Board of Supervisors

Richmond Team

Michael Long, Senior Assistant County Attorney

Katie Boyle, Legislative Assistant

SUPPLEMENTARY DOCUMENTS
GENERAL ASSEMBLY STATUS REPORT NO. 3
February 23, 2009

| | | |
|----|---|-----|
| 1. | Fairfax County Legislative Summary | 1 |
| 2. | American Recovery and Reinvestment Act Preliminary Overview | 69 |
| 3. | Tax Provisions (excerpt from CQ House Action Report) | 76 |
| 4. | 2008-2010 Biennium Budget House and Senate Amendments | 94 |
| 5. | Legislative Summary: Electricity and Energy Bills | 97 |
| 6. | Studies | 103 |
| 7. | 2009 General Assembly Session Transportation Funding/Allocation Bills | 108 |



**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2009 GENERAL ASSEMBLY

February 23, 2009

Fairfax County Legislative Summary 2009 General Assembly

Board of Supervisors Report Key

| Bill No. – Patron, (District No.) Bill Title | Committee/Floor Actions | |
|--|---|-------------------------|
| <p>HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p> | <p>1/10/2006 House: Referred to Committee on Transportation</p> | <p>12/5/2005</p> |
| <p>Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p> | | |

Bold = Date Position taken by full Board of Supervisors
[] = Date position taken by BOS Legislative Committee

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>Pages 10-12</i> |
| <i>(Bills Introduced at Fairfax County's Request) :</i> | | |
| HB 1933 Del. Plum(36) | Urban county executive form of government; adds sexual orientation as prohibited discrimination. | |
| HB 2150 Del. Rust(86) | Notice of sale; locality in Planning District 8 to adopt ordinance to give notice to admin. officer. | |
| HB 2384 Del. Scott(53) | Safety belt ordinances; allows local body to enact consistent with state law. | |
| HB 2606 Del. Hugo(40) | Farm wineries; county operating under urban county executive form of government to impose limits. | |
| SB 1053 Sen. Whipple(31) | Government facilities; local government may by ordinance, make unlawful to possess dangerous weapon. | |
| SB 1227 Sen. Barker(39) | Driver's license, provisional; makes cell phone use while driving a primary offense. | |
| <i>Fairfax County Positions</i> | | <i>Pages 13-23</i> |
| <i>(Oppose or Amend) :</i> | | |
| HB 1655 Del. Carrico, Sr.(5) | Firearms; award of court costs, etc., to entity that prevails in action challenging locality. | |
| HB 1680 Del. Orrock, Sr.(54) | Vested rights; defines term 'act of God' to include any natural disaster or phenomena. | |
| HB 1730 Del. Cole(88) | Tax legislation; requires a sunset date of no more than four years on all. | |
| HB 1788 Del. Hull(38) | Alternative on-site sewage systems; no locality shall prohibit use thereof. | |
| HB 1870 Del. Janis(56) | Motorcycles; prohibits two to be operated abreast in single lane, civil penalty. | |
| HB 2029 Del. Marshall, III(14) | Subdivision ordinances; bonding requirements. | |
| HB 2077 Del. Oder(94) | Land use actions; extension of approvals to address housing crisis. | |
| HB 2084 Del. Purkey(82) | Real and personal property taxes; exempts certain pollution control equipment & facilities. | |
| HB 2169 Del. Abbitt, Jr.(59) | Towing and Recovery Operators, Board of; membership, powers & duties relating to suspension, etc. | |
| HB 2472 Del. Hugo(40) | Merchants' capital tax; gives lessor and lessee right to terminate to be daily rental property. | |
| HB 2479 Del. Hugo(40) | Real property tax rate; reduces tax imposed on commercial property in Northern Virginia. | |
| HB 2480 Del. Hugo(40) | Real property tax; commercial property in Northern Virginia and Hampton Roads. | |
| SB 811 Sen. Cuccinelli, II(37) | Elevator mechanics, certified; Board for Contractors shall extend time for compliance for certain. | |

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|---|--|
| SB 982 Sen. Wagner(7) | Stormwater; requires localities to regulate. |
| SB 1064 Sen. Puller(36) | Comprehensive plan; local planning commission to post plan being considered on their website. |
| SB 1179 Sen. Hanger, Jr.(24) | State executive council; increase local government membership. |
| SB 1276 Sen. Martin(11) | Alternative on-site sewage systems; no locality shall prohibit use thereof. |
| SB 1335 Sen. Stuart(28) | Conditional zoning; amendment to proffered condition is requested by profferor local body may waive. |
| SB 1419 Sen. Watkins(10) | Daily rental property tax; definition. |
| SB 1533 Sen. Saslaw(35) | Special use permits; extension of expiration dates. |
| SJ 332 Sen. Petersen(34) | Constitutional amendment; tax exemptions for buildings constructed or designed to conserve energy. |

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

Pages 24-47

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| HB 1629 Del. Cole(88) | 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 1703 Del. Cosgrove(78) | Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions. |
| HB 1724 Del. Rust(86) | Trespassing vehicle; local regulation of removal and immobilization thereof. |
| HB 1782 Del. Albo(42) | Driver's license; minors in planning district 8 to show completion of 90 min. driver safety course. |
| HB 1830 Del. Fralin, Jr.(17) | Setoff Debt Collection Act; allows local governments to collect past due local taxes. |
| 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 1938 Del. Peace(97) | Income tax, state; increases livable home tax credit. |
| HB 1991 Del. Bulova(37) | Stormwater management programs; establishment by localities. |
| HB 2019 Del. Rust(86) | Transportation corridors; Transportation Board to establish connection with Transportation Plan . |
| HB 2135 Del. Miller(50) | Recordation/grantor tax; penalty if understatement of consideration is false with intent to evade. |
| HB 2138 Del. Miller(50) | Graffiti abatement; permits localities to charge property owner for cost thereof. |
| HB 2168 Del. Abbitt, Jr.(59) | Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply. |
| HB 2257 | Outpatient treatment; allows court to order mandatory treatment following involuntary |

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| Del. Albo(42) | admission. |
| HB 2326 | Zoning appeals, board of; changes standard by which variance can be granted. |
| Del. Athey, Jr.(18) | |
| HB 2400 | Criminal sexual assault; establishment of a multidisciplinary response thereto. |
| Del. Bell(58) | |
| HB 2422 | Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election.. |
| Del. May(33) | |
| HB 2476 | HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate. |
| Del. Hugo(40) | |
| HB 2477 | Popes Head Road; designating as State byway in Fairfax County. |
| Del. Hugo(40) | |
| HB 2592 | Electric vehicles; creates separate class of property tax for rate purposes. |
| Del. Caputo(67) | |
| HB 2596 | Washington Metropolitan Area Transit Authority; amends Compact relating to Board membership, etc. |
| Del. Ebbin(49) | |
| HB 2615 | Public Procurement Act; increases amount for single or term contracts for professional services. |
| Del. Iaquinto(84) | |
| HB 2628 | Public Procurement Act; cooperative procurement. |
| Del. Griffith(8) | |
| HB 2653 | Zoning ordinance enforcement; not to be charged therewith unless locality provided written notice. |
| Del. Bulova(37) | |
| HJ 688 | Constitutional amendment; real property tax relief for persons 65 years old, etc. (first reference). |
| Del. Cole(88) | |
| SB 39 | Traffic accident reports; increases amount of damage threshold to be reported by law enforcement. |
| Sen. Deeds(25) | |
| SB 834 | Public Procurement Act; procurement of architectural & professional engineering service for project. |
| Sen. Locke(2) | |
| SB 845 | Livable home tax credit; increase limit on or after January 1, 2010. |
| Sen. Puller(36) | |
| SB 896 | Duty to file lists of renters, etc.; provide name & address thereof to commissioner of revenue. |
| Sen. McDougale(4) | |
| SB 936 | Standard vendor accounting information; Division of Purchases & Supply, et al. develop and maintain. |
| Sen. Cuccinelli, II(37) | |
| SB 979 | Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations. |
| Sen. Stuart(28) | |
| SB 988 | Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election. |
| Sen. Colgan(29) | |
| SB 997 | Trespassing vehicle; local regulation of removal and immobilization thereof. |
| Sen. Miller(1) | |
| SB 1028 | Adult neglect; religious treatment exemption. |
| Sen. Hanger, Jr.(24) | |
| SB 1052 | Affordable housing assessments; determination of fair market value of affordable rental housing. |
| Sen. Whipple(31) | |
| SB 1065 | Wind energy drying devices; no community association shall prohibit an owner from installing, etc. |
| Sen. Puller(36) | |
| SB 1066 | Trains; fine for boarding or riding with fraudulent or counterfeit ticket, etc. |
| Sen. Puller(36) | |

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| SB 1096 Sen. Herring(33) | Design-Build Construction Management Review Board; authorized to make a one-time determination. |
| SB 1105 Sen. Northam(6) | Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State. |
| SB 1134 Sen. Petersen(34) | Electronic summons system; localities to assess an additional fee as part of costs. |
| SB 1138 Sen. Petersen(34) | Parking on public highways; allows counties and towns, by ordinance, to regulate. |
| SB 1157 Sen. Saslaw(35) | Recordation and grantor taxes; misdemeanor if person misrepresents consideration of interest. |
| SB 1161 Sen. Saslaw(35) | Safety belts; makes non-use of a primary offense. |
| SB 1239 Sen. Barker(39) | Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks. |
| SB 1252 Sen. Petersen(34) | Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. |
| SB 1292 Sen. Edwards(21) | Setoff Debt Collection Act; allows local governments to collect past due local taxes.. |
| SB 1365 Sen. Ticer(30) | Elections; addresses of protected voters. |
| SB 1369 Sen. Barker(39) | Graffiti abatement; permits localities to charge property owner for cost thereof. |
| SB 1398 Sen. Norment, Jr.(3) | Statewide Transportation Plan; requires all plans of counties, cities, and towns be based thereon. |
| SB 1408 Sen. Norment, Jr.(3) | Safety belt enforcement; allows for when violations are observed by officers at checkpoints. |
| SB 1416 Sen. Blevins(14) | Preservation of historical sites and architectural areas; local governing bodies may include. |
| SB 1436 Sen. Howell(32) | Crime victims; no law-enforcement officer shall inquire into immigration status of victim of crime. |
| SB 1481 Sen. Ruff(61) | Criminal cases; allows circuit court clerk to assess local fee of up to 10% of total fees charged. |
| SB 1502 Sen. Barker(39) | Safety belt use; extends requirement for all occupants of a motor vehicle. |
| SB 1506 Sen. Hanger, Jr.(24) | Comprehensive Services Act Program; judicial assignment of services for children. |
| SB 1511 Sen. Whipple(31) | Washington Metropolitan Area Transit Authority; amends Compact relating to Board membership, etc. |
| SB 1532 Sen. Saslaw(35) | Motor fuels tax; changes percentage in Northern Virginia. |
| SJ 356 Sen. Smith(22) | Teenage driving; joint subcommittee to study. |

Fairfax County Positions

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***Legislation No Longer Under Consideration
(Killed, Failed to Report, Tabled, Incorporated into
Other Legislation, etc.) :***

Pages 48-68

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| 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 1616 Del. Marshall(13) | Conflict of Interests Act, State & Local Government; disclos. by certain members of advisory agency. |
| HB 1675 Del. Orrock, Sr.(54) | Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc. |
| HB 1710 Del. Oder(94) | Contracts; certain indemnification provisions in construction contracts declared void. |
| HB 1783 Del. Hull(38) | Government, local; equalizes municipal and county taxing authority. |
| HB 1823 Del. Albo(42) | Recordation taxes; changes basis on which taxes are calculated on transfer of real estate. |
| HB 1839 Del. Albo(42) | Commercial real estate tax; used for local projects and construct new roads. |
| HB 1932 Del. Plum(36) | HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate. |
| 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. |
| HB 2017 Del. Rust(86) | Transient occupancy tax; Fairfax County limitations. |
| HB 2117 Del. Nichols(51) | HOT lanes; prohibits on any portion of I-95 between Potomac River and City of Fredericksburg. |
| HB 2121 Del. Nichols(51) | Public Procurement Act; verification of legal presence of contractors for employment. |
| HB 2153 Del. Rust(86) | BPOL tax; allows towns to levy on any person, firm, etc., in business of renting real property. |
| HB 2205 Del. Frederick(52) | BPOL taxes; repeals local business taxes. |
| HB 2217 Del. Jones(76) | Board for Architects, Professional Engineers, etc.; required insurance for certain licensees. |
| HB 2231 Del. Marsden(41) | Parking; adds pickup and panel trucks to list of vehicles that Fairfax, etc. may prohibit therefrom. |
| HB 2232 Del. Marsden(41) | Crashes on HOT lanes under construction; if no apparent bodily injuries, drivers must move vehicles. |
| HB 2253 Del. Barlow(64) | Safety belts; makes non-use of a primary offense. |
| HB 2294 Del. Merricks(16) | Alternative on-site sewage systems; no locality shall prohibit use thereof. |
| HB 2299 Del. Caputo(67) | HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate. |
| HB 2339 Del. Amundson(44) | Safety belts; makes non-use of a primary offense. |
| HB 2354 Del. Landes(25) | Suspension of mandates; requires Governor to temporarily suspend on locality |

facing fiscal stress.

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| HB 2380 Del. Scott(53) | Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles. |
| HB 2385 Del. Ebbin(49) | Discrimination; prohibited in public employment based on race, color, religion, etc. |
| HB 2386 Del. Ebbin(49) | Pedestrians and drivers; responsibilities thereof at marked & unmarked crosswalks. |
| HB 2387 Del. Ebbin(49) | Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. |
| HB 2416 Del. Bouchard(83) | Photo-monitoring systems; removes approval of VDOT of proposed intersections for system. |
| HB 2470 Del. Hugo(40) | Northern Virginia Transportation District Fund; dedication of state matching funds. |
| HB 2496 Del. Alexander(89) | Early voting pilot projects; State Board of Elections to establish for general elections in 2010. |
| HB 2520 Del. Shannon(35) | Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks. |
| HB 2547 Del. Albo(42) | Federal economic stimulus funds; available for State use exclusively for transportation & education. |
| HB 2590 Del. Ebbin(49) | Financial accounting and reporting system; establish alternative system for postemployment benefits. |
| HB 2601 Del. Massie III(72) | Real estate tax; notice of change in assessment. |
| HB 2613 Del. Hall(69) | Cash proffers; requires localities to phase out acceptance thereof. |
| HB 2631 Del. Caputo(67) | Firearms show; Fairfax County may require criminal history record information from promoter thereof. |
| HB 2635 Del. Cline(24) | Warrants, local; authorizes local governments to publish information relating thereto. |
| HJ 709 Del. Frederick(52) | Constitutional amendment; assessments of real property and tax rates (first reference). |
| HJ 725 Del. Bell(58) | Constitutional amendment; taking of private property for public uses (first reference). |
| HJ 728 Del. Joannou(79) | Constitutional amendment; defines term public uses & specifies which private property may be taken. |
| SB 810 Sen. Howell(32) | Absentee voting; qualified voters may vote absentee in person without providing an excuse, etc. |
| SB 812 Sen. Cuccinelli, II(37) | Warrants, local; authorizes local governments to publish information relating thereto. |
| SB 830 Sen. Cuccinelli, II(37) | Advertising; allows local governing bodies to remove certain. |
| SB 832 Sen. Locke(2) | Firearms; possessing or carrying dangerous weapon in public buildings during official meetings. |
| SB 838 Sen. Ticer(30) | Land preservation tax credit; conveyance for public parks or public recreational facilities. |
| SB 872 Sen. Ticer(30) | TANF; eligibility for food stamps when convicted of drug-related felonies. |
| SB 914 | Substance abuse screening & assessment for VIEW; person ineligible to receive |

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| Sen. Stuart(28) | TANF if using drugs. |
| SB 970 | Safety belts; makes non-use of a primary offense. |
| Sen. Blevins(14) | |
| SB 984 | Chesapeake Bay Preservation Act; stormwater regulations. |
| Sen. Wagner(7) | |
| SB 1074 | BPOL tax; allows towns to levy on any person, firm, etc., in business of renting real property. |
| Sen. Howell(32) | |
| SB 1084 | Driver's license; requires minors to show completion of a 90-minute driver safety course. |
| Sen. Howell(32) | |
| SB 1099 | Incapacitated adults; financial exploitation thereof, penalty. |
| Sen. Herring(33) | |
| SB 1129 | Warrants, local; local governments to publish information relating thereto. |
| Sen. Petersen(34) | |
| SB 1131 | Notice for setting local real property tax rate; public notice required for increasing rate. |
| Sen. Petersen(34) | |
| SB 1148 | Income tax, state; livable home tax credit. |
| Sen. Whipple(31) | |
| SB 1175 | Property owned by locality; Cumberland County may levy and collect service charge. |
| Sen. Watkins(10) | |
| SB 1191 | Process and service fees; increases certain sheriffs' fees. |
| Sen. Puckett(38) | |
| SB 1247 | Human Rights Act; adds sexual orientation to definition of unlawful discriminatory practice. |
| Sen. Northam(6) | |
| SB 1257 | Firearms; criminal records check performed at a gun show before vendor may transfer. |
| Sen. Marsh III(16) | |
| SB 1260 | Health insurance; mandated coverage for autism spectrum disorder. |
| Sen. Vogel(27) | |
| SB 1272 | Tax and fee legislation; requires sunset dates on all and on those existing that are increased. |
| Sen. Vogel(27) | |
| SB 1373 | Property owned by locality; service charge levied when property in boundary of another locality. |
| Sen. Ruff(61) | |
| SB 1423 | Subdivision ordinances; requirement that each locality provide a checklist to potential developers. |
| Sen. Martin(11) | |
| SB 1482 | Transportation Capital Projects Bond Act of 2007; repeals Act. |
| Sen. Hanger, Jr.(24) | |
| SB 1514 | Real estate tax; notice of change in assessment. |
| Sen. Smith(22) | |
| SJ 290 | Constitutional amendment; establishes limitations on takings of private property. |
| Sen. Obenshain(26) | |
| SJ 349 | Constitutional amendment; localities to cap annual increase in assessed values of real estate. |
| Sen. Newman(23) | |
| SJ 353 | Local government; distribution of state and local taxes therefor. |
| Sen. McEachin(9) | |

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 2/4/2009 House: Subcommittee recommends laying on the table by voice vote 2/10/2009 House: Left in 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).

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| <p>HB 2150 - Rust (86) Notice of sale; locality in Planning District 8 to adopt ordinance to give notice to admin. officer.</p> | <p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/6/2009 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 2/10/2009 House: Passed House (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/20/09 Senate: Passed Senate w/amendment (40-Y 0-N) 2/20/2009 Senate: Reconsideration of Senate passage agreed to by Senate (37-Y 3-N)</p> | <p>12/8/2008</p> |
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Initiate (097671324)

Summary: The substitute applies only to Planning District 8 and would permit those localities to adopt an ordinance to require persons conducting foreclosure sales under deeds of trust of residential properties to notify the locality of the impending foreclosure, the street address of the property, the name of the property owners, and the name and contact information, including telephone number, of the person sending the notice. If the mortgage loan has been registered with a national mortgage loan electronic registration system to which the locality may have access, then the person conducting the foreclosure sale shall not have to also register that property with the locality and shall be deemed to have complied with any such ordinance.

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| <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 1/29/2009 House: Subcommittee recommends laying on the table 2/10/2009 House: Left in 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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| HB 2606 - Hugo (40) Farm wineries; county operating under urban county executive form of government to impose limits. | 1/22/2009 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/28/2009 House: Passed by indefinitely in Agriculture, Chesapeake and Natural Resources by voice vote | 1/26/2009 |
| <p>Initiate (097678548) Summary: Farm wineries; urban county executive form of government. Allows a county operating under the urban county executive form of government to impose reasonable limitations on farm winery activities notwithstanding any other provision of law as part of any zoning approval of a farm winery that requires a license.</p> | | |
| SB 1053 - Whipple (31) Government facilities; local government may by ordinance, make unlawful to possess dangerous weapon. | 1/13/2009 Senate: Referred to Committee on Local Government 1/27/2009 Senate: Failed to report (defeated) in Local Government (5-Y 10-N) | 12/8/2008 |
| <p>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. | 1/13/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Rereferred to Courts of Justice 2/2/2009 Senate: Reported from Courts of Justice (10-Y 2-N 1-A) 2/9/2009 Senate: Read third time and passed Senate (33-Y 6-N) 2/11/2009 House: Referred to Committee on Militia, Police and Public Safety 02/19/09 House: Subcommittee recommends laying on the table (3-Y 1-N) | 12/8/2008 |
| <p>Initiate (093564324) Summary: Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a "primary offense."</p> | | |

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

Fairfax County Positions
(Oppose or Amend)

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>HB 1655</u> - Carrico, Sr. (5) Firearms; award of court costs, etc., to entity that prevails in action challenging locality.</p> | <p>12/12/08 House: Referred to Committee for Courts of Justice 1/21/2009 House: Referred to Committee on Militia, Police and Public Safety 1/29/2009 House: Subcommittee recommends reporting with amendment(s) (4-Y 0-N) 2/6/2009 House: Reported from Militia, Police and Public Safety with substitute (19-Y 3-N) 2/10/2009 House: VOTE: --- PASSAGE (82-Y 16-N) 2/11/09 Senate: Referred to Committee for Courts of Justice 2/16/2009 Senate: Reported from Courts of Justice with amendment (10-Y 4-N) 2/19/2009 Senate: Passed Senate with amendment (30-Y 10-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (097759460) Summary: 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 an administrative action taken in bad faith, as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915.</p> | | |
| <p><u>HB 1680</u> - Orrock, Sr. (54) Vested rights; defines term 'act of God' to include any natural disaster or phenomena.</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) 1/28/2009 House: VOTE: --- PASSAGE (97-Y 1-N) 1/29/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/20/2009 Senate: Passed Senate with amendment (40-Y 0-N) 2/20/2009 Senate: Reconsideration of Senate passage agreed to by Senate (37-Y 3-N)</p> | <p>1/26/2009</p> |
| <p>Oppose Unless Amended (097654672) - Oppose unless amended to address arson. Summary: Provides that the term "act of God" includes a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. 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 bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent.</p> | | |

Bold – Indicates BOS formal action

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| Bills | General Assembly Actions | Date of BOS Position |
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| <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 1/28/2009 01/28/09 House: Subcommittee recommends reporting (5-Y 2-N) 2/2/2009 House: Reported from Finance (15-Y 7-N) 2/5/2009 House: VOTE: --- PASSAGE (55-Y 43-N) 2/6/2009 Senate: Referred to Committee on Rules</p> | <p>1/26/2009</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 bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly. However, after passage, such bills will not expire on the sunset date if at that time the tax is dedicated to pay outstanding bonds. Rather such bills will expire the date they are no longer dedicated to outstanding bonds.</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 2/6/2009 House: Reported from Counties, Cities and Towns with substitute (19-Y 3-N) 2/10/2009 House: VOTE: --- PASSAGE (50-Y 48-N) 2/10/2009 House: VOTE: --- RECONSIDER (56-Y 41-N) 2/10/2009 House: VOTE: --- PASSAGE #2 (57-Y 42-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government with amendment (12-Y 3-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (090842552) Summary: Clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. This bill is identical to SB 1276. The substitute delays the state prohibitions until 30 days after applicable state regulations have been formulated and adopted.</p> | | |
| <p>HB 1870 - Janis (56) Motorcycles; prohibits two to be operated abreast in single lane, civil penalty.</p> | <p>1/12/2009 House: Referred to Committee on Transportation 1/29/2009 House: Reported from Transportation (11-Y 10-N) 2/5/2009 House: VOTE: --- PASSAGE (72-Y 25-N) 2/6/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with amendments (13-Y 2-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (093497568) Summary: Provides that it shall be a traffic infraction punishable by a \$25 civil penalty for two motorcycles to travel abreast in a lane designated for one vehicle.</p> | | |

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2029 - Marshall, III (14) Subdivision ordinances; bonding requirements.</p> | <p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns 1/29/2009 House: Subcommittee recommends reporting with amendment(s) 1/30/2009 House: Reported from Counties, Cities and Towns with amendments (21-Y 1-N) 2/4/2009 House: Read third time and passed House (91-Y 7-N) 2/4/2009 House: VOTE: --- PASSAGE (91-Y 7-N) 2/5/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government (15-Y 0-N)</p> | <p>1/26/2009</p> |
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Oppose (092022612)

Summary: Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision will sunset in 5 years.

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| <p>HB 2077 - Oder (94) Land use actions; extension of approvals to address housing crisis.</p> | <p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/6/2009 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 2/10/2009 House: VOTE: --- PASSAGE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government (15-Y 0-N)</p> | <p>1/26/2009</p> |
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Oppose (092029668) - Subcommittee substitute is much broader than the original bill.

Summary: Extends to July 1, 2014, the validity of site plans, preliminary and final subdivision plats valid as of January 1, 2009, provided applicable public improvement bonds and agreements are also extended. Extends to July 1, 2014, any deadline in a special exception or special permit valid as of January 1, 2009, for new residential or commercial development that would require the use to commence by a certain date or that significant expenses related to improvements for the development be incurred. For rezonings for new residential or commercial development approved prior to January 1, 2009, extends to July 1, 2014, any proffered condition that would require significant expenses to be incurred upon an event related to a stage or level of development. The automatic proffer deadline extension shall not apply: (i) to proffered land or right-of-way dedications; (ii) when completion of the event related to the stage or level of development has occurred; or (iii) to requirements proffered to occur on or before a specified date or within a specified time period.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <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 1/28/2009 House: Subcommittee recommends reporting (8-Y 0-N) 2/2/2009 House: Reported from Finance (22-Y 0-N) 2/5/2009 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 2/6/2009 Senate: Referred to Committee on Finance 2/18/2009 Senate: Reported from Finance with amendments (14-Y 2-N)</p> | <p>1/26/2009</p> |
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Oppose (092585692) - Oppose as unfunded mandate; rough estimate of \$150,000 impact to County.

Summary: Exempts certain pollution control equipment and facilities from local property taxes.

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| <p>HB 2169 - Abbitt, Jr. (59) Towing and Recovery Operators, Board of; membership, powers & duties relating to suspension, etc.</p> | <p>1/14/2009 House: Referred to Committee on Transportation 2/5/2009 House: Reported from Transportation with substitute (9-Y 8-N) 2/10/2009 House: VOTE: --- PASSAGE (81-Y 18-N) 2/11/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with substitute (14-Y 1-N)</p> | <p>1/26/2009</p> |
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Oppose (093819536)

Summary: Board of Towing and Recovery Operators. Revises the composition of the Board and provides that the Superintendent of State Police (or his designee) will be chairman of the Board. The bill also requires the Board to make an annual report to the Governor, the General Assembly, the Superintendent of State Police, and postpones the date by which towing and recovery business must be licensed by the Board and by which tow truck drivers must have tow truck driver authorization documents issued by the Board from January 1, 2009, to July 1, 2009. Additionally, license fees charged by the Board are prohibited from being more than required to generate sufficient revenue to cover the Board's costs. Licensed operators whose businesses generate less than \$10,000 per year are not required to accept credit cards. Finally, the bill provides a mechanism for suspension, revocation, and refusal to renew license or tow truck driver authorization documents issued by the Board.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <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 1/28/2009 House: Subcommittee recommends reporting (6-Y 0-N) 2/2/2009 House: Reported from Finance (22-Y 0-N) 2/5/2009 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/6/2009 Senate: Referred to Committee on Finance 2/17/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 2/19/2009 Senate: Passed Senate with substitute (40-Y 0-N)</p> | <p>1/26/2009</p> |
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Oppose (091264548) - Revenue loss to County due to an expansion of definition of short-term rental. See also SB 1419.

Summary: 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.

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| <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 1/28/2009 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N) 2/2/2009 House: Reported from Finance with substitute (21-Y 1-N) 2/6/2009 House: VOTE: --- PASSAGE (93-Y 5-N) 2/9/2009 Senate: Referred to Committee on Finance 2/18/2009 Senate: Reported from Finance with amendment (14-Y 2-N)</p> | <p>1/26/2009</p> |
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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. The bill has a sunset date of June 30, 2014.

Bold – Indicates BOS formal action
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| Bills | General Assembly Actions | Date of BOS Position |
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| <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 1/28/2009 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N) 2/2/2009 House: Reported from Finance with amendment (22-Y 0-N) 2/5/2009 House: VOTE: PASSAGE (99-Y 0-N) 2/6/2009 Senate: Referred to Committee on Finance 2/18/2009 Senate: Reported from Finance with substitute (14-Y 2-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Amend] (098028548-E) - Initial amendment allows broader use of the tax, but still limits Board's flexibility; needs further amendment. **Oppose** (098028548) — Amendment allows broader use of the tax, but still limits 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 (i) new road construction and associated design and right of way acquisition, (ii) new public transit construction and associated design and right of way acquisition, and (iii) other initial capital costs related to new transportation projects and the operating costs directly related thereto. 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.

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| <p>SB 811 - Cuccinelli, II (37) Elevator mechanics, certified; Board for Contractors shall extend time for compliance for certain.</p> | <p>11/24/2008 Senate: Referred to Committee on General Laws and Technology 1/28/2009 Senate: Reported from General Laws and Technology with amendments (8-Y 7-N) 2/5/2009 Senate: Read third time and passed Senate (39-Y 0-N) 2/13/2009 House: Referred to Committee on General Laws 2/20/2009 House: Reported from General Laws (13-Y 3-N)</p> | <p>1/26/2009</p> |
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Oppose (082438216)

Summary: Certified elevator mechanics. Extends the time for compliance with elevator mechanic licensure requirements for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, and residential elevators until July 1, 2010. The bill also provides for the Board for Contractors to convene a group of stakeholders to evaluate the level of regulation appropriate for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, and Limited Use Limited Application (LULA) elevators and provide recommendations to the Senate Committee on General Laws and Technology and the House Committee on General Laws by November 30, 2009.

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

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>SB 982 - Wagner (7) Stormwater; requires localities to regulate.</p> | <p>1/12/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with amendment (14-Y 1-N) 2/9/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns (22-Y 0-N)</p> | <p>1/26/2009</p> |
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Oppose (092841340)
Summary: Regulation of stormwater. 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, as long as a stormwater permit has been obtained by either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits were not required to be obtained from the Department of Conservation and Recreation.

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| <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 1/27/2009 Senate: Reported from Local Government with substitute (15-Y 0-N) 2/2/2009 Senate: Passed Senate (39-Y 0-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N)</p> | <p>1/26/2009</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 or on any other website on which the commission generally posts information 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 on any other website on which the governing body generally posts information and available to the public.

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

| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SB 1179</u> - Hanger, Jr. (24) State executive council; increase local government membership.</p> | <p>1/13/2009 Senate: Referred to Committee on General Laws and Technology 1/21/2009 Senate: Rereferred to Rehabilitation and Social Services 2/6/2009 Senate: Reported from Rehabilitation and Social Services with substitute (13-Y 0-N) 2/13/2009 House: Referred to Committee on Health, Welfare and Institutions 2/17/2009 House: Reported from Health, Welfare and Institutions with amendments (20-Y 2-N) 2/17/2009 House: Referred to Committee on Appropriations 2/20/2009 House: Subcommittee recommends reporting with amendment(s)</p> | <p>[2/13/2009]</p> |
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[Amend] (095865232-S1) - Amend to be consistent with Board's policy to increase the local government membership to be more in line with state representation on the State Executive Council.
Summary: Increases the membership of the State Executive Council by adding two local government representatives, the Governor's Special Advisor of Children's Services, a public provider, and two private providers. The bill also places a three year term limit and two consecutive term maximum on all of the Governor's appointments.

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| <p><u>SB 1276</u> - Martin (11) Alternative on-site sewage systems; no locality shall prohibit use thereof.</p> | <p>1/14/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with substitute (12-Y 2-N 1-A) 2/10/2009 Senate: Read third time and passed Senate (35-Y 5-N) 2/13/2009 House: Referred to Committee on Health, Welfare and Institutions 2/19/2009 House: Reported from Health, Welfare and Institutions with amendments (17-Y 4-N)</p> | <p>1/26/2009</p> |
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Oppose (098263338)
Summary: Alternative on-site sewage systems. Clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. This bill is identical to HB 1788. The substitute delays the state prohibitions until 30 days after applicable state regulations have been formulated and adopted.

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

| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SB 1335</u> - Stuart (28) Conditional zoning; amendment to proffered condition is requested by proffor local body may waive.</p> | <p>1/14/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with substitute (15-Y 0-N) 2/9/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns with amendment (22-Y 0-N)</p> | <p>1/26/2009</p> |
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Oppose (092033668) - Oppose as overly broad.
Summary: Conditional zoning; public hearing. Provides that where an amendment to proffered conditions is requested by the proffor, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing.

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| <p><u>SB 1419</u> - Watkins (10) Daily rental property tax; definition.</p> | <p>1/14/2009 Senate: Referred to Committee on Finance 2/5/2009 Senate: Reported from Finance with substitute (8-Y 7-N) 2/10/2009 Senate: Passed Senate (34-Y 5-N) 2/13/2009 House: Referred to Committee on Finance 2/16/2009 House: Reported from Finance with substitute (17-Y 4-N)</p> | <p>2/9/2009</p> |
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Oppose (091935348) - Revenue loss to County due to an expansion of definition of short-term rental. See also HB 2472.
Summary: Daily rental property. Creates a separate classification of property for daily rental property for taxation purposes. Currently, daily rental property is classified as merchants' capital for taxation purpose. The bill contains a reenactment clause.

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| <p><u>SB 1533</u> - Saslaw (35) Special use permits; extension of expiration dates.</p> | <p>1/23/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/9/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns (22-Y 0-N)</p> | <p>2/9/2009</p> |
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Oppose (092061324)
Summary: Special use permits; extension of validity. Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SJ 332</u> - Petersen (34) Constitutional amendment; tax exemptions for buildings constructed or designed to conserve energy.</p> | <p>1/13/2009 Senate: Referred to Committee on Privileges and Elections 1/27/2009 Senate: Reported from Privileges and Elections with substitute (13-Y 2-N) 2/3/2009 Senate: Agreed to by Senate (37-Y 2-N 1-A) 2/11/2009 House: Referred to Committee on Privileges and Elections 2/16/2009 House: Subcommittee recommends reporting with amendment(s) 2/20/2009 House: Reported from Privileges and Elections with amendments (22-Y 0-N)</p> | <p>2/9/2009</p> |
| <p>Oppose (097772293) - Oppose as mandate. Summary: Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to directly exempt from property taxes, or to enact legislation that would permit localities to exempt from property taxes, any building constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes.</p> | | |

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Fairfax County Positions
(Support or Monitor)

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 1629 - Cole (88) Pedestrians; grants counties same authority as cities & towns to prohibit loitering on bridges, etc.</p> | <p>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) 1/26/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation (15-Y 0-N)</p> | <p>1/26/2009</p> |
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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. Local jurisdictions must obtain agreement from the Commonwealth Transportation Commissioner on placement of signs and shall be responsible for costs of production, installation, and maintenance of those signs. This bill incorporates HB 1675.

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| <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 1/29/2009 House: Reported from Transportation with substitute (22-Y 0-N) 2/4/2009 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 2/5/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with amendments (15-Y 0-N)</p> | <p>1/26/2009</p> |
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Monitor (093529404) - Further review is needed.
Summary: Parking. Allows Fairfax and Prince William Counties and Clifton, Herndon, and Vienna to prohibit parking, on streets within areas zoned for residential use, of any truck more than 20 feet in length, other than commercial vehicles used by a public service company or by others working on its behalf, or commercial vehicles used in the provision of cable television service.

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| <p>HB 1703 - Cosgrove (78) Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.</p> | <p>1/5/2009 House: Referred to Committee on General Laws 2/6/2009 House: Reported from General Laws with substitute (12-Y 6-N) 2/10/2009 House: VOTE: --- PASSAGE (61-Y 37-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government (8-Y 7-N) 2/18/2009 Senate: Rereferred to Education and Health 2/19/2009 Senate: Reported from Education and Health with substitute (12-Y 3-N)</p> | <p>[2/13/2009]</p> |
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[Support] (091848584-EH1) - Support as progress toward a statewide ban.
Summary: Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner

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| Bills | General Assembly Actions | Date of BOS Position |
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that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. The bill contains technical amendments.

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| <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 1/29/2009 House: Reported from Transportation with substitute (21-Y 1-N) 2/3/2009 House: VOTE: --- PASSAGE (93-Y 5-N) 2/4/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with amendments (15-Y 0-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Monitor] (093611708-H1) ~~Oppose~~ (098151708)
Summary: Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed, verbal approval of an agent designated in the ordinance. Further 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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| <p>HB 1782 - Albo (42) Driver's license; minors in planning district 8 to show completion of 90 min. driver safety course.</p> | <p>1/9/2009 House: Referred to Committee on Transportation 1/27/2009 House: Reported from Transportation with substitute (19-Y 3-N) 2/3/2009 House: VOTE: --- PASSAGE (68-Y 30-N) 2/4/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with amendment (15-Y 0-N)</p> | <p>2/9/2009</p> |
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Support (093858404-H1) - See also SB 1084.
Summary: Learner's permit fees; requirements for issuance of driver's licenses to minors. Requires that minor applicants for a driver's license in planning district 8 show they have successfully completed, with a parent or guardian, either in person or online, a 90-minute or longer driver safety course prescribed by DMV.

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| <p>HB 1830 - Fralin, Jr. (17) Setoff Debt Collection Act; allows local governments to collect past due local taxes.</p> | <p>1/12/2009 House: Referred to Committee on Finance 2/2/2009 House: Reported from Finance with substitute (22-Y 0-N) 2/10/2009 House: VOTE: --- PASSAGE (97-Y 0-N) 2/11/2009 Senate: Referred to Committee on Finance 2/17/2009 Senate: Reported from Finance with amendment (16-Y 0-N) 2/19/2009 Senate: Passed Senate with amendment (40-Y 0-N)</p> | <p>[2/13/2009]</p> |
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[Support] (092902504-EH1)
Summary: Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt. Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <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 2/5/2009 House: Reported from Transportation with substitute (15-Y 1-N) 2/5/2009 House: Referred to Committee for Courts of Justice 2/6/2009 House: Reported from Courts of Justice with substitute (18-Y 4-N) 2/10/2009 House: VOTE: --- PASSAGE (88-Y 10-N) 2/11/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with substitute (12-Y 3-N)</p> | <p>1/26/2009</p> |
| <p>Support (095805868) Summary: Text messaging and emailing while driving. Prohibits operation of a motor vehicle, on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. 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. This bill incorporates HB 1615 and HB 2380.</p> | | |
| <p>HB 1904 - Armstrong (11) Virginia Child Protection Accountability System; established.</p> | <p>1/13/2009 House: Referred to Committee on Health, Welfare and Institutions 2/5/2009 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 2/5/2009 House: Referred to Committee on Appropriations 2/6/2009 House: Reported from Appropriations with substitute (23-Y 0-N) 2/10/2009 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Rehabilitation and Social Services 2/20/2009 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N)</p> | <p>1/26/2009</p> |
| <p>Monitor (091293416) Summary: Virginia Child Protection Accountability System. 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. This bill requires the Department of Social Services to submit certain information for inclusion in the System.</p> | | |

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 1938 - Peace (97) Income tax, state; increases livable home tax credit.</p> | <p>1/13/2009 House: Referred to Committee on Finance 1/26/2009 House: Reported from Finance with substitute (21-Y 0-N) 1/29/2009 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/30/2009 Senate: Referred to Committee on Finance 2/10/2009 Senate: Reported from Finance (16-Y 0-N) 2/12/2009 Senate: Passed Senate (40-Y 0-N) 2/16/2009 House: Enrolled 2/17/2009 House: Signed by Speaker 2/17/2009 Senate: Signed by President</p> | <p>1/26/2009</p> |
| <p>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. This bill incorporates HB 2343.</p> | | |
| <p>HB 1991 - Bulova (37) Stormwater management programs; establishment by localities.</p> | <p>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) 1/26/2009 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/27/2009 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/9/2009 Senate: Reported from Agriculture, Conservation and Natural Resources (15-Y 0-N) 2/12/2009 Senate: Passed Senate (40-Y 0-N) 2/16/2009 House: Enrolled 2/17/2009 House: Signed by Speaker 2/17/2009 Senate: Signed by President</p> | <p>1/26/2009</p> |
| <p>Support (093954822) Summary: Establishment of stormwater programs by localities. 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.</p> | | |

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2019 - Rust (86) Transportation corridors; Transportation Board to establish connection with Transportation Plan .</p> | <p>1/13/2009 House: Referred to Committee on Transportation 2/5/2009 House: Reported from Transportation with substitute (16-Y 0-N) 2/10/2009 House: Passed House (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation with amendments (15-Y 0-N)</p> | <p>2/9/2009 [2/13/2009]</p> |
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[Monitor] (093871708-H1) ~~**Oppose Unless Amended**~~ (093830708)
Summary: Transportation corridors. Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. This bill incorporates HB 2420.

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| <p>HB 2135 - Miller (50) Recordation/grantor tax; penalty if understatement of consideration is false with intent to evade.</p> | <p>1/13/2009 House: Referred to Committee on Finance 1/28/2009 House: Subcommittee recommends reporting with amendment(s) (6-Y 1-N) 2/2/09 House: Rep. from Finance w/substitute (21-Y 1-N) 2/5/2009 House: VOTE: --- PASSAGE (98-Y 1-N) 2/6/2009 Senate: Referred to Committee on Finance 2/10/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 2/12/09 Senate: Passed Senate with substitute (40-Y 0-N) 2/16/2009 House: Senate substitute agreed to by House (93-Y 6-N) 2/17/2009 House: Enrolled</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Support] (096032212-S1) - Support Senate Finance version. ~~**Oppose**~~ (096644640) ~~Likely loss of revenue to the County and the State; also increases chance for fraud. See also HB 1823 and SB 1157.~~
Summary: 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. The bill incorporates HB 1823.

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| <p>HB 2138 - Miller (50) Graffiti abatement; permits localities to charge property owner for cost thereof.</p> | <p>1/13/2009 House: Referred to Committee on Counties, Cities and Towns 1/29/2009 House: Subcommittee recommends referring to VA Housing Commission by voice vote 2/6/2009 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/10/2009 House: VOTE: --- PASSAGE (88-Y 9-N) 2/11/09 Senate: Ref. to Committee on Local Government 2/17/09 Senate: Rep. from Local Government (13-Y 2-N)</p> | <p>1/26/2009</p> |
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Support (098477640) - Regional position. See also SB 1369.

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| Bills | General Assembly Actions | Date of BOS Position |
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Summary: Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to SB 1369.

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| <p>HB 2168 - Abbitt, Jr. (59) Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply.</p> | <p>1/14/2009 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/28/2009 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/4/2009 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N) 2/9/2009 House: Passed House BLOCK VOTE (98-Y 0-N) 2/11/2009 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/16/2009 Senate: Reported from Agriculture, Conservation and Natural Resources with amendments (15-Y 0-N) 2/18/09 Senate: Passed Senate w/amendments (40-Y 0-N) 2/20/2009 House: Senate amendments agreed to by House (97-Y 0-N)</p> | <p>2/9/2009 [2/13/2009]</p> |
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[Monitor] (093986400-H1) - Monitor substitute. Deletes the priority given to nonpoint nutrient offsets, retains a locality's ability to use off-site measures to address water quality control requirements, and provides a process whereby a locality's regional watershed plan may be implemented. ~~**Oppose Unless Amended** (093962544) - Oppose unless amended to allow localities to implement their regional watershed plans, to delete the priority given to nonpoint nutrient offsets, and to retain a locality's ability to use off-site measures to address water quantity control requirements.~~

Summary: Stormwater offsets. Authorizes permit-issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit-issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2257 - Albo (42) Outpatient treatment; allows court to order mandatory treatment following involuntary admission.</p> | <p>1/14/2009 House: Referred to Committee on Health, Welfare and Institutions 2/5/2009 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 2/10/2009 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee for Courts of Justice</p> | <p>[2/13/2009]</p> |
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[Support] (093281404-H1)
Summary: Outpatient treatment; voluntary admission. Provides that, in determining whether a person is capable of consenting to voluntary admission, the judge or special justice shall consider evidence regarding the person's past compliance or noncompliance with treatment.

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| <p>HB 2326 - Athey, Jr. (18) Zoning appeals, board of; changes standard by which variance can be granted.</p> | <p>1/14/2009 House: Referred to Committee on Counties, Cities and Towns 2/6/2009 House: Reported from Counties, Cities and Towns with substitute (19-Y 3-N) 2/10/2009 House: VOTE: --- PASSAGE #2 (93-Y 6-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government (15-Y 0-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Monitor] (092089420-H1) ~~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."

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| <p>HB 2400 - Bell (58) Criminal sexual assault; establishment of a multidisciplinary response thereto.</p> | <p>1/14/2009 House: Referred to Committee for Courts of Justice 2/4/2009 House: Reported from Courts of Justice with substitute (20-Y 0-N) 2/10/2009 House: Passed House BLOCK VOTE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee for Courts of Justice</p> | <p>[2/13/2009]</p> |
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[Support] (090926432-H1) - Support with funding clarification.
Summary: Sexual assault response teams. Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2422 - May (33) Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election..</p> | <p>1/14/2009 House: Referred to Committee on Privileges and Elections 2/6/2009 House: Reported from Privileges and Elections with amendments (22-Y 0-N) 2/10/2009 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Privileges and Elections 2/17/2009 Senate: Reported from Privileges and Elections (12-Y 0-N)</p> | <p>2/9/2009</p> |
| <p>Support (095593620) - See also SB 988. Summary: Elections; acquisition of voting equipment by localities. Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because wholly or partly under lock and seal following an election. This bill is identical to SB 988.</p> | | |
| <p>HB 2476 - Hugo (40) HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.</p> | <p>1/14/2009 House: Referred to Committee on Transportation 1/27/2009 House: Reported from Transportation with substitute (22-Y 0-N) 2/2/2009 House: VOTE: --- PASSAGE (93-Y 5-N) 2/3/2009 Senate: Referred to Committee on Transportation 2/19/2009 Senate: Reported from Transportation (15-Y 0-N)</p> | <p>1/26/2009</p> |
| <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. This bill incorporates HB 1932 and HB 2299.</p> | | |
| <p>HB 2477 - Hugo (40) Popes Head Road; designating as State byway in Fairfax County.</p> | <p>1/14/2009 House: Referred to Committee on Transportation 1/27/09 House: Reported from Transportation (22-Y 0-N) 2/2/2009 House: Passed House BLOCK VOTE (98-Y 0-N) 2/3/2009 Senate: Referred to Committee on Transportation 2/12/09 Senate: Reported from Transportation (15-Y 0-N) 2/16/2009 Senate: Passed Senate (40-Y 0-N) 2/18/2009 House: Enrolled</p> | <p>1/26/2009</p> |
| <p>Support (093466548) Summary: Popes Head Road. 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 2592</u> - Caputo (67) Electric vehicles; creates separate class of property tax for rate purposes.</p> | <p>1/22/2009 House: Referred to Committee on Finance 1/28/2009 House: Subcommittee recommends reporting (6-Y 1-N) 2/2/2009 House: Reported from Finance (22-Y 0-N) 2/5/2009 House: VOTE: PASSAGE (99-Y 0-N) 2/6/2009 Senate: Referred to Committee on Finance 2/11/2009 Senate: Reported from Finance (15-Y 0-N) 2/13/2009 Senate: Passed Senate (39-Y 0-N) 2/13/2009 Senate: Passed Senate (39-Y 0-N) 2/16/2009 House: Enrolled 2/17/2009 House: Signed by Speaker 2/17/2009 Senate: Signed by President</p> | <p>2/9/2009</p> |
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Support (098797456) - Optional. Loudoun County initiative.
Summary: Creates a separate class of property for rate purposes, motor vehicles powered solely by electricity.

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| <p><u>HB 2596</u> - Ebbin (49) Washington Metropolitan Area Transit Authority; amends Compact relating to Board membership, etc.</p> | <p>1/22/2009 House: Referred to Committee on Appropriations 2/2/2009 House: Reported from Appropriations with substitute (23-Y 0-N) 2/6/2009 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/9/2009 Senate: Referred to Committee on Privileges and Elections 2/17/2009 Senate: Reported from Privileges and Elections with substitute (12-Y 0-N)</p> | <p>2/9/2009</p> |
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Support (098761492)
Summary: Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board; establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source. This bill is identical to SB 1511.

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| <p><u>HB 2615</u> - Iaquinto (84) Public Procurement Act; increases amount for single or term contracts for professional services.</p> | <p>1/23/2009 House: Referred to Committee on General Laws 2/3/2009 House: Reported from General Laws (22-Y 0-N) 2/6/2009 House: VOTE: PASSAGE (98-Y 0-N) 2/9/2009 Senate: Referred to Committee on General Laws and Technology 2/11/2009 Senate: Reported from General Laws and Technology (15-Y 0-N) 2/16/2009 Senate: Passed Senate (40-Y 0-N) 2/18/2009 House: Enrolled</p> | <p>2/9/2009</p> |
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Support (098745560)
Summary: Virginia Public Procurement Act; procurement of professional services. Increases the amount from

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| Bills | General Assembly Actions | Date of BOS Position |
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\$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation.

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| <p>HB 2628 - Griffith (8) Public Procurement Act; cooperative procurement.</p> | <p>1/23/2009 House: Referred to Committee on General Laws 1/29/2009 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N) 2/3/2009 House: Reported from General Laws with amendment (22-Y 0-N) 2/6/2009 House: VOTE: PASSAGE (98-Y 0-N) 2/9/2009 Senate: Referred to Committee on General Laws and Technology</p> | <p>2/9/2009 [2/13/2009]</p> |
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[Monitor] (098718520-E) ~~**Oppose** (098718520)~~ ~~— Would discourage local procurement between school divisions and governing bodies. Intent of bill could be accomplished through local policy rather than restrictive statute.~~
Summary: Provides that no local public body shall purchase construction in excess of \$200,000 from another public body's contract that is more than 75 miles in distances from the local public body procuring the construction.

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| <p>HB 2653 - Bulova (37) Zoning ordinance enforcement; not to be charged therewith unless locality provided written notice.</p> | <p>1/23/2009 House: Referred to Committee on Counties, Cities and Towns 2/6/2009 House: Reported from Counties, Cities and Towns with amendment (22-Y 0-N) 2/10/2009 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on Local Government 2/17/2009 Senate: Reported from Local Government with amendments (12-Y 3-N)</p> | <p>2/9/2009 [2/13/2009]</p> |
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[Support] (098828444-E) ~~**Oppose** (098828444)~~
Summary: Zoning ordinance enforcement; tenants of single-family dwellings. Provides that localities may enforce as a zoning ordinance violation violations of other ordinances by tenants of single-family residential dwellings; however, the owner of such dwelling shall not be so charged unless the locality has provided written notice of the tenant's conduct to the landlord.

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| <p>HJ 688 - Cole (88) Constitutional amendment; real property tax relief for persons 65 years old, etc. (first reference).</p> | <p>1/13/2009 House: Referred to Committee on Privileges and Elections 2/6/2009 House: Reported from Privileges and Elections with amendment (22-Y 0-N) 2/10/2009 House: VOTE: --- ADOPTION (98-Y 1-N) 2/11/2009 Senate: Referred to Committee on Privileges and Elections 2/17/2009 Senate: Reported from Privileges and Elections (11-Y 4-N) 2/20/2009 Senate: Agreed to by Senate (38-Y 1-N)</p> | <p>1/26/2009</p> |
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Support (098099468)
Summary: Amends the Constitution of Virginia to allow the General Assembly to authorize localities to either

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| Bills | General Assembly Actions | Date of BOS Position |
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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.

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| <p>SB 39 - Deeds (25) Traffic accident reports; increases amount of damage threshold to be reported by law enforcement.</p> | <p>12/19/07 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) 2/12/08 House: Referred to Committee on Transportation 2/19/08 House: Referred from Transportation by voice vote 2/19/2008 House: Referred to Committee for Courts of Justice 2/29/08 House: Continued to 2009 in Courts of Justice by voice vote 12/1/08 House: Reported from Courts of Justice (11-Y 0-N) 1/15/2009 House: VOTE: --- PASSAGE (94-Y 2-N) 1/27/2009 Governor: Approved by Governor-Chapter 1 (effective 7/1/09)</p> | <p>1/26/2009</p> |
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Support (088179220-E)
Summary: Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

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| <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) 1/27/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/5/2009 House: Referred to Committee on General Laws 2/19/2009 House: Reported from General Laws (21-Y 0-N)</p> | <p>1/26/2009</p> |
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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.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SB 845</u> - Puller (36) Livable home tax credit; increase limit on or after January 1, 2010.</p> | <p>12/23/2008 Senate: Referred to Committee on Finance 1/27/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 1/30/2009 Senate: Read third time and passed Senate (39-Y 0-N) 2/11/2009 House: Referred to Committee on Finance 2/18/2009 House: Passed House BLOCK VOTE (98-Y 0-N)</p> | <p>1/26/2009</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 \$2,000 for new residences, and from 25 percent to 50 percent of the amount spent retrofitting an existing residence, for taxable years beginning on or after January 1, 2010.</p> | | |
| <p><u>SB 896</u> - McDougle (4) Duty to file lists of renters, etc.; provide name & address thereof to commissioner of revenue.</p> | <p>12/31/2008 Senate: Referred to Committee on Finance 1/21/2009 Senate: Reported from Finance (14-Y 0-N) 1/26/2009 Senate: Passed Senate (40-Y 0-N) 1/30/2009 House: Referred to Committee on Finance 2/11/2009 House: Subcommittee recommends reporting with amendment(s) 2/16/2009 House: Reported from Finance with amendments (16-Y 3-N) 2/18/2009 House: Passed House w/amends (79-Y 19-N) 2/18/2009 House: VOTE: --- PASSAGE (79-Y 19-N) 2/20/2009 Senate: House amendments agreed to by Senate (39-Y 0-N)</p> | <p>1/26/2009</p> |
| <p>Support (092842272) Summary: Duty to file lists of property owners, renters, and lessees. 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> | | |

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| Bills | General Assembly Actions | Date of BOS Position |
|-------|--------------------------|----------------------|
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| <p><u>SB 936</u> - Cuccinelli, II (37) Standard vendor accounting information; Division of Purchases & Supply, et al. develop and maintain.</p> | <p>1/6/2009 Senate: Referred to Committee on General Laws and Technology 2/4/2009 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N) 2/4/2009 Senate: Rereferred to Finance 2/5/2009 Senate: Reported from Finance (15-Y 0-N) 2/13/2009 House: Referred to Committee on Science and Technology 2/18/2009 House: Reported from Science and Technology with substitute (21-Y 0-N) 2/18/2009 House: Referred to Committee on Appropriations</p> | <p>[2/13/2009]</p> |
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[Support] (092411332-S1)

Summary: Auditor of Public Accounts; searchable database website of state budget expenditures and revenues. Requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technology Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases.

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| <p><u>SB 979</u> - Stuart (28) Fuel fee; allows authorities to pass an ordinance to impose a fee on motor vehicle violations.</p> | <p>1/12/2009 Senate: Referred to Committee on Transportation 1/15/2009 Senate: Rereferred to Local Government 1/27/2009 Senate: Reported from Local Government (11-Y 3-N) 2/2/2009 Senate: Read third time and passed Senate (32-Y 7-N) 2/11/2009 House: Referred to Committee on Transportation 2/17/2009 House: Referred to Committee on Finance 2/18/2009 House: Referred to Committee for Courts of Justice</p> | <p>1/26/2009</p> |
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Support (098260338)

Summary: Transportation; fuel fee. 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.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SB 988</u> - Colgan (29) Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election.</p> | <p>1/12/2009 Senate: Referred to Committee on Privileges and Elections 2/3/2009 Senate: Reported from Privileges and Elections with amendment (12-Y 3-N) 2/9/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Privileges and Elections 2/18/2009 House: Subcommittee recommends reporting 2/20/2009 House: Reported from Privileges and Elections (22-Y 0-N)</p> | <p>2/9/2009</p> |
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Support (095587212) - See also HB 2422.
Summary: Elections; acquisition of voting equipment by localities. Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because wholly or partly under lock and seal following an election. This bill is identical to HB 2422.

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| <p><u>SB 997</u> - 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) 1/30/2009 Senate: Passed Senate (36-Y 3-N) 2/11/2009 House: Referred to Committee on Transportation 2/17/2009 House: Reported from Transportation with amendment (21-Y 0-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Monitor] (098399275-E) **Oppose** (098399275)
Summary: Trespassing vehicle; towing; local ordinances. Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed, verbal approval of an agent designated in the ordinance. Further 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><u>SB 1028</u> - Hanger, Jr. (24) Adult neglect; religious treatment exemption.</p> | <p>1/13/2009 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/2009 Senate: Reported from Rehabilitation and Social Services with amendment (12-Y 0-N) 2/4/2009 2/04/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/11/2009 House: Referred to Committee on Health, Welfare and Institutions 2/19/2009 House: Reported from Health, Welfare and Institutions with amendment (21-Y 0-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Monitor] (094313232-E) ~~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 by that adult.

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| <p><u>SB 1052</u> - Whipple (31) Affordable housing assessments; determination of fair market value of affordable rental housing.</p> | <p>1/13/2009 Senate: Referred to Committee on Finance 1/28/2009 Senate: Reported from Finance (16-Y 0-N) 2/2/2009 Senate: Read third time and passed Senate (39-Y 0-N) 2/11/2009 House: Referred to Committee on Finance 2/13/2009 House: Subcommittee recommends reporting 2/18/2009 House: Passed House BLOCK VOTE (98-Y 0-N)</p> | <p>1/26/2009</p> |
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Support (097432352) - Support as introduced.

Summary: Affordable housing assessments. 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.

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| <p><u>SB 1065</u> - Puller (36) Wind energy drying devices; no community association shall prohibit an owner from installing, etc.</p> | <p>1/13/2009 Senate: Referred to Committee on General Laws and Technology 1/28/2009 Senate: Reported from General Laws and Technology with amendments (15-Y 0-N) 2/3/2009 Read third time and passed Senate (40-Y 0-N) 2/11/2009 House: Referred to Committee on Commerce and Labor</p> | <p>1/26/2009</p> |
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Support (092303304)

Summary: Provides that effective July 1, 2009, no community association shall prohibit an owner from

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| Bills | General Assembly Actions | Date of BOS Position |
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| installing or using a wind energy drying device on that owner's property. The bill provides that a community association may establish reasonable restrictions concerning the size, place, time and manner of placement of such wind energy drying device. | | |
| <u>SB 1066</u> - 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 2/10/2009 Senate: Passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee for Courts of Justice 2/18/2009 House: Subcommittee recommends reporting with amendment(s) | 1/26/2009 |
| 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. | | |
| <u>SB 1096</u> - Herring (33) Design-Build Construction Management Review Board; authorized to make a one-time determination. | 1/13/2009 Senate: Referred to Committee on General Laws and Technology 1/28/2009 Senate: Reported from General Laws and Technology (15-Y 0-N) 2/3/2009 Senate: Passed Senate (40-Y 0-N) 2/11/2009 House: Referred to Committee on General Laws 2/19/09 House: Reported from General Laws (21-Y 0-N) | 1/26/2009 |
| 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. | | |
| <u>SB 1105</u> - Northam (6) Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State. | 1/13/2009 Senate: Referred to Committee on Local Government 1/27/2009 Senate: Rereferred to Education and Health 1/29/2009 Senate: Reported from Education and Health with substitute (11-Y 3-N) 2/4/2009 House: Referred to Committee on General Laws 2/6/2009 House: Reported from General Laws with substitute (12-Y 6-N) 2/9/2009 House: VOTE: --- PASSAGE (59-Y 39-N) 2/9/2009 House: Passed House with substitute with amendments (59-Y 39-N) 2/16/2009 Senate: House substitute agreed to by Senate | [2/13/2009] |

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| Bills | General Assembly Actions | Date of BOS Position |
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| | (29-Y 9-N) 2/16/2009 Senate: House amendments rejected by Senate (11-Y 28-N) 2/17/2009 House: House insisted on amendments and requested conference committee 2/19/2009 Senate: Conference report agreed to by Senate (27-Y 13-N) 2/19/2009 House: Conference report agreed to by House (60-Y 39-N) | |
| <p>[Support] (091847286-H1) - Support as progress toward a statewide ban. Summary: Virginia Indoor Clean Air Act; penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of 'No Smoking' signs and provides for a \$25 civil penalty for a violation of these provisions. This bill incorporates SB 1160 (Saslaw).</p> | | |
| <p>SB 1134 - Petersen (34) Electronic summons system; localities to assess an additional fee as part of costs.</p> | 1/13/2009 Senate: Referred to Committee for Courts of Justice 1/26/2009 Senate: Rereferred to Finance 2/4/2009 Senate: Reported from Finance with amendments (16-Y 0-N) 2/9/2009 Senate: Read third time and passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee for Courts of Justice 2/18/2009 House: Subcommittee recommends reporting with amendment(s) | <p>1/26/2009</p> |
| <p>Support (091301293) - Estimated \$600,000 revenue increase. Summary: Electronic summons system; fees. 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> | | |
| <p>SB 1138 - Petersen (34) Parking on public highways; allows counties and towns, by ordinance, to regulate.</p> | 1/13/2009 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Reported from Transportation (11-Y 4-N) 1/28/2009 Senate: Passed Senate (30-Y 9-N) 2/11/2009 House: Referred to Committee on Transportation 2/19/2009 House: Reported from Transportation with amendments (22-Y 0-N) | <p>1/26/2009</p> |
| <p>Monitor (098235293) - Further review is needed. 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.</p> | | |

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p>SB 1157 - Saslaw (35) Recordation and grantor taxes; misdemeanor if person misrepresents consideration of interest.</p> | <p>1/13/2009 Senate: Referred to Committee on Finance 2/4/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 2/10/2009 Senate: Passed Senate (39-Y 1-N) 2/13/2009 House: Referred to Committee on Finance 2/16/2009 House: Reported from Finance with substitute (22-Y 0-N) 2/18/09 House: Passed House with substitute (95-Y 2-N) 2/18/09 Senate: House substitute rejected by Senate (1-Y 39-N) 2/18/2009 House: House insisted on substitute and requested conference committee</p> | <p>1/26/2009 [2/13/2009]</p> |
| <p>[Support] (096021324-S1) - Support Senate Finance version. Oppose (092849324) – Likely loss of revenue to the County and the State; also increases chance for fraud. See also HB 1823 and HB 2135. Patron has agreed to amend.</p> <p>Summary: Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is fraudulent with the intent to evade a tax.</p> | | |
| <p>SB 1161 - Saslaw (35) Safety belts; makes non-use of a primary offense.</p> | <p>1/13/2009 Senate: Referred to Committee on Transportation 1/29/2009 Senate: Reported from Transportation with substitute (8-Y 6-N) 2/4/2009 Senate: Passed Senate (25-Y 15-N) 2/11/2009 House: Referred to Committee on Militia, Police and Public Safety 2/19/2009 House: Subcommittee recommends laying on the table (4-Y 1-N)</p> | <p>1/26/2009</p> |
| <p>Support (093482324) - See also HB 2253, HB 2339, SB 970. Summary: Makes non-use of motor vehicle safety belts a "primary offense." This bill incorporates SB 970.</p> | | |
| <p>SB 1239 - Barker (39) Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks.</p> | <p>1/13/09 Senate: Referred to Committee on Transportation 1/22/2009 Senate: Reported from Transportation with amendments (11-Y 4-N) 1/28/2009 Senate: Passed Senate (24-Y 16-N) 2/11/09 House: Referred to Committee for Courts of Justice 2/18/2009 House: Referred to Committee on Militia, Police and Public Safety 2/19/2009 House: Subcommittee recommends no further action</p> | <p>1/26/2009</p> |
| <p>Support (093820201) - Position in Legislative Program. See also HB 2386 and HB 2520.</p> | | |

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[] Indicates BOS Legislative Committee Action

| Bills | General Assembly Actions | Date of BOS Position |
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Summary: Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

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| <p>SB 1252 - Petersen (34) Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.</p> | <p>1/14/2009 Senate: Referred to Committee on General Laws and Technology 2/4/2009 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N) 2/9/2009 Senate: Passed Senate (40-Y 0-N) 2/11/2009 House: Referred to Committee on General Laws 2/17/09 House: Reported from General Laws (22-Y 0-N) 2/17/09 House: Referred to Committee on Appropriations 2/19/2009 House: Subcommittee recommends laying on the table</p> | <p>2/9/2009</p> |
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Support w/ Amend. (092362802) - Support with amendments to make legislation more flexible for local governments, including certification programs that may be developed in the future. See also HB 2387.
Summary: Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). The bill also provides that such buildings shall be designed, constructed, verified, and operated to achieve energy savings that exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASH RAE) Standard 90.1-2004 by at least 15 percent for new construction and 10 percent for major renovation and that the water systems designed for such buildings be required to provide water use savings of at least 25 percent over the baseline standard established in the federal Energy Policy Act of 1992. Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects. The provisions of the bill do not apply to local public bodies and school boards until July 1, 2010.

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| <p>SB 1292 - Edwards (21) Setoff Debt Collection Act; allows local governments to collect past due local taxes..</p> | <p>1/14/2009 Senate: Referred to Committee on Finance 1/27/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 2/11/2009 House: Referred to Committee on Finance 2/11/2009 House: Subcommittee recommends reporting with amendment(s) 2/16/2009 House: Reported from Finance with amendment (22-Y 0-N) 2/19/2009 House: Passed House with amendment BLOCK VOTE (99-Y 0-N)</p> | <p>[2/13/2009]</p> |
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[Support] (092898228-S1)
Summary: Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt. Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. The bill also clarifies current policy for the priority of claims against income tax refunds.

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| Bills | General Assembly Actions | Date of BOS Position |
|-------|--------------------------|----------------------|
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| <p><u>SB 1365</u> - Ticer (30) Elections; addresses of protected voters.</p> | <p>1/14/2009 Senate: Referred to Committee on Privileges and Elections 1/27/2009 Senate: Reported from Privileges and Elections (12-Y 2-N 1-A) 2/13/2009 House: Referred to Committee on Privileges and Elections 2/18/2009 House: Subcommittee recommends reporting with amendment(s) 2/20/2009 House: Reported from Privileges and Elections with amendment (22-Y 0-N)</p> | <p>[2/13/2009]</p> |
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[Support] (090304808)
Summary: Revises statutory language regarding protected voters who are permitted to furnish a post office box in lieu of a residence street address to be included on lists of registered voters and lists of persons who voted. The bill also adds any party participating in the address confidentiality program pursuant to Â§ 2.2-515.2 to those protected persons who may furnish a post office box in lieu of a residence street address.

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| <p><u>SB 1369</u> - Barker (39) Graffiti abatement; permits localities to charge property owner for cost thereof.</p> | <p>1/14/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with substitute (10-Y 5-N) 2/9/2009 Senate: Passed Senate (28-Y 12-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns with amendments (21-Y 1-N)</p> | <p>1/26/2009</p> |
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Support (092044201) - Regional position. See also HB 2138.
Summary: Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to HB2138.

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| <p><u>SB 1398</u> - Norment, Jr. (3) Statewide Transportation Plan; requires all plans of counties, cities, and towns be based thereon.</p> | <p>1/14/09 Senate: Referred to Committee on Transportation 2/5/2009 Senate: Reported from Transportation with substitute (13-Y 2-N) 2/10/2009 Senate: Passed Senate (39-Y 1-N) 2/13/09 House: Referred to Committee on Transportation 2/19/2009 House: Reported from Transportation with substitute (22-Y 0-N)</p> | <p>1/26/2009 [2/13/2009]</p> |
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[Monitor] (093607284-S1) ~~Oppose~~ (096991284)
Summary: Provides that the Statewide Transportation Plan shall include corridors of statewide significance.

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| Bills | General Assembly Actions | Date of BOS Position |
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| <p><u>SB 1408</u> - 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 2/5/2009 Senate: Rereferred to Courts of Justice 2/9/2009 Senate: Reported from Courts of Justice (15-Y 0-N) 2/10/2009 Senate: Passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Militia, Police and Public Safety 2/19/2009 House: Subcommittee recommends no further action</p> | <p>1/26/2009</p> |
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Support (098378284)
Summary: Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

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| <p><u>SB 1416</u> - Blevins (14) Preservation of historical sites and architectural areas; local governing bodies may include.</p> | <p>1/14/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Reported from Local Government with amendments (13-Y 1-N) 2/9/2009 Senate: Passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Counties, Cities and Towns 2/20/2009 House: Reported from Counties, Cities and Towns (22-Y 0-N)</p> | <p>2/9/2009 [2/13/2009]</p> |
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[Support] (094175264-E2) ~~**Amend** (094175264) – Amend to allow the locality more time to identify historic resources that should be preserved on a given site.~~
Summary: Provides that local governing bodies may include in ordinances establishing historic districts, landmarks, and other buildings or structures within the locality having an important historic, architectural, archaeological, or cultural interest, a requirement that a developer must submit documentation that any development in an area of known historical or archeological significance will preserve or accommodate the historical or archeological resources. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

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| <p><u>SB 1436</u> - Howell (32) Crime victims; no law-enforcement officer shall inquire into immigration status of victim of crime.</p> | <p>1/16/2009 Senate: Referred to Committee for Courts of Justice 1/28/2009 Senate: Reported from Courts of Justice (15-Y 0-N) 2/3/2009 Senate: Passed Senate (40-Y 0-N) 2/13/2009 House: Referred to Committee on Militia, Police and Public Safety 2/19/2009 House: Subcommittee recommends laying on the table</p> | <p>2/9/2009</p> |
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Support (098605248) - Board supported bill last year.
Summary: Provides that no law-enforcement officer or other agent of state or local government shall, when

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

| Bills | General Assembly Actions | Date of BOS Position |
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investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or is the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

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| <p><u>SB 1481</u> - Ruff (61) Criminal cases; allows circuit court clerk to assess local fee of up to 10% of total fees charged.</p> | <p>1/21/2009 Senate: Referred to Committee for Courts of Justice 1/28/2009 Senate: Rereferred to Finance 2/4/2009 Senate: Reported from Finance (15-Y 1-N) 2/9/2009 Senate: Passed Senate (33-Y 6-N) 2/13/2009 House: Referred to Committee for Courts of Justice 2/18/2009 House: Subcommittee recommends passing by indefinitely by voice vote</p> | <p>1/26/2009</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.

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| <p><u>SB 1502</u> - Barker (39) Safety belt use; extends requirement for all occupants of a motor vehicle.</p> | <p>1/23/2009 Senate: Referred to Committee on Transportation 1/29/2009 Senate: Reported from Transportation with amendment (8-Y 4-N 2-A) 2/5/2009 Senate: Passed Senate (24-Y 15-N) 2/11/2009 House: Referred to Committee on Militia, Police and Public Safety 2/19/2009 House: Subcommittee recommends passing by indefinitely</p> | <p>2/9/2009</p> |
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Support (093849201)
Summary: Extends requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat.

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| <p><u>SB 1506</u> - Hanger, Jr. (24) Comprehensive Services Act Program; judicial assignment of services for children.</p> | <p>1/23/2009 Senate: Referred to Committee for Courts of Justice 1/28/2009 Senate: Rereferred to Rehabilitation and Social Services 2/6/2009 Senate: Reported from Rehabilitation and Social Services with substitute (13-Y 0-N) 2/13/2009 House: Referred to Committee for Courts of Justice 2/20/2009 House: Reported from Courts of Justice (22-Y 0-N)</p> | <p>[2/13/2009]</p> |
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[Support w/ Amend.] (095864232-S1) - Support and amend to ensure that inclusion of information about cost may

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| Bills | General Assembly Actions | Date of BOS Position |
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be included within the second report, if appropriate.

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

SB 1511 - Whipple (31)
Washington Metropolitan Area Transit Authority; amends Compact relating to Board membership, etc.

1/23/2009 Senate: Referred to Committee on Privileges and Elections
1/27/2009 Senate: Reported from Privileges and Elections (15-Y 0-N)
2/2/2009 Senate: Passed Senate (39-Y 0-N)
2/13/09 House: Referred to Committee on Appropriations
2/18/09 House: Reported from Appropriations (22-Y 0-N)

2/9/2009

Support (093840828)

Summary: Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board; establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source. This bill is identical to HB 2596 as it passed the House.

SB 1532 - Saslaw (35)
Motor fuels tax; changes percentage in Northern Virginia.

1/23/2009 Senate: Referred to Committee on Finance
2/4/2009 Senate: Reported from Finance with amendments (16-Y 0-N)
2/9/2009 Senate: Passed Senate (34-Y 6-N)
2/11/2009 House: Referred to Committee on Finance
2/16/2009 House: Reported from Finance (21-Y 0-N)
2/18/2009 House: Passed House (95-Y 0-N)

2/9/2009

Monitor (092886324) - Further study necessary.

Summary: Tax on fuels sales in Northern Virginia. Changes the tax on fuels sales in Northern Virginia such that the tax would be collected by distributors at the time of making fuels sale to retail dealers located in Northern Virginia. The rate of the tax would also be changed from 2 percent to 2.1 percent.

SJ 356 - Smith (22)
Teenage driving; joint subcommittee to study.

1/14/2009 Senate: Referred to Committee on Rules
2/6/2009 Senate: Reported from Rules by voice vote
2/10/2009 Senate: Agreed to by Senate by voice vote
2/11/2009 House: Referred to Committee on Rules
2/19/2009 House: Subcommittee recommends passing by indefinitely by voice vote

2/9/2009

Support (093845201)

Summary: Establishes a joint subcommittee to study teenage driving and ways to help teenagers become safer drivers.

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

Fairfax County Positions

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Legislation No Longer Under Consideration

*(Killed, Failed to Report, Incorporated into other Legislation,
Tabled, etc.)*

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 1588 - Marshall (13) Autism spectrum disorder; mandated health insurance coverage therefor.</p> | <p>9/24/2008 House: Referred to Committee on Commerce and Labor 2/3/2009 House: Subcommittee made no recommendation 2/9/2009 House: Motion to discharge from Commerce and Labor rejected (32-Y 63-N 1-A) 2/10/2009 House: Left in Commerce and Labor</p> | <p>1/26/2009</p> |
| <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> | | |
| <p>HB 1615 - Howell, Jr. (90) Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.</p> | <p>11/19/2008 House: Referred to Committee on Transportation 2/5/2009 House: Incorporated by Transportation (HB1876-Cosgrove) by voice vote</p> | <p>1/26/2009</p> |
| <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. This bill was incorporated into HB 1876.</p> | | |
| <p>HB 1616 - Marshall (13) Conflict of Interests Act, State & Local Government; disclos. by certain members of advisory agency.</p> | <p>11/19/2008 House: Referred to Committee on General Laws 1/27/2009 House: Reported from General Laws with amendment (21-Y 0-N) 1/30/2009 House: Read third time and passed House BLOCK VOTE (97-Y 0-N) 2/2/2009 Senate: Referred to Committee on General Laws and Technology 2/18/2009 Senate: Passed by indefinitely in General Laws and Technology (12-Y 3-N)</p> | <p>[2/13/2009]</p> |
| <p>[Oppose] (092305616-E) - Will thwart public participation on advisory committees. Summary: State and Local Government Conflict of Interests Act; disclosure by certain members of advisory agencies. Requires nonsalaried citizen members of any board, commission, or council established by the governing body to advise on land use policies within the locality to file, as a condition of assuming office, a disclosure form of their personal interests. The bill also requires such members to make annual disclosures of all their interests in real estate located in the county, city, or town in which they are appointed and requires such individuals to disqualify themselves from participating in any transaction involving their real estate interests.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <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>1/26/2009</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. This bill was incorporated into HB 1629.</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 1/27/2009 House: Subcommittee recommends referring to VA Housing Commission by voice vote 2/10/2009 House: Left in General Laws</p> | <p>1/26/2009</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> | | |
| <p>HB 1783 - Hull (38) Government, local; equalizes municipal and county taxing authority.</p> | <p>1/9/2009 House: Referred to Committee on Finance 2/10/2009 House: Left in Finance</p> | <p>1/26/2009</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 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 1/28/2009 House: Subcommittee recommends incorporating into HB2135 by voice vote 2/2/2009 House: Incorporated by Finance (HB2135-Miller, J.H.) by voice vote</p> | <p>1/26/2009</p> |
| <p>Oppose (097764404) - Likely loss of revenue to the County and the State; also increases chance for fraud. See also HB 2135 and SB 1157. 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> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <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 1/28/2009 House: Subcommittee recommends laying on the table by voice vote 2/10/2009 House: Left in Finance</p> | <p>1/26/2009</p> |
| <p>Oppose (096628404) - Diminishes current County authority. Summary: 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 1932 - Plum (36) HOV lanes; extend sunset provision allowing those vehicles bearing clean special fuel license plate.</p> | <p>1/13/2009 House: Referred to Committee on Transportation 1/27/2009 House: Incorporated by Transportation (HB2476-Hugo) by voice vote</p> | <p>1/26/2009</p> |
| <p>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. This bill was incorporated into HB 2476.</p> | | |
| <p>HB 1992 - Bulova (37) Outdoor signs and advertising; all penalties & costs collected for violations of advertising.</p> | <p>1/13/2009 House: Referred to Committee on Transportation 1/27/2009 House: Referred to Committee on Appropriations 2/2/2009 House: Tabled in Appropriations by voice vote</p> | <p>1/26/2009</p> |
| <p>Support (093834444) Summary: 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> | | |
| <p>HB 2011 - Ebbin (49) Pedestrians; prohibits crossing of railroad grade crossings if train is present or approaching.</p> | <p>1/13/09 House: Referred to Committee on Transportation 2/2/2009 House: Subcommittee recommends striking from the docket by voice vote 2/5/2009 House: Reported from Transportation with substitute (13-Y 8-N) 2/9/09 House: Engrossment refused by House (43-Y 55-N)</p> | <p>1/26/2009</p> |
| <p>Support (093559492) Summary: Prohibits crossing of railroad grade crossings by pedestrians using public highways if a train or locomotive is present or approaching.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2017 - Rust (86) Transient occupancy tax; Fairfax County limitations.</p> | <p>1/13/2009 House: Referred to Committee on Finance 1/26/2009 House: Reported from Finance (15-Y 6-N) 1/29/2009 House: VOTE: --- DEFEATED (58-Y 39-N) (Requires two-thirds vote of members elected.) 1/29/2009 House: Reconsideration of passage agreed to by House 2/2/2009 House: VOTE: --- DEFEATED (62-Y 36-N) 2/2/2009 House: Requires a two-thirds affirmative vote of members elected</p> | <p>1/26/2009</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 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 1/29/2009 House: Tabled in Transportation (14-Y 8-N)</p> | <p>1/26/2009</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 2121 - Nichols (51) Public Procurement Act; verification of legal presence of contractors for employment.</p> | <p>1/13/2009 House: Referred to Committee on General Laws 1/29/2009 House: Referred to Committee for Courts of Justice 2/2/2009 House: Subcommittee recommends referring to Small Business Commission by voice vote 2/10/2009 House: Left in Courts of Justice</p> | <p>2/9/2009</p> |
| <p>Oppose (090130654) - There are concerns about the accuracy of such a database. Summary: Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is determined not to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. The measure becomes effective on July 1, 2010.</p> | | |
| <p>HB 2153 - Rust (86) BPOL tax; allows towns to levy on any person, firm, etc., in business of renting real property.</p> | <p>1/13/2009 House: Referred to Committee on Finance 1/28/2009 House: Subcommittee recommends laying on the table by voice vote 2/10/2009 House: Left in Finance</p> | <p>2/9/2009 1/26/2009</p> |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>Support (091928708) Monitor (091928708) - See also SB 1074. Summary: 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> | | |
| <p>HB 2205 - Frederick (52) BPOL taxes; repeals local business taxes.</p> | <p>1/14/2009 House: Referred to Committee on Finance 1/21/2009 House: Subcommittee recommends laying on the table by voice vote 2/10/2009 House: Left in Finance</p> | <p>1/26/2009</p> |
| <p>Oppose (094509508) - Board has historically opposed; loss of \$150 million to the County. Summary: BPOL taxes; repeal. 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 2/3/2009 Subcommittee recommends no further action by voice vote 2/10/2009 House: Left in General Laws</p> | <p>1/26/2009</p> |
| <p>Amend (090696584) - Amend to include exemption for those licensed professionals whose sole employment is with the public sector. Summary: 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 2231 - Marsden (41) Parking; adds pickup and panel trucks to list of vehicles that Fairfax, etc. may prohibit therefrom.</p> | <p>1/14/2009 House: Referred to Committee on Transportation 2/3/2009 House: Tabled in Transportation (9-Y 6-N)</p> | <p>1/26/2009</p> |
| <p>Monitor (093480608) - Further review is needed. 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> | | |
| <p>HB 2232 - Marsden (41) Crashes on HOT lanes under construction; if no apparent bodily injuries, drivers must move vehicles.</p> | <p>1/14/09 House: Referred to Committee on Transportation 2/3/2009 House: Reported from Transportation with amendments (14-Y 2-N) 2/6/2009 House: VOTE: --- ENGROSSMENT refused (42-Y 52-N)</p> | <p>1/26/2009</p> |
| <p>Support (093495608) Summary: 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</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| provisions expire when HOT lane on the Capital Beltway in Virginia is completed and the Virginia Department of Transportation accepts the project. | | |
| HB 2253 - Barlow (64) Safety belts; makes non-use of a primary offense. | 1/14/2009 House: Referred to Committee on Militia, Police and Public Safety 1/29/2009 House: Subcommittee recommends laying on the table 2/10/2009 House: Left in Militia, Police and Public Safety | 1/26/2009 |
| Support (096618428) - See also HB 2339, SB 970, SB 1161. Summary: Safety belts. Makes non-use of motor vehicle safety belts a "primary offense." | | |
| HB 2294 - Merricks (16) Alternative on-site sewage systems; no locality shall prohibit use thereof. | 1/14/2009 House: Referred to Committee on Counties, Cities and Towns 2/6/2009 House: Incorporated by Counties, Cities and Towns (HB1788-Hull) by voice vote | 1/26/2009 |
| 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. | | |
| 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 1/27/2009 House: Incorporated by Transportation (HB2476-Hugo) by voice vote | 1/26/2009 |
| Support (093805456) - Board has historically supported. See also HB 1932 and HB 2476. 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. This bill was incorporated into HB 2476. | | |
| HB 2339 - Amundson (44) Safety belts; makes non-use of a primary offense. | 1/14/2009 House: Referred to Committee on Militia, Police and Public Safety 1/29/2009 House: Subcommittee recommends laying on the table 2/10/2009 House: Left in Militia, Police and Public Safety | 1/26/2009 |
| Support (098037412) - See also HB 2253, SB 970, SB 1161. Summary: Safety belts. Makes non-use of motor vehicle safety belts a "primary offense." | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2354 - Landes (25) Suspension of mandates; requires Governor to temporarily suspend on locality facing fiscal stress.</p> | <p>1/14/2009 House: Referred to Committee on General Laws 2/5/2009 House: Reported from General Laws (22-Y 0-N) 2/5/2009 House: Referred to Committee on Appropriations 2/10/2009 House: Passed House (99-Y 0-N) 2/11/2009 Senate: Referred to Committee on General Laws and Technology 2/18/2009 Senate: Rereferred to Finance 2/19/2009 Senate: Failed to report (defeated) in Finance (2-Y 11-N)</p> | <p>2/9/2009</p> |
| <p>Monitor (091793592) Summary: Governor; suspension of mandates. Provides that, notwithstanding the Governor's authority to temporarily suspend state mandated, school divisions shall not be required to meet mandated staffing ratio requirements for the programs funded by the Lottery Proceeds Fund for the fiscal year ending June 30, 2010. The bill also provides that state funds for such programs must be used for the stated program purposes. In addition, for the fiscal year ending June 30, 2010, school divisions will not be required to provide matching funds for the programs funded through (i) the Lottery Proceeds Fund, (ii) the Virginia Public School Authority, or (iii) to purchase textbooks. The provisions of the bill will expire on July 1, 2010.</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 2/5/2009 House: Incorporated by Transportation (HB1876-Cosgrove) by voice vote</p> | <p>1/26/2009</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. This bill was incorporated into HB 1876.</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 2/4/2009 House: Subcommittee recommends laying on the table (4-Y 2-N) 2/10/2009 House: Left in General Laws</p> | <p>1/26/2009</p> |
| <p>Support (096630404) - Board has historically supported. Summary: 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,</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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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.

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| <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 1/27/2009 House: Reported from Transportation with substitute (16-Y 6-N) 2/3/2009 House: Referred to Committee for Courts of Justice 2/4/2009 House: Subcommittee recommends laying on the table by voice vote 2/10/2009 House: Left in Courts of Justice</p> | <p>1/26/2009</p> |
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Support (094304492) - Position in Legislative Program. See also HB 2520 and SB 1239.
Summary: Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. This bill incorporates HB 2520.

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| <p>HB 2387 - Ebbin (49) Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.</p> | <p>1/14/2009 House: Referred to Committee on General Laws 2/5/2009 House: Reported from General Laws with substitute (22-Y 0-N) 2/5/2009 House: Referred to Committee on Appropriations 2/10/2009 House: Left in Appropriations</p> | <p>2/9/2009</p> |
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Support w/ Amend. (092363802) - Support with amendments to make legislation more flexible for local governments, including certification programs that may be developed in the future. See also SB 1252.
Summary: Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

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| <p>HB 2416 - Bouchard (83) Photo-monitoring systems; removes approval of VDOT of proposed intersections for system.</p> | <p>1/14/2009 House: Referred to Committee on Transportation 1/29/2009 House: Tabled in Transportation (12-Y 10-N)</p> | <p>1/26/2009</p> |
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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.

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2470 - Hugo (40) Northern Virginia Transportation District Fund; dedication of state matching funds.</p> | <p>1/14/2009 House: Referred to Committee on Finance 1/28/2009 House: Subcommittee recommends striking from the docket by voice vote 2/10/2009 House: Left in Finance</p> | <p>1/26/2009</p> |
| <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> | | |
| <p>HB 2496 - Alexander (89) Early voting pilot projects; State Board of Elections to establish for general elections in 2010.</p> | <p>1/14/2009 House: Referred to Committee on Privileges and Elections 1/27/2009 House: Subcommittee recommends laying on the table 2/10/2009 House: Left in Privileges and Elections</p> | <p>[1/30/2009]</p> |
| <p>[Support] (095003408) - Staff would pursue participation in pilot project if grant funding were available. Summary: Authorizes the State Board of Elections to establish early voting pilot projects for general elections in 2010 and 2011 in counties or cities choosing to participate. Provides that any registered voter may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.</p> | | |
| <p>HB 2520 - Shannon (35) Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks.</p> | <p>1/16/2009 House: Referred to Committee on Transportation 1/27/2009 House: Incorporated by Transportation (HB2386-Ebbin) by voice vote</p> | <p>1/26/2009</p> |
| <p>Support (096711724) - Position in Legislative Program. See also HB 2386 and SB 1239. Summary: Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. This bill was incorporated into HB 2386.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2547 - Albo (42) Federal economic stimulus funds; available for State use exclusively for transportation & education.</p> | <p>1/22/2009 House: Referred to Committee on Appropriations 2/10/2009 House: Left in Appropriations</p> | <p>2/9/2009</p> |
| <p>Oppose (093580404) - Additional restrictions make it more difficult to spend the stimulus funds in the required time. Summary: Federal economic stimulus funds. Provides that any federal economic stimulus funds made available to Virginia be used exclusively for transportation and education infrastructure improvements. In awarding contracts, preference is to be given to Virginia businesses and Virginia subcontractors.</p> | | |
| <p>HB 2590 - Ebbin (49) Financial accounting and reporting system; establish alternative system for postemployment benefits.</p> | <p>1/22/2009 House: Referred to Committee on General Laws 2/4/2009 House: Subcommittee recommends striking from the docket by voice vote 2/5/2009 House: Stricken from docket by General Laws by voice vote</p> | <p>2/9/2009</p> |
| <p>Monitor (092385492) Summary: Financial accounting and reporting systems. Establishes an alternative financial accounting and reporting system for postemployment benefits, other than pension benefits.</p> | | |
| <p>HB 2601 - Massie III (72) Real estate tax; notice of change in assessment.</p> | <p>1/22/2009 House: Referred to Committee on Finance 2/10/2009 House: Left in Finance</p> | <p>2/9/2009</p> |
| <p>Oppose (099812804) - Board has historically opposed. See also SB 1514. Summary: Real property tax; notice of change in assessment. Requires that the notice of a new assessment (i) be sent to the taxpayer at least 30 days prior to the date of a hearing to protest the assessment, and (ii) contain specific information regarding the new tax levy and the prior year's tax levy.</p> | | |
| <p>HB 2613 - Hall (69) Cash proffers; requires localities to phase out acceptance thereof.</p> | <p>1/23/2009 House: Referred to Committee on Counties, Cities and Towns 2/5/2009 House: Subcommittee recommends laying on the table by voice vote 2/6/2009 House: Tabled in Counties, Cities and Towns by voice vote</p> | <p>2/9/2009</p> |
| <p>Oppose (092066524) Summary: Requires localities to phase out the acceptance of cash proffers by July 1, 2014.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HB 2631 - Caputo (67) Firearms show; Fairfax County may require criminal history record information from promoter thereof.</p> | <p>1/23/2009 House: Referred to Committee on Militia, Police and Public Safety 2/10/2009 House: Left in Militia, Police and Public Safety</p> | <p>2/9/2009</p> |
| <p>Support (092065456) Summary: Firearms show in Fairfax County; criminal history record information request. Provides that Fairfax County may by ordinance require the promoter of any show held in Fairfax County to make available to all vendors or exhibitors at a firearms show at least one location on the premises where the vendor or exhibitor shall conduct criminal history record information requests for the sale of firearms.</p> | | |
| <p>HB 2635 - Cline (24) Warrants, local; authorizes local governments to publish information relating thereto.</p> | <p>1/23/2009 House: Referred to Committee on Finance 1/28/2009 House: Subcommittee recommends reporting (6-Y 1-N) 2/2/2009 House: Reported from Finance (21-Y 0-N) 2/5/2009 House: VOTE: PASSAGE (99-Y 0-N) 2/6/2009 Senate: Referred to Committee on Finance 2/10/2009 Senate: Failed to report (defeated) in Finance (1-Y 15-N)</p> | <p>2/9/2009</p> |
| <p>Oppose (098816464) - While Board favors transparency, issue needs further study due to privacy and cost concerns. See also SB 812, SB 1129. 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>HJ 709 - Frederick (52) Constitutional amendment; assessments of real property and tax rates (first reference).</p> | <p>1/14/2009 House: Referred to Committee on Privileges and Elections 2/10/2009 House: Left in Privileges and Elections</p> | <p>1/26/2009</p> |
| <p>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> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>HJ 725 - Bell (58) Constitutional amendment; taking of private property for public uses (first reference).</p> | <p>1/14/2009 House: Referred to Committee on Privileges and Elections 2/2/2009 House: Subcommittee recommends reporting with amendment(s) (7-Y 1-N) 2/6/2009 House: Reported from Privileges and Elections with substitute (17-Y 4-N) 2/10/2009 House: VOTE: --- ADOPTION (68-Y 31-N) 2/11/2009 Senate: Referred to Committee on Privileges and Elections 2/17/2009 Senate: Passed by indefinitely in Privileges and Elections (10-Y 5-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (090121432) - Board has historically opposed. Summary: Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public. This resolution incorporates HJ 728.</p> | | |
| <p>HJ 728 - Joannou (79) Constitutional amendment; defines term public uses & specifies which private property may be taken.</p> | <p>1/14/2009 House: Referred to Committee on Privileges and Elections 1/26/2009 House: Subcommittee recommends incorporating into HJ 725 by voice vote 2/6/2009 House: Incorporated by Privileges and Elections (HJ725-Bell) by voice vote</p> | <p>1/26/2009</p> |
| <p>Oppose (095504572) - Board has historically opposed. Summary: 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. This resolution is incorporated into HJ 725.</p> | | |
| <p>SB 810 - 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) 1/26/2009 Senate: Passed Senate (24-Y 16-N) 2/5/2009 House: Referred to Committee on Privileges and Elections 2/17/2009 House: Subcommittee recommends passing by indefinitely</p> | <p>1/26/2009</p> |
| <p>Support (097823248) Summary: Provides that qualified voters may vote absentee in person without providing an excuse or reason</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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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. This bill is identical to HB 1894.

SB 812 - Cuccinelli, II (37)
Warrants, local; authorizes local governments to publish information relating thereto.

11/24/2008 Senate: Referred to Committee on Finance
1/27/2009 Senate: Failed to report (defeated) in Finance (8-Y 8-N)

1/26/2009

Oppose (092817216) - While Board favors transparency, issue needs further study due to privacy and cost concerns. See also HB 2635 and SB 1129.

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.

SB 830 - Cuccinelli, II (37)
Advertising; allows local governing bodies to remove certain.

12/16/2008 Senate: Referred to Committee on Transportation
1/29/2009 Senate: Reported from Transportation with substitute (14-Y 0-N)
2/4/2009 Senate: Read third time and passed Senate (40-Y 0-N)
2/11/2009 House: Referred to Committee on Transportation
2/16/2009 House: Subcommittee recommends laying on the table by voice vote

1/26/2009

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 with the same authority granted to the Commissioner for the purpose of removing certain signs and advertising.

SB 832 - Locke (2)
Firearms; possessing or carrying dangerous weapon in public buildings during official meetings.

12/17/2008 Senate: Referred to Committee on Local Government
1/27/2009 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)

1/26/2009

Support (094317256) - Board has historically supported.

Summary: 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.

| Bills | General Assembly Actions | Date of BOS Position |
|---|--|----------------------|
| <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 1/28/2009 Senate: Reported from Finance (8-Y 7-N) 2/2/2009 Senate: Read third time and passed Senate (21-Y 18-N) 2/11/2009 House: Referred to Committee on Finance 2/11/2009 House: Subcommittee recommends reporting with amendment(s) 2/16/2009 House: Tabled in Finance (11-Y 9-N)</p> | <p>1/26/2009</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 872 - Ticer (30) TANF; eligibility for food stamps when convicted of drug-related felonies.</p> | <p>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 2/11/2009 Senate: Left in Finance</p> | <p>1/26/2009</p> |
| <p>Support (094489336) - Board has historically supported. 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> | | |
| <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 2/10/2009 Senate: Left in Rehabilitation and Social Services</p> | <p>1/26/2009</p> |
| <p>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</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>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> | | |
| <p>SB 970 - Blevins (14) Safety belts; makes non-use of a primary offense.</p> | <p>1/12/2009 Senate: Referred to Committee on Transportation 1/22/2009 Failed to report (defeated) in Transportation (5-Y 6-N) 1/29/2009 Senate: Reconsidered by Transportation 1/29/2009 Senate: Incorporated by Transportation (SB1161-Saslaw) (14-Y 0-N)</p> | <p>1/26/2009</p> |
| <p>Support (097750204) - See also HB 2253, HB 2339, SB 1161. Summary: Makes non-use of safety belts a primary offense. This bill was incorporated into SB 1161.</p> | | |
| <p>SB 984 - Wagner (7) Chesapeake Bay Preservation Act; stormwater regulations.</p> | <p>1/12/2009 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/2/2009 Senate: Stricken at request of Patron in Agriculture, Conservation and Natural Resources (15-Y 0-N)</p> | <p>2/9/2009</p> |
| <p>Oppose (098367340) - Contrary to Chesapeake Bay regulations. Summary: Requires that the Chesapeake Bay Local Assistance Board adopt regulations that treat swimming pools and any other impoundments of surface waters, including fountains and retention ponds, as permeable surfaces for the purposes of stormwater management.</p> | | |
| <p>SB 1074 - Howell (32) BPOL tax; allows towns to levy on any person, firm, etc., in business of renting real property.</p> | <p>1/13/2009 Senate: Referred to Committee on Finance 1/27/2009 Senate: Reported from Finance (13-Y 0-N) 1/30/2009 Senate: Read third time and passed Senate (29-Y 9-N) 2/11/2009 House: Referred to Committee on Finance 2/11/2009 House: Subcommittee recommends laying on the table by voice vote</p> | <p>2/9/2009</p> |
| <p>Support (091916248) - See also HB 2153. 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> | | |
| <p>SB 1084 - Howell (32) Driver's license; requires minors to show completion of a 90-minute driver safety course.</p> | <p>1/13/2009 Senate: Referred to Committee on Transportation 2/5/2009 Senate: Stricken at request of Patron in Transportation (15-Y 0-N)</p> | <p>2/9/2009</p> |
| <p>Support (098687248) - See also HB 1782.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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Summary: Requires that minor applicants for a driver's license show they have successfully completed, with a parent or guardian, an in-person 90-minute or longer driver safety course prescribed by DMV. The bill also increases the learner's permit issuance fee from \$3 to \$8; the additional \$5 is to be retained by DMV to cover its costs associated with this new requirement.

SB 1099 - Herring (33)
Incapacitated adults;
financial exploitation
thereof, penalty.

1/13/2009 Senate: Referred to Committee for Courts of Justice
2/11/2009 Senate: Left in Courts of Justice

1/26/2009

Support (098013240)

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.

SB 1129 - Petersen (34)
Warrants, local; local
governments to publish
information relating
thereto.

1/13/2009 Senate: Referred to Committee on Finance
1/27/2009 Senate: Failed to report (defeated) in Finance
(8-Y 8-N)

1/26/2009

Oppose (097770293) - While Board favors transparency, issue needs further study due to privacy and cost concerns. See also HB 2635 and SB 812.

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.

SB 1131 - Petersen (34)
Notice for setting local
real property tax rate;
public notice required for
increasing rate.

1/13/2009 Senate: Referred to Committee on Finance
1/30/2009 Senate: Read third time and passed Senate (39-Y 0-N)
2/11/2009 House: Referred to Committee on Finance
2/11/2009 House: Subcommittee recommends laying on the table by voice vote

2/9/2009

Support (098233293) - A Fairfax City initiative.

Summary: Notice for setting local real property tax rate. Reduces from 30 days to 10 days the public notice required by localities under certain circumstances for increasing the local real property tax rate above the rate that would generate 101 percent of the prior year's real property tax revenues.

| Bills | General Assembly Actions | Date of BOS Position |
|--|---|----------------------------------|
| SB 1148 - Whipple (31) Income tax, state; livable home tax credit. | 1/13/2009 Senate: Referred to Committee on Finance 2/11/2009 Senate: Incorporated by Finance (SB845-Puller) (16-Y 0-N) | 1/26/2009 |
| <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: Income tax; livable home tax credit. Increases the individual tax credit limit from \$500 to \$1,000 for taxable years beginning on or after January 1, 2010.</p> | | |
| SB 1175 - Watkins (10) Property owned by locality; Cumberland County may levy and collect service charge. | 1/13/2009 Senate: Referred to Committee on Finance 1/27/2009 Senate: Reported from Finance with substitute (16-Y 0-N) 2/2/2009 Senate: Stricken from Senate calendar (39-Y 0-N) | 2/9/2009 1/26/2009 |
| <p>Monitor (092889348-S1) - Bill has been amended not to apply to Fairfax County. Oppose (092028348) - See also SB 1373.</p> <p>Summary: Taxation of property owned by locality. 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 1191 - Puckett (38) Process and service fees; increases certain sheriffs' fees. | 1/13/2009 Senate: Referred to Committee for Courts of Justice 1/28/2009 Senate: Rereferred to Finance 2/4/2009 Senate: Reported from Finance (16-Y 0-N) 2/9/2009 Senate: Read third time and passed Senate (39-Y 1-N) 2/13/2009 House: Referred to Committee for Courts of Justice 2/17/2009 House: Incorporated by Courts of Justice (SB998-Miller, J.C.) by voice vote | 2/9/2009 1/26/2009 |
| <p>Amend (098183300) Amend to remove the cap of 1994 revenue level for localities and allow money to go to localities; now money goes to the state, as written. Support (098183300) - Board discussion at Lines of Business meeting with Sheriff. Estimated \$100,000 per year in revenue.</p> <p>Summary: Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejection and from \$25 to \$50 for serving a writ of possession.</p> | | |
| SB 1247 - Northam (6) Human Rights Act; adds sexual orientation to definition of unlawful discriminatory practice. | 1/14/2009 Senate: Referred to Committee on General Laws and Technology 1/28/2009 Senate: Stricken at request of Patron in General Laws and Technology (15-Y 0-N) | 1/26/2009 |
| <p>Support (092354286) - Board has historically supported.</p> <p>Summary: Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
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Rights Act. The bill also removes the provision limiting private causes of action to where the employers employed more than five but less than 15 persons.

[SB 1257](#) - Marsh III (16)
Firearms; criminal records check performed at a gun show before vendor may transfer.

1/14/2009 Senate: Referred to Committee for Courts of Justice
1/26/2009 Senate: Reported from Courts of Justice with amendments (8-Y 7-N)
2/3/2009 Senate: Read third time and defeated by Senate (18-Y 22-N)
2/3/2009 Senate: Reconsideration of defeated action agreed to by Senate (40-Y 0-N)
2/4/2009 Senate: Read third time and defeated by Senate (19-Y 21-N)

2/9/2009

Support (091529264)

Summary: Transfer of firearms; criminal records check; penalties. 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.

[SB 1260](#) - Vogel (27)
Health insurance; mandated coverage for autism spectrum disorder.

1/14/2009 Senate: Referred to Committee on Commerce and Labor
2/9/2009 Senate: Reported from Commerce and Labor with substitute (15-Y 0-N)
2/9/2009 Senate: Rereferred to Finance
2/10/2009 Senate: Reported from Finance with amendment (11-Y 5-N)
2/10/2009 Senate: Recommitted to Finance
2/11/2009 Senate: Left in Finance

1/26/2009

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 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
2/6/2009 Senate: Passed by indefinitely in Rules (17-Y 0-N)

1/26/2009

Oppose (097816338) - Restricts local taxing authority. See also HB 1730.

Summary: Tax and fee legislation; sunset dates. 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.

| Bills | General Assembly Actions | Date of BOS Position |
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| <p>SB 1373 - Ruff (61) Property owned by locality; service charge levied when property in boundary of another locality.</p> | <p>1/14/2009 Senate: Referred to Committee on Finance 1/27/2009 Senate: Incorporated by Finance (SB1175-Watkins) (16-Y 0-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (092049320) - See also SB 1175. Summary: Taxation of property owned by locality. 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> | | |
| <p>SB 1423 - Martin (11) Subdivision ordinances; requirement that each locality provide a checklist to potential developers.</p> | <p>1/14/2009 Senate: Referred to Committee on Local Government 2/3/2009 Senate: Passed by indefinitely in Local Government (15-Y 0-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (094413268) Summary: Subdivision ordinances. Provides that such 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> | | |
| <p>SB 1482 - Hanger, Jr. (24) Transportation Capital Projects Bond Act of 2007; repeals Act.</p> | <p>1/21/2009 Senate: Referred to Committee on Transportation 1/29/2009 Senate: Rereferred to Finance 2/11/2009 Senate: Left in Finance</p> | <p>2/9/2009</p> |
| <p>Oppose (098830232) Summary: Commonwealth Transportation Capital Projects Bond Act of 2007. Repeals the Commonwealth Transportation Capital Projects Bond Act of 2007.</p> | | |
| <p>SB 1514 - Smith (22) Real estate tax; notice of change in assessment.</p> | <p>1/23/2009 Senate: Referred to Committee on Finance 2/5/2009 Senate: Left in Finance (16-Y 0-N)</p> | <p>2/9/2009</p> |
| <p>Oppose (099813804) - Board has historically opposed. See also HB 2601. Summary: Real property tax; notice of change in assessment. Requires that the notice of a new assessment (i) be sent to the taxpayer at least 30 days prior to the date of a hearing to protest the assessment, and (ii) contain specific information regarding the new tax levy and the prior year's tax levy.</p> | | |

| Bills | General Assembly Actions | Date of BOS Position |
|--|--|-------------------------|
| <p>SJ 290 - Obenshain (26) Constitutional amendment; establishes limitations on takings of private property.</p> | <p>12/23/2008 Senate: Referred to Committee on Privileges and Elections 2/3/2009 Senate: Passed by indefinitely in Privileges and Elections (8-Y 7-N)</p> | <p>1/26/2009</p> |
| <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> | | |
| <p>SJ 349 - Newman (23) Constitutional amendment; localities to cap annual increase in assessed values of real estate.</p> | <p>1/14/2009 Senate: Referred to Committee on Privileges and Elections 1/27/2009 Senate: Passed by indefinitely in Privileges and Elections (10-Y 4-N)</p> | <p>1/26/2009</p> |
| <p>Oppose (091202280) Summary: Constitutional amendment (first resolution); property tax assessments. 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.</p> | | |
| <p>SJ 353 - McEachin (9) Local government; distribution of state and local taxes therefor.</p> | <p>1/14/2009 Senate: Referred to Committee on Rules 2/6/2009 Senate: Reported from Rules with substitute by voice vote 2/10/2009 Senate: Agreed to by Senate by voice vote 2/11/2009 House: Referred to Committee on Rules 2/17/2009 House: Tabled in Rules (11-Y 4-N)</p> | <p>1/26/2009</p> |
| <p>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.</p> | | |

American Recovery and Reinvestment Act Preliminary Overview
Fairfax County Board of Supervisors
Prepared by: Alcalde & Fay
February 13, 2009

\$789.5 billion in spending and tax cuts.
\$326 billion in tax cuts.
\$463 billion in discretionary appropriations.

Infrastructure spending:

Highways and Bridges: \$27.5 billion is included for highway investments under existing programs.
Mass Transit: \$8.4 billion in transit capital assistance grants.
New Competitive Grants for Surface Transportation: \$1.5 billion.
High Speed Rail: \$8 billion
Amtrak: \$1.3 billion.
Clean Water: \$4 billion for the Clean Water State Revolving Funds and \$2 billion for the Drinking Water State Revolving Funds.
Army Corps of Engineers: \$4.6 billion.

Aid to Low Income Families/Community Stabilization

Neighborhood Stabilization Program: \$2 billion.
HOME and the Low Income Housing Tax Credit programs: \$2.25 billion
Community Development Block Grant program: \$1 billion.
Public Housing Capital Fund: \$ 4 billion
Homelessness Prevention Fund: \$1.5 billion.
Community Services Block Grant: \$1 billion.
Child Care Development Block Grant: \$2 billion.

Education/Training

Education:
State Fiscal Stabilization Fund: \$53.6 billion.
Title I: \$13 billion.
Special Education/IDEA: \$12.2 billion.
Pell Grants: \$15.6 billion
Head Start/Early Start: \$2.1 billion
School Improvement Programs: \$720 million

Training:
Training and Employment Services: \$2.95 billion.
Vocational Rehabilitation State Grants: \$500 million.

Energy

Energy Efficiency and Conservation Block Grants: \$3.2 billion.

Low Income Weatherization Assistance Program: \$5 billion.
Clean Cities Alternative Fuel Vehicles: \$300.
State Energy Program: \$3.1 billion.

State and Local Law Enforcement:
Byrne Justice Assistance Grants: \$3 billion.
COPS: \$1 billion.

Medicaid
Additional federal matching payments (FMAP) for state Medicaid programs: \$86.6 billion.

CMS Moratoria

The bill extends the moratoria on six Bush Administration Medicaid regulations for targeted case management, provider taxes, and school-based administration and transportation services through June 30, 2009. The bill also adds a moratorium on the Medicaid regulation for hospital outpatient services through June 30, 2009.

County 3% Withholding Requirement

Delays for one year the requirement that certain state and local governments withhold 3% from many government payments for goods or services.

Accountability on Spending/ Website Posting

All announcements of contract and grant competitions and awards, and formula grant allocations must be posted on a special website created by the Administration. It must also include the names of agency personnel to contact with concerns about infrastructure projects. Public notice of funding must include a description of the investment funded, the purpose, the total cost, and why recovery dollars should be used. Governors, mayors, or others making funding decisions must personally certify that the investment has been fully vetted and is an appropriate use of taxpayer dollars.

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We provide this report to update the Fairfax County Board of Supervisors on the status of the American Recovery and Reinvestment Act of 2009, more commonly known as the Stimulus Bill. At this time, a Conference of the House and Senate has agreed to a final version of the legislation, which was only made available last night at 11 p.m. We have analyzed how programs in the Bill will be administered, including timing of the allocations and what federal, state, and local agencies can expect to control the dispersal of funds. This report will focus broadly on transportation and infrastructure, energy, aid to states, education, and aid to families (including housing and public safety). The report also examines several provisions that concern Fairfax, such as the 3% withholding requirement for County contracts, maintenance of effort, among other issues for transportation projects, and revisions to CMS Rules on Case Management and Rehabilitation Services.

Transportation Infrastructure spending:

The Stimulus Bill contains significant new funding for an array of transportation projects. Below are listed some of the bill's most significant provisions for the County:

Highways and Bridges:

\$27.5 billion is included for highway investments. 50% of the funds will be apportioned to the States using the existing surface transportation formula; 50% to be apportioned to the States using the same ratio as used in the FY2008 Transportation appropriations; 3% of funds for transportation enhancements; 30% of the funds to suballocated using the existing Surface transportation program formulas to metropolitan and other areas; these funds will not be subject to the 120 day obligate or lose it rule. The funding can be used on activities eligible under Federal-aid Highway Program's Surface Transportation Program.

Mass Transit:

\$6.9 billion for transit capital assistance grants; 80% apportioned through the existing urbanized area grant program; 10% apportioned using the existing Growing States distribution formula; 10% apportioned through the existing other than urbanized area program. Like the highway formula grants, the transit formula grants will be provided in two parts: The first half of the funding must be obligated within 180 days of their distribution, with any unobligated balances being redistributed among the other grantees. The remaining funds must be obligated within one year of their distribution. An additional \$750 million is provided for Fixed Guideway Investment to be allocated by existing formula and \$750 million is provided for Capital Investment Grants such as new starts.

Competitive Grants for Surface Transportation:

\$1.5 billion for a new surface transportation infrastructure competitive discretionary grant program to be administered by the Department of Transportation. States, local governments, and transit agencies are eligible to apply and projects should have a significant impact on the Nation, Metropolitan area or a region. Eligible projects include,

but not limited to – highway, bridge, interstate rehabilitation, improvements to rural collector road system, reconstruction of overpasses and interchanges, bridge replacement, seismic retrofit projects for bridges, road realignments, public transportation projects, new starts, small starts, passenger and freight rail projects and port infrastructure.

Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service:

The conference agreement provides \$8 billion. The conferees have provided the Secretary flexibility in allocating resources between the programs to advance the goal of deploying intercity high speed rail systems in the United States.

Maintenance of Effort:

One of the issues debated, and subject of a unanimous House amendment by Rep. Shuster, was the so-called “Maintenance of Effort” provision. The final bill contains the language. It requires that the Governor, within 30 days after enactment, certify that:

- The State will maintain its effort in regard to State funding for the types of projects that are funded by the appropriation
- The State submit a statement the amount of funds the State planned to expend on the types of projects from the date of enactment through September 30, 2010.

If the State fails to maintain its effort it cannot receive redistributions under the August Redistribution for FY 2011. Further, the Governor, mayor or appropriate Chief Executive is required to certify that the investment is appropriate and lawful

Economically Distressed Areas:

Additionally, there is the on-going issue of targeting “economically distressed areas” with transportation funding. This factor is one of several to be considered when determining how Surface Transportation Program funds are allocated. Obviously, this consideration puts Fairfax County at a disadvantage relative to other Virginia jurisdictions. We have, however, been advised repeatedly by Members and staff on Capital Hill that the provision will have little practical effect, but we remain concerned about the provision, which has been included in the final bill.

Other Infrastructure Spending

Clean Water:

The bill provides \$4 billion for the Clean Water State Revolving Funds and \$2 billion for the Drinking Water State Revolving Funds. To expedite use of the funds, the bill waives the mandatory 20 percent State and District of Columbia matching requirements for both Revolving Funds. To ensure that the funds are used expeditiously to create jobs, the Conferees have included two important provisions: 1) the EPA Administrator is directed to reallocate Revolving Fund monies where projects are not under contract or construction within 12 months of the date of enactment and 2) bill language directs priority funding to projects on State priority lists that are ready to proceed to construction within 12 months of enactment.

Flood Control:

The agreement appropriates a total of \$4.6 billion for the Army Corps of Engineers for construction and operation and maintenance of the nation's flood control and navigation infrastructure, as well as the construction of environmental restoration projects. The funding

is intended to provide improved flood protection, navigation, and hydropower to communities, as well as increase the efficiency of the nation's existing water resource infrastructure.

Aid to Low Income Families/Community Stabilization

Housing Assistance:

- The bill includes \$2 billion for the Neighborhood Stabilization Program to help communities purchase and rehabilitate foreclosed, vacant properties and \$1.5 billion for the Emergency Shelter Grant program to provide short-term rental assistance and other aid for families during the economic crisis.
- The final bill also provides \$2.25 billion through the HUD affordable housing block grant program HOME, and the Low Income Housing Tax Credit program to fill financing gaps caused by the credit freeze and get stalled housing development projects moving.
- Also included is \$1 billion for the Community Development Block Grant program for projects including housing and services for those faced with economic difficulty.

Public Housing:

The bill provides \$4 billion to the Public Housing Capital Fund. Of the total, \$3 billion will be distributed by formula and \$1 billion competitively to incentivize innovative and large scale projects.

Project-Based Stability:

The bill will provide \$2 billion for full year payments to owners receiving Section 8 project-based rental assistance. In addition, owners that want to participate in the energy retrofit program will have to agree to additional periods of affordability.

Homelessness Prevention Fund:

The bill includes \$1.5 billion for homeless prevention activities, which will be sent out to states, cities and local governments through the emergency shelter grant formula.

Social Services Block Grant:

The bill does not include funding for this grant program proposed by the Senate.

Community Services Block Grant:

\$1 billion is provided for the Community Services Block Grant (CSBG), as proposed by the House. The conference agreement adopts the Senate language to make the entire amount available upon enactment. The agreement includes bill language requiring States to reserve 1 percent of their allocation for benefit coordination services and to distribute the remaining funds directly to local eligible entities.

Child Care Development Block Grant

The Bill provides \$2 billion for the Child Care Development Block Grant to provide child care services to an additional 300,000 children in low-income families while their parents go to work.

State and Local Law Enforcement

The Bill includes \$2 billion for the Byrne Justice Assistance formula grants to support local law enforcement efforts with equipment and operating costs, and \$1 billion for the COPS hiring grant program, to hire about 13,000 new police officers for three years.

Education/Training

Education:

- The bill includes \$53.6 billion for the State Fiscal Stabilization Fund for local school districts and public colleges and universities, distributed through existing State and federal formulas; the economic recovery bill includes these funds in order to provide fiscal relief to the States to prevent tax increases and cutbacks in critical education and other services.
- The bill includes Title I funding of \$13 billion to help close the achievement gap and enable disadvantaged students to reach their potential.
- Special Education/IDEA will receive \$12.2 billion to improve educational outcomes for disabled children.

Training:

- Training and Employment Services: \$2.95 billion for job training including State formula grants for adult, dislocated worker, and youth programs.
- Vocational Rehabilitation State Grants: \$500 million for state formula grants to help individuals with disabilities prepare for and sustain gainful employment.

Energy

- \$3.2 billion is provided for Energy Efficiency and Conservation Grants—specifically for the Energy Efficiency and Conservation Block Grant Program, of which \$400 million is competitive and the balance is formulaic.
- \$1.6 billion is provided for grants to make schools and hospitals, significant users of energy, more energy efficient.
- \$5 billion is available for the Weatherization Assistance Program.
- The Bill provides \$300 million for grants administered through the Clean Cities program of the Department for acquisition and alternative fuel or fuel-cell vehicles.
- The Bill provides between \$75 and \$200 million for grants to states to plan and deploy electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near term large-scale electrification projects aimed at the transportation sector, including seaports.
- The State Energy Programs are provided \$3.1 billion.

Medicaid

The agreement also provides additional federal matching payments for state Medicaid programs. The measure stabilizes federal medical assistance percentages for states that would otherwise receive reduced payment rates under the existing formula. In addition, all states would receive an increase in their matching payments by 6.2 percentage points

over a 27-month period. For states with large increases in unemployment, the measure provides additional increases in their federal matching payments directly proportional to the increase in their unemployment rates. The agreement also provides for a bonus payment structure that would decrease state financial obligations for Medicaid based on increases in the state's unemployment rate. This provision would cost the federal government an estimated \$86.6 billion.

CMS Moratoria

On June 30th, 2008, President Bush signed into law a supplemental war spending measure that included language placing moratoria on implementation of six of the seven White House-proposed Centers for Medicare and Medicaid Services (CMS) regulations, which expires on March 31, 2009. The bill extends moratoria on Medicaid regulations for targeted case management, provider taxes, and school-based administration and transportation services through June 30, 2009. The bill also adds a moratorium on the Medicaid regulation for hospital outpatient services through June 30, 2009. The provision includes a Sense of Congress that the Secretary of HHS should not promulgate regulations concerning payments to public providers, graduate medical education, and rehabilitative services.

County 3% Withholding Requirement

A 2006 tax reconciliation law (PL 109-222) requires certain state and local governments to be required to withhold 3% from many government payments for goods or services. The provision, unless repealed, would apply to payments made after Dec. 31, 2010 on all County contracts. The conference agreement delays for one year (through December 31, 2011) the application of the three percent withholding requirement on government payments for goods and services in order to provide time for the Treasury Department to study the impact of this provision on government entities and other taxpayers. (The House version contained a complete repeal of the requirement.)

Accountability on Spending/ Website Posting

It is also worth noting that this bill contains provisions that require disclosure and certification by certain parties for projects funded by the bill and all expenditures will be posted on the Internet. All announcements of contract and grant competitions and awards, and formula grant allocations must be posted on a special website created by the President. It must also include the names of agency personnel to contact with concerns about infrastructure projects. Public notice of funding must include a description of the investment funded, the purpose, the total cost, and why recovery dollars should be used. Governors, mayors, or others making funding decisions must personally certify that the investment has been fully vetted and is an appropriate use of taxpayer dollars.

Section II

Tax Provisions

This section describes the tax provisions of the agreement for HR 1, American Recovery and Reinvestment Act, which would cost \$301.1 billion over the next ten years, \$26.1 billion more than the House bill, but \$67.3 billion less than the Senate measure.

The agreement's most expensive tax provision, estimated at \$116.2 billion, is the "Making Work Pay" tax credit, proposed by President Barack Obama during the campaign — which would provide a credit of up to \$400 per person or \$800 for joint returns — as a refund for Social Security and Medicare taxes. The measure also expands eligibility for low-income families for the refundable child tax credit and modifies the earned income tax credit. For businesses, the measure allows them to carry back their net operating losses for up to five years, rather than the two allowed under current law, and it also extends bonus depreciation and expensing rules from last year's stimulus law for one year. The measure includes a number of energy-related provisions that would cost \$20 billion over the next 10 years. It also contains provisions intended to aid cash-strapped state and local governments.

The measure includes a Senate provision that provides a one-year patch for the alternative minimum tax (AMT) that is intended to prevent the tax from affecting millions of additional tax returns for 2009, at a cost of nearly \$70 billion.

Tax Relief for Individuals

'Making Work Pay' Tax Credit

The agreement establishes a new "Making Work Pay" tax credit for 2009 and 2010 that would be worth up to \$400 for individuals and \$800 for spouses filing jointly — a decrease from the \$500 individual and the \$1,000 couple tax credits in the House version of the bill. This provision would cut taxes for more than 95% of working families in the United States.

The credit would be worth 6.2% of earned income. Like the House bill, it would phase out for taxpayers with adjusted gross income in excess of \$75,000, or income in excess of \$150,000 for married couples filing jointly. The available credit would be reduced by 2% of the income that exceeds the \$75,000 or \$150,000 amount.

The credit could either be claimed on tax returns or by reducing the amount of taxes that are withheld from paychecks.

According to the JCT, the proposal is estimated to cost \$116.2 billion over ten years.

The measure's definition of earned income is generally the same as that for the earned income tax credit, would not include self-employment earnings that are not taken into account when computing taxable income, but would allow military families to treat combat pay as earned income, even though such income is not considered taxable income. The JCT description of the provision states the anticipation that the provision would be "expeditiously implemented" by the Internal Revenue Service (IRS) through revised withholding schedules.

The agreement bars non-resident illegal aliens, those for whom a deduction can be claimed, and estates or trusts from obtaining the credit. The measure also requires recipients to comply with the identification number requirements of the earned income tax credit, under which taxpayers must include a taxpayer identification number on their return, as well as a taxpayer identification number for their spouses, if the taxpayers are married. This provision is intended to prevent illegal immigrants from taking advantage of the provision.

The measure establishes procedures through which the Treasury would reimburse territories that offer similar credits in 2009 and 2010 to their residents.

Finally, the agreement prevents any credit or refund received from being taken into account as income or a resource for purposes of certain federal programs and federally assisted programs of state and local governments, during the month the credit is received and the subsequent two months. This would prevent recipients of assistance under such programs from losing their eligibility or having their benefits reduced.

Expand Eligibility for Refundable Child Tax Credit

The agreement expands eligibility for the refundable portion of the child tax credit, which can be received by families even if the child tax credit they would receive is greater than the taxes owed. Through 2010, the maximum child tax credit is \$1,000. The credit is subject to a phase-out, as it is reduced by \$50 for every \$1,000 in income that exceeds a certain dollar amount of modified adjusted gross income — \$75,000 for individuals and heads of households, \$110,000 for a joint return, and \$55,000 for a spouse filing a separate return.

In order to receive the refundable child tax credit, adjusted gross income must exceed an inflation-adjusted threshold, or "floor," and taxpayers can receive a credit for 15% of earned income that exceeds the floor.

The financial markets bailout enacted last year reduced the floor to \$8,500 for the 2008 tax year. In 2009, the threshold is currently set at \$12,550, and it would be adjusted for inflation for 2010.

The agreement reduces the floor to \$3,000 for 2009 and 2010, meaning that low-income taxpayers could receive 15% of their earned income in those years as a refundable child tax credit.

This provision is estimated to cost \$14.8 billion over 10 years.

Increased Earned Income Tax Credit

The earned income tax credit (EITC) is a tax credit for low-income working individuals and families that is refundable for certain taxpayers, meaning it can be claimed even if the credit is worth more than the taxes owed.

There are currently three different schedules for the credit. In 2009, families with no children who qualify could receive up to \$457, reflecting 7.65% of earnings up to \$5,970; taxpayers with a single eligible child could receive 34% of earnings up to \$8,950, for a maximum credit of up to \$3,043; and taxpayers with two or more covered children could receive a credit of up to \$5,028, based on 40% of earnings up to \$12,570. Under current law, the credit is "phased out" for working families with adjusted gross income in excess of \$16,420, or \$19,540 for married couples filing jointly.

Like the House and Senate bills, the agreement temporarily increases the earned income tax credit for families with three or more children to 45% of the first \$12,570 of earned income, for a maximum credit of \$5,656.50.

The measure also increases the dollar amount, by \$1,880, at which the credit would "phase down" for couples filing a joint return, regardless of the number of children. This change is intended to reduce a "marriage penalty" under the EITC.

This provision is estimate to cost \$4.7 billion over 10 years.

'American Opportunity' Education Credit

Like the House and Senate bills, the agreement provides a modified education tax credit for 2009 and 2010 called the "American Opportunity Tax Credit." It would cost an estimated \$13.9 billion over 10 years.

Under the agreement, taxpayers would receive a credit for 100% of the first \$2,000 in qualifying tuition and related expenses, and 25% for the second \$2,000 in such expenses, for a maximum credit of \$2,500. The JCT estimates this provision would cost \$10.3 billion over 10 years.

As much as 40% of the credit would be refundable. The credit would be subject to a phase-out for taxpayers with adjusted gross income in excess of \$80,000, or \$160,000 for married couples filing jointly. The JCT estimates this provision would cost \$3.7 billion over 10 years.

Computers as Qualified Education Expenses in 529 Education Plans

Section 529 Education Plans are tax-advantaged savings plans that cover all qualified education expenses, including tuition, room and board, mandatory fees, and books. The agreement expands the definition of qualified expenses in 529 Education Plans to include computer technology and equipment.

This provision is estimated to cost \$6 million over ten years, according to the JCT.

Waive Repayment of Homebuyer Credit

The 2008 American Housing Rescue and Foreclosure Prevention Act (PL 110-289; see House Action Reports Fact Sheet No.110-39, July 22, 2008) created a new refundable tax credit of up to \$7,500 for certain first-time homebuyers who purchased a home between April 9, 2008, and July 1, 2009. The law's definition of first-time homebuyer included those who had no ownership stake in a home for three years prior to purchasing a home. The credit phases out for those with adjusted gross income that exceeds \$75,000 for individuals and \$150,000 for couples filing jointly.

Under the 2008 law, the credit was set up as an interest-free loan, since the law required the credit to be repaid over 15 years in equal installments, or, if earlier, when the home is sold.

Like the House version of the bill, the agreement eliminates the repayment requirement for homes purchased after January 1. It increases the maximum value of the credit to \$8,000, removes the prohibition on financing by mortgage revenue bonds, and extends the availability of the credit for homes purchased before December 1. If, however, the home is sold within three years of purchase, the credit would still be subject to the current-law recapture rules.

This provision is estimated to cost \$6.6 billion over 10 years.

The agreement does not include Senate provisions that would have provided a \$15,000 tax credit for all homebuyers, not just first time buyers.

Alternative Minimum Tax 'Patch'

The alternative minimum tax (AMT) was originally enacted to prevent wealthy taxpayers from using deductions and credits to avoid paying taxes. It disallowed certain

credits and required taxpayers to determine their liability under alternate rules. If a taxpayer owes more under the AMT than under regular rules, the higher amount is paid.

Although AMT was designed to affect only a limited number of taxpayers, its reach has grown to estimates that as many as 30 million taxpayers could fall under the AMT in 2010. As part of the financial industry rescue enacted in October, Congress included a patch to prevent 22 million taxpayers from being subject to the AMT on their 2008 tax returns (HR 1424; see House Action Reports Fact Sheet No. 110-45: Financial Markets Rescue II). It expired on Dec. 31, 2008.

Like the Senate version of the bill, the agreement includes an AMT patch for 2009 to keep the number of individual AMT payers the same as in 2008. It would protect an estimated 26 million middle-class families from being hit by the AMT.

Currently, a taxpayer receives an exemption of \$33,750 (for individuals) and \$45,000 (married filing jointly) under the AMT. The current law also does not allow personal credits against the AMT. The bill increases the exemption amounts to \$46,700 and \$70,950, respectively, and allows personal credits against the AMT to hold the number of taxpayers subject to the AMT at bay.

As a result of this patch, the AMT would affect approximately 4.2 million taxpayers in 2009. The estimated cost of this proposal is approximately \$69.8 billion over 10 years, according to the JCT.

Temporary Suspension of Taxation of Unemployment Benefits

Under current law, all federal unemployment benefits are subject to taxation, and the average unemployment benefit is approximately \$300 per month.

Like the Senate bill, the agreement temporarily suspends the taxation of the first \$2,400 of unemployment benefits, effective for the 2009 tax year. Any benefits over \$2,400 would be subject to federal income tax.

This provision is estimated to cost \$4.7 billion over 10 years.

Above-the-Line Deduction for Automobiles

Similar to a provision in the Senate bill, the agreement provides a tax deduction for state and local sales taxes paid on the purchase of new cars, light trucks, recreational vehicles, and motorcycles through 2009.

The deduction phases out starting with taxpayers earning \$125,000 per year (\$250,000 for joint returns). A taxpayer claiming this deduction would also be allowed to

claim the existing state and local sales tax itemized deduction. The proposal is estimated to cost \$1.7 billion over 10 years. The agreement does not include Senate provisions that would have allowed a tax exemption for interest payments on car loans.

Payment to Social Security, SSI, Railroad Retirement, & Veterans Disability Beneficiaries

The agreement provides a \$250 one-time payment to retirees, disabled individuals and Supplemental Security Income (SSI) recipients receiving benefits from the Social Security Administration, disabled veterans receiving benefits from the Veterans Affairs Department, and Railroad Retirement beneficiaries. The one-time payment would be a reduction to any allowable Making Work Pay credit. The House bill had no comparable provision.

The provision is estimated to cost \$14.2 billion over 10 years.

Refundable Credit for Certain Federal and State Pensioners

The agreement provides a one-time refundable tax credit of \$250 in 2009 to government retirees who are not eligible for Social Security benefits. This one-time credit is a reduction to any allowable Making Work Pay credit.

This provision is estimated to cost \$218 million over 10 years.

Business Tax Incentives

Extension of Bonus Depreciation

Businesses are allowed to recover the cost of capital expenditures over time according to a depreciation schedule. Last year, as part of the 2008 stimulus law (PL 110-185), Congress temporarily allowed businesses to recover the costs of capital expenditures made in 2008 faster than the ordinary depreciation schedule would allow by permitting these businesses to immediately write-off 50% of the cost of depreciable property (e.g., equipment, tractors, wind turbines, solar panels, and computers) acquired for use in the United States.

The agreement extends for one year the bonus depreciation rules enacted in the 2008 stimulus law for capital expenditures incurred in 2009.

The extended rule would allow a 50% bonus depreciation for certain property placed in service by businesses in 2009, which would be allowed against both the regular tax system and the AMT. This would allow businesses to deduct from their taxes 50% of the value of that property in addition to amounts that they could otherwise claim under

depreciation rules after the item's value is adjusted to account for the "bonus" depreciation. If the business elects to take the bonus depreciation, then they would claim the remaining value of the item over the normal depreciation period.

The provision is estimated to cost \$5.1 billion over 10 years.

Option to Accelerate Recognition of AMT & R&D Credits In Lieu of Bonus Depreciation

As part of the Foreclosure Prevention Act of 2008, Congress temporarily allowed businesses to accelerate the recognition of a portion of their historic AMT or research and development (R&D) credits in lieu of bonus depreciation.

The amount that taxpayers may accelerate is calculated based on the amount that each taxpayer invests in property that would otherwise qualify for bonus depreciation. This amount is capped at the lesser of 6% of historic AMT and R&D credits or \$30 million.

The agreement extends this temporary benefit through 2009.

This provision is estimated to cost \$805 million over 10 years.

Delayed Recognition of Certain Cancellation-of-Debt Income

Under current law, a taxpayer generally has income where the taxpayer cancels or repurchases its debt for an amount less than its adjusted issue price. The amount of cancellation-of-debt income is the excess of the old debt's adjusted issue price over the repurchase price.

The agreement allows certain businesses to recognize cancellation-of-debt income over 10 years for specified types of business debt repurchased by the business with cash after Dec. 31, 2008, and before Jan. 1, 2011. This would enable businesses to defer tax on cancellation-of-debt income for the first four or five years and recognize this income ratably over the following five taxable years.

This provision is estimated to cost \$1.6 billion over ten years.

Incentives to Hire Unemployed Veterans & Disconnected Youth

The current law Work Opportunity Tax Credit allows businesses to receive a work opportunity tax credit equal to 40% of the first \$6,000 of wages paid to employees for hiring workers from certain disadvantaged groups. The current credit covers nine targeted groups — families receiving Temporary Assistance to Needy Families, certain veterans

on food stamps or receiving disability compensation, certain ex-felons, residents of designated communities, individuals in vocational rehabilitation, certain youths employed during the summer, certain food stamp recipients, certain recipients of SSI, and long-term recipients of family assistance.

The agreement creates two new targeted groups — unemployed veterans and "disconnected youth" who are hired in 2009 or 2010. In order to qualify as an unemployed veteran, an individual would have to have been discharged or released from active duty from the armed forces during the five-year period prior to hiring, and would have received unemployment compensation for more than four weeks in the one-year period prior to being hired. In order to qualify as a "disconnected youth," a new hire would have to be from age 16 to 25, could not be employed or regularly attending any secondary, technical, or post-secondary school in the six months prior to being hired.

This provision would cost \$231 million over 10 years.

Small Business Capital Gains

Current law provides a 50% exclusion for the gain from the sale of small business stock held for more than five years. The amount of gain eligible for the exclusion is limited to the greater of 10 times the taxpayer's basis in stock, or a \$10 million gain from stock in that small business corporation.

The agreement allows a 75% exclusion for individuals on the gain from the sale of certain small business stock held for more than five years. The change is for stock issued after the date of enactment and before Jan. 1, 2011.

It is limited to individual investments and not the investments of a corporation. The non-excluded portion of gain would be taxed at the less of ordinary income rates or 28%, instead of the lower capital gains rates for individuals.

The provision is estimated to cost \$829 million over 10 years.

Extension of Increased Small Business Expensing

In order to help small businesses quickly recover the cost of certain capital expenses, small business taxpayers may elect to write off the cost of these expenses in the year of acquisition in lieu of recovering these costs over time through depreciation.

For 2008, Congress temporarily increased the expensing limits to \$250,000 and the phase-out to \$800,000.

The agreement extends increased small business expensing for businesses making investments in plants and equipment in 2009.

The provision is estimated to cost \$41 million over 10 years.

Five-Year Carryback of Net Operating Losses

Under current law, businesses can "carryback" for two years their net operating losses (NOL) — i.e., the amount their deductions exceed gross income — and can use those losses to offset income in those two prior years. The net operating losses can also be "carried forward" for up to 20 years.

The agreement allows businesses to "carryback" operating losses for up to five years, rather than the two years allowed under current law, for small businesses with gross receipts of \$15 million or less. (Current law provides extended carryback rules in certain circumstances, including five years following certain disasters.)

The measure covers net operating losses for any taxable year that ends in 2008 or 2009, and also gives businesses the option to claim the period for losses in tax years that begin in 2008 or 2009. The measure also allows life insurance companies to opt to carryback operating losses for either four or five years, rather than the three years they are currently allowed.

If a company claims the extended carryback period, it would be required to reduce by 10% the amount of net operating losses carried back. Once a business decided to claim the extended period, it would be irrevocable.

The agreement also suspends a current-law rule under which businesses can use net operating loss deductions to reduce only 90% of their AMT income, thus allowing businesses to use net operating loss deductions to offset all income under the AMT rules. This change would apply to any tax year after 1997.

Under the agreement, the extended carryback period would not apply to firms that received funds from the Troubled Assets Relief Program, Fannie Mae, or Freddie Mac.

This provision is estimated to cost \$947 million over 10 years.

Temporary Small Business Estimated Tax Payment Relief

The agreement reduces the 2009 required estimated tax payments for certain small businesses.

This provision is estimated to have no revenue effect over 10 years.

Temporary Reduction of S Corporation Built-In Gains Holding Period from 10 Years to 7 Years

Under current law, if a taxable corporation converts into an S corporation, the conversion is not a taxable event. Following such a conversion, however, an S corporation must hold its assets for 10 years in order to avoid a tax on any built-in gains that existed at the time of the conversion.

The agreement would temporarily reduce this holding period from 10 years to seven years for sales occurring in 2009 and 2010.

This provision is estimated to cost \$415 million over 10 years.

Repeal Treasury Rule on Bank Ownership Changes

Section 382 of the tax code limits the amount of losses that a corporation can "carryforward" to future years when there is a change in ownership. The provision, enacted in 1986, is intended to crackdown on a potential tax shelter by preventing companies from purchasing or merging with another firm with operating losses, and using the acquired firm's losses prior to the ownership change in order to offset profits and reduce taxes. Of particular concern was the purchase of "shell" companies that had value only because of their operating losses.

Last year, the Treasury Department issued Notice 2008-83, which provided new guidance under section 382 for banks that experienced a change in ownership. Under the notice, losses on loans or bad debts from an acquired bank would not be treated as a built-in loss or a deduction attributed to the period prior to the change in ownership. Thus, if a company acquired a bank or financial institution with losses or bad debts from the period prior to the acquisition, then a company could use those losses to offset profits.

As reported in the Washington Post, a number of tax experts and legislators raised concern about the IRS action, with some arguing that the Treasury Department lacked the legal authority to make the change. Some conservative economists have long opposed the provisions in current law and have sought a repeal or modification, but Congress has not done so. The change was reportedly intended to make it more palatable for financial institutions to take on troubled firms, and the result of the change was a potentially large tax break for banks, with one estimate that the change in the notice could reduce revenue by up to \$140 billion.

Findings

The agreement lists several findings of Congress, including a finding that the delegation of authority under section 382 does not authorize the Treasury Department to provide exemptions or special rules that are restricted to particular industries or classes of

taxpayers. It lists findings that IRS Notice 2008-83 is "inconsistent with congressional intent," and that the legal authority to prescribe the notice is "doubtful." The measure also notes that "taxpayers should generally be able to rely on" the department's guidance and that legislation is necessary to clarify force and effect of the notice and to restore the proper application of the limitations on built-in losses following an ownership change of a bank.

Prospective Repeal of Notice

The agreement repeals the changes made by the Treasury Department notice, but on a prospective basis. It deems the Treasury decision as having the full force and effect of law with respect to any ownership change occurring before Jan. 16, 2009. The measure also allows the notice to apply to certain ownership changes after Jan. 16, 2009. The exception would cover ownership changes pursuant to a written binding contract entered into before January 16. The exception also covers changes pursuant to a written agreement entered into before January 16 if the agreement was described before that date in either a public announcement or in a required filing with the Securities and Exchange Commission.

According to the JCT, this repeal would raise nearly \$7 billion over 10 years.

Treatment of Certain Ownership Changes

The agreement clarifies the application of section 382 to certain companies restructuring pursuant to the Emergency Economic Stabilization Act of 2008.

This provision is estimated to cost \$3.2 billion over 10 years.

Assistance for State & Local Governments

One-Year Delay of Implementation of Withholding on Government Contractors

For payments made after Dec. 31, 2010, current law requires withholding at a 3% rate on certain payments to individuals providing property or services made by federal, state, and local governments. The withholding is required regardless of whether the government entity making the payment is the recipient of the property or services (those with less than \$100 million in annual expenditures for property or services are exempt).

The agreement delays the 3% withholding tax on payments to businesses that sell goods or services to governments for one year, through Dec. 31, 2011. The delay would provide time for the Treasury Department to study the impact on this provision on government entities and other taxpayers.

This provision is estimated to cost \$291 million over 10 years.

School Construction Bonds

The agreement establishes a new type of tax-credit bond that could be issued by state and local governments to finance the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which a school facility would be constructed. (Tax-credit bonds provide investors with a federal tax credit in lieu of an exemption on taxation for interest payments.)

The agreement authorizes up to \$11 billion for such bonds in 2009, and \$11 billion in 2010, for a total national limitation of \$22 billion. There is a \$400 million national limitation on the amount of qualified school construction bonds that may be issued by Indian tribal governments.

This provision is estimated to cost \$9.9 billion over 10 years.

Each year, 60% of those bonds would be allocated to states based on the number of school age children and 40% would be allocated among certain local educational agencies based on the amount received through certain grants from the Education Department. The agreement allows amounts that are allocated to local agencies that go unused to be reallocated to states. The measure also sets aside \$200 million in each year for Indian schools that would be allocated by the Interior Department for projects at schools funded by the Bureau of Indian Affairs.

The measure requires projects funded through these bonds to comply with Davis-Bacon requirements. It also requires that 100% of available project proceeds (i.e., proceeds from the sale, minus the cost of issuing the bonds as well as any investment earnings) be used within three years of the issuance of the bonds.

The rules for tax credits under these bonds would be the same as that under other current-law tax credit bonds. As a result, the credit received by an investor could be used to offset both the regular income tax and the AMT. The credit could also be separated from the ownership of the bond, a process known as "credit-stripping."

According to JCT, these bond provisions would reduce revenue by nearly \$9 billion over 10 years.

The Senate bill provided \$5 billion for new school construction. The House bill provided \$11 billion for new school construction. The provision creates a tax credit bond to fund new construction of schools. It allocates \$5 billion for each of 2009 and 2010. The agreement's provision also provides a specific allocation of \$200 million for Indian schools for each of those years. It is estimated to cost \$4.5 billion over 10 years.

New Tax Credit Bonds for Government Infrastructure Projects

The agreement provides new tax credit bonds for government infrastructure projects, instead of a tax-exempt government obligation bond, for 2009 and 2010. It allows the state or local government to elect to receive a direct payment from the federal government equal to the subsidy that would have otherwise been delivered through the federal tax credit for bonds.

The provision is estimated to cost \$4.3 billion over 10 years.

Energy Tax Provisions

Advanced Energy Investment Credit

The agreement establishes a new 30% investment tax credit for manufacturing advanced energy property, such as facilities that manufacture components for the production of renewable energy, energy storage, energy conservation, efficient transmission and distribution of electricity, carbon capture and sequestration, advance battery technology, and other next-generation green technologies.

The credits would be available only for projects certified by the Treasury secretary, in consultation with the Energy secretary, through a competitive bidding process. The Treasury Department would establish a certification program no later than 180 days after date of enactment, and may allocate up to \$2.3 billion in credits.

This provision is estimated to cost \$1.6 billion over 10 years.

Production Tax Credit for Renewable Electricity Projects

The measure extends, generally for three years, an existing credit under current law for producing energy from renewable sources at qualifying facilities. Under current law, the credit applies for different periods depending on the source of the energy, and thus the extensions in the measure vary based on the energy source.

For wind facilities, the agreement extends the "placed-in-service" date to Dec. 31, 2012, three years later than the current deadline of Dec. 31, 2009. The measure extends the placed-in-service date to Dec. 31, 2013 — a three-year extension from the current deadline at the end of 2010 — for other types of facilities including closed-loop biomass, open-loop biomass, solid waste, hydropower, geothermal and landfill gas. It extends the placed-in-service deadline for marine and hydrokinetic facilities to Dec. 31, 2013 from the current deadline at the end of 2011.

According to the JCT, these extensions would cost \$13.1 billion over 10 years.

Election to Claim Investment Tax Credit in Lieu of Production Tax Credit

Under current law, facilities that produce electricity from solar facilities are eligible to take a 30% investment tax credit in the year that the facility is placed in service. Facilities that produce electricity from wind, closed-loop biomass, open-loop biomass, geothermal, small irrigation, hydropower, landfill gas, waste-to-energy, and marine renewable facilities are eligible for a production tax credit. The production tax credit is payable over a 10-year period.

It is currently difficult for many renewable projects to find financing due to the uncertain future tax positions of potential investors in these projects. The agreement allows owners of facilities to elect to claim the investment tax credit in lieu of the production tax credit.

The provision is estimated to cost \$285 million over 10 years.

Repeal of Limitations on Credit for Renewable Energy Property

If a renewable energy property is financed with industrial development bonds or through any other government-subsidized financing program, the investment tax credit for the property must also be reduced.

The agreement repeals this limitation to allow businesses and individuals to qualify for the full amount of the investment tax credit even if the property has been financed with industrial development bonds or other subsidized energy financing.

The JCT estimates this provision would cost \$604 million.

Treasury Department Energy Grants in Lieu of Tax Credits

Under current law, taxpayers can claim a production tax credit for electricity produced by certain renewable energy facilities and an investment tax credit for certain renewable energy property. Current economic conditions have undermined the effectiveness of these tax credits.

The agreement allows taxpayers to receive a grant from the Treasury Department in lieu of tax credits. Grants would amount to 30% of the cost of the facility.

The JCT estimates this provision would cost \$5 million over 10 years.

The conference agreement also creates a similar program for the Treasury Department to provide low-income housing grants in lieu of tax credits. This separate provision is estimated to cost \$69 million over 10 years.

Clean Renewable Energy Bonds

The agreement authorizes an additional \$1.6 billion of new clean renewable energy bonds to finance facilities that generate electricity from wind, closed-loop biomass, open-loop biomass, geothermal, small irrigation, hydropower, landfill gas, marine renewable, and trash combustion facilities. One third of the authorization would be available to qualifying projects of state, local, and tribal governments, one third would be available for projects of public power providers, and one third would be available for projects of electric cooperatives.

The JCT estimates this provision would cost \$578 million over 10 years.

Qualified Energy Conservation Bonds

The measure authorizes an additional \$2.4 billion of qualified energy conservation bonds to finance state, municipal, and tribal government programs designed to reduce greenhouse gas emissions. It also clarifies that qualified energy conservation bonds could be issued to make loans and grants for capital expenditures to implement green community programs and that the bonds may be used for programs in which utilities provide ratepayers with energy-efficient property and recoup the costs of that property over an extended period of time.

The JCT estimates this provision would cost \$803 million over 10 years.

Credit for Non-Business & Residential Energy Property

Current law provides a tax credit for certain energy-efficient improvements to existing homes, which covers items purchased through 2009. Improvements may include new furnaces, energy-efficient windows and doors, or insulation.

The conference agreement extends and temporarily increases the tax credit to 30% for non-business energy property. It repeals the reduction in tax credits by reason of receipt of subsidized energy financing, and modifies the definition of qualified energy property and wood stoves. The JCT estimates this provision would cost \$2.1 billion over 10 years.

The agreement also removes the cap on the tax credit for residential wind, geothermal property, and residential solar thermal property. The JCT estimates this provision would cost \$268 million over 10 years.

Consumer Vehicle Incentives

The agreement provides a tax credit for families who purchase plug-in hybrid vehicles with a base credit of \$2,500. If the qualified vehicle draws propulsion from a

battery with at least 5 kilowatt hours of capacity, the credit is increased by \$417, plus another \$417 for each kilowatt hour of battery capacity in excess of 5 kilowatt hours. The credit is allowed against the AMT.

The provision is estimated to cost \$2 billion over 10 years.

Increase Amounts of Alternative Fuel Pump Credits

Under current law, tax credits are available for the installation of fuel pumps for alternative fuels, such as natural gas, but certain caps are placed on the credit.

The agreement increases the business credit to 50% and caps the credit at \$50,000. The measure increases the individual credit to 50%, with a cap of \$2,000.

The provision is estimated to cost \$54 million over 10 years.

Carbon Capture & Sequestration

The measure requires that any taxpayer claiming the \$10-per-ton credit for carbon dioxide captured and transported for use in enhanced oil recovery must also ensure that such carbon dioxide is permanently stored in a geologic formation. This provision is estimated to have negligible revenue impact.

Parity for Transportation Benefits

Current law provides a tax-free fringe benefit employers can provide to employees for transit and parking. Those benefits are set at different dollar amounts.

The agreement equalizes the tax-free benefits employers can provide for transit and parking, setting them both at \$230 a month for 2009, indexing them equally for 2010, and clarifying that certain transit benefits apply to federal employees.

This provision is estimated to cost \$192 million over 10 years.

Manufacturing & Economic Recovery Tools

Industrial Development Bonds

Under current law, certain manufacturing facilities are eligible for tax exempt bond financing, but it specifically limits the definition of a manufacturing facility to facilities that are used in the manufacturing or production of tangible personal property.

The agreement amends the definition of manufacturing facility to any facility used in the manufacturing, creation, or production of tangible or intangible property, such as

patent or copyright. The measure also clarifies which physical components of a manufacturing facility qualify as "ancillary" under the industrial development bond program and are therefore subject to a 25% limitation in the amount of bond issuance used to build or re-construct those components.

This provision is estimated to cost \$203 million over 10 years.

New Markets Tax Credit

Under current law, there are \$3.5 billion of New Markets Tax Credits available for each of 2008 and 2009. The agreement increases the available credits for 2008 to \$5 billion and the available credits for 2009 to \$5 billion.

This provision is estimated to cost \$815 million over 10 years.

Recovery Zone Bonds

The measure creates a new category of tax credit bonds for investment in economy recovery zones. It authorizes \$10 billion in recovery zone economic development bonds and \$15 billion in recovery zone facility bonds, which both could be issued during 2009 and 2010.

Each state would receive a share of the national allocation based on that state's job losses in 2008 as a percentage of national job losses in 2008. Municipalities receiving an allocation of these bonds from the state would be permitted to use these bonds to invest in infrastructure, job training, education, and economic development in areas within the boundaries of the state, city, or county that has significant poverty, unemployment, or home foreclosures.

This provision is estimated to cost \$5.4 billion over 10 years.

Tribal Economic Development Bonds

Under current law, tribal governments can only issue tax-exempt bonds for essential government functions. The agreement temporarily allows tribal governments to issue \$2 billion of tax-exempt bonds for projects without this restriction in order to spur economic development on tribal lands. It requires the Treasury Department to study this modification, and is estimated to cost \$315 million over 10 years.

High-Speed Rail Bonds

Under current law, high-speed intercity rail facilities must reasonably be expected to operate at speeds in excess of 150 miles per hour between scheduled stops to qualify for a

government issued facility bond. The agreement changes the definition of qualifying high-speed intercity rail facilities such that they must reasonably expect to achieve a top speed in excess of 150 miles per hour.

The provision is estimated to cost \$288 million over 10 years.

Infrastructure Financing Tools

Extend & Increase Authorization of Qualified Zone Academy Bonds

The agreement allocates \$1.4 billion of qualified zone academy bond program issuing authority to state and local governments for 2009 and 2010. The bonds can be used to finance renovations, equipment purchases, developing course material, and training teachers and personnel at a qualified zone academy, defined as any public school below college level that is located in an empowerment zone or enterprise community and designed to cooperate with businesses to enhance curriculum.

The provision is estimated to cost \$1 billion over 10 years.

Tax-Exempt Interest Expense for Financial Institutions

Under current law, financial institutions are not allowed to take a deduction for the portion of their interest expense that is allocated to such institution's investments in tax-exempt municipal bonds. The law also designated "qualified small issuers" that are not taken into account as investments in such bonds and are defined as any issuer that reasonably anticipates that the amount of its tax-exempt obligations will not exceed \$10 million.

The agreement excludes investments in tax-exempt municipal bonds issued during 2009 and 2010 to the extent all these investments make up less than 2% of the average adjusted bases of all the assets of the financial institution. It also increases the dollar threshold for small issuers to \$30 million.

The JCT estimates these provisions would cost \$3.2 billion over 10 years.

2008-2010 Biennium Budget House and Senate Amendments

The General Assembly spent part of this week on budget action: the House passed its budget, while in an unusual move, the Senate decided to hold off passage of its budget until next week. In comments explaining the new budget schedule, the Senate Majority Leader cited two major events unfolding in the next week which will determine the outcome of state spending and revenues. First, Governor Kaine will release the next revenue reforecast on February 16, with revenues likely to be even lower than the current \$2.9 billion biennial revenue shortfall; preliminary estimates suggest by as much as \$600 million. Second, if the federal stimulus package is signed into law by President's Day, federal funding will likely be incorporated into the work of the General Assembly. As a result, both budgets have elements of being "placeholder" budgets at this point, and all comparisons below are between the House passed budget and the Senate Finance Committee budget.

Revenue Overview

- Both budgets accept the Governor's proposal to allocate approximately \$500 million in FY 2009 from the Rainy Day Fund, but they both reject the Governor's proposal to increase the state cigarette tax by 30 cents (which would have raised \$150 million per year beginning in FY 2010).
- The House budget instead transfers Water Quality Improvement Fund (WQIF) cash balances of \$149 million in anticipation of replacing the dollars with federal stimulus funding or state bonds, while the Senate Finance budget apportions the cut across the budget.
- Senate Finance rejected the Governor's proposed repeal of the Dealer Discount on the sales and use tax – the annual \$64 million GF compensation retailers retain for administering the tax. In place of the repeal, the committee adopted a one-time accelerated sales and use tax provision; the change nets the Senate an additional \$35 million for FY 2010.
- The House scaled back the Governor's Dealer Discount proposal, approximately by one-half. It caps the per vendor compensation at not greater than \$800 per month. Additionally, the House adopted a new sales and use tax collection process through which retailers with annual sales greater than \$20 million would be required to remit sales taxes bi-monthly. The changes produce \$111.9 million for FY 2010, a net increase of \$47.6 million when compared to the Governor's budget.
- Both the House and Senate Finance budgets adopted tax amnesty programs, projecting \$43.3 million for the state general fund and \$2.9 million for localities in FY 2010.
- It is important to note that, while in many of the following items the House budget appears more favorable to local governments, this is in part a result of the actions on WQIF and includes some "creative" accounting.

K-12 Funding

House:

- Adopts the Governor's proposed permanent change in administrative support cost funding – a \$340 million structural change to education funding, in which the state will cap and fund a new support personnel ratio of 1 support position for every 4.03 SOQ-funded instructional positions.
- The House also eliminates local match requirements for any programs funded through lottery funding – since most local governments, including Fairfax County, far exceed required local effort, this does not free up an additional local dollars.

Senate Finance:

- In a better approach for the County, includes a one-time FY 2010 reduction amount of \$368.4 million, which reflects the amount of the Governor's cuts for four policy changes (cap on the number of support positions, lottery non-recurring, school construction and the hold harmless funding to protect some localities from the support position cuts).
- The Senate Finance budget specifies that these cuts should not be included in the rebenchmarking of public education costs for the 2010-2012 biennium. Senate Finance allows each school division the discretion to make necessary temporary cuts.

Transit Operating Assistance

House: Directs the Department of Rail and Public Transportation to set aside 10% of transit capital funding for one-time support for transit operating expenses. The funding would be distributed through a competitive solicitation process. The Northern Virginia Transportation Commission has estimated that such a set aside could affect a minimum of \$9 million in the Mass Transit Fund and could cost Northern Virginia \$2.1 million in transit funds. (Discussions of alternative approaches to avoid shifting of funds between transit systems are underway, but have not been concluded).

Senate Finance: Directs the Department of Rail and Public Transportation to set aside 10% of transit capital funding for one-time support for transit operating expenses. The funding would be distributed through a competitive solicitation process. The Northern Virginia Transportation Commission has estimated that such a set aside could affect a minimum of \$9 million in the Mass Transit Fund and could cost Northern Virginia \$2.1 million in transit funds. (Discussions of alternative approaches to avoid shifting of funds between transit systems are underway, but have not been concluded).

Excess court fees

House: Of concern to the County, the House adopts the Governor's proposal allowing the state to retain two-thirds of excess fees collected by the Clerks of the Circuit Courts, resulting in a loss of \$2.6 million to the County. Currently, localities retain two-thirds of the fees and the state receives one-third.

Senate Finance: In a better approach for the County, Senate Finance eliminates the Governor's proposed structural change, and allows localities to keep two-thirds of the excess court fees. The Senate Finance budget pays for this change by reducing aid to localities by \$6 million in FY 2010 (rather than aid to localities being cut by \$50 million in FY 2010, as was included in the budget during the 2008 GA session, the FY 2010 budget would include a cut of \$56 million to localities).

Water Quality Improvement Fund (WQIF)

House: Of concern to the County, the House budget transfers Water Quality Improvement Fund (WQIF) cash balances of \$149 million in anticipation of replacing the dollars with federal stimulus funding or state bonds. This could affect current local projects in the queue for WQIF funding, including County projects. And as is often the case, federal funding in the stimulus may have restrictions that preclude flexibility of use.

HB 599

The Governor's introduced FY 2010 budget reduced funding for HB 599 by \$7.7 million – state support for local police departments. The reduction equates to a 7 percent cut against the revised FY 2009 payments. On a positive note, the House and Senate did not make further cuts, at least at this time.

Compensation

House: The Governor's introduced FY 2010 budget implemented across-the-board reductions of 7 percent for offices of the sheriff and the commonwealth's attorney, as well as 10 percent for offices of the commissioners of the revenue, treasurers, directors of finance and circuit court clerks. The House budget allocates \$8.3 million to partially restore funding, and implements across-the-board reductions of 5 percent for offices of the sheriff, commonwealth's attorney, commissioner of revenue, treasurer, finance director and circuit court clerk.

Senate: Adopts the Governor's recommendations mentioned above.

MR Waivers

House: The Governor's introduced FY 2010 budget eliminated funding to add 200 new MR Waiver slots, and the House budget restores funding for these 200 slots.

Senate: The Senate accepts the Governor's cuts.

Courthouse Facilities

House: The House budget temporarily suspends the authority of circuit judges to enter orders requiring localities to repair or replace court facilities.

Senate: The Senate has no similar language, but proposes a Joint Legislative Audit and Review Commission (JLARC) study of courthouse construction, operation and maintenance funding.

Jail Funding

The House and Senate Finance budgets establish a joint subcommittee to examine the future of state funding for local and regional jail construction and operations. The Senate has adopted SB 1386 (Stolle) repealing state funding for local and regional jails.

House: Expands the federal inmate cost recovery methodology to recoup the entire cost borne by the Commonwealth for federal inmates housed in local and regional jails.

Other Items of Interest

House: The House budget directs the Board of Pharmacy to work with the Secretary of Health and Human Resources and the Department of State Police to continue planning for the development of an unused pharmaceuticals disposal program. The House budget also authorizes the Department of Environmental Quality to investigate the factors leading to fish lesions and fish mortality in the Shenandoah, Potomac and James Rivers.

LEGISLATIVE SUMMARY: ELECTRICITY AND ENERGY BILLS
February 13, 2009

| Topic | Bill/Sponsor | Summary | Status | Staff Comments |
|----------------------------|--|---|---------------------------|--|
| ELECTRIC REGULATION | | | | |
| 1 | Electric Regulation HB 1994 Bulova | Renewable energy goal: Establishes a goal for investor-owned electric utilities that 15% of their total electric energy sales be from renewable energy sources in 2025. Utilities that meet the goal are eligible for performance incentives. | Passed House 77-Y/0-N | Increases goal of renewable energy from 12% to 15% by 2025. Some concern about provisions regarding performance incentives. |
| 2 | Electric Regulation HB 2155 Toscano | Net metering: Prices paid by utilities to customer-generators cannot be less than the rate the utility charges that customer for the electricity it buys from the utility. The bill also raises maximum generation capacities for nonresidential customer-generators and permits aggregation. | Passed House 99-Y/0-N | |
| 3 | Electric Regulation HB 2175 Hogan | Renewable generation: DEQ to develop a permitting process for the construction and operation of small renewable energy projects (100 MW for solar, wind, or water; 20 MW for biomass, waste-energy, or solid municipal waste). [See SB 1347] | Passed House 80-Y/18-N | Concept is good, but concern about exempting the SCC from the permitting process. |
| 4 | Electric Regulation HB 2506 Pollard | Energy efficiency incentives: Permits electric utilities to recover, through a rate-adjustment clause, projected and actual costs to design, implement, and operate energy efficiency programs. A utility may earn the same enhanced rate of return on such programs that is currently provided for renewable-powered generation facilities and net lost revenues for the program's full service life. | Passed House 99-Y/0-N | Creates incentives for electric utilities to undertake energy-efficiency programs, but some concern about bill provisions regarding enhanced recovery. |
| 5 | Electric Regulation HB 2519 Phillips | Fuel costs: If the SCC approves an increase in fuel factor charges that increases residential customers' total rates by more than 20%, then it must review the utility's earnings within 6 months. The SCC may reduce fuel costs if it finds that the utility is over-recovering fuel costs by more than 5%. | Passed House 99-Y/0-N | The bill would be stronger if the SCC were required to reduce fuel costs of over-earning utilities. |

(97)

| | Topic | Bill/Sponsor | Summary | Status | Staff Comments |
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| 6 | Electric Regulation | HB 2531 Kilgore | Conservation and demand response targets: Requires the SCC to conduct a formal proceeding to determine achievable, cost-effective targets that can realistically be accomplished through demand-side management (DSM) portfolios administered by generating electric utilities. The SCC is to report its findings to the General Assembly by November 15, 2009. The SCC must approve a DSM program if certain conditions are satisfied. [See SB 1348] | Passed House 87-Y/12-N | Bill seems to promote energy conservation and demand side management, but concerns include language relating to (1) "cost effectiveness" and "achievability;" and (2) mandatory approval of certain programs. |
| 7 | Electric Regulation | SB 1248 Northam | Energy efficiency standards: Establishes a statewide goal of reducing electricity consumption by 19% by 2025. Utilities are required to implement cost-effective energy efficiency programs to meet annual baselines between 2010 through 2025. They may recover the costs of designing and operating energy efficiency and load management programs through rate adjustment clauses; investments in certain programs may result in an enhanced return. | Passed Senate 28-Y/12-N | Bill sets admirable targets for energy efficiency programs however concern regarding enhanced rate of return. |
| 8 | Electric Regulation | SB 1339 Herring | Electric regulation: A multi-topic bill that requires the SCC to adopt rules requiring electric utilities to offer real-time pricing for all customer classes; establishes a renewable-energy goal of 15% by 2025; defines and provides for a multi-year enhanced rate of return on energy-efficiency programs; and addresses rates and REC ownership for net-metering customers. | Passed Senate 40-Y/0-N | Some concern about bill provisions regarding enhanced rate of return. |
| 9 | Electric Regulation | SB 1347 Wagner | Renewable generation: DEQ to develop a permitting process for the construction and operation of small renewable energy projects (100 MW for solar, wind, or water; 20 MW for biomass, waste-energy, or solid municipal waste). [See HB 2175] | Passed Senate 38-Y/1-N, 1-A | Bill would stimulate and streamline wind energy projects in Virginia. |
| 10 | Electric Regulation | SB 1348 Wagner | Demand and demand response targets: See description of HB 2531, above. | Passed Senate 34-Y/5-N | Encourages electric utility demand response programs and continuation of SCC studies in this area. |

(98)

| | Topic | Bill/Sponsor | Summary | Status | Staff Comments |
|--------------------|---------------------|-----------------|---|------------------------|--|
| 11 | Electric Regulation | HB 1819 Kilgore | Electric cooperative rates: Without SCC approval, an electric co-operative's board of directors may establish or revise monthly rates to collect fixed costs. Any such monthly charge would in lieu of charges based on the volume of use of electric energy. | Passed House | This bill would further weaken SCC authority to oversee rates. |
| 12 | Electric Regulation | HB 2152 Rust | Standby service charges for renewable distributed generation. Rates charged by an electric utility for standby service to customers that operate a facility that generates renewable power are to vary according to the facility's renewable source of energy. The measure exempts facilities with a capacity of up five megawatts from stand-by service charges. | Passed House | The bill contains confusing language, and provides exemptions for facilities that do not make economic sense. |
| NATURAL GAS | | | | | |
| 1 | Natural Gas | HB 1633 Saxman | Offshore drilling royalties: Apportions any royalties that Virginia might receive from offshore drilling for natural gas and oil among the Transportation Trust Fund (35%), certain programs to clean up the Chesapeake Bay (35%), the Virginia Coastal Energy Research Consortium (10%), and funds for home energy assistance (10%), biofuels (5%), and renewable energy (5%). | Passed House 58-Y/41-N | |
| 2 | Natural Gas | HB 2277 Bowling | Municipal/authority resale: Authorizes municipalities and authorities to resell natural gas and provide distribution service in areas that are not within the certificated territory of a natural gas utility. | Passed House 99-Y/0-N | There appear to be no eligible areas in the County. |
| 3 | Natural Gas | HB 1970 Ware | Regulatory exclusions. Upon SCC approval, providers of "propane, propane-air mixtures, or other natural or manufactured gas" (whether provided above or below ground) may offer non-regulated retail service to groups of customers located up to 5 miles from an existing underground natural gas line. Systems that are operational as of the bill's effective date are exempt from SCC approval requirements. | Passed House 98-Y/0-N | The providers' non-regulated status would leave the County with little or no recourse to address customer complaints or safety concerns associated with this class of providers. |

(99)

| Topic | Bill/Sponsor | Summary | Status | Staff Comments |
|-----------------------|----------------------|--|---------------------------|---|
| SUSTAINABILITY | | | | |
| 1 | HB 2002 Cosgrove | Biofuels: Amends Virginia Energy Plan to promote the use of biofuels made from non-food feedstocks. [See SB 1427] | Passed House 98-Y/0-N | Promotes the development of a Virginia biofuels industry, in addition to use of biofuels |
| 2 | HB 2171 Vanderhwe | Generation from agricultural waste: Excludes from public utility regulation a farm, or aggregation of farms, that owns and operates waste-to-energy generation facilities (subject to certain conditions). | Passed House 98-Y/0-N | Bill will encourage electrical generation on farms, increasing domestic electricity production. |
| 3 | HB 2172 Hogan | Rights-of-way and collocation: Provisions include: (1) establishes a \$1,500 public ROW use fee for renewable generators in lieu of any and all fees of general application, except for zoning, subdivision, site plan, and comprehensive plan fees of general application; (2) permits renewable generators to locate in utilities' easements of ROW; (3) provides that, in some instances, localities will compensate renewable generators for re-location costs; (4) addresses property restoration. | Passed House 97-Y/2-N | Long and involved bill. |
| 4 | HB 2576 May | Electricity generated from solid waste: Expands the definition of a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 to include solid waste management facilities that generate electricity from solid waste. | Passed House 99-Y/0-N | Bill should facilitate and stimulate electricity generation from municipal solid waste. |
| 5 | SB 1201 Puckett | Home energy assistance: Changing the timing for the state's survey on the effectiveness of low-income energy assistance programs. | Passed Senate 39-Y/0-N | |
| 6 | SB 1215 Deeds | Clean energy manufacturing incentives: This program, which replaces a solar incentive program, provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. Eligibility requirements include a capital investment > \$50 million and the creation of at least 200 full-time jobs. | Passed Senate 39-Y/0-N | Eligibility requirements likely to limit program's impact. |

(18)

| | Topic | Bill/Sponsor | Summary | Status | Staff Comments |
|----|----------------|--------------------|--|----------------------------------|---|
| 7 | Sustainability | SB 1346 Wagner | Coastal Energy Research Consortium: Makes certain technical corrections to membership and broadens the Consortium's responsibilities to include researching "the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal energy." | Passed Senate 39-Y/0-N | |
| 8 | Sustainability | SB 1349 Wagner | Offshore wind/regional cooperation: Establishes the South Atlantic Offshore Wind Energy Infrastructure Development Compact among Virginia, Delaware, Maryland, New Jersey, and New York. Compact members will study, develop, and promote coordinated research and planning regarding offshore wind energy infrastructure and operations directly adjacent to the shores of the party states. | Passed Senate 40-Y/0-N | Advances offshore wind energy programs and infrastructure in Virginia. |
| 9 | Sustainability | SB 1350 Wagner | Marine Resources Commission: Grants the Commission authority to lease subaqueous lands for the purpose of generating electrical energy, transmit energy from such sources to shore, and requires that any leases require a royalty (to be appropriated to the Coastal Energy Research Consortium). | Passed Senate 40-Y/0-N | Bill would help stimulate the feasibility of generating electricity through tidal, geothermal or wind offshore resources. |
| 10 | Sustainability | SB 1427 Hanger | Biofuels: Amends Virginia Energy Plan to promote the use of biofuels made from non-food feedstocks. [See HB 2002] | Passed Senate 39-Y/0-N | Promotes the development of a Virginia biofuels industry, in addition to use of biofuels |
| 11 | Sustainability | SJ 319 Whipple | Home energy consumption: Directs the Virginia Housing Commission to study home energy consumption. | Agreed to by voice vote | |
| 12 | Sustainability | SJ 332 Peterson | Constitutional amendment: Authorizes the General Assembly to directly exempt from property taxes, or to enact legislation that would permit localities to exempt from property taxes, buildings constructed of materials or in a manner designed to abate or prevent pollution and to use energy and natural resources efficiently. | Passed Senate 37-Y/2-N 1-A | |

(101)

| | Topic | Bill/Sponsor | Summary | Status | Staff Comments |
|------------------------------|---------------------|--------------|--|-----------------------|---|
| TRANSMISSION/LAND USE | | | | | |
| 1 | Trans. and Land Use | HB 1729 | <p>Undergrounding electric transmission lines: Authorizes the governing body of any locality to enter into an agreement with an electric utility that provides that the locality will impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating, and maintaining the proposed line as an underground rather than an overhead line.</p> | Passed House 97-Y/1-N | Gives added flexibility to governing body to create a special assessment district for undergrounding utility lines. |

(102)

Studies

HB 1952 (O'Bannon) (SRUL)/**SB 1060** (Puller) (Passed Senate) extends the Joint Commission on Health Care until July 1, 2012. (094191664-H1, 094346840)

HB 2369 (Nutter) (SRUL) directs the Substance Abuse Services Council to recommend the best strategies to address prescription drug abuse. The Council must report of its findings and recommendations to the Governor and the General Assembly on or before November 15, 2009. (094210660-H1)

HB 2463 (O'Bannon) (SRUL) establishes the Government Efficiency Review Commission to review agencies on an eight-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies. The bill also repeals the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) and makes some technical amendments. (092397854-EH2)

HJ 678 (Tata) (SRUL) requests the State Council of Higher Education for Virginia and the Virginia Community College System to study the shortage of classroom teachers in the Commonwealth, and specifically explore methods to attract students to the Virginia Community College System for the first two years of a teacher preparation program. (093382748)

HJ 681 (Massie) (SRUL) directs the Joint Legislative Audit and Review Commission to study Virginia's corporate income tax system. It is a two-year study with its work to be completed by November 30, 2010. (091904617)

HJ 711 (Jones) (SRUL) extends the mandate of the Joint Subcommittee to Study the Transportation Network of Hampton Roads for another year. (093521584)

HJ 713 (Poindexter) (SRUL) requests the Department of Environmental Quality to study the environmental impact of the expanded use of compact fluorescent light bulbs in the residential sector. In conducting its study, the Department of Environmental Quality shall examine the impact on landfills, proper disposal or recycling in private residences, and public education opportunities. The study should determine the most effective ways to encourage and promote the environmentally sound management of compact fluorescent light bulbs containing mercury. The Department of Environmental Quality shall include in its recommendations strategies for (i) educating consumers on the benefits of proper management of a product that contains mercury and the need to recycle such bulbs; (ii) publicizing options for proper disposal; and (iii) working with the private sector to develop ways to allow the public to conveniently recycle fluorescent light bulbs. (094196687-EH1)

HJ 723 (Landes) (SRUL) directs the Division of Legislative Services to collect data and information to measure the impact of NCLB on dropout and graduation rates in Virginia, and among other things, to monitor the proposed changes in the federal law, and collaborate with state and local entities examining or proposing initiatives designed to

address dropout and graduation rates. The Division of Legislative Services must submit an executive summary of the information and data collected to the 2010 Session of the General Assembly. (094194592-H1)

HJ 730 (Peace) (SRUL) requests the Virginia-Maryland Regional College of Veterinary Medicine at Virginia Polytechnic Institute and State University to study the shortage of large animal veterinarians. The Virginia-Maryland Regional College of Veterinary Medicine must submit its findings and recommendations to the 2010 Session of the General Assembly. (094184676-E)

SB 980 (Wagner) (Passed Senate) repeals the July 1, 2009, sunset date for the Manufacturing Development Commission. (092801340)

SB 1016 (Edwards) (Passed Senate) makes the Governor's P-16 Education Council a permanent advisory council within the executive branch, to be staffed by the Office of the Secretary of Education. (094041816-E)

SB 1453 (Petersen) (Passed Senate) moves the Commission on Civics Education to the legislative branch, adds a student to serve as a nonlegislative citizen member, and gives the Commission fund-raising authority. (097314293-S1)

SJ 276 (Puller) (HRUL) directs the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine. (094011304-E)

SJ 277 (Edwards) (HRUL) directs the Joint Legislative Audit and Review Commission to study the costs incurred by the Commonwealth and localities resulting from tort claims brought against such entities. (090264228-E)

SJ 292 (Martin) (HRUL) directs the Joint Commission on Health Care to study the benefits to the Commonwealth of appropriating additional funds for cancer research. The joint subcommittee shall (i) examine the sufficiency of current funding sources for both the Massey Cancer Center and the University of Virginia Cancer Center; (ii) review history and successes of cancer research at each center; (iii) explore benefits to the Commonwealth of expanding state support of both centers; and (iv) research additional funding opportunities for both centers. (097316268-S1)

SJ 313 (Miller, J.C.) (HRUL) directs the Joint Legislative Audit and Review Commission to study ways to promote and ensure early reading proficiency and comprehension among third graders in public schools. In conducting its study, the joint subcommittee shall (i) determine the number of third graders who read at grade level; (ii) rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and its relationship to academic success,

and recommend those recommendations appropriate for implementation in Virginia; and (v) determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students. (097312275-S1)

SJ 316 (Miller, Y.B.) (HRUL) directs the Joint Commission on Health Care to study the feasibility and value of establishing a State Surgeon General. In conducting its study, the Commission shall (i) review other states' surgeon general positions, including their duties, powers, and the effect they are having on public health; (ii) investigate the need for such a position in the Commonwealth; (iii) consider the possibility of combining an existing position within state government with the newly created surgeon general position; and (iv) examine all the possible benefits of such a position to the citizens of the Commonwealth. (094088276)

SJ 318 (Hanger) (HRUL) continues the Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment for one year, to continue to (i) identify and characterize the nature of substance abuse in the Commonwealth; (ii) identify current state policies and programs targeting substance abuse prevention and treatment; (iii) examine the cost of such policies and programs to the Commonwealth; (iv) identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and (v) benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states. Additionally, the joint subcommittee shall establish work groups to explore issues, existing state policies and programs, and potential recommendations or solutions to address problems related to substance abuse prevention, substance abuse treatment services, use of evidence-based practices, and other pertinent topics. (097308232-S1)

SJ 319 (Whipple) (HRUL) directs the Virginia Housing Commission to study home energy consumption. (097443352)

SJ 322 (Puller) (HRUL) directs the Crime Commission to study waterfowl hunting in certain urban and suburban areas. (097313304-S1)

SJ 324 (Howell) (HRUL) creates a joint committee of members from the Senate and House Finance Committees, two and four respectively, to examine the way Virginia calculates the corporate income tax for multistate service corporations. (094436248-E)

SJ 325 (Houck) (HRUL) directs the Joint Commission on Health Care to study opportunities for early identification and preventive care of chronic diseases. In conducting its study, the Commission shall (i) examine clinical and other studies concerning the manner in which early identification and preventive care can be utilized to halt or slow the evolution of such conditions as diabetes, hypertension, kidney disease, obesity, and pneumonia into chronic and terminal conditions, (ii) assess the means by which Virginia can address fragmentation of services across the health care delivery system and the patient's community in order to enhance early identification and

preventive care and care management for chronic disease and identify opportunities for providing more coordinated care management for individuals with multiple chronic diseases, and (iii) estimate the fiscal impact on the Commonwealth and private payers from such strategies. (096983244-E)

SJ 328 (Herring) (HRUL) directs the Joint Legislative Audit and Review Commission to study the various forms of postelection audits and their costs and requirements. (097309240-S1)

SJ 329 (Herring) (HRUL) requests George Mason University, Northern Virginia Community College, Loudon County Public Schools, Loudon County, and the Town of Leesburg to study the feasibility of establishing a permanent campus of George Mason University in Loudon County. In conducting their study, they shall, in coordination with one another, (i) solicit proposals from interested parties to develop a permanent campus of George Mason University in Loudoun County based on the criteria established in the report "Planning for Enhanced Public Higher Education in Loudoun County" and (ii) evaluate all such proposals with input from the State Council of Higher Education for Virginia. (097318240-S1)

SJ 330 (Colgan) (HRUL) establishes a joint subcommittee to study the findings of the *Review of State Employee Total Compensation*, prepared by the Joint Legislative Audit and Review Commission. (092875212-E)

SJ 339 (Barker) (HRUL) directs the Joint Commission on Health Care to study ways to ensure that individuals with life-threatening conditions receive the care they need, regardless of resources. In conducting its study, the Commission shall (i) identify existing resources to help those without private insurance who don't qualify for Medicaid in emergency situations and ways to publicize any such resources, (ii) determine approximately how many such cases occur in the Commonwealth each year, (iii) examine programs in other states to provide assistance in such situations, and (iv) recommend effective solutions for addressing this problem in the Commonwealth. (094051201)

SJ 341 (Deeds) (HRUL) establishes an 11-member joint subcommittee to evaluate the behavior of officials of the legislative and executive branches of state government and the related rules governing conflicts of interests, campaign finance, lobbying, and general rules of conduct. (098669220-E)

SJ 346 (Vogel) (HRUL) establishes a nine-member joint subcommittee to recommend methods for modernizing local government structure and organization. This is a two-year study. (097815338-E)

SJ 353 (McEachin) (HRUL) 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. (094215273-S1)

SJ 356 (Smith) (HRUL) establishes a joint subcommittee to study teenage driving and ways to help teenagers become safer drivers. (093845201)

SJ 357 (Barker) (HRUL) continues the mandate of the joint subcommittee to study the feasibility of creating a regional rapid transit network for connecting existing and emerging population centers in major transportation corridors for a second year. (093522201)

SJ 358 (Stolle) (HRUL) directs the Crime Commission to study the incidence of violent events in hospital emergency rooms and how such public safety issues can best be addressed. (090806328)

SJ 359 (Stolle) (HRUL) continues the joint subcommittee to study the operations of circuit court clerks' offices. (090798328)

SJ 360 (Stolle) (HRUL) establishes a joint subcommittee to study regular assignment of judicial personnel outside of established circuit boundaries. (097323328-S1)

SJ 362 (Norment) (HRUL) directs the Virginia State Crime Commission to study restorative justice and specifically, victim-offender reconciliation programs. (098379284)

SJ 363 (Martin) (HRUL) directs the Crime Commission to study criminal justice issues regarding the manufacture and use of false identification cards. (091533268)

2009 General Assembly Session Transportation Funding/Allocation Bills

| Bills | Patron | Description | Committee | Status | Position | Notes |
|---|------------|---|---|--|----------|--|
| Transportation Funding Bills | | | | | | |
| HOUSE | | | | | | |
| HB 1579 | Oder | Transportation funding and administration for Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, the Staunton Highway Construction District and the Salem Highway Construction District. | H Trans, Sub 4 | Substitute Passed House (61-31); assigned to S Finance | | The substitute provides funds for transportation in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District and the Salem Highway Construction District by capturing 30% of economic growth attributable to or facilitated by the marine terminal for Hampton Roads, by personal and corporate income taxes and insurance taxes in Planning District 8, by the Port of Richmond for the Richmond Highway Construction District, by the Inland Port at Front Royal for the Staunton Highway Construction District and by the Ellison Intermodal Facility for the Salem Highway Construction District. |
| HB 1633 | Saxman | Offshore drilling, apportion royalties that State receives to certain funds and programs. | H Approp. Economic Develop, Ag. & Nat. Resources Sub. | Amended; Passed House (58-41); assigned to S Finance | | 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. |
| SENATE | | | | | | |
| SB 1368 | Barker | Highway systems; allocation of maintenance funds. | S Trans | Passed Senate (25-15) | | 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, YB | Urban highway system construction funds; 2/3 portion of a city's funds can be used to service debt. | S Trans | Passed Senate (36-4) | | 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 | | | | | | |
| HOUSE | | | | | | |
| SENATE | | | | | | |
| Protecting the Transportation Trust Fund | | | | | | |
| HOUSE | | | | | | |
| HJ 620 | Oder | Constitutional amendment; Transportation Fund, Highway Maintenance and Operating Fund | H Priv & Elect; Constitutional Sub. | Passed House (99-0) | | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 + 1 of the members voting in each house, and the loan must be repaid with reasonable interest within 4 years. |
| SENATE | | | | | | |
| SJ 361 | Norment | Constitutional amendment; Transportation Funds | S Priv & Elect. | Passed Senate (31-6) | | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2010, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within the three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments and, additionally, in an amount not to exceed \$60 million in any fiscal year. |
| Other Transportation Bills | | | | | | |
| HOUSE | | | | | | |
| SENATE | | | | | | |
| HOUSE | | | | | | |
| SENATE | | | | | | |

2009 General Assembly Session Transportation Funding/Allocation Bills

Legislation No Longer Under Consideration

| Transportation Funding Bills | | Transportation Allocation Formula Bills | |
|------------------------------|--------------|---|----------|
| HOUSE | SENATE | HOUSE | SENATE |
| HB 1642 | Marshall | Albo | Marshall |
| HB 1661 | Scott | Miller, J | Marshall |
| HB 1669 | Albo | Miller, J | Marshall |
| HB 1759 | Marshall | Miller, J | Marshall |
| HB 1784 | Hull | Miller, J | Marshall |
| HB 1846 | Lingamfelter | Miller, J | Marshall |
| HB 2130 | Miller, J | Miller, J | Marshall |
| HB 2319 | Marshall | Miller, J | Marshall |
| SENATE | | Miller, J | Marshall |
| SB 1041 | Hanger | Miller, J | Marshall |
| SB 1048 | Miller, YB | Miller, J | Marshall |
| SB 1498 | Barker | Miller, J | Marshall |
| SB 1283 | Newman | Miller, J | Marshall |
| Transportation Funding Bills | | Transportation Allocation Formula Bills | |
| HB 1642 | Marshall | Albo | Marshall |
| HB 1661 | Scott | Miller, J | Marshall |
| HB 1669 | Albo | Miller, J | Marshall |
| HB 1759 | Marshall | Miller, J | Marshall |
| HB 1784 | Hull | Miller, J | Marshall |
| HB 1846 | Lingamfelter | Miller, J | Marshall |
| HB 2130 | Miller, J | Miller, J | Marshall |
| HB 2319 | Marshall | Miller, J | Marshall |
| SENATE | | Miller, J | Marshall |
| SB 1041 | Hanger | Miller, J | Marshall |
| SB 1048 | Miller, YB | Miller, J | Marshall |
| SB 1498 | Barker | Miller, J | Marshall |
| SB 1283 | Newman | Miller, J | Marshall |
| HB 1723 | Albo | Miller, J | Marshall |
| HB 1861 | Shannon | Miller, J | Marshall |
| HB 1993 | Bulova | Miller, J | Marshall |
| HB 2020 | Rust | Miller, J | Marshall |
| HB 2118 | Nichols | Miller, J | Marshall |
| HB 2194 | Watts | Miller, J | Marshall |
| HB 2206 | Frederick | Miller, J | Marshall |

(109)

2009 General Assembly Session Transportation Funding/Allocation Bills

| Bill Number | Author | Subject | Committee | Legislative Process | Notes |
|--|----------|---|--------------------------------------|---|---|
| HB 2230 | Marsden | Highway construction allocations; Transportation Board allocate projects in Northern Virginia, etc. | H Trans, Sub 1 | Left in H Approp. | 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 2009-09. |
| SENATE | | | | | |
| Transportation Trust Fund Bills | | | | | |
| HJR | Marshall | Constitutional amendment, Transportation Fund, Highway Maintenance and Operating Fund | H Priv & Elect.; Constitutional Sub. | Incorporated into HJ 620. | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2010, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3s + 1 of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within 4 years. |
| SJR | Martin | Constitutional amendment (first resolution); Transportation Funds. | S Priv & Elect. | Failed to Report in S Priv. & Elections. (3-10-1) | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. |
| Other Transportation Bills | | | | | |
| House | | | | | |
| Senate | | | | | |

(110)