



**FAIRFAX COUNTY BOARD OF SUPERVISORS’
2010 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
March 15, 2010**

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This report will be available on the Board of Supervisors Webpage at <http://www.fairfaxcounty.gov/government/board/> listed under “Programs and Reports.”

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <http://leg1.state.va.us/lis.htm>

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Fairfax County Vision Elements

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County by:

Maintaining Safe and Caring Communities

Building Livable Spaces

Connecting People and Places

Maintaining Healthy Economies

Practicing Environmental Stewardship

Creating a Culture of Engagement

Exercising Corporate Stewardship

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Final Report to Board of Supervisors 2010 General Assembly

Section I –Report on Priorities, Initiatives, and Preliminary Budget Analysis

The 2010 General Assembly convened in January under the cloud of a national economy that continues to struggle. The state's fiscal situation overshadowed virtually all aspects of the Session, from the scaled-back festivities of the new Governor's inauguration to the long-term changes contemplated to the Virginia Retirement System. With the state facing a biennial budget shortfall of over \$4 billion, Capitol Square was the site of frequent citizen protests exhorting legislators to "Save our schools!" or "Cut spending now!"

Tensions at times ran high inside the Capitol as well, particularly between the House and Senate. With the addition of the 20 new delegates elected in November 2009, the House stood at 59 Republicans, two independents who caucus with Republicans, and 38 Democrats, an increase of six Republican seats over the previous year. (The winner of the March 2 special election in the 41st House District kept the seat in the Democratic column, bringing the House composition to 59 R, 2 Ind. 39 D.) With the pickup of Attorney General Cuccinelli's former seat in a special election in January, Democrats held a 22-18 majority in the Senate. Moves by the Senate to mimic existing House procedure by instituting special subcommittees to dispatch controversial bills—notably a spate of gun legislation passed by the House—were not warmly received by members of the House majority, as at least one Senate patron was informed when she appeared before a House committee to present a bill.

The two chambers were in agreement, however, on matters of economic development. Governor McDonnell's bills creating incentives for film production and Virginia's wine industry met with broad approval, as did other measures, including tax credits, designed to lure major employers to the state or retain existing businesses. These efforts have taken on a higher profile this year as Virginia publicly competes with other states for the relocation of the corporate headquarters of Northrop Grumman.

Other priorities of the administration were more controversial, including an attempted rewrite of the state's charter school laws, which was amended substantially after strong reservations were expressed by legislators and interested education groups. Another issue championed by the Governor, the privatization of Virginia's Alcoholic Beverage Control stores, was not acted upon this Session, in recognition of the need for more study of the issue, but is likely to be reconsidered during a special session later in the year on government restructuring, transportation funding, or a combination of the two.

Meanwhile, legislators introduced close to 3,000 bills and resolutions dealing with priorities of their own, from barking dogs to expansions of the death penalty. Two major areas of legislative activity were attempts to clean up past embarrassments; the General Assembly passed a package of ethics-related bills triggered by the recent scandal involving a former Hampton Roads delegate, and a pair of bills that reorganize the governance of the Virginia Information Technologies Agency, in response to troubles with the state's contract for IT services.

Virginia drew the national spotlight early in the Session, as Governor McDonnell was selected to deliver the Republican response to the State of the Union address. Shortly thereafter, Virginia was one of the first states to pass a bill barring an individual health insurance mandate. The state also attracted national attention later in the session for an attempt in the House, which was ultimately defeated in a special Senate subcommittee, to repeal the longstanding one handgun per month rule. Attorney General Cuccinelli grabbed headlines in recent weeks with his decision to petition the Environmental Protection Agency to reconsider its recent endangerment finding on greenhouse gases, and his advisory opinion to state universities about their anti-discrimination policies.

In what has become increasingly the rule rather than the exception, the 2010 Session went into overtime to allow budget conferees to complete their negotiations. However, the one-day extension of the session was brief in comparison to recent years, and the General Assembly was able to pass the 2010 "caboose" budget and the 2010-12 biennium budget bills and adjourn *sine die* late on Sunday, March 14.

COUNTY PRIORITIES

In anticipation of a pared-down state budget and the looming threat of significant cuts to state/local shared programs, services, and responsibilities, the County focused its legislative resources this Session on funding core services (in particular, K-12 education and transportation) and retaining local taxation and land use authority. To that end, Fairfax County asked that the 2010 General Assembly **not**: (1) shift state responsibilities to the local level; (2) make structural changes to funding formulas that become permanent cuts, thus hurting localities long after economic recovery takes place; (3) disproportionately target or affect Northern Virginia as a region.

Funding Core Services – K-12 Education

Principle: It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education.

The most defining K-12 funding issue of the 2010 General Assembly (GA) was unveiled before the session even began – Governor Kaine’s proposal to freeze the state’s local composite index (LCI) for FY 2011, included in his 2010-2012 biennium budget. The LCI is the measure used to determine the state and local shares of K-12 education costs, and is based on a formula (adjusted gross income, taxable retail sales, and true value of real property). The County’s LCI was scheduled to drop from .76 to .71, as a result of the dire economic climate facing the County and reflecting the County’s decreased “ability to pay” for K-12 education. As a result, the County would receive \$61 million more in funding in FY 2011 from the state (\$118 million when Prince William and Loudoun Counties are added). What was perceived as an unfair attack on Northern Virginia generated a swift outcry, uniting state and local elected officials on both sides of the aisle, County taxpayers, and the business community.

Prior to mid-Session, Governor McDonnell agreed that “fairness dictates that we not change the longstanding policy” and thus recommended full implementation of the LCI, and it was included in the House and Senate budgets and the final budget conference report. However, this unfortunate “scramble” over the LCI set the tone for a General Assembly session that pitted localities against one another, competing for scarce state dollars rather than joining together to challenge the state’s commitment to funding core services. The GA, particularly the House, considered numerous proposals this year that would continue the shifting of K-12 funding responsibilities to localities -- from House proposals to eliminate state financial support for teacher planning and the creation of block grants (at a lower funding level) for the existing early intervention, at-risk initiatives and Virginia Preschool Initiative -- to Senate proposals suspending textbook funding and recalculating the deduction of federal revenues in the determination of local revenues.

Ultimately, both the House and Senate accepted several proposals offered by Governor McDonnell that change what the state is willing to pay for K-12, including:

- Changing the process for calculating the linear weighted average, a statistic used to determine the “prevailing” costs that the state recognizes;
- Underfunding VRS contributions to “save” state funding, which also reduced mandatory contributions by localities, thereby “saving” local dollars (though many concerns about the consequences to VRS solvency were raised).

When coupled with the LCI “hold harmless” provisions included in both budgets (the House provided an 80% “hold harmless” for localities that lose funds under the new LCI in FY 2011, with an additional 20% funding contingent on extension of enhanced federal Medicaid match, while the Senate provided a 100% “hold harmless” for two years), the effect is that significant K-12 dollars were taken out of accepted state funding formulas; in the case of the hold harmless provisions, hundreds of millions of K-12 dollars were made unavailable to Northern Virginia and surrounding localities. While the Senate endeavored to avoid structural cuts to the greatest extent possible, the GA’s final actions, when assessed with the cumulative impact of previous rounds of education budget cuts, seek to substantially release the state from its funding responsibility for K-12. Of course, these maneuvers do not change the actual cost to localities and school divisions of providing an adequate and appropriate public education. It remains unclear whether Governor McDonnell will accept or exacerbate this shift, or whether he will make changes to the budget that alleviate the increasing pressures on local governments.

Funding Core Services – Transportation Funding

Principle: Adopt new revenue sources for transportation funding.

Many transportation funding bills were introduced this session. However, due to the state of the economy and Governor McDonnell's statement that he would veto all tax increases, there was little optimism that transportation funding would be addressed during this session. It is anticipated that transportation funding will be addressed at a future special session of the General Assembly, although the Governor has said he would not call a special session unless an agreement on transportation funding is reached in advance.

Two transportation funding bills warrant particular note:

HB 971 (Rust) included both a Northern Virginia transportation funding package and a statewide funding package. It was based on some of the regional funding components that were included in HB 3202 (2007). It would have raised additional funding for transportation by:

- (i) imposing a transportation infrastructure users fee of one percent on motor fuels to be used for highway maintenance in the highway construction district in which the fuel is sold. This fee would grow by one percent per year for four subsequent years. These revenues would have been dedicated to the Highway Maintenance and Operations Fund;
- (ii) increasing the state sales tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and
- (iii) imposing a regional congestion relief fee in Northern Virginia on the sellers of property at a rate of \$0.40 per \$100 valuation.

Neither the fees nor the tax increase would have become effective until the unemployment rate in the Commonwealth was equal to or lower than it was in January 2008 for six consecutive months. The bill also would have required Northern Virginia local governments to impose a commercial and industrial property tax of \$0.125 per \$100 valuation to benefit from the regional sales tax increase and congestion relief fee. After implementation, **HB 971** would have raised an average of approximately \$150 million per year in revenues for the Highway Maintenance and Operations Fund and approximately \$300 million per year in transportation funding for Northern Virginia. **HB 971** was carried over to the 2011 General Assembly session by the House Finance Committee. It will also be available for consideration should the Governor call a special session on transportation funding.

SB 343 (Hanger) was the only transportation funding bill to pass the Senate. It was viewed as a trial balloon to take the temperature of the House of Delegates on a modest revenue measure that might not be considered as raising taxes. **SB 343** would have adjusted motor fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (CAFE) standard for the immediately preceding calendar year over the CAFE standard for calendar year 2009. The first adjustment would occur on April 1, 2011. The bill was intended to recognize that as cars become more fuel efficient, the current gas tax will generate lower revenues. **SB 343** would have eventually generated more than \$200 million annually over current gas tax projections. It was also carried over to the 2011 General Assembly session by the House Finance Committee. It will be available for consideration should the Governor call a special session on transportation funding.

Other Transportation Funding Legislation

Northern Virginia legislators, in particular, introduced a variety of other transportation funding bills. **HB 230** (Watts) would have increased the motor fuels tax by \$0.10 per gallon with an automatic reduction mechanism, if the price of gas exceeded \$3.00 per gallon. It also would have indexed the tax every two years. Revenue would have been allocated primarily by using a measure of congestion. **HB 655** (May) would have allocated additional General Funds to transportation in years that General Fund revenues grew at a rate greater than three percent. **HB 1153** (Scott, J.) would have converted the current cents per gallon motor fuels tax to a percentage of the purchase price. **SB 114** (Petersen) would have indexed the motor fuels tax as fuel efficiency increases. **SB 115** (Petersen) would have allowed cities and counties to impose a one percent tax on motor fuels for urban and secondary road construction. **SB 223** (Barker) would have replaced the current cents per gallon tax on motor fuels with a tax based on a percentage.

A variety of other bills were introduced by legislators for other parts of the state. In general, most of the House bills were disposed of by the House Finance Committee, although a few were carried over to the 2011 session. In general, the Senate Finance Committee carried over most transportation funding legislation introduced in the Senate to the 2011 session. Bills that were carried over will be available for consideration should the Governor call a special session on transportation. **HB 404** (Oder) which would have allocated a portion of the growth in state tax revenues in the Northern Virginia, Hampton Roads, Richmond, Staunton, and Salem Highway Construction Districts (largely attributable to ports or Intermodal facilities, with the exception of Northern Virginia) to transportation was referred to the Governor's Commission on Government Reform and Restructuring.

Transportation Allocation Formula Bills

Absent an infusion of any new funding, efforts by members of the Fairfax County delegation to alter the funding formulae for transportation were attempted. These are discussed later in this report under "Regional Initiatives."

Governance – Taxation

Principle: Oppose restrictions and caps on local taxation; support equal taxing authority.

In addition to fending off or ameliorating state budget cuts, local governments this session faced a number of House bills which were designed to either eliminate or severely restrict local taxing authority. However, efforts were generally successful, especially on the Senate side, to either carry over or kill such bills. Included in this group were:

HB 57 (Cole) would have prohibited any locality from (i) imposing the BPOL tax if the locality did not impose it as of January 1, 2010, and (ii) increasing the BPOL tax rates after January 1, 2010. The bill was continued to 2011 in Senate Finance by a vote of 12-3. An even more broad-reaching bill introduced by Del. Iaquinto, **HB 570**, was intended to change the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a Board of Equalization (BOE) or to a circuit court. While passed by the House, the bill was killed in Senate Finance by a vote of 9-5, after a debate on the merits of the bill. On the surface, the bill has populist appeal; in reality, if enacted, the original bill would have reversed the long-standing burden of proof and appeal process for most local taxes and would have forced local governments to hire additional assessors and attorneys to deal with a proliferation of litigation and appeals. Despite the failure of the bill, the patron promised to initiate similar legislation in the future.

HB 613 (Purkey) would have classified new investments in machinery and tools for manufacturing, processing and reprocessing, mining, and radio or television broadcasting made after July 1, 2010, as intangible personal property and thus not subject to local property tax. Rural localities would have been most severely impacted by the elimination of this "M & T" tax; the bill was defeated on the House floor by a vote of 48-51, then reconsidered and defeated again by a vote of 48-50.

Finally, as introduced, **HB 1347** (Gear) would have mandated a sales and use tax exemption and a business, professional, and occupational license (BPOL) tax exemption for aviation companies that facilitate and support the U.S. Department of Defense in active missions/sorties simulations, and training of personnel. Despite amendments to narrow the bill, including an optional BPOL exemption, the bill was PBI'd in Senate Finance by a vote of 11-3.

Several other tax bills, while problematic initially, were amended to address local concerns. The bills then passed:

HB 233 (Dance)/**SB 273** (Whipple) provide that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. These bills were a recommendation of the Virginia Housing Commission.

HB 430 (Griffith) was a subject of much interest and negotiations throughout much of the Session; many of the initial problematic aspects of the bill were worked out, but the main sticking point coming out of the House-passed version was a mandate that local assessors submit an independent fee appraisal in support of an assessment increase to the BOE. Local government concerns centered on uniformity and equalization issues, so that the local tax burden can be spread equitably and fairly among comparable properties; cost of such appraisals was also a concern to localities. A compromise version of the bill, limiting the applicability of the independent fee appraisal mandate, was worked out just prior to reporting of the bill in Senate Finance; the House then accepted the Senate version of the bill.

While local governments were generally on the defensive against attempts to restrict their revenue capacity, several Senate bills would have expanded or clarified local authority:

SB 280 (Quayle) was a VACo initiative which would have removed the current cap of four percent for counties' meals tax authority and would have allowed imposition of an uncapped rate. The bill would also have allowed counties to adopt or increase a meals tax by a majority vote of members of the governing body. The bill passed the Senate, but after a subcommittee of House Finance recommended tabling the bill by a vote of 8-2, the bill was tabled in full committee.

As passed by the Senate, **SB 452** (Whipple) would have provided that retail sales and hotel taxes on transient room rentals be computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent

or other party to collect the retail sales and hotel taxes, the bill would have required the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Dubbed the "Expedia" bill, the legislation was carried over in full House Finance after a subcommittee recommended reporting the bill by a vote of 10-0. It is expected that the patron will bring the bill back at the next session of the General Assembly.

A new mandate on localities will be imposed by the passage of **HB 409** (Oder) and **HB 713** (Peace). While the original Peace legislation had a broader scope, including all those licensed by the Department of Professional and Occupational Regulation (DPOR), the final legislation was limited to contractors. As such, the bills require that any contractor, applying for or renewing a local BPOL license, furnish prior to the issuance or renewal of the business license either: (i) satisfactory proof that he/she is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he/she is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his/her contractor license or certificate number or evidence of being exempt licensure as a contractor. This bill was strongly supported by the Commissioners of the Revenue, although only those localities with a BPOL tax (which is not a license) will be affected by the new requirement.

Governance – Land Use

Principle: Preserve local land use authority.

Among the numerous bills introduced that dealt with land use matters, several that passed continue the trend that has developed where the General Assembly whittles away local land use authority. Of those bills discussed below, it should be noted that in the case of **HB 1307** (Griffith), the patron worked extensively with representatives of local governments on amendments to limit the bill's impact.

HB 374 (Cosgrove)/**SB 632** (Obenshain) were key initiatives of the Home Builders Association of Virginia (HBAV) and restrict when payment of any cash proffer based upon a per dwelling unit basis may be collected or accepted by a locality. Under this legislation, such payments may be collected or accepted only after completion of final inspections of the dwelling and prior to the issuance of any certificate of occupancy, even where the proffers expressly provide for an earlier payment time, such as upon issuance of a building permit. As discussed in the Legislative Committee, attempts by the County to amend these bills to eliminate their retroactive effect on express proffers approved prior to July 1, 2010, failed overwhelmingly. These bills are set to expire on July 1, 2014.

HB 1250 (Knight) amends the vested rights statute and expands the class of "significant affirmative governmental acts allowing development of a specific project" that may form the foundation of a vested right. With the passage of this legislation, a written decision or determination issued by the zoning administrator or other administrative officer regarding the permissibility of a specific use or density of the landowner's property will be on a par with an approved proffered rezoning that specifies a use, an approved special exception or special permit, and an approved final site plan or subdivision plat. Such written decision or determination must be final and no longer subject to appeal, change, modification, or reversal. **HB 1250** was another key initiative of HBAV.

HB 967 (Peace)/**SB 338** (Hanger) provide that an assisted living facility licensed by the state Department of Social Services that houses up to eight elderly or disabled people with resident counselors shall be deemed as residential occupancy by a single family for purposes of local zoning ordinances.

HB 1307 (Griffith) creates a new section of the Virginia Code governing "temporary health care structures" on single family detached lots for the purpose of providing care of a mentally or physically impaired person by a relative or legal guardian. Such temporary structure shall be permitted as a matter of right under local zoning ordinances if it meets the requirements set forth in the bill. These requirements include a maximum size of 300 square feet, compliance with zoning ordinance minimum yard requirements, compliance with applicable building code requirements, a prohibition of signage promoting the temporary structure, a prohibition of a permanent foundation, among other requirements. From the moment this bill was introduced, it had wide appeal among legislators, including those who traditionally have been supporters of local zoning authority. The original version contained none of the foregoing limitations and provided for no enforcement by the locality. When it became apparent that some version of this bill was going to pass, representatives of VML, VACo and certain localities worked with the patron on amendments that would narrow the extent of the original bill. The patron accepted all of the suggestions of this ad hoc working group.

Several bills passed that, as amended after input from the County, will be helpful. These bills include:

HB 1063 (Athey) amends the statutes governing appeals to a board of zoning appeals (BZA) and appeals of BZA decisions to circuit court. Notices of zoning violation and any written order issued by a zoning administrator or other administrative official must include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. Filing fees for an appeal shall not exceed the costs of advertising the appeal public hearing and reasonable costs. Any civil penalties shall not accrue or be assessed during pendency of the 30-day appeal period. After a BZA acts on an appeal or other matter, **HB 1063** specifies how any appeal of such action to the circuit court shall be styled and also specifies that the BZA shall not be a named party to the court case. The governing body, the landowner and the applicant before the BZA shall be necessary parties to any appeal filed with the circuit court, and the court may allow other aggrieved persons to intervene.

HB 1383 (Villanueva) provides a helpful clarification that certain BZA decisions, such as the reversal of the zoning administrator or the grant of a variance, require the concurrence of a majority of the BZA membership, as opposed to a majority of a quorum.

HB 51 (Cole) amends the section of the Code that deals with out-of-turn amendments to the comprehensive plan. The bill provides that the governing body may allow the local planning commission longer than 60 days to prepare and submit a plan amendment to public hearing. The bill further provides that should the planning commission fail to make a recommendation within the time specified by the governing body, then the governing body may proceed to consider the amendment at a public hearing.

HB 1071 (Athey)/**SB 420** (Vogel) amend the statute that currently requires all localities of a certain population and rate of population growth, including Fairfax County, to designate one or more urban development areas (UDA) in the comprehensive plan in order to accommodate projected population growth and commercial expansion over a period of not less than 10 nor more than 20 years. The statute currently provides that a UDA shall include a minimum residential density of 4 single family dwelling units, 6 townhouses, or 12 multifamily units per developable acre and a minimum commercial FAR of 0.4 per developable acre. These bills create an additional tier of greater minimum planned densities that would apply to localities with a population of 130,000 or more. Under this new tier, UDAs would have to include residential densities of at least 8 single-family dwelling units, 12 townhouses, or 24 multifamily units per developable acre and a minimum commercial FAR of 0.8 per developable acre. The chief patrons of both bills accommodated a request of Fairfax County to allow a planning horizon of up to 40 years for any UDA in a county with the urban county executive form of government that includes planned or existing rail transit. The ability of a locality to adopt a resolution certifying that the locality's comprehensive plan already meets the requirements of the statute remains intact.

The following land use related bills failed to pass:

HB 652 (Armstrong) would have required that any restriction, change, or loss of access to or from property resulting from the exercise of eminent domain shall be considered as an element in assessing damages to any residual parcel. The law already requires that an exercise of eminent domain leave property with "reasonable access." This bill would have required compensation for "different access," even where the change in access was reasonable. The bill had an emergency clause and did not grandfather pending cases or projects that had been fully designed with adopted budgets. VDOT projected a conservative fiscal impact in the amount of \$50 million over a six-year period. After passing the House of Delegates by a vote of 98 – 1, the Senate Courts Committee referred the bill to Senate Finance, where the bill was passed by indefinitely by a vote of 10 – 3.

HB 960 (Ingram) proposed to grant express enabling authority for localities to establish housing funds to provide assistance for the acquisition, construction, improvement, ownership or occupancy of housing for persons and families of low and moderate income. After the bill unanimously passed the House, the state Home Builders proposed an amendment in the Senate Local Government Committee that would have prohibited cash proffers for affordable housing from being used in any housing fund. This amendment was acceptable to the patron and, surprisingly, to the Virginia Housing Coalition, the group who initiated the bill. Because the Home Builders' amendment had come out of the blue and because of strong opposition voiced by Fairfax County and others, the Committee continued consideration of the bill for one week to see if interested parties could reach a compromise. A compromise was eventually reached and an amended version of the bill was expected to pass the Senate Local Government Committee the following week. One hour before that Committee meeting, however, lobbyists representing the bankers proposed yet another amendment that was unacceptable to many. As a result, the patron asked that the bill be carried over to next year and referred to the Virginia Housing Commission during the interim.

Land Use and Transportation Legislation

Several bills regarding land use and transportation were introduced this session. Most of the bills deal with the Virginia Department of Transportation's traffic impact analyses that were implemented following the passage of HB 3202 (2007). **HB 808** (Watts)/**HB 1098** (Sickles)/**SB 551** (Barker) each would have provided that these traffic impact analyses should be coordinated not only with VDOT, but the Virginia Department of Rail and Public Transportation (DRPT) as well. **HB 1098** was incorporated into **HB 808**. The patron offered an amendment to **HB 808** to limit the focus of the bill to just including "mass transit utilization" as a factor to be considered as part of the analyses; however, **HB 808** was carried over to 2011 by the House Transportation Committee. **SB 551** was carried over to 2011 by the Senate Local Government Committee.

SB 222 (Puller), as introduced, would have exempted citizens' organizations, neighborhood associations or similar nonprofit organizations that propose comprehensive plan amendments through its local planning commission or local governing body from the \$1,000 VDOT review fee. In addition, these organizations would have been exempt from conducting a traffic impact analysis when a comprehensive plan amendment is submitted. The traffic impact analysis documentation required at the time of the rezoning or site plan submission would have been the obligation of the developer or land owner, or the county in which the property is located. The bill was amended to exempt citizens' organizations and neighborhood associations that propose comprehensive plan amendments through its local planning commission or local governing body from the \$1,000 VDOT review fee, and remove the exemption from conducting a traffic input analysis. The amended version of the bill passed both houses.

As introduced, **HB 222** (Watts) would have directed the Secretary of Transportation to develop, for urban and urban development areas, new design standards for state secondary highway system components. Such standards would have (i) allowed for the movement of transit and single occupant vehicles through these areas, (ii) accommodated safe pedestrian movement, (iii) accommodated high density urban development, and (iv) respected the character of urban areas. In developing these standards, the Secretary and the VDOT were to seek input from county governments, the Virginia Association of Counties, and the DRPT. A substitute for **HB 222** limits the new design standards to just Fairfax County and directs VDOT to work with the affected local government and DRPT to develop the new standards. Such standards shall (i) be based on the American Association of State Highway and Transportation Officials' Policy on Geometric Design of Highways and Streets and other publications applicable to urban areas; (ii) set forth a design methodology that should be used in the affected urban and urban development areas; (iii) allow for the efficient movement of transit and other vehicles through these areas; (iv) accommodate safe pedestrian and bicyclist movement; (v) accommodate high density urban development; (vi) encourage user-friendly access to transit; (vii) include stormwater management guidelines, consistent with state and local laws and regulations; and (viii) respect the character of urban areas. These design standards and methodologies are intended to facilitate approval of roadway and transportation system improvement plans in urban areas that comply with the standards. These design standards should not contradict or be in conflict with the principles outlined in the Department's Secondary Street Acceptance Requirements. The substitute passed both houses.

COUNTY LEGISLATIVE INITIATIVES

Due to the difficult economic situation and the need to focus on the state budget, the County kept its initiatives to a minimum this year. **HB 517** passed both chambers and was signed by the Governor on March 9. The rest of the County's initiatives were carried over for study.

HB 517 (Rust) provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

HB 1152 (Scott) would provide a redevelopment and housing authority administering a properly established affordable dwelling unit program with the opportunity to, and exclusive right to, purchase an affordable dwelling unit at a foreclosure sale for an amount not to exceed the maximum controlled sales price of the unit. In localities that have not established a redevelopment and housing authority, the local governing body may exercise the exclusive right to purchase. Under the bill, the exclusive right to purchase would be applicable only if the affordable dwelling unit is subject to restrictive covenants recorded in the circuit court land records prior to the deed of trust proposed for the foreclosure. In addition, the covenants and applicable zoning ordinances would have to include maximum sales price limitations. Following extensive discussions with representatives of the Virginia Housing Development Authority and the banking and title examination industries, it was agreed that various issues raised by the bill warranted further study. Accordingly, this bill was passed by in House General Laws with a letter to the Housing Commission.

HB 1207 (Albo) would expand the crime of computer trespass to include the use of hardware in addition to keystroke logging software. The legislation also would include screenshots as a type of information whose capture would constitute computer trespass. The current code language deals only with the capture of keystrokes. The bill would not apply to certain Internet, software, and hardware providers that provide network and data security services, technical assistance, or network management. The bill passed the House and was reported by the Senate Courts Committee, but due to its potential cost to the state to implement its provisions, it was continued to 2011 in Senate Finance.

SB 571/SB 636 (Ticer) would allow any county with the urban county executive form of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. Those who opposed this initiative did so primarily because they opposed any transfer of development rights authority being granted outside of the statewide authority that was enacted during the 2006 Session. **SB 571** was continued to 2011 in Senate Local Government to provide an opportunity for an amendment to be proposed to the statewide act that would address the County's interests. **SB 636**, which was a duplicate of **SB 571**, was stricken.

REGIONAL ISSUES OF IMPORTANCE

HB 1287 (Plum) would have added sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. After a subcommittee of House General Laws recommended passing the bill by indefinitely by a 5-3 vote, the bill was left in committee.

While this particular legislation was acted upon prior to crossover, the issue of discrimination based upon sexual orientation recurred on several occasions later in the session. **SB 66** (McEachin), a bill more limited in scope than **HB 1287**, would have prohibited discrimination in public employment based on certain characteristics, including sexual orientation. The bill passed the Senate, but was tabled by a subcommittee of House General Laws on a 5-3 vote. An attempt was made on the House floor to discharge the bill—a parliamentary procedure which allows a floor vote on a bill which was not reported from a committee. After impassioned floor debate, the House defeated the motion by a 55-42 vote, thus blocking a floor vote on the bill. Attorney General Cuccinelli's March 4 advisory letter to state universities instructing them that they had no legal authority to institute anti-discrimination policies that addressed sexual orientation brought the spotlight back to the issue. There were subsequent attempts both in Senate Finance and on the House floor to add language regarding such workforce protections to bills which were aimed at economic incentives for potential major employers, but this language ultimately did not remain in either bill. After national attention was drawn to the issue, Governor McDonnell issued an executive directive on March 10 which stated, "Employment discrimination of any kind will not be tolerated by this Administration."

HB 1379 (Sickles) provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes. The bill passed the House and Senate.

SB 268 (Whipple) would have provided 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. The bill failed to report in Senate Local Government by a vote of 6-9.

Transportation Allocation Formula Bills

HB 224 (Watts), **HB 1047** (Kory), **HB 1103** (Sickles), **HB 1123** (Keam), **HB 1131** (Keam) all would have changed current formulas for allocating transportation funds. The changes were generally beneficial to Northern Virginia in varying degrees. All of these bills, with the exception of **HB 1103**, were either tabled in the House Transportation Committee or left in the House Appropriations Committee. **HB 1103** was forwarded to the Joint Commission on Transportation Accountability. **HB 276** (Albo) as introduced would have required the Commonwealth Transportation Board (CTB) to allocate highway maintenance funds based on achieving a minimal level of disparity in maintenance among highway construction districts using asset performance standards. A substitute was introduced that would have required the CTB to consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards when allocating highway maintenance funds. In addition, prior to the allocation of funds, the CTB would have been required to release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards. **HB 276** passed the House, but was carried over to 2011 by the Senate Transportation Committee.

OTHER LEGISLATION OF INTEREST

Constitutional Amendments

A Constitutional amendment must be passed by both the House and Senate twice in identical form, with an intervening election between first and second passage. The three Constitutional amendments listed below have passed the General Assembly for the second time this year and will appear on the ballot in November. Constitutional amendments that were introduced for the first time this year were either left in the House or continued to 2011 in the Senate.

HJ 11 (Cole)/SJ 97 (Barker) allows the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law.

HJ 33 (O'Bannon)/SJ 13 (Puller) 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.

HJ 34 (O'Bannon)/SJ 81 (Barker) increases the permissible size of the Revenue Stabilization Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

SJ 25 (Petersen), which passed the General Assembly last year, was continued to 2011 in House Privileges and Elections this year at the request of the patron. The amendment would authorize the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also would delete the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.

UPCOMING AND CONTINUING ISSUES

While local government representatives were able to derail many problematic bills this year, several can be expected to return in future Sessions. As noted earlier in this report, Delegate Iaquinto has indicated that he will be reintroducing his bill to change the burden of proof to the assessor in appeals of real estate assessments. Similarly, after an extensive lobbying effort, a proposed study of the costs involved in placing localities under the Virginia Tort Claims Act (thus eliminating sovereign immunity for those localities) was defeated this year, but legislation on this issue can also be expected in the future.

From a long-term perspective, as the state's fiscal situation is unlikely to make a swift recovery in the next several years, state budget battles fought this year over reductions or eliminations of services, programs or eligibility -- and the associated shifting of state responsibilities to localities -- will likely become recurring conflicts.

In the immediate future, there is expected to be one or more special sessions held later this year. Governor McDonnell's Executive Order 2, issued in January, creates the Governor's Commission on Government Reform and Restructuring, a panel of 20 citizen members, three Delegates, and two Senators, which is tasked with identifying opportunities for creating efficiencies in state government, including potential privatization of government operations. The Commission's interim report is due in July 2010 and its final report is due in December 2010. News reports have speculated that a special session on government reform may be held either in June or September (with the latter month more likely), perhaps in conjunction with a special session on transportation funding. Reports have also circulated that the transportation funding session may be held separately, and Governor McDonnell has stated that he will not convene such a session without prior consensus among lawmakers on a funding plan.

Select Studies of Interest

In a continuing cost-savings effort, no new joint study subcommittees were authorized this year. Legislators instead continued a few existing joint subcommittees, and directed various state agencies, including the Joint Legislative Audit and Review Commission (JLARC), to undertake studies of particular issues. Studies authorized this year of particular interest to the County are listed below.

HB 42 (Oder)/SB 201 (Blevins) requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010.

HJ 60 (Cox, M.K.) directs JLARC to study the feasibility and effectiveness of requiring local school divisions to contract collectively in certain areas of procurement.

HJ 126 (Nutter)/SJ 99 (Herring) requests the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth's interstate safety rest areas.

HJ 130 (Poindexter) requests the Secretary of Technology to study the feasibility of developing a standard software package for local governments.

HJ 132 (McQuinn) requests the Secretary of Health and Human Resources to establish a mechanism for the coordination of services to senior citizens in Virginia. The Secretary of Health and Human Resources must submit an executive summary and report of his progress in meeting the request of this resolution to the 2011 Regular Session of the General Assembly.

HJ 135 (Athey)/SJ 89 (Vogel) continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine and monitor the transition to channeling development into Urban Development Areas and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

SB 553 (Barker) requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use.

SJ 21 (Howell) directs JLARC to study the effectiveness of tax preferences.

SJ 63 (Miller, Y.B.) creates a 10-member joint subcommittee to study funding of high speed and intercity passenger rail operations in Virginia.

OVERVIEW OF THE 2010-2012 BIENNIUM BUDGET ***(based on preliminary information available March 15, 2010)***

The overarching issue facing the 2010 General Assembly was the continuing national recession, which led to plummeting state revenues and a shortfall of \$4.2 billion over the biennium. While legislators grappled with potential bone deep budget cuts to core state services, it became clear that no area of the state budget would be spared. The reality of the looming cuts grabbed the attention of residents and advocacy groups throughout the Commonwealth, as local governments struggled to balance their own budgets in spite of the uncertainty surrounding state funding.

Governor's Budget Proposal

In December 2009, Governor Kaine submitted his final biennium budget, with a projected state revenue shortfall of \$4.2 billion over the biennium – a shortfall that grew throughout the year as state revenues continued to fall in every category. As a result, his proposed budget included numerous spending reductions in all areas of state spending.

The most defining of these spending decisions was Governor Kaine's proposal to freeze the state's local composite index (LCI) for FY 2011. The LCI is the measure used to determine the state and local shares of K-12 education costs, and is based on a formula (adjusted gross income, taxable retail sales, and true value of real property). The County's LCI was scheduled to drop from .76 to .71, as a result of the dire economic climate facing the County reflecting the County's decreased "ability to pay" for K-12 education. As a result, the County would receive \$61 million more in funding from the state (\$118 million when Prince William and Loudoun Counties are added in). What was perceived as an attack on Northern Virginia generated a swift outcry, uniting elected officials on both sides of the aisle, County taxpayers, and the business community. Unfortunately, this set the tone for a General Assembly session that started by pitting localities against one another, all scrambling for scarce state dollars rather than joining together to challenge the state's commitment to funding core services.

Governor Kaine's budget also included cuts to K-12, public safety and human services programs, which bridged approximately half of the budget shortfall. The Governor also included a proposal to eliminate the state's car tax subsidy, yielding \$950 million per year in state savings – a proposal quickly rejected by Republicans in the House of Delegates, making it clear more budget cuts were on their way.

Governor McDonnell and House and Senate Budgets

Governor McDonnell opted not to offer a formal biennium budget or even budget amendments, and instead chose to make "recommendations" to the GA and work with legislators behind the scenes. Some of his recommendations were accepted by the GA, and others were not – timing may have been an issue, as the Governor only released his recommendations a few days before the House and Senate money committees released their budgets.

It is important to remember that the budget reductions included in the final budget are in addition to the state spending reductions that are already in place – in fact, by the close of the 2008-2010 biennium, revenue reductions made in 2009 and this year will total nearly \$7.6 billion. In addition to spending cuts, the Senate budget contained a number of fee increases (some included in Governor Kaine's budget and some added by the Senate). These fees were one of the major points of contention in the budget negotiations.

The adopted House and Senate budgets contained significant differences in many areas. On the County side:

- A serious concern in the House budget was the use of the Communications Tax Trust Fund to fund Commissioners of the Revenue. The communications sales and use tax was created in 2006 because of the elimination of local telephone/911 taxes and as a result, it is not a state tax, but a local tax. Local governments strongly opposed efforts by the state to appropriate this local revenue source, and dictate its use (the Senate budget restored funding cuts to Constitutional officers with General Fund dollars).

- In the area of public safety, the Senate budget partially restored executive budget cuts to HB 599, and funded HB 599 at \$2.9 million above the House level for Fairfax County.
- The House added 178 new waiver slots for the elderly and disabled (for people with intellectual disabilities), through funds from the Center for Medicare and Medicaid Services (CMS). The Senate eliminated the freeze on community-based Medicaid waiver slots included in the introduced budget if Congress enacts legislation to extend enhanced Medicaid funding from January 1, 2011 through June 30, 2011. The Senate also restored funding in the first year for respite care services and home and community-based waiver rates if Congress extends enhanced Medicaid funding.

In the area of K-12, at the statewide level:

- The House's K-12 cuts, which were deeper, more structural and more permanent than the Senate cuts, were an area of particular concern to local governments.
- The House proposed eliminating state financial support for a planning period for middle and secondary teachers (reduction of \$373.7 million for the biennium), and reducing funding and establishing block grants for the existing early intervention, at-risk initiatives and Virginia Preschool Initiative (reduction of about \$70 million over the biennium).
- The House K-12 budget set up a convoluted process for funding retirement contribution rates for teachers.
- The Senate proposed eliminating textbook funding in FY 2012 (\$51 million), recalculated the deduction of federal revenues in the determination of local revenues (\$38 million), and labeled several (but not all) of the policy changes as temporary to ensure that state funding for education would increase in future biennia.

However, there were many areas of agreement between the two budgets as well, including:

- Both the House and Senate accepted several proposals offered by Governor McDonnell changing K-12 costs that are recognized in state funding formulas ("saving" over \$140 million by redefining what the state will pay for K-12). The largest single savings results from changing the process for calculating the linear weighted average, a statistic used to determine the "prevailing" costs that the state recognizes. Both budgets included about \$66 million in reductions for the biennium due to "technical" adjustments, relating to regional programs.
- The House and Senate both agreed to underfund VRS contributions to "save" state funding (this action also reduced mandatory contributions by localities, thereby "saving" local dollars, though many concerns about the consequences to VRS solvency were raised).
- Both bodies use updated composite indexes for both years of the biennium, though the House provided an 80% "hold harmless" for localities that lose funds under the new LCI in FY 2011, with an additional 20% funding contingent on extension of enhanced federal Medicaid match, while the Senate provided a 100% "hold harmless" for LCI for two years. Both of these amendments had the effect of taking significant K-12 dollars out of the funding formula.

Budget Conference Report

Because raising taxes was essentially off the table, and the House and Governor McDonnell rejected Governor Kaine's proposal to eliminate the state's car tax subsidy (\$950 million per year), the final conference report contains many compromises, including minimal new fees, major cuts to many core services, some "creative" accounting and the assumption of additional federal funding relief:

- *Fees and Revenues:* The budget includes approximately \$95 million in new fees or fee increases, including some for courts, recordation, mining, \$4.25 for life (increasing to \$6.25), environmental management, elimination of the dealer discount (40% of dealer discount was retained for smaller retailers) and a phase-out of manufacturing exemptions. Additionally, the Governor's mid-session revenue reforecast provided an additional \$118 million over the biennium, and the budget adds 20 more Alcoholic Beverage Control stores across the state (and adds 2 percent to the cost of alcohol).
- *"Creative" accounting:* The budget defers approximately \$620 million of the usual VRS retirement contributions for the 2010-12 biennium; the conference report added language that requires repayment of the deferred contributions over ten years beginning in FY 2013. While this helped avoid even deeper budget cuts for K-12, it potentially jeopardizes the long-term

solvency of the retirement system. The budget also anticipates that new state employees will retire later and contribute more to their pensions (this will include benefits for new teachers).

- *Funding:* The budget cuts an additional \$250 million from K-12 education (compared with about \$143 million in the Senate budget and \$685 million in the House budget), \$120 million across-the-board from local aid and a net reduction of \$360 million from health and human resources, according to Senate Finance Committee documents.
- *Additional federal funding:* In the area of human services, the conference report relies heavily on Congressional passage of a six-month extension of increased Federal Medical Assistance Percentage (FMAP) funding. In the American Recovery and Reinvestment Act (the federal stimulus bill), states received more federal Medicaid money than they typically do under the existing formula – Congress is currently considering extending this increased Medicaid funding for 6 additional months, which would provide an additional \$370 million for Virginia. As a result, federal funding will again help the Commonwealth through another tough budget year.
- *Economic Development:* Finally, the budget includes \$46.3 million for the Governor's economic development and job creation plan, including an additional \$12.0 million for the Governor's Opportunity Fund. Other elements of this package are:
 - \$5 million from nongeneral fund sources for the Mega Projects Site Grant Fund to provide for land acquisition and site improvements when recruiting manufacturing employers.
 - \$7.2 million for funding international and domestic tourism promotion programs.
 - \$6 million for expanding international economic development offices and enhancing international advertising and marketing campaigns.

Summary

The ripple effects created by this budget will likely be far-reaching and long-lasting. The significant role federal funding played providing funding for Virginia in FY 2009 through FY 2011, combined with the funding included in the 2010-2012 biennium budget contingent on extension of enhanced federal Medicaid funding, creates long-term issues for the Commonwealth. When this funding is no longer available, the structural imbalances that currently exist in the state budget may become more pronounced. Additionally, actions in the 2010-2012 biennium budget continue the shift of state responsibilities to localities throughout the Commonwealth. When coupled with the potential for a special session on government restructuring in the months ahead, recent events heighten concerns among local governments about the potential weakening of the partnership between the state and localities.

HIGHLIGHTS OF KEY AREAS OF THE 2010-2012 BIENNIUM BUDGET HOUSE/SENATE/CONFERENCE REPORT

HB 599

House: Reduces HB 599 statewide by \$6.7 million in FY 2011 and level funds in FY 2012. Does not accept Kaine's use of fees for the program (\$14.9 million). For Fairfax County, this translates into an estimated \$4 million cut (based on very preliminary information).

Senate: The Senate restores \$10.2 million each year to HB 599. For Fairfax County, this cut is a reduction of \$1.4 million in FY 2011 and FY 2012.

Conference: Provides \$22.3 million more than the introduced budget for FY 2011, with an additional \$10.3 million for FY 2012.

K-12

House: Both the House and Senate implement the new LCI, but the House pays for it by taking the money from Cost of Competing. Additionally, the House has a one year 80% hold harmless for localities that lose under the new LCI at a cost of approximately \$91.7 million outside the formula (with plans for a 100% hold harmless if funds are available).

Senate: The Senate includes a 100% hold harmless for both years, pulling \$230 million out of the funding formula.

Conference: Implements the new LCI in both years. Includes a 100% hold harmless in FY 2011 and a 50% hold harmless in FY 2012 for localities that lose under the new LCI at a cost of approximately \$174

million over the biennium outside the formula. The conference report reduces K-12 education funding by \$253 million over the biennium (compared to the introduced budget), compared with about \$143 million in the Senate budget and \$685 million in the House budget.

VRS

House: The House cuts an additional \$310 million each year in K-12 education. The language available so far suggests that local governments, however, would be required to remit the “savings” (resulting from lower VRS rates) to the state and that the “savings” would count as part of the state’s contribution to public education (in order to meet the federal stimulus MOE -- maintenance of effort requirement).

Senate: The Senate also includes education cuts and lowers the VRS contribution rates for teachers.

Conference: Defers approximately \$620 million of the usual VRS retirement contributions for the 2010-12 biennium (funds the teacher retirement rate at 3.93 percent the first year and 5.16 percent the second year; retiree health care credit at 0.60 percent both years; and group life at 0.28 percent both years). The amendments include language that requires repayment of the deferred contributions over ten years beginning in FY 2013. Additionally, the conference report eliminates the House proposal that would have required localities to repay \$181 million in additional state aid.

Libraries

House: The House reduces by an additional 6% funding to local libraries, bringing the total reduction to 15%. A total estimated loss to of \$46,000 in FY 2010 that continues through FY 2012 (introduced budget included a \$23,000 loss each year to the County).

Conference: Reduces aid to local libraries by \$869,000 each year from the introduced budget.

Compensation Board

House: The House proposes partially restoring the funding for commissioners of the revenue by raiding the Communications Sales & Use tax, which is a local tax collected by the state. This fund was to be a non-reverting fund, used to reimburse localities for the elimination of the local phone tax several years ago.

Conference: Provides a net \$167.8 million to restore funding for locally-elected constitutional officers, including: \$98.8 million GF to restore funding for Sheriffs and Regional Jails; \$16.7 million for Commonwealth’s Attorneys; \$18.0 million for Circuit Court Clerks, \$9.2 million for local Finance Directors; \$16.0 million for local Commissioners of the Revenue; and \$15.8 million for local Treasurers. The conference agreement does not include the House amendment using the Communications Sales and Use tax to fund the Commissioners of the Revenue. However, the conference report does appropriate the Communications Sales and Use tax dollars as non-general funds (until now, the funds have remained in a trust and have not been appropriated by the General Assembly). The conference report also reduces jail per diems by \$6.9 million for prisoners in local and regional jails.

Local Social Services and Health Departments

House: The House reduces state funding to local social services from 1 to 5 percent (\$4.6 million total each year) and reduces the state contract with local health departments by 5 percent (\$4.6 million each year).

Conference: The conference agreement reduces financial assistance for local social services departments by \$4.6 million each year, and adds language to restore funding if Congress passes a six-month extension of increased Federal Medical Assistance Percentage (FMAP) through June 30, 2011. Language instructs that DSS work with local governments to maximize access to TANF Emergency Contingency Funds available through ARRA. No reductions are made to the state contract with local health departments.

Aid to Localities

Senate: The Senate included a \$50 million “flexible” cut in aid to localities in FY 2012. For Fairfax County, this cut would total approximately \$3.9 million.

Conference: Includes a \$60 million “flexible” cut in aid to localities in each year of the biennium.

Line of Duty

Conference: Transitions the funding method for the Line of Duty benefit, which has previously been funded by the state, to a charge back. New premiums will be charged to state agencies and localities based on the number of employees potentially eligible to receive benefits under the program. The budget assumes that the funding for the benefits paid out in FY 2011 would be from cash borrowed from the VRS group life program. The new premiums will be collected from the affected employers beginning in FY 2012.

Medicaid Waivers

Conference: The introduced budget included several reductions to Medicaid home- and community-based waiver services, including a five percent reduction in provider rates, a reduction of respite care from 720 to 240 hours per year, and a freeze on the reallocation of community-based waiver slots. The conference report restores funding for these Medicaid home- and community-based waiver services if Congress passes a six-month extension of increased Federal Medical Assistance Percentage (FMAP) through June 30, 2011). Additionally, the FMAP would reverse or avoid reductions in FAMIS and Medicaid elderly/disabled eligibility.

Comprehensive Service Act

Conference: Increases the local share of Medicaid-funded CSA residential services by more than \$4.0m, to be similar to non-Medicaid residential services local match rate share, beginning July 1, 2011 (results in a like savings to the state).

Other Items of Interest in the Conference Report:

Judges -- Eliminates all funds for all projected vacant judgeships, effective February 15, 2010, through June 30, 2012, for a savings to the state of \$4 million the first year and \$6.5 million the second year.

VJCCCA -- Reduces state aid to localities for the Virginia Juvenile Community Crime Control Act (VJCCCA) by \$2.5 million each year.

Electoral Boards and Registrars -- Includes an additional 10% reduction for local electoral boards and registrars each year (above the 10% included in the introduced budget) for a savings to the state of \$745,000 per year.

Regional Planning District Commissions -- Reduces state support for the Regional Planning District Commissions by \$256,000 each year (the Senate budget eliminated all funding for the PDCs).



**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2010 GENERAL ASSEMBLY

March 15, 2010

Fairfax County Legislative Summary 2010 General Assembly

Board of Supervisors Report Key

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

Bold = Board Position, [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken)

Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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HB 1152 Del. Scott (53)	Foreclosure of affordable dwelling units; redevelopment & housing authority to purchase.
HB 1207 Del. Albo (42)	Computer trespass; expands crime to include video and image capture hardware or software, penalty.
SB 571 Sen. Ticer (30)	Zoning; transfer of development rights.
SB 636 Sen. Ticer (30)	Zoning; transfer of development rights.
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HB 374 Del. Cosgrove (78)	Cash proffers; collected or accepted by locality after completion of final inspection.
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HB 1101 Del. Sickles (43)	Statewide Fire Prevention Code; appeals from local fire codes.
HB 1250 Del. Knight (81)	Vested rights; issuance of written order, etc., by zoning administrator regarding use of property.
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SB 90 Sen. Quayle (13)	BPOL tax; gross receipts of security brokers and dealers.
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HB 209 Del. Bulova (37)	Outdoor signs and advertising; penalties collected for violations of provisions.
HB 214 Del. Greason (32)	HOV lanes; extends date for use by vehicle with clean special fuel license plates.
HB 222 Del. Watts (39)	Secondary highway system; VDOT & DRPT to review new design standards components therefor.
HB 233 Del. Dance (63)	Affordable housing units; assessments.

HB 248 Del. Kilgore (1)	Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.
HB 318 Del. Alexander (89)	Manufacturing facility; expands definition to include those used in creation of intangible property.
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HB 552 Del. Marshall, III (14)	Vested rights; includes right to replace existing on-site sewage system.
HB 553 Del. Marshall, III (14)	Signs; provides local government authority to regulate.
HB 621 Del. Orrock, Sr. (54)	Rabies; clarifies procedures and responsibilities to prevent and control.
HB 669 Del. May (33)	Triennial census; eliminates three-year requirement, distribution of sales & use tax.
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HB 688 Del. Miller (50)	Transportation district trains; unlawful to board or ride without a valid ticket.
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HB 921 Del. Bell (58)	Retention of records; all records of Board of Social Services shall be retained for at least 25 yrs.
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Del. Kory (38) Surplus property; school boards may donate obsolete technology hardware to nonprofit organizations.

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Del. Tata (85) Photo-monitoring system; may enter into agreement with DMV to obtain vehicle owner information.

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Del. Rust (86) Dulles Access Highway; enforcement through use of photo-monitoring system in conjunction with usage.

[HB 1379](#)
Del. Sickles (43) Child-care facilities; local regulation of possession and storage of firearms, etc., at facilities.

[HJ 33](#)
Del. O'Bannon, III (73) Constitutional amendment; property tax exemption for certain veterans (second reference).

[HJ 135](#)
Del. Athey, Jr. (18) Development and Land Use Tools in State's Localities, Joint Subcommittee Studying; continued.

[SB 25](#)
Sen. Puller (36) Trains; unlawful to board or ride with fraudulent or counterfeit ticket, penalty.

[SB 64](#)
Sen. Lucas (18) Signs; provides local government authority to regulate.

[SB 65](#)
Sen. Lucas (18) Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.

[SB 81](#)
Sen. Howell (32) Agricultural, forestal, or agricultural and forestal districts; use value assessment.

[SB 128](#)
Sen. McDougale (4) Air Pollution Control Board; regulations under Clean Air Interstate Rule.

[SB 218](#)
Sen. Howell (32) Transient occupancy tax; governing body may increase in Fairfax County after July 1, 2010.

[SB 219](#)
Sen. Howell (32) Safety belts; those 18 and under who are occupying a vehicle are required to wear.

[SB 252](#)
Sen. Reynolds (20) Manufacturing facility; expands definition to include those used in creation of intangible property.

[SB 262](#)
Sen. Whipple (31) Aging, Department for; publicize guidelines on universal design and visitability features.

[SB 273](#)
Sen. Whipple (31) Affordable housing units; assessments.

[SB 355](#)
Sen. Obenshain (26) Short-term rental property; shall classify as a separate classification of merchants' capital.

[SB 383](#)
Claims against county; attorney of county shall notify claimant by

- Sen. Obenshain (26) certified mail of date.
- [SB 395](#) Stormwater management regulations; changes effective date that
Sen. Wagner (7) establishes local program criteria.
- [SB 404](#) Clean special fuel vehicles; removes requirement that Commissioner
Sen. Petersen (34) provide written regulations.
- [SB 413](#) Triennial census; eliminates three-year requirement, distribution of sales
Sen. Vogel (27) and use tax.
- [SB 415](#) Foster care; local departments to provide independent living services to
Sen. Vogel (27) person between age 18 & 21.
- [SB 420](#) Urban development; sets certain densities in areas according to
Sen. Vogel (27) population of locality.
- [SB 445](#) Financial institutions; serving notice of lien.
Sen. Quayle (13)
- [SB 552](#) HOV lanes; extends date for use by vehicle with clean special fuel
Sen. Barker (39) license plates.
- [SB 553](#) Increase transit use strategies; Secretary of Transportation to report
Sen. Barker (39) annually to General Assembly.
- [SB 593](#) Direct recording electronic machines (DRE's); permit localities to obtain
Sen. Puller (36) DRE's already owned.
- [SB 667](#) Dulles Access Highway; enforcement through use of photo-monitoring
Sen. Herring (33) system in conjunction with usage.
- [SJ 13](#) Constitutional amendment; property tax exemption for certain veterans
Sen. Puller (36) (second reference).
- [SJ 89](#) Development and Land Use Tools in State's Localities, Joint
Sen. Vogel (27) Subcommittee Studying; continued.

Fairfax County Positions

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Legislation No Longer Under Consideration

Pages 73-78

Continued to 2011:

- [HB 57](#) Business, professional, and occupational license (BPOL) tax; limits on
Del. Cole (88) rates and imposition.
- [HB 226](#) TANF; eligibility of assistance when convicted of drug-related felonies.
Del. Watts (39)
- [HB 309](#) Summary judgment; documents that can serve as basis for motion.
Del. O'Bannon, III
(73)
- [HB 508](#) Sewage sludge; Water Control Board to notify owners of land of
Del. Gilbert (15) proposed land application site.
- [HB 570](#) Real property tax assessments; appeals.
Del. Iaquinto (84)
- [HB 734](#) Income tax, state; public school renovation tax credit.
Del. Albo (42)
- [HB 748](#) Parental rights; final orders for termination are appealed directly to Court
Del. Toscano (57) of Appeals.
- [HB 808](#) State and local transportation planning; provides for coordination with

Del. Watts (39)	DRPT.
HB 1340	Sewage sludge; localities located in karst region to prohibit application in their boundaries.
Del. Gilbert (15)	
SB 103	Transportation, Chief Executive Officer for; abolishes office of
Sen. McDougale (4)	Transportation Commissioner.
SB 452	Retail Sales and Use Tax; taxes on room rentals.
Sen. Whipple (31)	
SB 551	Rezoning actions, local; provides for more limited review by VDOT.
Sen. Barker (39)	
SB 588	Public transportation service; obstructing operation of transit vehicle is
Sen. Marsden (37)	Class 1 misdemeanor.
SB 711	Freedom of Information Act; disclosure of criminal investigative records.
Sen. Edwards (21)	
SJ 25	Constitutional amendment; tax exemption for buildings, etc., constructed
Sen. Petersen (34)	to conserve energy.
SJ 27	Constitutional amendment; taking of private property for public use (first
Sen. Obenshain (26)	reference).

Fairfax County Positions

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***Legislation No Longer Under
Consideration***

Pages 79-98

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

HB 19	VRE; allows Potomac-Rappahannock Transportation Commission to
Del. Cole (88)	charge higher fares.
HB 55	Virginia Railway Express service; assessment of localities.
Del. Cole (88)	
HB 115	Underground Utility Damage Prevention Act; sewer laterals.
Del. Purkey (82)	
HB 225	Standards of Quality; apportionment of state and local share.
Del. Watts (39)	
HB 236	Firearms; Class 1 misdemeanor to discharge in certain areas.
Del. Janis (56)	
HB 320	HOV lanes; extends date for use by vehicle with clean special fuel
Del. Plum (36)	license plates.
HB 336	Cash proffers; broadens locality's ability to use for capital projects.
Del. Marshall (13)	
HB 396	Water and wastewater utilities; delinquent payment of rates and charges.
Del. Lohr (26)	
HB 459	Pedestrians and drivers; sets out responsibilities at marked and unmarked
Del. Herring (46)	crosswalks.
HB 461	Photo-monitoring systems; operator may enter into agreement with DMV
Del. Herring (46)	to obtain vehicle information.
HB 493	Uniform Statewide Building Code; increases civil penalty.
Del. Lingamfelter (31)	

HB 577 Del. Cole (88)	Real property tax; time to appeal assessments extended.
HB 613 Del. Purkey (82)	Machinery and tools; classification as intangible personal property, exemption from local tax.
HB 652 Del. Armstrong (11)	Eminent domain; restricting access to or from property taken to be considered in assessing damages.
HB 728 Del. Albo (42)	Conditions of release; person arrested for felony released to pretrial services agency if indigent.
HB 752 Del. Greason (32)	Traffic lights; allows motorcycle, etc., to proceed through intersections showing steady red signal.
HB 766 Del. Lewis, Jr. (100)	Legal notices; failure by publisher of newspaper to properly publish shall not invalidate action.
HB 788 Del. Villanueva (21)	HOV lanes; allows certain military personnel to use in Hampton Roads regardless of passengers.
HB 811 Del. Abbott (93)	Zoning appeals, board of; review of decision.
HB 826 Del. Surovell (44)	Electronic summons system; locality to assess an additional sum in district or circuit court.
HB 901 Del. Barlow (64)	Safety belts; makes nonuse thereof a primary offense.
HB 923 Del. Bell (58)	DUI ignition interlock; required to have on first offense as a condition of a restricted license.
HB 948 Del. Englin (45)	HOT lanes; VDOT to conduct a NEPA study prior to construction on any portion of I-95 or I-395.
HB 960 Del. Ingram (62)	Local or regional housing fund; locality may establish to make grants to housing sponsors, etc.
HB 969 Del. Englin (45)	PPTA; preconditions to certain comprehensive agreements.
HB 980 Del. Hugo (40)	HOV lanes; extends date for use by vehicle with clean special fuel license plates.
HB 1062 Del. Athey, Jr. (18)	Zoning administrator; reduces time for response to request for decision on zoning matters.
HB 1064 Del. Athey, Jr. (18)	Zoning appeals, Board of; fee for filing an appeal by person aggrieved by decision of administrator.
HB 1098 Del. Sickles (43)	State and local transportation planning; provides for coordination with DRPT.
HB 1116 Del. Ebbin (49)	Public employment; prohibits discrimination based on race, color, religion, etc.
HB 1138 Del. Morgan (98)	Food and beverage tax; all counties may impose.
HB 1197 Del. Iaquinto (84)	DUI ignition interlock; required to have on first offense as a condition of a restricted license.
HB 1223 Del. Ebbin (49)	HOT lanes; requires shoulder widths are sufficient for safe operation of transit vehicles.
HB 1267 Del. Gear (91)	Motorcycle helmets; penalty.
HB 1287	Human Rights Act; adds sexual orientation to definition of unlawful

Del. Plum (36) discriminatory practice.

[HB 1310](#) Contractors, Board for; certification of geothermal heat pump ground loop system providers.

Del. Bulova (37)

[HB 1347](#) Sales and use and BPOL taxes; exemptions for certain aviation companies.

Del. Gear (91)

[HB 1395](#) Public-Private Acts of 1995 and 2002; certain grant agreements.

Del. Massie III (72)

[SB 9](#) Safety belts; makes nonuse thereof a primary offense.

Sen. Blevins (14)

[SB 48](#) Absentee ballots; increases deadline for each electoral board to make available for all elections.

Sen. Martin (11)

[SB 59](#) VIEW; screening and assessment for use of illegal substances.

Sen. Martin (11)

[SB 66](#) State employment; discrimination prohibited.

Sen. McEachin (9)

[SB 83](#) Absentee voting; qualified voters to provide a reason for not being able to vote on election day.

Sen. Howell (32)

[SB 124](#) Electronic summons system; cities, etc., to assess fee as part of costs in criminal or traffic case.

Sen. Petersen (34)

[SB 228](#) Pedestrians crossing highways; duties of vehicles to stop to allow at marked crosswalks.

Sen. Barker (39)

[SB 229](#) Safety belts; use required for all occupants of a motor vehicle.

Sen. Barker (39)

[SB 230](#) Driver's license, provisional; restriction of cell phone use while driving.

Sen. Barker (39)

[SB 268](#) Weapons; localities may make it unlawful for any person to possess in government facilities.

Sen. Whipple (31)

[SB 280](#) Food and beverage tax; locality to set amount.

Sen. Quayle (13)

[SB 365](#) HOT lane construction contracts; requirements for minimum average speed for vehicles using facility.

Sen. Barker (39)

[SB 448](#) Onsite sewage systems, alternative; locality to enact an ordinance prohibiting use thereof.

Sen. Stuart (28)

[SB 462](#) Crime victims; no law-enforcement officer shall inquire into immigration status thereof.

Sen. Howell (32)

[SB 482](#) Absentee ballots; increase deadline to make available from 45 to 50 days prior to November election.

Sen. Hurt (19)

[SB 518](#) Safety belts; primary enforcement when violations are observed at traffic safety checkpoints.

Sen. Norment, Jr. (3)

[SB 523](#) Disaster Response Fund; funds to be disbursed for removal of Chinese drywall hazardous materials.

Sen. Norment, Jr. (3)

[SB 566](#) Passing vehicles; any vehicle passing a bicycle, etc., shall pass at least three feet to left.

Sen. Ticer (30)

[SB 576](#) Temporary Assistance for Needy Families (TANF); not be denied due to previous felony drug offense.

Sen. Ticer (30)

[SB 584](#) Transportation district trains; unlawful to ride without a valid ticket.

Sen. Marsden (37)

[SB 640](#)

Sen. Martin (11)

Cash proffer guidelines; rate policy or guideline established by ordinance.

[SB 716](#)

Sen. Petersen (34)

Conditions of release; posting of bond for person arrested for a felony.

[SJ 30](#)

Sen. Edwards (21)

Tort claims; JLARC to study costs incurred by State or its localities.

Fairfax County Initiatives

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 517 - Rust (86) Uniform Statewide Building Code; court may order violations on nonresidential buildings be abated.</p>	<p>1/12/2010 House: Referred to Committee on General Laws 1/27/2010 House: Subcommittee recommends reporting (7-Y 0-N) 1/28/2010 House: Reported from General Laws (22-Y 0-N) 2/4/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/8/2010 Senate: Referred to Committee on General Laws and Technology 2/17/2010 Senate: Reported from General Laws and Technology (14-Y 0-N) 2/22/2010 Senate: Passed Senate (40-Y 0-N) 2/24/2010 House: Enrolled 2/24/2010 House: Signed by Speaker 2/25/2010 Senate: Signed by President 3/9/2010 Governor: Approved by Governor-Chapter 87 (effective 7/1/10)</p>	<p>12/7/2009</p>
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Initiate (10101789D)
Summary: Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

<p>HB 1152 - Scott (53) Foreclosure of affordable dwelling units; redevelopment & housing authority to purchase.</p>	<p>1/13/2010 House: Referred to Committee on General Laws 2/10/2010 House: Subcommittee recommends passing by with letter by voice vote 2/11/2010 House: Passed by in General Laws with letter by voice vote</p>	<p>12/7/2009</p>
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Initiate (10101788D)
Summary: Foreclosure of affordable dwelling units. Provides a redevelopment and housing authority administering a properly established affordable dwelling unit program with the opportunity to, and exclusive right to, purchase an affordable dwelling unit at a foreclosure sale for an amount not to exceed the maximum controlled sales price of the unit. In localities that have not established a redevelopment and housing authority, the local governing body may exercise the exclusive right to purchase. Under the bill, the exclusive right to purchase would be applicable only if the affordable dwelling unit is subject to restrictive covenants recorded in the circuit court land records prior to the deed of trust proposed for the foreclosure. In addition, the covenants and applicable zoning ordinances would have to include maximum sales price limitations.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1207 - Albo (42) Computer trespass; expands crime to include video and image capture hardware or software, penalty.</p>	<p>1/13/2010 House: Referred to Committee on Science and Technology 1/27/2010 House: Reported from Science and Technology with substitute (21-Y 1-N) 1/27/2010 House: Referred to Committee for Courts of Justice 2/8/2010 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/10/2010 House: Reported from Courts of Justice with substitute (22-Y 0-N) 2/16/2010 House: VOTE: --- PASSAGE (98-Y 1-N) 2/17/2010 Senate: Referred to Committee for Courts of Justice 2/25/2010 Senate: Subcommittee recommends reporting and referring to Finance. 3/1/2010 Senate: Reported from Courts of Justice with amendment (15-Y 0-N) 3/1/2010 Senate: Rereferred to Finance 3/8/2010 Senate: Continued to 2011 in Finance (12-Y 0-N)</p>	<p>12/7/2009</p>
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Initiate (10103572D)
Summary: Computer trespass; penalty. Expands the crime of computer trespass to include the use of video and image capture software or hardware (screenshots) in addition to keystroke loggers. The provision does not apply to certain Internet, software, and hardware providers that provide network and data security services, technical assistance, or network management.

<p>SB 571 - Ticer (30) Zoning; transfer of development rights.</p>	<p>1/13/2010 Senate: Referred to Committee on Local Government 2/9/2010 Senate: Continued to 2011 in Local Government (14-Y 0-N)</p>	<p>12/7/2009</p>
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Initiate (10101785D)
Summary: Allows any county with the urban county executive form of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. Currently, Fairfax County is the only county with the urban county executive form of government.

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

Bills	General Assembly Actions	Date of BOS Position
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SB 636 - Ticer (30) Zoning; transfer of development rights.	1/19/2010 Senate: Referred to Committee on Local Government 2/2/2010 Senate: Stricken at request of Patron in Local Government (15-Y 0-N) (Duplicate of SB 571.)	12/7/2009
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Initiate (10103816D)

Summary: Allows any county with the urban county executive form of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. Currently, Fairfax County is the only county with the urban county executive form of government.

Fairfax County Positions
(Oppose or Amend)

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 374 - Cosgrove (78) Cash proffers; collected or accepted by locality after completion of final inspection.</p>	<p>1/12/2010 House: Referred to Committee on Counties, Cities and Towns 1/22/2010 House: Reported from Counties, Cities and Towns with amendments (18-Y 4-N) 1/27/2010 House: VOTE: --- PASSAGE (71-Y 27-N) 1/28/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government (15-Y 0-N) 2/26/2010 Senate: Passed Senate (39-Y 0-N) 3/8/2010 House: Enrolled 3/8/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Oppose (10103416D)
Summary: Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.

<p>HB 985 - Jones (76) BPOL tax; gross receipts of security brokers and dealers.</p>	<p>1/13/2010 House: Referred to Committee on Finance 2/8/2010 House: Subcommittee recommends reporting (7-Y 0-N) 2/8/2010 House: Subcommittee recommends reporting by voice vote 2/10/2010 House: Reported from Finance (22-Y 0-N) 2/16/2010 House: VOTE: --- PASSAGE (95-Y 2-N) 2/17/2010 Senate: Referred to Committee on Finance 2/23/2010 Senate: Reported from Finance (13-Y 0-N) 2/25/2010 Senate: Passed Senate (40-Y 0-N) 3/3/2010 House: Enrolled 3/3/2010 House: Signed by Speaker 3/6/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Oppose (10100161D) - Each 10 percent revenue loss is approximately \$50,000. See also SB 90 (Quayle).
Summary: Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to an independent contractor as a commission on the sale or purchase of a security.

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

Bills	General Assembly Actions	Date of BOS Position
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<p><u>HB 1101</u> - Sickles (43) Statewide Fire Prevention Code; appeals from local fire codes.</p>	<p>1/13/2010 House: Referred to Committee on General Laws 2/4/2010 House: Reported from General Laws with substitute (22-Y 0-N) 2/11/2010 House: Passed House (99-Y 0-N) 2/12/2010 Senate: Referred to Committee on General Laws and Technology 2/17/2010 Senate: Reported from General Laws and Technology (14-Y 0-N) 2/22/2010 Senate: Passed Senate (40-Y 0-N) 2/24/2010 House: Enrolled 2/24/2010 House: Signed by Speaker 2/25/2010 Senate: Signed by President 3/9/2010 Governor: Approved by Governor-Chapter 102 (effective 7/1/10)</p>	<p>2/23/2010</p>
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Amend (10104916D-H1) - Amend to specify that such appeals may be to factual determinations made in the application of the local fire code.
Summary: Statewide Fire Prevention Code; appeal from local fire code decisions. Provides that any local fire code may provide for an appeal to the local board of appeals for fire code violations, and if no such local board exists, to the State Building Code Technical Review Board.

<p><u>HB 1250</u> - Knight (81) Vested rights; issuance of written order, etc., by zoning administrator regarding use of property.</p>	<p>1/18/2010 House: Referred to Committee on Counties, Cities and Towns 2/4/2010 House: Subcommittee recommends reporting with amendment(s) (10-Y 0-N) 2/8/2010 House: Reported from Counties, Cities and Towns with substitute (18-Y 1-N) 2/12/2010 House: VOTE: --- PASSAGE (92-Y 4-N) 2/15/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government (15-Y 0-N) 3/1/2010 Senate: Passed Senate (40-Y 0-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Oppose (10103138D)
Summary: Vested rights. Provides that the issuance of any written order, requirement, decision, or determination by the zoning administrator regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to change, modification, or reversal shall be considered a significant affirmative governmental act for purposes of determining vested rights.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1307 - Griffith (8) Family healthcare; zoning provisions for temporary structures.</p>	<p>1/22/2010 House: Referred to Committee on Counties, Cities and Towns 2/12/2010 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/16/2010 House: VOTE: --- PASSAGE (98-Y 1-N) 2/17/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/26/2010 Senate: Passed Senate with amendment (39-Y 0-N) 3/2/2010 House: Senate amendment agreed to by House (98-Y 1-N) 3/10/2010 House: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Oppose (10104275D)
Summary: Zoning provisions for temporary family healthcare structures. Provides that zoning ordinances for all purposes shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver at his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

<p>SB 90 - Quayle (13) BPOL tax; gross receipts of security brokers and dealers.</p>	<p>1/6/2010 Senate: Referred to Committee on Finance 2/9/2010 Senate: Reported from Finance (14-Y 0-N) 2/16/2010 House: Referred to Committee on Finance 2/24/2010 House: Subcommittee recommends reporting (10-Y 0-N) 3/1/2010 House: Reported from Finance (21-Y 1-N) 3/3/2010 House: VOTE: --- PASSAGE (97-Y 1-N) 3/11/2010 Senate: Enrolled</p>	<p>2/9/2010</p>
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Oppose (10101104D) - Each 10 percent revenue loss is approximately \$50,000. See also HB 985 (Jones, S.C.).
Summary: Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to an independent contractor as a commission on the sale or purchase of a security.

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

Fairfax County Positions
(Support or Monitor)

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 82 - Knight (81) Public sewer system; locality may adopt ordinance establishing standard for use & services; penalty.</p>	<p>1/4/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/20/2010 House: Referred to Committee on Counties, Cities and Towns 1/28/2010 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 1/29/2010 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/3/2010 House: VOTE: PASSAGE (98-Y 0-N) 2/4/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government (15-Y 0-N) 2/26/2010 Senate: Passed Senate (39-Y 0-N) 3/8/2010 House: Enrolled 3/8/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Support (10100628D)

Summary: Civil penalties for violation of sewage usage ordinances. Allows any locality under an order of the Virginia Department of Environmental Quality issued pursuant to the authority of subdivision (8a) of § 62.1-44.15 to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

<p>HB 83 - Knight (81) Pawnbrokers; local government may by an ordinance require daily report to be electronically filed.</p>	<p>1/4/2010 House: Referred to Committee on General Laws 1/21/10 House: Reported from General Laws (21-Y 0-N) 1/27/2010 House: Passed House (98-Y 0-N) 1/28/2010 Senate: Referred to Committee on General Laws and Technology 2/17/2010 Senate: Reported from General Laws and Technology with substitute (14-Y 0-N) 2/22/2010 Senate: Passed Senate (40-Y 0-N) 2/25/2010 House: Senate substitute rejected by House (Y-1 N-98) 3/1/2010 Senate: Senate insisted on substitute (40-Y 0-N) and requested conference committee 3/9/2010 Conference report agreed to by Senate (40-Y 0-N) and House (97-Y 0-N)</p>	<p>1/26/2010</p>
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Support (10100458D)

Summary: Pawnbrokers; daily reports. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 209 - Bulova (37) Outdoor signs and advertising; penalties collected for violations of provisions.</p>	<p>1/8/2010 House: Referred to Committee on Transportation 2/2/2010 House: Reported from Transportation (16-Y 2-N) 2/2/2010 House: Referred to Committee on Appropriations 2/8/2010 House: Subcommittee recommends reporting (7-Y 0-N) 2/12/10 House: Reported from Appropriations (21-Y 0-N) 2/16/2010 House: VOTE: --- PASSAGE (87-Y 12-N) 2/17/2010 Senate: Referred to Committee on Transportation 2/25/10 Senate: Reported from Transportation (14-Y 1-N) 3/2/2010 Senate: Passed Senate (40-Y 0-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Support (10100582D)
Summary: Outdoor signs and advertising. 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 only from Saturday through the following Monday from those agreements with the Commissioner.

<p>HB 214 - Greason (32) HOV lanes; extends date for use by vehicle with clean special fuel license plates.</p>	<p>1/8/2010 House: Referred to Committee on Transportation 1/21/2010 House: Reported from Transportation with substitute (21-Y 0-N) 1/26/2010 House: VOTE: --- PASSAGE (78-Y 17-N) 1/27/2010 Senate: Referred to Committee on Transportation 2/18/10 Senate: Reported from Transportation (15-Y 0-N) 2/23/2010 Senate: Passed Senate (40-Y 0-N) 3/1/2010 House: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/11/2010 Governor: Approved by Governor-Chapter 111 (effective 7/1/10)</p>	<p>1/26/2010</p>
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Support (10103565D) - Board has historically supported year-by-year extensions. See also HB 320 (Plum) and HB 980 (Hugo).
Summary: HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill incorporates HB 320 and HB 980.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 222 - Watts (39) Secondary highway system; VDOT & DRPT to review new design standards components therefor.</p>	<p>1/11/2010 House: Referred to Committee on Transportation 2/4/2010 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N) 2/9/2010 House: Reported from Transportation with substitute (18-Y 2-N) 2/15/2010 House: VOTE: --- PASSAGE (81-Y 18-N) 2/16/2010 Senate: Referred to Committee on Transportation 2/25/10 Senate: Reported from Transportation (15-Y 0-N) 3/2/10 Senate: Passed Senate with amendment (40-Y 0-N) 3/4/2010 House: Senate amendment agreed to by House (80-Y 19-N) 3/11/2010 House: Enrolled</p>	<p>1/26/2010</p>
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Support (10102071D)

Summary: Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

<p>HB 233 - Dance (63) Affordable housing units; assessments.</p>	<p>1/11/2010 House: Referred to Committee on Finance 2/3/2010 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 2/10/2010 House: Reported from Finance with substitute (22-Y 0-N) 2/16/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/17/2010 Senate: Referred to Committee on Finance 2/24/2010 Senate: Reported from Finance (11-Y 0-N) 2/26/2010 Senate: Passed Senate with amendment (39-Y 0-N) 3/2/2010 House: Senate amendment agreed to by House (99-Y 0-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104953D-H1) - Bill amended to conform to SB 273. ~~**Oppose** (10100870D) - Oppose as written. See also SB 273 (Whipple).~~

Summary: Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

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<p>HB 248 - Kilgore (1) Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.</p>	<p>1/11/2010 House: Referred to Committee for Courts of Justice 2/8/2010 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/10/2010 House: Reported from Courts of Justice with substitute (22-Y 0-N) 2/16/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/17/2010 Senate: Referred to Committee for Courts of Justice 3/1/2010 Senate: Reported from Courts of Justice with amendments (13-Y 0-N) 3/3/10 Senate: Passed Senate with amendments (40-Y 0-N) 3/5/2010 House: Senate amendments agreed to by House (98-Y 0-N)</p>	<p>2/9/2010</p>
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Support (10102829D) - See also SB 65 (Lucas).

Summary: Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court.

<p>HB 318 - Alexander (89) Manufacturing facility; expands definition to include those used in creation of intangible property.</p>	<p>1/11/2010 House: Referred to Committee on Counties, Cities and Towns 1/22/2010 House: Reported from Counties, Cities and Towns (22-Y 0-N) 1/27/2010 House: VOTE: PASSAGE (98-Y 0-N) 1/28/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/26/2010 Senate: Passed Senate with amendment (39-Y 0-N) 3/2/2010 House: Senate amendment agreed to (99-Y 0-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>3/9/2010 1/26/2010</p>
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Monitor ((HB318ER)) - Monitor. Bill was amended. ~~**Amend** (10102881D) - Amend to limit applicability of expanded definition. See also SB 252 (Reynolds).~~

Summary: Expands the current definition, for bonding purposes, of manufacturing facility to include (i) any facility which is used in the creation or production of intangible property as described in § 197(d)(1)(C)(iii) of the Internal Revenue Code of 1986, as amended, to be any patent, copyright, formula, process, design, pattern,

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knowhow, format, or other similar item, or (ii) a facility which is functionally related and subordinate to a manufacturing facility if such facility is located on the same site as the manufacturing facility. This definition is being expanded so that Virginia Code is consistent with the Federal American Recovery and Reinvestment Act of 2009, Section 1301.

<p>HB 350 - Rust (86) Distribution of handbills, etc.; adds median & public roadway to places locality can regulate, etc.</p>	<p>1/12/10 House: Referred to Committee on Transportation 2/9/2010 House: Reported from Transportation with substitute (21-Y 0-N) 2/15/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/16/10 Senate: Referred to Committee on Transportation 2/25/2010 Senate: Reported from Transportation with substitute (15-Y 0-N) 3/2/2010 Senate: Passed Senate with substitute (40-Y 0-N) 3/4/2010 House: Senate substitute agreed to (92-Y 7-N) 3/11/2010 House: Enrolled</p>	<p>2/9/2010</p>
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Monitor (10101780D)
Summary: Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill incorporates HB 534, HB 1139, and HB 1284 and is the same as SB 35.

<p>HB 409 - Oder (94) Contractors, Board for; prerequisite for obtaining business license.</p>	<p>1/12/2010 House: Referred to Committee on General Laws 1/28/2010 House: Reported from General Laws with substitute (21-Y 0-N) 2/3/2010 House: VOTE: PASSAGE (98-Y 0-N) 2/4/2010 Senate: Referred to Committee on General Laws and Technology 2/17/2010 Senate: Reported from General Laws and Technology (14-Y 0-N) 2/22/2010 Senate: Passed Senate (40-Y 0-N) 2/24/2010 House: Enrolled 2/24/2010 House: Signed by Speaker 2/25/2010 Senate: Signed by President 3/9/2010 Governor: Approved by Governor</p>	<p>3/9/2010 2/9/2010</p>
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Remove active opposition. ((HB409ER)) - Shifts a state responsibility to the locality; still an unfunded mandate. See also HB 713. County currently has IT capability with DPOR to manage the process. Bill limited to the licensure of contractors. ~~**Oppose** (10103789D) - Shifts state responsibility to the locality; unfunded mandate. See also HB 713 (Peace).~~
Summary: Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor.

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<p>HB 421 - Hope (47) Transportation Board; may allocate funds in Mass Transit Fund designated for capital purposes.</p>	<p>1/12/2010 House: Referred to Committee on Transportation 2/4/2010 House: Reported from Transportation with substitute (21-Y 0-N) 2/10/2010 House: VOTE: --- PASSAGE (94-Y 3-N) 2/11/10 Senate: Referred to Committee on Transportation 2/18/10 Senate: Reported from Transportation (15-Y 0-N) 2/23/2010 Senate: Passed Senate (40-Y 0-N) 3/1/2010 House: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/11/2010 Governor: Approved by Governor</p>	<p>2/9/2010 1/26/2010</p>
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Support (10104535D-H1) - Support as amended. ~~**Amend** (10103394D) — Amend to provide CTB flexibility rather than a mandate.~~
Summary: Provides that, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

<p>HB 430 - Griffith (8) Real property tax assessment; Department of Taxation to establish qualifications for certification.</p>	<p>1/12/2010 House: Referred to Committee on Finance 2/3/2010 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N) 2/10/2010 House: Reported from Finance with substitute (22-Y 0-N) 2/16/2010 House: VOTE: (99-Y 0-N) 2/17/2010 Senate: Referred to Committee on Finance 2/24/2010 Senate: Reported from Finance with substitute (13-Y 0-N) 2/26/10 Senate: Passed Senate with substitute (39-Y 0-N) 3/2/2010 House: Senate substitute agreed to (98-Y 1-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>3/9/2010 1/26/2010</p>
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Do not oppose. (10105610D-S1) - Amended version is much improved; requires an independent appraisal in very limited circumstances. ~~**Oppose** (10102817D) — Amended version is much improved, but still imposes a requirement that a locality must hire an independent appraiser to prepare an appraisal report when the locality recommends increasing an assessment which is pending before the BOE. Bill would change the way affordable properties are valued for local assessment purposes, which could produce inequities amongst competing landowners; imposes additional certification requirements for BOE members (citizen appointees); and imposes a requirement that a locality must hire an independent fee appraiser to prepare an appraisal report when the locality recommends increasing an assessment which is pending before the BOE.~~
Summary: Provides (i) that the fair market value of certain affordable housing be determined using the income

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approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iii) taxpayers access to certain information related to assessments; and (iv) additional requirements related to boards of equalization.

HB 457 - Herring (46)
Tax information; disclosure of to Executive Director of Northern Virginia Transportation Commission.

1/12/2010 House: Referred to Committee on Finance
1/27/2010 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N)
2/1/2010 House: Reported from Finance with amendments (21-Y 0-N)
2/4/2010 House: VOTE: PASSAGE (99-Y 0-N)
2/8/2010 Senate: Referred to Committee on Finance
2/17/2010 Senate: Reported from Finance (13-Y 0-N)
2/19/2010 Senate: Passed Senate (40-Y 0-N)
2/22/2010 House: Enrolled
2/23/2010 House: Signed by Speaker
2/23/2010 Senate: Signed by President
3/4/2010 Governor: Approved by Governor

1/26/2010

Support (10103140D)

Summary: Allows the Tax Commissioner to disclose to the Executive Director of the Northern Virginia Transportation Commission for his confidential use, tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax.

HB 515 - Rust (86)
Wetlands and stream mitigation; prohibits localities from regulating location of projects.

1/12/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources
1/27/2010 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N)
2/1/2010 House: Passed House (97-Y 0-N)
2/2/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources
2/22/2010 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N)
2/25/2010 Senate: Passed Senate (40-Y 0-N)
3/3/2010 House: Enrolled
3/3/2010 House: Signed by Speaker
3/6/2010 Senate: Signed by President

2/23/2010

Do not oppose. (10104672D-H1)

Summary: Wetlands and stream mitigation. Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. However, a locality may continue to determine the allowed uses within its zoning classifications.

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<p>HB 552 - Marshall, III (14) Vested rights; includes right to replace existing on-site sewage system.</p>	<p>1/12/2010 House: Referred to Committee on Counties, Cities and Towns 2/8/2010 House: Reported from Counties, Cities and Towns with amendments (19-Y 0-N) 2/12/2010 House: VOTE: PASSAGE (96-Y 0-N) 2/15/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government (15-Y 0-N) 2/26/2010 Senate: Passed Senate (39-Y 0-N) 3/8/2010 House: Enrolled 3/8/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10103473D-E) - Objectionable provisions amended or deleted. ~~**Oppose** (10103473D) - 2/9/10: Monitor.~~
~~Objectionable provisions amended or deleted.~~

Summary: Vested rights to include right to replace failed septic system. Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

<p>HB 553 - Marshall, III (14) Signs; provides local government authority to regulate.</p>	<p>1/12/10 House: Referred to Committee on Transportation 2/9/2010 House: Reported from Transportation with substitute (20-Y 0-N) 2/15/2010 House: VOTE: --- PASSAGE (94-Y 4-N) 2/16/10 Senate: Referred to Committee on Transportation 2/25/10 Senate: Reported from Transportation (15-Y 0-N) 3/2/2010 Senate: Passed Senate (40-Y 0-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/23/2010 1/26/2010</p>
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Monitor (10104852D-H1) - Bill has been amended. ~~**Oppose** (10103503D) - See also SB 64 (Lucas).~~

Summary: Regulation of signage in highway rights of way. Allows county employees and volunteers who are acting as agents of the Commonwealth Transportation Commissioner to remove and confiscate signs from the public right-of-way. If a sign is confiscated by an employee or volunteer, the sign owner shall have the right to reclaim the sign within 10 business days of the date of such confiscation. Finally, the legislation clarifies that a sign installed (on private property) that does not require use of tools or equipment does not trigger the requirement to call Miss Utility before installing the sign. This bill is identical to SB 64 (Lucas).

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<p>HB 621 - Orrock, Sr. (54) Rabies; clarifies procedures and responsibilities to prevent and control.</p>	<p>1/12/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/20/2010 House: Referred to Committee on Health, Welfare and Institutions 2/9/2010 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 2/12/2010 House: Passed House (96-Y 0-N) 2/15/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 3/1/2010 Senate: Reported from Agriculture, Conservation and Natural Resources with amendments (15-Y 0-N) 3/3/10 Senate: Passed Senate with amendments (40-Y 0-N) 3/5/2010 House: Senate amendments agreed to by House (99-Y 0-N) 3/12/2010 House: Enrolled</p>	<p>3/9/2010 2/23/2010</p>
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Monitor ((HB621ER)) - Monitor. Bill was amended to grandfather County's existing ordinance. **Amend** (10104319D-H1) ~~Amend to grandfather County's existing ordinance.~~
Summary: Rabies regulation and control; penalty. Clarifies the procedures and responsibilities among the Department of Health, localities, and other entities to prevent and control rabies. This bill clarifies that all dogs and cats over the age of four months must be vaccinated; provides that rabies certificates shall be issued to the owner of the animal vaccinated and that the veterinarian shall keep a copy of the certificate in his own files; clarifies the authority to access rabies certificates maintained at veterinary hospitals; addresses recordkeeping standards for rabies clinics; and clarifies the authority of the local health director in regard to a rabies exposure.

<p>HB 669 - May (33) Triennial census; eliminates three-year requirement, distribution of sales & use tax.</p>	<p>1/12/2010 House: Referred to Committee on Education 2/3/2010 House: Reported from Education with substitute (16-Y 6-N) 2/3/2010 House: Referred to Committee on Appropriations 2/12/2010 House: Reported from Appropriations with substitute (16-Y 5-N) 2/16/2010 House: VOTE: --- PASSAGE (65-Y 34-N) 2/17/2010 Senate: Referred to Committee on Education and Health 2/25/2010 Senate: Reported from Education and Health with substitute (13-Y 2-N) 3/1/2010 Senate: Passed Senate with substitute (32-Y 8-N) 3/3/2010 House: Senate substitute agreed to (59-Y 36-N) 3/10/2010 House: Enrolled</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104887D-H1) - Support as introduced. **Support** (10101218D) ~~Support; part of the school funding formula. See also SB 413 (Vogel).~~
Summary: Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and

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compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school-age population of a school division done by the Weldon Cooper Center for Public Service at UVA. This bill also allows for up to \$115,000 to be given to the Weldon Cooper Center for Public Service to cover the cost of producing the estimate. This bill is identical to SB 413 (Vogel).

HB 687 - Miller (50)
Uniform Statewide Building Code; increases civil penalty.

1/12/2010 House: Referred to Committee on General Laws
1/28/2010 House: Reported from General Laws with substitute (21-Y 0-N)
2/4/2010 House: VOTE: PASSAGE (99-Y 0-N)
2/8/2010 Senate: Referred to Committee on General Laws and Technology
2/17/2010 Senate: Reported from General Laws and Technology (14-Y 0-N)
2/22/2010 Senate: Passed Senate (40-Y 0-N)
2/24/2010 House: Enrolled
2/24/2010 House: Signed by Speaker
2/25/2010 Senate: Signed by President
3/9/2010 Governor: Approved by Governor

2/23/2010

Support (10104766D-H1) - Contains HB 493 (Lingamfelter), which the Board supported. Position in Legislative Program.

Summary: Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for a second or subsequent violations from \$150 to \$350 and the total for violations arising from the same operative set of facts from \$3,000 to \$4,000. HB 299 and HB 493 have been incorporated into this bill.

HB 688 - Miller (50)
Transportation district trains; unlawful to board or ride without a valid ticket.

1/12/2010 House: Referred to Committee for Courts of Justice
2/3/2010 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N)
2/10/2010 House: Reported from Courts of Justice with substitute (22-Y 0-N)
2/16/2010 House: VOTE: PASSAGE (99-Y 0-N)
2/17/2010 Senate: Referred to Committee for Courts of Justice
3/1/10 Senate: Reported from Courts of Justice (15-Y 0-N)
3/3/2010 Senate: Passed Senate (40-Y 0-N)
3/10/2010 House: Enrolled

1/26/2010

Support (10102244D) - See also SB 25 (Puller).

Summary: Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill is identical to SB 25.

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<p>HB 713 - Peace (97) Contractors, Board for; prerequisite for obtaining business license.</p>	<p>1/12/2010 House: Referred to Committee on Finance 1/27/2010 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 2/1/2010 House: Reported from Finance with substitute (19-Y 1-N) 2/4/2010 House: VOTE: --- PASSAGE (98-Y 1-N) 2/8/2010 Senate: Referred to Committee on Finance 2/23/2010 Senate: Reported from Finance with substitute (15-Y 0-N) 2/25/2010 Senate: Passed Senate (40-Y 0-N) 3/1/2010 House: Senate substitute agreed to by House (98-Y 1-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>3/9/2010 1/26/2010</p>
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Remove active opposition. (10105552D-S1) - Bill has been amended to conform to HB 409. **Oppose** (10103117D) — ~~Shifts state responsibility to the locality; unfunded mandate.~~
Summary: Business, professional and occupational license (BPOL) tax; verification of state licensure. Requires every taxpayer seeking a local business license to provide their state license or certification number or evidence that his business is not required to have such license. The commissioner shall not issue a local business license if the applicant does not have the required state license.

<p>HB 747 - Toscano (57) Stepparent and close relative adoption; appointment of guardian ad litem not required.</p>	<p>1/12/2010 House: Referred to Committee for Courts of Justice 1/22/2010 House: Reported from Courts (22-Y 0-N) 1/28/2010 House: VOTE: PASSAGE (98-Y 0-N) 1/29/2010 Senate: Referred to Committee for Courts of Justice 3/1/10 Senate: Reported from Courts of Justice (14-Y 0-N) 3/3/2010 Senate: Passed Senate (40-Y 0-N) 3/10/2010 House: Enrolled</p>	<p>1/26/2010</p>
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Support (10100739D)
Summary: Allows a court to waive appointment of a guardian ad litem for a child in cases of stepparent or close relative adoption.

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<p>HB 759 - Stolle (83) HOV lanes; allows certain military personnel to use in Hampton Roads regardless of passengers.</p>	<p>1/12/10 House: Referred to Committee on Transportation 2/4/2010 House: Reported from Transportation with substitute (21-Y 0-N) 2/10/2010 House: VOTE: PASSAGE (98-Y 0-N) 2/11/10 Senate: Referred to Committee on Transportation 2/18/10 Senate: Reported from Transportation (15-Y 0-N) 2/23/2010 Senate: Passed Senate (40-Y 0-N) 3/1/2010 House: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/11/2010 Governor: Approved by Governor</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10105062D-H1) - Amended to narrow and include a provision requiring federal approval. **Oppose** (10103306D) - ~~Oppose due to precedent setting nature. See also HB 788 (Villanueva).~~
Summary: Allows any active duty military member in uniform to use HOV lanes, regardless of the number of passengers, on Interstate Route 264 and Interstate Route 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District. This bill incorporates HB 788 and is identical to SB 696.

<p>HB 789 - Villanueva (21) Public Procurement Act; increases cost of construction for which state or local public body may use.</p>	<p>1/12/2010 House: Referred to Committee on General Laws 2/4/2010 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/9/2010 House: Reported from General Laws with amendments (22-Y 0-N) 2/12/2010 House: VOTE: PASSAGE (96-Y 0-N) 2/15/2010 Senate: Referred to Committee on General Laws and Technology 3/3/2010 Senate: Reported from General Laws and Technology (15-Y 0-N) 3/8/2010 Senate: Passed Senate (40-Y 0-N) 3/13/2010 House: Enrolled</p>	<p>1/26/2010</p>
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Support (10102374D)
Summary: Virginia Public Procurement Act; methods of procurement. Increases from \$1 million to \$1.5 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction.

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<p>HB 921 - Bell (58) Retention of records; all records of Board of Social Services shall be retained for at least 25 yrs.</p>	<p>1/13/2010 House: Referred to Committee on Health, Welfare and Institutions 2/9/2010 House: Reported from Health, Welfare and Institutions with substitute (21-Y 1-N) 2/12/2010 House: VOTE: --- PASSAGE (94-Y 1-N) 2/15/2010 Senate: Referred to Committee on Rehabilitation and Social Services 3/5/2010 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N) 3/9/2010 Senate: Passed Senate (39-Y 0-N)</p>	<p>2/23/2010 2/9/2010</p>
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Monitor (10104664D-H1) - Bill has been amended. ~~**Amend** (10102948D) — Amend to apply only to founded Level I cases.~~
Summary: Department of Social Services; retention of records. Requires local departments of social services to keep all records from cases involving child sexual abuse involving injuries or conditions that result in or were likely to have resulted in serious harm to a child for a period of 25 years from the date of the complaint.

<p>HB 972 - Rust (86) Transient occupancy tax; Fairfax County limitations.</p>	<p>1/13/2010 House: Referred to Committee on Finance 1/20/2010 Subcommittee recommends reporting (9-Y 0-N) 1/25/2010 House: Reported from Finance (22-Y 0-N) 1/28/2010 House: VOTE: PASSAGE (98-Y 0-N) 1/29/2010 Senate: Referred to Committee on Finance 2/17/2010 Senate: Reported from Finance with amendment (13-Y 0-N) 2/19/2010 Senate: Passed Senate with amendment (40-Y 0-N) 2/23/2010 House: Senate amendment agreed to by House (95-Y 3-N) 3/1/2010 House: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/11/2010 Governor: Approved by Governor</p>	<p>1/26/2010</p>
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Do not oppose. (10103383D) - See also SB 218 (Howell).
Summary: Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents.

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<p><u>HB 1000</u> - Nutter (7) Polling places; requires electoral board to give notice of alternative place to vote.</p>	<p>1/13/2010 House: Referred to Committee on Privileges and Elections 2/9/2010 House: Reported from Privileges and Elections with substitute (20-Y 0-N) 2/15/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/16/2010 Senate: Referred to Committee on Privileges and Elections 2/23/2010 Senate: Reported from Privileges and Elections (8-Y 6-N 1-A) 3/1/2010 Senate: Passed Senate (30-Y 10-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104920D-H1) - Bill has been amended to require notice to candidates when a polling place is moved.
Oppose (10101962D)
Summary: Requires a local electoral board to give notice, including notice to all candidates on the ballot if an emergency makes a polling place unusable or inaccessible and an alternate polling place is provided. The provision of the alternative polling place is subject to the prior approval of the State Board. The bill adds a definition of "emergency."

<p><u>HB 1063</u> - Athey, Jr. (18) Zoning appeals, board of; fee for filing appeal by person aggrieved by decision, etc.</p>	<p>1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/8/2010 House: Reported from Counties, Cities and Towns with substitute (19-Y 0-N) 2/12/2010 House: VOTE: PASSAGE (96-Y 0-N) 2/15/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/26/10 Senate: Passed Senate w/amendment (39-Y 0-N) 3/2/2010 House: Senate amendment agreed to by House (98-Y 1-N) 3/10/2010 House: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010 [1/29/2010]</p>
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Monitor (10105166D-H1) - Bill was amended to provide that in an appeal of a decision of the board of zoning appeals, the BZA shall not be named as a party to the proceedings. Note: HB 1064 has been incorporated into substitute for HB 1063; concerns with that bill have been addressed. ~~[Amend] (10102171D) - Amend to provide that the governing body and landowner shall be necessary parties to cases on appeal from a BZA decision and that the BZA shall not be a party.~~

Summary: Provides that written notice of a zoning violation or a written order of the zoning administrator shall include the applicable appeal fee and a reference to where other information regarding the appeal process may

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be obtained. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs to process the appeal. Additionally, in an appeal of a decision of the board of zoning appeals (BZA), the BZA shall not be named as a party to the proceedings.

<p>HB 1071 - Athey, Jr. (18) Urban development; sets certain densities in areas according to population of locality.</p>	<p>1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/12/2010 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/16/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/17/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Reported from Local Government with amendments (15-Y 0-N) 2/26/2010 Senate: Passed Senate with amendments (39-Y 0-N) 3/2/2010 House: Senate amendments agreed to by House (98-Y 0-N) 3/10/2010 House: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/23/2010 2/9/2010</p>
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Monitor (10105364D-H1) - Bill has been amended to allow UDAs designated by Fairfax County that include rail transit to have a 40-year planning horizon. All other UDAs in the Commonwealth are limited to a maximum 20-year planning horizon. ~~**Carry Over** (10103457D) - Support carrying over and referring to the Joint Subcommittee Studying Development and Land Use Tools. See also SB 420 (Vogel).~~

Summary: Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas.

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<p>HB 1100 - Sickles (43) Stormwater management; certain landowners shall be immune from civil liability.</p>	<p>1/13/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/3/2010 House: Subcommittee recommends reporting with amendment(s) (5-Y 3-N) 2/10/2010 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (16-Y 5-N) 2/15/2010 House: VOTE: --- PASSAGE (69-Y 29-N) 2/16/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 3/1/2010 Senate: Reported from Agriculture, Conservation and Natural Resources (10-Y 5-N) 3/3/2010 Senate: Passed Senate w/amendment (35-Y 5-N) 3/5/2010 House: Senate amendment agreed to (80-Y 19-N) 3/12/2010 House: Enrolled</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104487D-H1) - Amendments have been made. ~~**Amend** (10103554D) — Amend to require that the Commonwealth or political subdivision thereof must accept the cession of responsibility for the stormwater management facility from the landowner.~~

Summary: Provides that a common interest community shall enjoy limited liability protection relating to a stormwater management facility located on property owned by that community if: (i) the common interest community cedes the responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or a political subdivision thereof, (ii) the action has been memorialized by contract or other instrument executed by both parties, and (iii) the Commonwealth or the governing body of the political subdivision accepted the responsibility ceded by the common interest community in writing or by resolution. Maintenance, repair, and replacement responsibilities may include the cleaning of the facility, maintenance of adjacent grounds which are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity which maintains the facility. The immunity granted by this provision does not extend to actions or omissions by the landowner constituting intentional or willful misconduct or gross negligence.

<p>HB 1220 - Hugo (40) Stormwater management regulations; changes effective date that establishes local program criteria.</p>	<p>1/14/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/10/2010 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (21-Y 0-N) 2/15/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/16/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/22/2010 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N) 2/24/2010 Senate: Passed Senate (40-Y 0-N) 3/2/2010 House: Enrolled 3/2/2010 House: Signed by Speaker 3/3/2010 Senate: Signed by President 3/11/2010 Governor: Approved by Governor</p>	<p>2/9/2010</p>
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Support (10104051D) - Support compromise with delayed effective date of December 1, 2011. See also SB 395 (Wagner).

Summary: Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395.

HB 1225 - Toscano (57)
Voting equipment; allows acquisition of direct recording electronic machines by any locality.

1/15/2010 House: Referred to Committee on Privileges and Elections
2/9/2010 House: Reported from Privileges and Elections with amendments (19-Y 0-N)
2/15/2010 House: VOTE: PASSAGE (99-Y 0-N)
2/16/2010 Senate: Referred to Committee on Privileges and Elections
2/23/2010 Senate: Reported from Privileges and Elections with substitute (13-Y 2-N)
2/26/10 Senate: Passed Senate with substitute (35-Y 4-N)
3/5/2010 House: Senate substitute agreed to (96-Y 2-N)
3/12/2010 House: Enrolled

2/9/2010

Support (10103792D)

Summary: Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to SB 593.

HB 1230 - Ware, Jr. (65)
Underground Utility Damage Prevention Act; sewer laterals.

1/15/2010 House: Referred to Committee on Commerce and Labor
1/21/2010 House: Reported from Commerce and Labor with amendment (22-Y 0-N)
1/27/2010 House: VOTE: PASSAGE (98-Y 0-N)
1/28/2010 Senate: Referred to Committee on Commerce and Labor
2/22/2010 Senate: Reported from Commerce and Labor (14-Y 0-N)
2/25/2010 Senate: Passed Senate (40-Y 0-N)
3/3/2010 House: Enrolled
3/3/2010 House: Signed by Speaker
3/6/2010 Senate: Signed by President

1/26/2010

Support (10103880D) - Support as written, provided delayed effective date is added; County helped craft compromise; will have a fiscal impact. See also HB 115 (Purkey).

Summary: Establishes a set of requirements for the protection of sewer system laterals and private sewer

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laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

<p>HB 1235 - Anderson (51) Absentee ballots; procedure for various deadlines and ballot requirements.</p>	<p>1/15/2010 House: Referred to Committee on Privileges and Elections 2/12/2010 House: Reported from Privileges and Elections with substitute (21-Y 0-N) 2/16/2010 House: VOTE: PASSAGE (99-Y 0-N) 2/17/2010 Senate: Referred to Committee on Privileges and Elections 2/23/2010 Senate: Reported from Privileges and Elections with substitute (14-Y 1-N) 3/3/2010 Senate: Passed Senate with substitute (40-Y 0-N) 3/5/2010 House: Senate substitute agreed to (99-Y 0-N) 3/12/2010 House: Enrolled</p>	<p>2/23/2010 1/26/2010</p>
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Support (10105382D-H1) - Amendments to filing deadlines have been made. ~~**Support w/ Amend.** (10103637D) - Support with amendment to make corresponding change to candidate filing deadlines. See also SB 482 (Hurt).~~
Summary: Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days.

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<p>HB 1245 - Kory (38) Surplus property; school boards may donate obsolete technology hardware to nonprofit organizations.</p>	<p>1/18/2010 House: Referred to Committee on Education 2/1/2010 House: Reported from Education with substitute (19-Y 2-N) 2/4/2010 House: VOTE: --- PASSAGE (92-Y 7-N) 2/8/2010 Senate: Referred to Committee on Education and Health 2/25/2010 Senate: Reported from Education and Health (14-Y 1-N) 3/1/2010 Senate: Passed Senate (39-Y 1-N) 3/9/2010 House: Enrolled 3/9/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/9/2010 1/26/2010</p>
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Monitor ((Lingamfelter)) - Bill as amended does not pertain to real property. ~~**Amend** (10103619D) -- Amend to require approval of governing body.~~

Summary: Authorizes elected local school boards to donate obsolete personal property to a Virginia nonprofit charitable organization.

<p>HB 1292 - Tata (85) Photo-monitoring system; may enter into agreement with DMV to obtain vehicle owner information.</p>	<p>1/21/2010 House: Referred to Committee on Transportation 2/4/2010 House: Reported from Transportation with substitute (14-Y 7-N) 2/10/2010 House: VOTE: --- PASSAGE (55-Y 42-N) 2/11/10 Senate: Referred to Committee on Transportation 2/18/10 Senate: Reported from Transportation (12-Y 3-N) 2/23/2010 Senate: Passed Senate (29-Y 10-N) 3/1/2010 House: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/13/2010 House: House concurred in Governor's recommendation (54-Y 41-N) 3/14/2010 Senate: Senate concurred in Governor's recommendation (34-Y 6-N)</p>	<p>2/9/2010</p>
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Support (10103335D)

Summary: Provides that a summons executed for violation of a photo-monitoring ordinance shall provide to the person summoned at least 30, rather than 60, business days to inspect information collected in connection with the violation. Allows a private entity that operates a traffic light signal violation monitoring system to enter into an agreement with the Department of Motor Vehicles to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Also allows a locality to access and use recorded images and associated information if the vehicle involved is owned, leased or rented by the locality, for employee disciplinary purposes.

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<p>HB 1295 - Rust (86) Dulles Access Highway; enforcement through use of photo-monitoring system in conjunction with usage.</p>	<p>1/21/10 House: Referred to Committee on Transportation 2/4/2010 House: Reported from Transportation with amendments (20-Y 1-N) 2/12/2010 House: VOTE: --- PASSAGE (53-Y 43-N) 2/15/10 Senate: Referred to Committee on Transportation 2/25/10 Senate: Reported from Transportation (12-Y 3-N) 3/2/2010 Senate: Passed Senate (30-Y 10-N) 3/10/2010 House: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Support (10104001D) - See also SB 667 (Herring).
Summary: Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is the same as SB 667 (Herring).

<p>HB 1379 - Sickles (43) Child-care facilities; local regulation of possession and storage of firearms, etc., at facilities.</p>	<p>1/22/2010 House: Referred to Committee on Militia, Police and Public Safety 2/4/2010 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N) 2/12/2010 House: Reported from Militia, Police and Public Safety with amendment (16-Y 5-N) 2/16/2010 House: VOTE: --- PASSAGE (89-Y 10-N) 2/17/2010 Senate: Referred to Committee on Local Government 2/23/2010 Senate: Rereferred to Courts of Justice 3/8/10 Senate: Reported from Courts of Justice (15-Y 0-N) 3/10/2010 Senate: Passed Senate (40-Y 0-N)</p>	<p>2/9/2010</p>
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Support (10104189D)
Summary: Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes.

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<p><u>HJ 33</u> - O'Bannon, III (73) Constitutional amendment; property tax exemption for certain veterans (second reference).</p>	<p>1/5/2010 House: Referred to Committee on Privileges and Elections 1/29/2010 House: Reported from Privileges and Elections (21-Y 0-N) 2/2/2010 House: VOTE: --- ADOPTION (96-Y 0-N) 2/3/2010 Senate: Referred to Committee on Privileges and Elections 2/23/2010 Senate: Reported from Privileges and Elections (14-Y 0-N) 2/26/2010 Senate: Agreed to by Senate (39-Y 0-N) 3/5/2010 House: Enrolled 3/5/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Monitor (10100549D) - See also SJ 13 (Puller). Estimated impact difficult to determine; will affect an unknown portion of the estimated 1,800 disabled veterans in the County. It is unknown how many of these individuals meet the requirement of having a 100 percent, service connected, permanent, and total disability, how many are homeowners, and how many are already receiving tax relief through the existing elderly/disabled program. Potential cost to the County would be a maximum of \$9.7 million.

Summary: Constitutional amendment (second resolution); property tax exemption for certain veterans. 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. This resolution is identical to SJ 13.

<p><u>HJ 135</u> - Athey, Jr. (18) Development and Land Use Tools in State's Localities, Joint Subcommittee Studying; continued.</p>	<p>1/13/2010 House: Referred to Committee on Rules 1/26/2010 House: Reported from Rules (15-Y 0-N) 1/29/2010 House: Agreed to by House (89-Y 0-N) 2/1/2010 Senate: Referred to Committee on Rules 2/26/2010 Senate: Reported from Rules by voice vote 3/2/2010 Senate: Agreed to by Senate by voice vote</p>	<p>2/9/2010</p>
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Support (10101739D) - See also SJ 89 (Vogel).

Summary: Continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine and monitor the transition to channeling development into Urban Development Areas and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

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<p><u>SB 25</u> - Puller (36) Trains; unlawful to board or ride with fraudulent or counterfeit ticket, penalty.</p>	<p>1/4/2010 Senate: Referred to Committee on Transportation 1/14/2010 Senate: Rereferred to Courts of Justice 2/1/2010 Senate: Reported from Courts of Justice with substitute (12-Y 0-N) 2/4/2010 Senate: Passed Senate (40-Y 0-N) 2/16/2010 House: Referred to Committee for Courts of Justice 2/22/2010 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 2/26/2010 House: Reported from Courts of Justice with substitute (19-Y 0-N) 3/3/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/5/2010 Senate: House substitute agreed to by Senate (38-Y 0-N) 3/12/2010 Senate: Enrolled</p>	<p>1/26/2010</p>
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Support (10100274D) - See also HB 688 (Miller, J.H.).

Summary: Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill is identical to HB 688.

<p><u>SB 64</u> - Lucas (18) Signs; provides local government authority to regulate.</p>	<p>1/4/2010 Senate: Referred to Committee on Local Government 2/2/2010 Senate: Reported from Local Government with substitute (15-Y 0-N) 2/9/2010 Senate: Passed Senate (40-Y 0-N) 2/16/10 House: Referred to Committee on Transportation 2/23/2010 House: Reported from Transportation with amendments (20-Y 1-N) 2/26/2010 House: VOTE: --- PASSAGE (87-Y 9-N) 3/2/2010 Senate: House amendments agreed to (40-Y 0-N) 3/10/2010 Senate: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104850D-S1) - Bill has been amended. ~~**Oppose**~~ (10102001D) - See also HB 553 (Marshall, D.).

Summary: Local government authority to regulate signs. Provides that a zoning ordinance may include provisions for the regulations of signs in the highway rights of way. Localities may also adopt an ordinance in order to control signs within any highway rights of way and to control local enforcement of such signage. If a locality enacts an ordinance to regulate signs and also authorizes volunteers to enforce the provisions of such an ordinance, the volunteer, and any local government employee, will be personally liable to the owner of the signs for any damage that may result from such enforcement. Additionally, the Commonwealth Transportation

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Commissioner may enter into agreements with any locality, instead of just Fairfax County, authorizing local law-enforcement agencies to act as agents of the Commissioner for purposes of this legislation. Finally, this legislation limits the definition of excavation to not include installation of a sign that is installed by pushing metal, plastic or wooden poles in the ground. This bill is identical to HB 553.

<p>SB 65 - Lucas (18) Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.</p>	<p>1/4/2010 Senate: Referred to Committee for Courts of Justice 2/10/2010 Senate: Reported from Courts of Justice with substitute (14-Y 0-N) 2/15/2010 Senate: Passed Senate (40-Y 0-N) 2/17/2010 House: Referred to Committee for Courts of Justice 3/8/2010 House: Reported from Courts of Justice with substitute (21-Y 0-N) 3/9/2010 House: Passed House with substitute with amendment (95-Y 0-N) 3/10/2010 Senate: House substitute with amendment agreed to by Senate (40-Y 0-N)</p>	<p>2/9/2010</p>
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Support (10102678D) - See also HB 248 (Kilgore).
Summary: Psychiatric treatment of minors. Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to HB 248.

<p>SB 81 - Howell (32) Agricultural, forestal, or agricultural and forestal districts; use value assessment.</p>	<p>1/5/2010 Senate: Referred to Committee on Finance 1/20/2010 Senate: Reported from Finance (15-Y 0-N) 1/25/2010 Senate: Passed Senate (39-Y 0-N) 2/3/2010 House: Referred to Committee on Finance 2/22/2010 House: Reported from Finance (22-Y 0-N) 2/25/2010 House: Passed House (98-Y 0-N) 3/3/2010 Senate: Enrolled 3/3/2010 House: Signed by Speaker 3/6/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Support (10102066D) - Board directed support at November 16, 2009 meeting.
Summary: Use value assessment; agricultural, forestal, and agricultural and forestal districts. Provides that certain noncontiguous real property may be included as part of an agricultural, forestal, or agricultural and forestal district. Any noncontiguous real property included as part of an agricultural, forestal, or agricultural and forestal district would be deemed to be contiguous to any other real property located in such district for purposes of use value assessment.

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<p>SB 128 - McDougle (4) Air Pollution Control Board; regulations under Clean Air Interstate Rule.</p>	<p>1/8/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/8/2010 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 2/15/2010 Senate: Passed Senate (38-Y 2-N) 2/17/2010 House: Referred to Committee on Commerce and Labor 2/23/2010 House: Reported from Commerce and Labor (15-Y 7-N) 2/26/2010 House: VOTE: --- PASSAGE (50-Y 46-N) 3/5/2010 Senate: Enrolled 3/5/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>2/9/2010 1/29/2010</p>
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Monitor (10105041D-S1) - Amended to exempt current non-attainment areas. ~~[Oppose] (10102563D)~~
Summary: Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities unless such nonattainment area was designated as such prior to January 1, 2010. This bill is identical to HB 1300.

<p>SB 218 - Howell (32) Transient occupancy tax; governing body may increase in Fairfax County after July 1, 2010.</p>	<p>1/12/2010 Senate: Referred to Committee on Finance 1/20/2010 Senate: Reported from Finance with amendment (15-Y 0-N) 1/25/2010 Senate: Passed Senate (39-Y 0-N) 2/3/2010 House: Referred to Committee on Finance 2/17/2010 House: Subcommittee recommends reporting (7-Y 0-N) 2/22/2010 House: Reported from Finance (22-Y 0-N) 2/25/2010 House: Passed House (89-Y 9-N) 3/3/2010 Senate: Enrolled 3/3/2010 House: Signed by Speaker 3/6/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Do not oppose. (10103375D) - See also HB 972 (Rust).
Summary: Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent.

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<p>SB 219 - Howell (32) Safety belts; those 18 and under who are occupying a vehicle are required to wear.</p>	<p>1/12/10 Senate: Referred to Committee on Transportation 1/28/2010 Senate: Reported from Transportation with substitute (15-Y 0-N) 2/3/2010 Senate: Passed Senate (39-Y 1-N) 2/8/2010 House: Referred to Committee on Militia, Police and Public Safety 2/25/2010 House: Subcommittee recommends reporting with amendment(s) (3-Y 0-N) 2/26/2010 House: Reported from Militia, Police and Public Safety with substitute (19-Y 1-N) 3/2/2010 House: VOTE: --- PASSAGE (81-Y 17-N 1-A) 3/4/2010 Senate: House substitute agreed to (40-Y 0-N) 3/11/2010 Senate: Enrolled 3/11/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Support (10100354D) - Board has historically supported.
Summary: Safety belt use for persons under 18 years of age. Requires safety belt use by those under 18 years of age who are occupying the rear seats of motor vehicles. This bill incorporates SB 229.

<p>SB 252 - Reynolds (20) Manufacturing facility; expands definition to include those used in creation of intangible property.</p>	<p>1/12/2010 Senate: Referred to Committee on Local Government 1/26/2010 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/1/2010 Senate: Passed Senate (40-Y 0-N) 2/8/2010 House: Referred to Committee on Counties, Cities and Towns 2/19/2010 House: Reported from Counties, Cities and Towns (21-Y 0-N) 2/23/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/1/2010 Senate: Enrolled 3/1/2010 House: Signed by Speaker 3/2/2010 Senate: Signed by President 3/13/2010 Governor: Approved by Governor</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10102880D-E) - Bill was amended. ~~Amend (10102880D) - Amend to limit applicability of expanded definition. See also HB 318 (Alexander).~~

Summary: Manufacturing facility. Expands the current definition, for bonding purposes, of manufacturing facility to include (i) any facility which is used in the creation or production of intangible property as described in §197(d)(1)(C)(iii) of the Internal Revenue Code of 1986, as amended, to be any patent, copyright, formula, process, design, pattern, knowhow, format, or other similar item, or (ii) a facility which is functionally related and subordinate to a manufacturing facility if such facility is located on the same site as the manufacturing facility. This definition is being expanded so that Virginia Code is consistent with the Federal American Recovery and Reinvestment Act of 2009, Section 1301.

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[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 262 - Whipple (31) Aging, Department for; publicize guidelines on universal design and visitability features.</p>	<p>1/12/2010 Senate: Referred to Committee on General Laws and Technology 1/20/2010 Senate: Reported from General Laws and Technology with amendment (15-Y 0-N) 1/26/2010 Senate: Passed Senate (37-Y 3-N) 2/3/2010 House: Referred to Committee on General Laws 2/24/2010 House: Subcommittee recommends reporting (6-Y 1-N) 3/2/2010 House: Reported from General Laws (21-Y 1-N) 3/4/2010 House: VOTE: --- PASSAGE (99-Y 1-N) 3/11/2010 Senate: Enrolled 3/11/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/23/2010</p>
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Support (10101762D-E)
Summary: Requires the Department for the Aging to publicize guidelines on universal design and visitability features to make structures and dwellings accessible for older Virginians and people who develop mobility impairment. The guidelines are also required to be disseminated to the public and posted on the Department's website.

<p>SB 273 - Whipple (31) Affordable housing units; assessments.</p>	<p>1/12/2010 Senate: Referred to Committee on Finance 1/27/2010 Senate: Reported from Finance with substitute (14-Y 1-N) 2/1/2010 Senate: Passed Senate (38-Y 2-N) 2/8/2010 House: Referred to Committee on Finance 3/1/2010 House: Reported from Finance with amendment (22-Y 0-N) 3/3/2010 House: Passed House with amendment (99-Y 0-N) 3/5/2010 Senate: House amendment agreed to by Senate (38-Y 1-N) 3/12/2010 Senate: Enrolled</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104625D-S1) ~~**Oppose** (10103164D) — Oppose as written. See also HB 233 (Dance).~~
Summary: Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

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 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 355 - Obenshain (26) Short-term rental property; shall classify as a separate classification of merchants' capital.</p>	<p>1/12/2010 Senate: Referred to Committee on Finance 2/3/2010 Senate: Reported from Finance with substitute (15-Y 0-N) 2/9/2010 Senate: Passed Senate (40-Y 0-N) 2/16/2010 House: Referred to Committee on Finance 2/24/2010 House: Subcommittee recommends reporting (10-Y 0-N) 3/1/2010 House: Reported from Finance (22-Y 0-N) 3/3/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/11/2010 Senate: Enrolled</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10105019D-S1) - Bill as amended is not adverse to the County. ~~**Oppose** (10103844D) - \$108,000 revenue loss.~~
Summary: Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation.

<p>SB 383 - Obenshain (26) Claims against county; attorney of county shall notify claimant by certified mail of date.</p>	<p>1/12/2010 Senate: Referred to Committee on Local Government 2/9/2010 Senate: Reported from Local Government with amendments (15-Y 0-N) 2/15/2010 Senate: Passed Senate (40-Y 0-N) 2/17/2010 House: Referred to Committee on Counties, Cities and Towns 2/26/2010 House: Reported from Counties, Cities and Towns (22-Y 0-N) 3/2/2010 03/02/10 House: Passed House (99-Y 0-N) 3/10/2010 Senate: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/23/2010 1/26/2010</p>
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Monitor (10100348D-E) - Bill has been amended to allow service by certified mail and for the governing body to act on a claim within 90 days or such longer time as the claimant may agree. ~~**Amend** (10100348D) - Amend to specify that notice may be served by certified mail and to extend the timeframe within which the governing body must act from 90 to 180 days.~~
Summary: Claims against counties; timing of decision; appeals. Provides that when a claim is made against a county, the attorney representing the county shall notify the claimant of the date that the claim will be considered. The bill also provides that court action on a claim is not barred if the governing body fails to act on a claim within 90 days of the date it was received, provided that such time may be extended by mutual agreement of the claimant and the county. The bill further sets the amount of the bond for appeals of a claim that has been disallowed by the governing body at \$250. This bill is a recommendation of the Boyd-Graves Conference.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 395 - Wagner (7) Stormwater management regulations; changes effective date that establishes local program criteria.</p>	<p>1/13/2010 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/1/2010 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 2/4/2010 Senate: Passed Senate (40-Y 0-N) 2/17/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/24/2010 House: Reported from Agriculture, Chesapeake and Natural Resources with amendment (22-Y 0-N) 2/26/10 House: Passed House with amendment (96-Y 0-N) 3/2/2010 Senate: House amendment agreed to by Senate (40-Y 0-N) 3/10/2010 Senate: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Support (10103273D) - Support compromise with delayed effective date of December 1, 2011.
Summary: Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates SB 677, SB 245, and SB 681. This bill is identical to HB 1220.

<p>SB 404 - Petersen (34) Clean special fuel vehicles; removes requirement that Commissioner provide written regulations.</p>	<p>1/13/2010 Senate: Referred to Committee on Transportation 2/4/2010 Senate: Reported from Transportation with substitute (14-Y 0-N) 2/10/2010 Senate: Passed Senate (40-Y 0-N) 2/16/2010 House: Referred to Committee on Transportation 2/25/2010 House: Reported from Transportation with amendments (21-Y 0-N) 3/2/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/4/2010 Senate: House amendments agreed to by Senate (40-Y 0-N) 3/11/2010 Senate: Enrolled 3/11/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>1/26/2010</p>
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Support (10103600D)
Summary: HOV lanes; clean special fuel vehicles; government use. Removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 413 - Vogel (27) Triennial census; eliminates three-year requirement, distribution of sales and use tax.</p>	<p>1/13/2010 Senate: Referred to Committee on Education and Health 1/28/2010 Senate: Reported from Education and Health with substitute (14-Y 1-N) 1/28/2010 Senate: Rereferred to Finance 2/16/2010 Senate: Passed Senate (30-Y 10-N) 2/17/10 House: Referred to Committee on Appropriations 3/2/2010 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N) 3/8/2010 House: Reported from Appropriations with substitute (16-Y 5-N) 3/9/10 House: Passed House with substitute (69-Y 24-N) 3/10/2010 Senate: House substitute agreed to by Senate (32-Y 8-N)</p>	<p>2/9/2010 1/26/2010</p>
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Monitor (10104742D-S1) ~~**Support** (10102218D)~~ ~~Support; part of the school funding formula. See also **HB 669** (May).~~
Summary: Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service. This bill incorporates SB 557.

<p>SB 415 - Vogel (27) Foster care; local departments to provide independent living services to person between age 18 & 21.</p>	<p>1/13/2010 Senate: Referred to Committee for Courts of Justice 2/1/2010 Senate: Rereferred to Rehabilitation and Social Services 2/12/2010 Senate: Reported from Rehabilitation and Social Services with substitute (15-Y 0-N) 2/16/2010 Senate: Passed Senate (40-Y 0-N) 2/17/2010 House: Referred to Committee on Health, Welfare and Institutions 2/25/2010 House: Reported from Health, Welfare and Institutions with amendment (22-Y 0-N) 3/1/10 House: Passed House with amendment (99-Y 0-N) 3/1/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/3/2010 Senate: House amendment agreed to (40-Y 0-N) 3/11/2010 Senate: Enrolled</p>	<p>1/26/2010</p>
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Support (10100421D)
Summary: Requires local departments that provide independent living services to persons between 18 and 21 years of age to provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services. The written notice shall be included in the person's transition plan, which shall be created at least 90 days prior to the person's discharge from foster care.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 420</u> - Vogel (27) Urban development; sets certain densities in areas according to population of locality.</p>	<p>1/13/2010 Senate: Referred to Committee on Local Government 2/9/2010 Senate: Reported from Local Government with substitute (14-Y 1-N) 2/16/2010 Senate: Passed Senate (39-Y 0-N) 2/17/2010 House: Referred to Committee on Counties, Cities and Towns 2/26/2010 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 3/2/2010 House: VOTE: PASSAGE (99-Y 0-N) 3/4/2010 Senate: House substitute agreed to (40-Y 0-N) 3/11/2010 Senate: Enrolled 3/11/2010 House: Signed by Speaker 3/11/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Carry Over (10103955D) - Support carrying over and referring to the Joint Subcommittee Studying Development and Land Use Tools. See also HB 1071 (Athey).
Summary: Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas.

<p><u>SB 445</u> - Quayle (13) Financial institutions; serving notice of lien.</p>	<p>1/13/2010 Senate: Referred to Committee for Courts of Justice 2/15/2010 Senate: Reported from Courts of Justice with amendments (15-Y 0-N) 2/16/2010 Senate: Passed Senate (40-Y 0-N) 2/17/2010 House: Referred to Committee for Courts of Justice 3/1/2010 House: Subcommittee recommends reporting (11-Y 0-N) 3/8/2010 House: Reported from Courts of Justice (21-Y 0-N) 3/9/2010 House: Passed House (95-Y 0-N) 3/13/2010 Senate: Enrolled</p>	<p>2/23/2010 1/26/2010</p>
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Monitor (10100627D-E) - Bill has been amended. ~~**Oppose** (10100627D)~~
Summary: Notice of lien on financial institutions. Provides that any judgment creditor serving a notice of lien on a financial institution shall, within five business days of such service, mail to the judgment debtor at his last known address a copy of the notice of lien along with a notice of exemptions and claim for exemption form. The judgment creditor or attorney for the judgment creditor shall file a certification with the court affirming that he has mailed the judgment debtor these notices. In the event that the judgment creditor fails to comply, he shall be liable to the judgment debtor for no more than \$100 in damages, unless he proves by a preponderance of the evidence that the failure was not willful.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 552 - Barker (39) HOV lanes; extends date for use by vehicle with clean special fuel license plates.</p>	<p>1/13/2010 Senate: Referred to Committee on Transportation 2/11/2010 Senate: Reported from Transportation with substitute (15-Y 0-N) 2/16/2010 Senate: Passed Senate (37-Y 3-N) 2/18/2010 House: Referred to Committee on Transportation 2/25/10 House: Reported from Transportation (21-Y 0-N) 3/8/10 House: Passed House with amendments (89-Y 8-N) 3/10/2010 Senate: House amendments rejected by Senate (1-Y 39-N) 3/13/2010 Senate: Conference report agreed to by Senate (35-Y 3-N) 3/13/2010 House: Conference report agreed to by House (89-Y 7-N)</p>	<p>2/23/2010</p>
<p>Monitor (10105323D-S1) Summary: HOV lanes. Extends the "sunset" on use of HOV lanes by clean special fuel vehicles, regardless of the number of their occupants, until July 1, 2011, but only if they are not traveling on I-66, I-95, or I-395.</p>		
<p>SB 553 - Barker (39) Increase transit use strategies; Secretary of Transportation to report annually to General Assembly.</p>	<p>1/13/2010 Senate: Referred to Committee on Transportation 1/21/2010 Senate: Rereferred to Rules 2/12/2010 Senate: Reported from Rules (17-Y 0-N) 2/16/2010 Senate: Passed Senate (40-Y 0-N) 2/18/2010 House: Referred to Committee on Transportation 2/23/10 House: Reported from Transportation (21-Y 0-N) 2/26/2010 House: VOTE: PASSAGE (96-Y 0-N) 3/5/2010 Senate: Enrolled 3/5/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
<p>Support (10101506D) Summary: Increase transit use strategies. Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 593</u> - Puller (36) Direct recording electronic machines (DRE's); permit localities to obtain DRE's already owned.</p>	<p>1/13/2010 Senate: Referred to Committee on Privileges and Elections 2/9/2010 Senate: Reported from Privileges and Elections with amendment (13-Y 2-N) 2/15/2010 Senate: Passed Senate (36-Y 4-N) 2/17/2010 House: Referred to Committee on Privileges and Elections 2/26/2010 House: Reported from Privileges and Elections (20-Y 0-N) 3/5/10 House: Passed House with amendment (98-Y 1-N) 3/9/2010 Senate: House amendment agreed to by Senate (38-Y 1-N) 3/13/2010 Senate: Enrolled</p>	<p>2/9/2010</p>
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Support (10104122D)
Summary: Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to HB 1225.

<p><u>SB 667</u> - Herring (33) Dulles Access Highway; enforcement through use of photo-monitoring system in conjunction with usage.</p>	<p>1/21/2010 Senate: Referred to Committee on Transportation 1/28/2010 Senate: Reported from Transportation with amendments (14-Y 1-N) 2/3/2010 Senate: Passed Senate (33-Y 7-N) 2/8/2010 House: Referred to Committee on Transportation 2/23/2010 House: Reported from Transportation with substitute (18-Y 3-N) 2/26/2010 House: VOTE: --- PASSAGE (59-Y 37-N) 3/2/2010 Senate: House substitute agreed to by Senate (36-Y 4-N) 3/10/2010 Senate: Enrolled 3/10/2010 House: Signed by Speaker 3/12/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Support (10104125D) - See also HB 1295 (Rust).
Summary: Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is identical to HB 1295.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SJ 13</u> - Puller (36) Constitutional amendment; property tax exemption for certain veterans (second reference).</p>	<p>1/4/2010 Senate: Referred to Committee on Privileges and Elections 1/26/2010 Senate: Reported from Privileges and Elections (13-Y 0-N) 2/1/2010 Senate: Agreed to by Senate (40-Y 0-N) 2/8/2010 House: Referred to Committee on Privileges and Elections 2/26/2010 House: Reported from Privileges and Elections (20-Y 0-N) 3/2/2010 House: Agreed to by House (99-Y 0-N) 3/5/2010 Senate: Enrolled 3/5/2010 House: Signed by Speaker 3/8/2010 Senate: Signed by President</p>	<p>2/9/2010</p>
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Monitor (10100050D) - See also HJ 33 (O'Bannon). Estimated impact difficult to determine; will affect an unknown portion of the estimated 1,800 disabled veterans in the County. It is unknown how many of these individuals meet the requirement of having a 100 percent, service connected, permanent, and total disability, how many are homeowners, and how many are already receiving tax relief through the existing elderly/disabled program. Potential cost to the County would be a maximum of \$9.7 million.
Summary: Constitutional amendment (second resolution); property tax exemption for certain veterans. 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. This resolution is identical to HJ 33.

<p><u>SJ 89</u> - Vogel (27) Development and Land Use Tools in State's Localities, Joint Subcommittee Studying; continued.</p>	<p>1/13/2010 Senate: Referred to Committee on Rules 2/12/2010 Senate: Reported from Rules by voice vote 2/16/2010 Senate: Agreed to by Senate by voice vote 2/18/2010 House: Referred to Committee on Rules 3/4/2010 House: Reported from Rules (15-Y 0-N) 3/9/2010 House: Agreed to by House (97-Y 0-N)</p>	<p>2/9/2010</p>
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Support (10101740D) - See also HJ 135 (Athey).
Summary: Study; Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities; report. Continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

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Fairfax County Positions

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*Legislation
Continued to 2011*

Bills	General Assembly Actions	Date of BOS Position
<p>HB 57 - Cole (88) Business, professional, and occupational license (BPOL) tax; limits on rates and imposition.</p>	<p>12/22/2009 House: Referred to Committee on Finance 1/20/2010 House: Subcommittee recommends reporting (9-Y 1-N) 1/25/2010 House: Reported from Finance (19-Y 2-N) 1/28/2010 House: VOTE: --- PASSAGE (88-Y 8-N) 1/29/2010 Senate: Referred to Committee on Finance</p>	<p>1/26/2010</p>
<p>Oppose (10100924D) Summary: Prohibits any locality from (i) imposing the BPOL tax if the locality did not impose it as of January 1, 2010, and (ii) increasing the BPOL tax rates after January 1, 2010.</p>		
<p>HB 226 - Watts (39) TANF; eligibility of assistance when convicted of drug-related felonies.</p>	<p>1/11/2010 House: Referred to Committee on Health, Welfare and Institutions 1/21/2010 House: Continued to 2011 in Health, Welfare and Institutions by voice vote</p>	<p>1/26/2010</p>
<p>Support (10101954D) - Board has historically supported. See also SB 576. Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive TANF assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court, has completed substance abuse treatment, and participates in drug screenings.</p>		
<p>HB 309 - O'Bannon, III (73) Summary judgment; documents that can serve as basis for motion.</p>	<p>1/11/2010 House: Referred to Committee for Courts of Justice 2/3/2010 House: Continued to 2011 in Courts of Justice by voice vote</p>	<p>1/26/2010</p>
<p>(10101448D) - Support concept; oppose unfunded mandate and expense to the County. Summary: Allows motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, answers to requests for admissions, or affidavits filed in the suit or action.</p>		
<p>HB 508 - Gilbert (15) Sewage sludge; Water Control Board to notify owners of land of proposed land application site.</p>	<p>1/12/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/3/2010 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources by voice vote</p>	<p>2/9/2010</p>
<p>Oppose (10101791D) Summary: Land application of sewage sludge. Requires the State Water Control Board to adopt a regulation that establishes procedures for notifying health sensitive individuals who live within two miles of the site where sewage sludge is going to be land applied. The land application cannot occur until the Department of Environmental Quality has established those conditions that will ensure that these individuals are not exposed to the sewage sludge. Such conditions could include the requirement for a buffer area between the site where the application will take place and a health sensitive individual's residence. The bill also requires the Board to adopt regulations that protect sensitive environmental features from the impacts of land application of sewage sludge.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 570 - Iaquinto (84) Real property tax assessments; appeals.</p>	<p>1/12/2010 House: Referred to Committee on Finance 1/27/2010 House: Subcommittee recommends reporting (7-Y 1-N) 2/1/2010 House: Reported from Finance (19-Y 2-N) 2/4/2010 House: VOTE: --- PASSAGE (86-Y 13-N) 2/8/2010 Senate: Referred to Committee on Finance</p>	<p>1/26/2010</p>
<p>Oppose (10103914D) - Will create very significant appeal and litigation increase; jeopardizes real property tax base -- tens of millions at risk. Applies to real property, personal property, BPOL, all other local taxes that can be appealed to the circuit court. Summary: Changes the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a board of equalization or to a circuit court.</p>		
<p>HB 734 - Albo (42) Income tax, state; public school renovation tax credit.</p>	<p>1/12/2010 House: Referred to Committee on Finance 1/29/2010 House: Subcommittee recommends continuing to 2011 (4-Y 0-N) 2/1/2010 House: Continued to 2011 in Finance by voice vote</p>	<p>1/26/2010</p>
<p>Support (10103349D) - Could provide a tool for rehabilitation of aging schools. Summary: Income tax; public school renovation tax credit. Provides an income tax credit to taxpayers that undertake and complete a public school renovation, in accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act, for taxable years beginning on and after January 1, 2010. The amount of the credit is 25 percent of the taxpayer's eligible renovation expenses but cannot exceed \$1 million in any one taxable year. Also, there is a cap of \$100 million on the total amount of credits that may be allowed for all taxpayers in a taxable year.</p>		
<p>HB 748 - Toscano (57) Parental rights; final orders for termination are appealed directly to Court of Appeals.</p>	<p>1/12/2010 House: Referred to Committee for Courts of Justice 2/3/2010 House: Continued to 2011 in Courts of Justice by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100755D) Summary: Termination of parental rights; juvenile court as court of record. Provides that final orders involving the termination of parental rights and the approval of permanency plans with the goal of adoption entered by the juvenile and domestic relations district court are appealed directly to the Court of Appeals. The bill further establishes that the juvenile court functions as a court of record in such cases.</p>		
<p>HB 808 - Watts (39) State and local transportation planning; provides for coordination with DRPT.</p>	<p>1/13/2010 House: Referred to Committee on Transportation 2/4/2010 House: Subcommittee recommends continuing to 2011 by voice vote 2/9/2010 House: Continued to 2011 in Transportation by voice vote</p>	<p>1/26/2010</p>
<p>Amend (10100471D) - Note: Bill was amended to address concerns. Amend to direct VDOT to seek input from DRPT when preparing its reviews. See also HB 1098 (Sickles). Summary: Coordination of state and local transportation planning. Provides for coordination of local</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.</p>		
<p>HB 1340 - Gilbert (15) Sewage sludge; localities located in karst region to prohibit application in their boundaries.</p>	<p>1/22/2010 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/3/2010 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources by voice vote</p>	<p>2/9/2010</p>
<p>Oppose (10103998D) Summary: Authorizes those localities located in karst regions to prohibit the land application of sewage sludge within their boundaries. Karst terrain is characterized by springs, caves, sinkholes, and a unique hydrogeology that results in aquifers that are highly productive but extremely vulnerable to contamination.</p>		
<p>SB 103 - McDougle (4) Transportation, Chief Executive Officer for; abolishes office of Transportation Commissioner.</p>	<p>1/6/2010 Senate: Referred to Committee on General Laws and Technology 1/20/2010 Senate: Rereferred to Transportation 2/4/2010 Senate: Continued to 2011 in Transportation (15-Y 0-N)</p>	<p>2/9/2010</p>
<p>Oppose (10101032D) Summary: Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the Commonwealth Transportation Board. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation, and to provide for election of the at-large members of the Board by the General Assembly.</p>		
<p>SB 452 - Whipple (31) Retail Sales and Use Tax; taxes on room rentals.</p>	<p>1/13/2010 Senate: Referred to Committee on Finance 1/27/2010 Senate: Reported from Finance with substitute (15-Y 0-N) 2/1/2010 Senate: Passed Senate (40-Y 0-N) 2/8/2010 House: Referred to Committee on Finance 2/24/2010 House: Subcommittee recommends reporting (10-Y 0-N) 3/2/2010 House: Continued to 2011 in Finance (13-Y 9-N)</p>	<p>2/9/2010</p>
<p>Support (10104559D-S1) Summary: Taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.</p>		

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

Bills	General Assembly Actions	Date of BOS Position
<p>SB 551 - Barker (39) Rezoning actions, local; provides for more limited review by VDOT.</p>	<p>1/13/2010 Senate: Referred to Committee on Local Government 2/9/2010 Senate: Reported from Local Government (14-Y 0-N) 2/16/2010 Senate: Amendment by Senator Obenshain agreed to (20-Y 20-N; Chair votes Yes) 2/16/2010 Senate: Motion to recommit to committee agreed to (24-Y 16-N) 2/16/2010 Senate: Continued to 2011 in Local Government</p>	<p>2/9/2010</p>
<p>Oppose (10101493D) Summary: Provides for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan.</p>		
<p>SB 588 - Marsden (37) Public transportation service; obstructing operation of transit vehicle is Class 1 misdemeanor.</p>	<p>1/13/2010 Senate: Referred to Committee for Courts of Justice 1/25/2010 Senate: Reported from Courts of Justice with substitute (9-Y 5-N) 1/25/2010 Senate: Rereferred to Finance 2/10/2010 Senate: Reported from Finance with substitute (15-Y 0-N) 2/15/2010 Senate: Passed Senate (31-Y 9-N) 2/17/2010 House: Referred to Committee for Courts of Justice 2/24/2010 House: Subcommittee recommends continuing to 2011 by voice vote 2/26/2010 House: Continued to 2011 in Courts of Justice by voice vote</p>	<p>1/26/2010</p>
<p>Support (10102809D) Summary: Provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor.</p>		
<p>SB 711 - Edwards (21) Freedom of Information Act; disclosure of criminal investigative records.</p>	<p>1/22/2010 Senate: Referred to Committee on General Laws and Technology 2/10/2010 Senate: Continued to 2011 in General Laws and Technology (15-Y 0-N)</p>	<p>2/9/2010</p>
<p>Oppose (10103319D) Summary: Limits the exemption for criminal investigative or prosecution records to those investigations or prosecutions that are ongoing. As a result, criminal investigative and prosecution records would be open to the public after the ongoing criminal investigation or prosecution has become final or has been otherwise terminated, unless there is jeopardy to any other criminal investigation or prosecution. The bill contains technical amendments.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>SJ 25 - Petersen (34) Constitutional amendment; tax exemption for buildings, etc., constructed to conserve energy.</p>	<p>1/6/2010 Senate: Referred to Committee on Privileges and Elections 1/26/2010 Senate: Reported from Privileges and Elections (14-Y 0-N) 2/2/2010 Senate: Agreed to by Senate (28-Y 12-N) 2/8/2010 House: Referred to Committee on Privileges and Elections 2/22/2010 House: Subcommittee recommends continuing to 2011 by voice vote 2/26/2010 House: Continued to 2011 in Privileges and Elections by voice vote</p>	<p>1/26/2010</p>
<p>Monitor (10100051D) - No longer mandatory. Summary: Constitutional amendment (second resolution); property exempt from taxation. Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.</p>		
<p>SJ 27 - Obenshain (26) Constitutional amendment; taking of private property for public use (first reference).</p>	<p>1/11/2010 Senate: Referred to Committee on Privileges and Elections 1/19/2010 Senate: Continued to 2011 in Privileges and Elections (15-Y 0-N)</p>	<p>1/26/2010</p>
<p>Oppose (10102507D) Summary: Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain for the purpose of public use and specifies that, with the exception of property taken for public service corporations, 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>		

Fairfax County Positions

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Legislation No Longer Under Consideration

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

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

Bills	General Assembly Actions	Date of BOS Position
<p>HB 19 - Cole (88) VRE; allows Potomac-Rappahannock Transportation Commission to charge higher fares.</p>	<p>12/11/2009 House: Referred to Committee on Transportation 1/25/2010 No motion in subcommittee.</p>	<p>1/26/2010</p>
<p>Oppose (10100923D) Summary: VRE fares. Allows the Potomac-Rappahannock Transportation Commission to charge higher fares for Virginia Railway Express passengers who are not residents of localities represented on the Commission.</p>		
<p>HB 55 - Cole (88) Virginia Railway Express service; assessment of localities.</p>	<p>12/22/2009 House: Referred to Committee on Transportation 1/25/2010 No second in subcommittee.</p>	<p>1/26/2010</p>
<p>Oppose (10100922D) Summary: Local assessments for VRE service. Prohibits assessment of localities, for Virginia Railway Express service, of more than they collect in motor vehicle fuel sales taxes.</p>		
<p>HB 115 - Purkey (82) Underground Utility Damage Prevention Act; sewer laterals.</p>	<p>1/5/2010 House: Referred to Committee on Commerce and Labor 1/26/2010 House: Tabled in Commerce and Labor by voice vote</p>	<p>1/26/2010</p>
<p>Support (10102139D) - Support as written, provided effective date is added; County helped craft compromise; will have a fiscal impact. See also HB 1230 (Ware, R.) Summary: Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.</p>		
<p>HB 225 - Watts (39) Standards of Quality; apportionment of state and local share.</p>	<p>1/11/2010 House: Referred to Committee on Education 1/19/2010 House: Subcommittee recommends passing by with letter by voice vote 1/20/2010 House: Passed by in Education with letter by voice vote</p>	<p>1/26/2010</p>
<p>Support (10101936D) - Support study of formula. Letter directing study sent to House Appropriations. Summary: Directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2010, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the locality for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (iii) the median value of residential real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide median value of residential real estate; (iv) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax; (v) revenue collected from the local</p>		

Bills	General Assembly Actions	Date of BOS Position
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personal property tax to the revenue collected statewide from the local personal property tax; and (vi) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability to pay, (i) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (ii) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (iii) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66 and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (iii) shall be the local composite index of ability to pay.

HB 236 - Janis (56)
Firearms; Class 1
misdemeanor to
discharge in certain
areas.

1/11/2010 House: Referred to Committee on Militia,
Police and Public Safety
2/4/2010 House: Subcommittee recommends reporting
(5-Y 0-N)
2/12/2010 House: Reported from Militia, Police and
Public Safety with substitute (20-Y 1-N)
2/16/2010 House: VOTE: --- PASSAGE (79-Y 19-N)
2/17/2010 Senate: Referred to Committee for Courts of
Justice
3/8/2010 Senate: Left in Courts of Justice

1/26/2010

Monitor (10101623D)

Summary: Shooting firearms in certain areas. Makes a locality no longer able to prohibit hunting generally within a half-mile radius of a subdivision, but a locality would still be able to prohibit hunting within a subdivision.

HB 320 - Plum (36)
HOV lanes; extends date
for use by vehicle with
clean special fuel license
plates.

1/11/2010 House: Referred to Committee on
Transportation
1/21/2010 House: Incorporated by Transportation
(HB214-Greaseon) by voice vote

1/26/2010

Support (10102192D) - Board has historically supported year-by-year extensions. See also HB 214 (Greaseon) and HB 980 (Hugo).

Summary: HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill was incorporated into HB 214.

HB 336 - Marshall (13)
Cash proffers; broadens
locality's ability to use
for capital projects.

1/11/2010 House: Referred to Committee on Counties,
Cities and Towns
2/16/2010 House: Left in Counties, Cities and Towns

1/26/2010

Support (10103441D)

Summary: Cash proffers; alternate improvements. Broadens a locality's ability to use cash proffers for capital projects other than those for which the cash was originally proffered under certain circumstances.

Bills	General Assembly Actions	Date of BOS Position
<p>HB 396 - Lohr (26) Water and wastewater utilities; delinquent payment of rates and charges.</p>	<p>1/12/2010 House: Referred to Committee on Counties, Cities and Towns 1/28/2010 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/26/2010</p>
<p>Oppose (10102625D) Summary: Removes the authority of localities and Water and Waste Authorities to hold a non-occupying owner of premises liable for delinquent rates or charges incurred by a tenant or lessee unless the owner is the same person contracting for the service.</p>		
<p>HB 459 - Herring (46) Pedestrians and drivers; sets out responsibilities at marked and unmarked crosswalks.</p>	<p>1/12/2010 House: Referred to Committee on Transportation 1/20/2010 House: Subcommittee recommends passing by indefinitely by voice vote</p>	<p>1/26/2010</p>
<p>Support (10101496D) - Board has historically supported. Summary: Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.</p>		
<p>HB 461 - Herring (46) Photo-monitoring systems; operator may enter into agreement with DMV to obtain vehicle information.</p>	<p>1/12/2010 House: Referred to Committee on Transportation 2/16/2010 House: Left in Transportation</p>	<p>1/26/2010</p>
<p>Support (10100997D) Summary: Photo-monitoring systems. Provides that the operator of a photo-monitoring system may enter into an agreement with the Department of Motor Vehicles (DMV) to obtain vehicle information on vehicles that fail to comply with a traffic light. Also, removes requirement that a locality must submit a list of potential intersections to DMV for final approval.</p>		
<p>HB 493 - Lingamfelter (31) Uniform Statewide Building Code; increases civil penalty.</p>	<p>1/12/2010 House: Referred to Committee on General Laws 1/27/2010 House: Subcommittee recommends incorporating (HB687-Miller, J.H.) by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100935D) - Position in Legislative Program. Summary: Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.</p>		

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 577 - Cole (88) Real property tax; time to appeal assessments extended.</p>	<p>1/12/2010 House: Referred to Committee on Finance 1/27/2010 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/26/2010</p>
<p>Oppose (10103350D) - Unfunded mandate; reverses prior state Code amendments; would increase appeals and litigation. Creates an inequity in that the assessor may only assess for current and three prior years, but the taxpayer may appeal current and five prior years. Summary: Increases the time a taxpayer may appeal the assessment of his real estate to the commissioner of the revenue (i) from three years to five years from the last day of the tax year for which the assessment is made or (ii) from one year to three years from the date of the assessment, whichever is later.</p>		
<p>HB 613 - Purkey (82) Machinery and tools; classification as intangible personal property, exemption from local tax.</p>	<p>1/12/2010 House: Referred to Committee on Finance 2/3/2010 House: Subcommittee recommends reporting (7-Y 1-N) 2/10/2010 House: Reported from Finance (18-Y 4-N) 2/16/2010 House: VOTE: --- DEFEATED (48-Y 51-N) 2/16/2010 House: VOTE: --- RECONSIDER (51-Y 46-N 1-A) 2/16/2010 House: VOTE: --- DEFEATED #2 (48-Y 50-N)</p>	<p>1/26/2010</p>
<p>Oppose (10103113D) - \$390,000 loss of revenue in 2011; elimination of entire personal property category of \$3.5 million in machinery and tools within nine years. Summary: Personal property tax; machinery and tools. Classifies new investments in machinery and tools for manufacturing, processing and reprocessing, mining, and radio or television broadcasting made after July 1, 2010, as intangible personal property and not subject to local property tax.</p>		
<p>HB 652 - Armstrong (11) Eminent domain; restricting access to or from property taken to be considered in assessing damages.</p>	<p>1/12/2010 House: Referred to Committee for Courts of Justice 2/10/2010 House: Reported from Courts of Justice (21-Y 0-N) 2/10/10 House: Referred to Committee on Appropriations 2/12/2010 House: Reported from Appropriations with amendment (21-Y 0-N) 2/16/2010 House: VOTE: --- PASSAGE with emergency clause (98-Y 1-N) 2/17/2010 Senate: Referred to Committee for Courts of Justice 3/1/2010 Senate: Reported from Courts of Justice with amendment (13-Y 0-N) 3/1/2010 Senate: Rereferred to Finance 3/3/2010 Senate: Passed by indefinitely in Finance (10-Y 3-N)</p>	<p>2/23/2010</p>

Bills	General Assembly Actions	Date of BOS Position
<p>Oppose (10102189D-E) Summary: Eminent domain; just compensation; restricted access. Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the residue for the purposes of determining just compensation. The bill states that an emergency exists and that the bill is effective upon passage.</p>		
<p>HB 728 - Albo (42) Conditions of release; person arrested for felony released to pretrial services agency if indigent.</p>	<p>1/12/2010 House: Referred to Committee for Courts of Justice 1/27/2010 House: Reported from Courts of Justice with amendments (13-Y 9-N) 1/27/2010 House: Referred to Committee on Appropriations 2/12/2010 House: Reported from Appropriations (17-Y 4-N) 2/16/2010 House: VOTE: --- PASSAGE (63-Y 36-N) 2/17/2010 Senate: Referred to Committee for Courts of Justice 3/8/2010 Senate: Left in Courts of Justice</p>	<p>2/9/2010</p>
<p>Oppose (10103748D) - See also SB 716 (Petersen). Summary: Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency unless he is determined by a court to be indigent.</p>		
<p>HB 752 - Greason (32) Traffic lights; allows motorcycle, etc., to proceed through intersections showing steady red signal.</p>	<p>1/12/2010 House: Referred to Committee on Transportation 1/27/2010 House: Subcommittee recommends passing by with letter by voice vote 1/28/2010 House: Passed by in Transportation with letter by voice vote</p>	<p>1/26/2010</p>
<p>Oppose (10103369D) Summary: Traffic lights. Allows motorcycle, moped, and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.</p>		
<p>HB 766 - Lewis, Jr. (100) Legal notices; failure by publisher of newspaper to properly publish shall not invalidate action.</p>	<p>1/12/2010 House: Referred to Committee on Counties, Cities and Towns 1/29/2010 House: Reported from Counties, Cities and Towns with amendment (21-Y 0-N) 2/3/2010 House: VOTE: PASSAGE (98-Y 0-N) 2/4/2010 Senate: Referred to Committee on Local Government 3/2/2010 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)</p>	<p>2/9/2010</p>
<p>Monitor (10102947D) Summary: Legal notices by localities. Provides that in any instance in which a locality is required to publish a</p>		

Bills	General Assembly Actions	Date of BOS Position
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notice in a newspaper having a general circulation in the locality, and the locality in good faith attempts to have such notice published, a failure by the publisher of the newspaper to properly publish such notice shall not invalidate any action of the locality if the locality has also published such on the locality's World Wide Web site for the period required by law.

<p>HB 788 - Villanueva (21) HOV lanes; allows certain military personnel to use in Hampton Roads regardless of passengers.</p>	<p>1/12/2010 House: Referred to Committee on Transportation 2/4/2010 House: Incorporated by Transportation (HB759-Stolle) by voice vote</p>	<p>1/26/2010</p>
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Oppose (10102377D) - Oppose due to precedent-setting nature. See also HB 759 (Stolle).
Summary: HOV lanes; military personnel. Allows military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. This bill was incorporated into HB 759.

<p>HB 811 - Abbott (93) Zoning appeals, board of; review of decision.</p>	<p>1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/4/2010 House: Subcommittee recommends incorporating (HB1063-Athey) by voice vote 2/8/2010 House: Incorporated by Counties, Cities and Towns (HB1063-Athey) by voice vote</p>	<p>2/9/2010</p>
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Amend (10103371D) - Amend to provide that the governing body and landowner shall be necessary parties to cases on appeal from a BZA decision and that the BZA shall not be a party.
Summary: Clarifies that a board of zoning appeals is not a party to any case in circuit court reviewing a decision by the board. The bill also provides that a writ of certiorari granted by a circuit court to review a board's decision shall be served on the secretary or chairman of the board instead of on the relator's attorney. The bill also provides that costs cannot be allowed against the board, but only against the locality.

<p>HB 826 - Surovell (44) Electronic summons system; locality to assess an additional sum in district or circuit court.</p>	<p>1/13/2010 House: Referred to Committee for Courts of Justice 1/25/2010 House: Subcommittee failed to recommend reporting (4-Y 6-N) 2/1/2010 House: Subcommittee failed to recommend reporting (3-Y 7-N)</p>	<p>2/9/2010</p>
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Support w/ Amend. (10101748D) - Support amendment to pertain only to Fairfax County, with no sunset provision. See similar bill SB 124 (Petersen).
Summary: Additional assessment for electronic summons system. Allows any locality to assess an additional \$3 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.

Bills	General Assembly Actions	Date of BOS Position
HB 901 - Barlow (64) Safety belts; makes nonuse thereof a primary offense.	1/13/2010 House: Referred to Committee on Militia, Police and Public Safety 1/28/2010 House: Subcommittee recommends laying on the table by voice vote	1/26/2010
<p>Support (10102019D) - Board has historically supported. See also SB 9 (Blevins). Summary: Motor vehicle safety belts. Makes nonuse of motor vehicle safety belts a primary offense.</p>		
HB 923 - Bell (58) DUI ignition interlock; required to have on first offense as a condition of a restricted license.	1/13/2010 House: Referred to Committee for Courts of Justice 2/3/2010 House: Incorporated by Courts of Justice (HB1197-Iaquinto) by voice vote	1/26/2010
<p>Support (10102953D) - Board position in Legislative Program. See also HB 1197 (Iaquinto). Summary: DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's blood alcohol content is above 0.15 percent.</p>		
HB 948 - Englin (45) HOT lanes; VDOT to conduct a NEPA study prior to construction on any portion of I-95 or I-395.	1/13/2010 House: Referred to Committee on Transportation 2/2/2010 House: Subcommittee recommends passing by indefinitely by voice vote	1/26/2010
<p>Oppose (10100965D) Summary: HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395.</p>		
HB 960 - Ingram (62) Local or regional housing fund; locality may establish to make grants to housing sponsors, etc.	1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/12/2010 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/16/2010 House: Passed House (99-Y 0-N) 2/17/2010 Senate: Referred to Committee on Local Government 3/2/2010 Senate: Passed by in Local Government with letter (15-Y 0-N)	3/9/2010
<p>Oppose Unless Amended (10105275D-H1) - Oppose unless amended to fully protect Fairfax County. Summary: Local housing fund. Provides that any locality may establish by resolution a housing fund, the purpose of which will be to assist for-profit or nonprofit housing developers or organizations to develop or preserve affordable housing for low and moderate income persons.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 969 - Englin (45) PPTA; preconditions to certain comprehensive agreements.	1/13/2010 House: Referred to Committee on Transportation 2/2/2010 House: Tabled in Transportation (14-Y 4-N)	1/26/2010
<p>Oppose (10100781D) Summary: Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative.</p>		
HB 980 - Hugo (40) HOV lanes; extends date for use by vehicle with clean special fuel license plates.	1/13/2010 House: Referred to Committee on Transportation 1/21/2010 House: Incorporated by Transportation (HB214-Greason) by voice vote	1/26/2010
<p>Support (10101138D) - Board has historically supported year-by-year extensions. See also HB 214 (Greason), HB 320 (Plum). Summary: Extends until July 1, 2011, 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 214.</p>		
HB 1062 - Athey, Jr. (18) Zoning administrator; reduces time for response to request for decision on zoning matters.	1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/11/2010 House: Subcommittee recommends laying on the table by voice vote 2/16/2010 House: Left in Counties, Cities and Towns	1/26/2010
<p>Oppose (10103103D) Summary: Decisions of zoning administrator. Reduces the time in which a zoning administrator shall respond to a request for a decision or determination on zoning matters from 90 days to 60 days and provides that if the zoning administrator fails to respond within the 60-day period, the party seeking the decision or determination may file a writ of mandamus in circuit court to compel a response. The party filing the writ of mandamus shall be entitled to its cost, including reasonable attorney fees.</p>		

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1064 - Athey, Jr. (18) Zoning appeals, Board of; fee for filing an appeal by person aggrieved by decision of administrator.</p>	<p>1/13/2010 House: Referred to Committee on Counties, Cities and Towns 2/4/2010 House: Subcommittee recommends striking from docket by voice vote 2/8/2010 House: Incorporated by Counties, Cities and Towns (HB1063-Athey) by voice vote</p>	<p>1/26/2010</p>
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Oppose (10102172D) - Oppose provisions that limit the appeal fee to the cost of advertising and that require return of the fee for successful appellants; amend provision that requires zoning violations to contain instructions on how to appeal the violation and that sets forth the amount of the appeal fee to, instead, refer the violator to where information on filing an appeal may be obtained.

Summary: Board of zoning appeals; fee. Provides that the fee for filing an appeal to the board of zoning appeals by a person aggrieved by any decision of the zoning administrator shall not exceed the costs of advertising the appeal for public hearing and shall be refunded to the appellant if the decision is overturned by the board of zoning appeals.

<p>HB 1098 - Sickles (43) State and local transportation planning; provides for coordination with DRPT.</p>	<p>1/13/2010 House: Referred to Committee on Transportation 1/28/2010 House: Subcommittee recommends incorporating (HB808-Watts) by voice vote 2/4/2010 House: Incorporated by Transportation (HB808-Watts) by voice vote</p>	<p>1/26/2010</p>
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Amend (10103365D) - Amend to direct VDOT to seek input from DRPT when preparing its reviews. See also HB 808 (Watts).

Summary: Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well. This bill was incorporated into HB 808.

<p>HB 1116 - Ebbin (49) Public employment; prohibits discrimination based on race, color, religion, etc.</p>	<p>1/13/2010 House: Referred to Committee on General Laws 2/9/2010 House: Subcommittee recommends passing by indefinitely (5-Y 3-N) 2/16/2010 House: Left in General Laws</p>	<p>1/26/2010</p>
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Support (10100749D) - Board has historically supported.

Summary: Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a veteran. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1138 - Morgan (98) Food and beverage tax; all counties may impose.</p>	<p>1/13/2010 House: Referred to Committee on Finance 1/27/2010 House: Subcommittee recommends passing by indefinitely by voice vote</p>	<p>1/26/2010</p>
<p>Monitor (10102517D) Summary: County food and beverage tax; all counties may impose. Allows all counties to impose the local food and beverage tax without a referendum, provided the revenues from the tax are used to reduce the county's real property tax rate. The new provisions apply to those counties that impose the tax for the first time or increase the meals tax rate on or after July 1, 2010.</p>		
<p>HB 1197 - Iaquinto (84) DUI ignition interlock; required to have on first offense as a condition of a restricted license.</p>	<p>1/13/2010 House: Referred to Committee for Courts of Justice 2/3/2010 House: Reported from Courts of Justice with substitute (20-Y 2-N) 2/10/2010 House: VOTE: --- PASSAGE (84-Y 13-N) 2/11/2010 Senate: Referred to Committee for Courts of Justice 3/8/2010 Senate: Left in Courts of Justice</p>	<p>1/26/2010</p>
<p>Support (10103942D) - Board position in Legislative Program. See also HB 923 (Bell). Summary: Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is imposed only upon a second offense or when the offender's BAC is above 0.15 percent. This bill incorporates HB 923.</p>		
<p>HB 1223 - Ebbin (49) HOT lanes; requires shoulder widths are sufficient for safe operation of transit vehicles.</p>	<p>1/15/2010 House: Referred to Committee on Transportation 2/2/2010 House: Tabled in Transportation by voice vote</p>	<p>1/26/2010</p>
<p>Monitor (10103392D) Summary: HOT lanes. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.</p>		
<p>HB 1267 - Gear (91) Motorcycle helmets; penalty.</p>	<p>1/19/2010 House: Referred to Committee on Militia, Police and Public Safety 2/4/2010 House: Subcommittee recommends reporting (2-Y 1-N) 2/9/2010 House: Failed to report (defeated) in Militia, Police and Public Safety (4-Y 18-N)</p>	<p>2/9/2010</p>
<p>Oppose (10104151D) - Board has historically opposed. Summary: Provides for a \$25 civil penalty for motorcycle helmet violations, without imposition of any court</p>		

Bills	General Assembly Actions	Date of BOS Position
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costs.

[HB 1287](#) - Plum (36)
Human Rights Act;
adds sexual orientation
to definition of
unlawful discriminatory
practice.

1/21/2010 House: Referred to Committee on General Laws
2/9/2010 House: Subcommittee recommends passing by indefinitely (5-Y 3-N)
2/16/2010 House: Left in General Laws

1/26/2010

Support (10104081D) - Board position in Legislative Program. Falls Church initiative.

Summary: Virginia Human Rights Act; sexual orientation. Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill defines "sexual orientation."

[HB 1310](#) - Bulova (37)
Contractors, Board for;
certification of
geothermal heat pump
ground loop system
providers.

1/22/2010 House: Referred to Committee on General Laws
2/9/2010 House: Subcommittee recommends laying on the table (6-Y 2-N)
2/16/2010 House: Left in General Laws

2/9/2010

Amend (10103594D) - Amend to ensure that health, safety and welfare provisions of the Building Code and private well regulations are retained and not compromised.

Summary: Board for Contractors; certification of direct exchange geothermal heat pump ground loop system providers. Requires the certification of direct exchange geothermal heat pump ground loop system providers by the Board for Contractors. The bill defines "direct exchange geothermal heat pump ground loop system provider" and provides that direct exchange geothermal heat pump ground loop system providers shall continue to be certified as water well systems providers until such time as the Board for Contractors adopts final regulations for direct exchange geothermal heat pump ground loop system providers.

[HB 1347](#) - Gear (91)
Sales and use and
BPOL taxes;
exemptions for certain
aviation companies.

1/22/2010 House: Referred to Committee on Finance
2/8/2010 House: Subcommittee recommends reporting (7-Y 0-N)
2/12/2010 House: Reported from Finance with substitute (15-Y 0-N)
2/16/2010 House: VOTE: --- PASSAGE (97-Y 0-N)
2/17/2010 Senate: Referred to Committee on Finance
3/2/2010 Senate: Passed by indefinitely in Finance (11-Y 3-N)

2/23/2010

2/9/2010

Monitor ((Gear)) - Bill was amended to make permissive. ~~**Oppose Unless Amended** (10104246D) - Oppose unless amended to make permissive or limit applicability.~~

Summary: Sales and use tax and BPOL tax exemptions; aviation companies. Provides a sales and use tax exemption and an optional business, professional, and occupational license tax exemption for aviation companies that facilitate and support the U.S. Department of Defense in active missions/sorties.

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1395 - Massie III (72) Public-Private Acts of 1995 and 2002; certain grant agreements.</p>	<p>2/25/2010 House: Referred to Committee on General Laws 3/4/2010 House: Subcommittee recommends reporting with amendment(s) (5-Y 2-N) 3/8/2010 House: Left in General Laws</p>	<p>3/9/2010</p>
<p>Oppose (10105617D) Summary: Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes attributable to the development of the project. Before any agreement is entered into with a private entity, the respective Secretary shall certify to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance that the present value of the state tax revenues anticipated to be collected that are attributable to the development of the project are at least 100 percent greater than the present value of the proposed grant payments to the private entity. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.</p>		
<p>SB 9 - Blevins (14) Safety belts; makes nonuse thereof a primary offense.</p>	<p>12/10/2009 Senate: Referred to Committee on Transportation 1/21/2010 Senate: Reported from Transportation (10-Y 4-N) 1/27/2010 Senate: Passed Senate (24-Y 16-N) 2/17/2010 House: Referred to Committee on Militia, Police and Public Safety 2/25/2010 House: Subcommittee recommends laying on the table (3-Y 1-N) 2/26/2010 House: Tabled in Militia, Police and Public Safety by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100095D) - Board has historically supported. See also HB 901 (Barlow). Summary: Safety belts. Makes nonuse of safety belts a primary offense.</p>		
<p>SB 48 - Martin (11) Absentee ballots; increases deadline for each electoral board to make available for all elections.</p>	<p>1/4/2010 Senate: Referred to Committee on Privileges and Elections 2/9/2010 Senate: Incorporated by Privileges and Elections (SB55-Martin) (15-Y 0-N)</p>	<p>1/26/2010</p>
<p>Support w/ Amend. (10100884D) - Support with amendment to make corresponding change to candidate filing deadlines. Summary: Absentee ballot deadline; military voters. Increases the deadline for each electoral board to make absentee ballots available from 30 to 45 days for all elections in order to match the 45-day deadline that</p>		

Bills	General Assembly Actions	Date of BOS Position
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currently applies to any November general election or special election held at the same time. The State Board may withhold funds from an electoral board that has willfully and repeatedly failed to comply with this deadline and use such withheld funds for the training of electoral boards and general registrars. The bill also extends the time when an absentee ballot must be returned by an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, from before the closing of the polls to 5:00 p.m. on the forty-fifth day after printed absentee ballots were made available if the absentee voter has requested an absentee ballot more than 45 days before the election.

SB 59 - Martin (11)
VIEW; screening and assessment for use of illegal substances.

1/4/2010 Senate: Referred to Committee on Rehabilitation and Social Services
1/29/2010 Senate: Reported from Rehabilitation and Social Services with amendments (8-Y 6-N 1-A)
1/29/2010 Senate: Rereferred to Finance
2/9/2010 Senate: Left in Finance

1/26/2010

Oppose (10100162D) - Board has historically opposed as unfunded mandate.

Summary: Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

SB 66 - McEachin (9)
State employment; discrimination prohibited.

1/4/2010 Senate: Referred to Committee on General Laws and Technology
1/27/2010 Senate: Reported from General Laws and Technology (8-Y 7-N)
2/8/2010 Senate: Passed Senate (23-Y 17-N)
2/17/2010 House: Referred to Committee on General Laws
3/2/2010 House: Subcommittee recommends laying on the table (5-Y 3-N)
3/9/2010 House: Motion to pass by the Motion to discharge from General Laws agreed to (55-Y 42-N)

2/9/2010

Support (10101322D) - See also HB 1116 (Ebbin).

Summary: Nondiscrimination in state employment. 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 Assistance Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 83</u> - Howell (32) Absentee voting; qualified voters to provide a reason for not being able to vote on election day.</p>	<p>1/5/2010 Senate: Referred to Committee on Privileges and Elections 1/19/2010 Senate: Reported from Privileges and Elections (13-Y 2-N) 1/25/2010 Senate: Passed Senate (29-Y 10-N) 2/17/2010 House: Referred to Committee on Privileges and Elections 3/2/2010 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100369D) - Board position in Legislative Program. Summary: Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.</p>		
<p><u>SB 124</u> - Petersen (34) Electronic summons system; cities, etc., to assess fee as part of costs in criminal or traffic case.</p>	<p>1/6/2010 Senate: Referred to Committee for Courts of Justice 1/18/2010 Senate: Reported from Courts of Justice (9-Y 3-N) 1/18/2010 Senate: Rereferred to Finance 2/10/2010 Senate: Reported from Finance (15-Y 0-N) 2/15/2010 Senate: Passed Senate (31-Y 9-N) 2/17/2010 House: Referred to Committee for Courts of Justice 3/8/2010 House: Left in Courts</p>	<p>2/9/2010</p>
<p>Support (10102122D) - Could also support amendment to pertain only to Fairfax County. See similar bill HB 826 (Surovell). Summary: Electronic summons system; fees. Allows cities and counties to assess a fee not to exceed \$3 as part of the costs in each criminal or traffic case to be used solely for an electronic summons system. The bill also allows counties and cities operating a combined courthouse that is not in compliance with safety and security guidelines and cannot feasibly be renovated to assess not more than \$3 in court costs for certain cases.</p>		
<p><u>SB 228</u> - Barker (39) Pedestrians crossing highways; duties of vehicles to stop to allow at marked crosswalks.</p>	<p>1/12/2010 Senate: Referred to Committee on Transportation 1/21/2010 Senate: Reported from Transportation (14-Y 0-N) 1/27/2010 Senate: Passed Senate (27-Y 13-N) 2/8/2010 House: Referred to Committee on Transportation 2/17/2010 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100941D) Summary: Pedestrians crossing highways. Clarifies the duties of vehicles to stop to allow pedestrians to cross highways at marked crosswalks.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>SB 229 - Barker (39) Safety belts; use required for all occupants of a motor vehicle.</p>	<p>1/12/2010 Senate: Referred to Committee on Transportation 1/28/2010 Senate: Reported from Transportation (13-Y 2-N) 2/3/2010 Senate: Passed Senate (30-Y 10-N) 2/8/2010 House: Referred to Committee on Militia, Police and Public Safety 2/25/2010 House: Subcommittee recommends incorporating (SB219-Howell) by voice vote 2/26/2010 House: Incorporated by Militia, Police and Public Safety (SB219-Howell) by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100933D) - Board has historically supported. Summary: Safety belt use. Extends requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat.</p>		
<p>SB 230 - Barker (39) Driver's license, provisional; restriction of cell phone use while driving.</p>	<p>1/12/2010 Senate: Referred to Committee on Transportation 1/28/2010 Senate: Reported from Transportation (15-Y 0-N) 2/3/2010 Senate: Passed Senate (33-Y 6-N) 2/17/2010 House: Referred to Committee on Militia, Police and Public Safety 2/25/2010 House: Subcommittee recommends laying on the table (2-Y 1-N) 2/26/2010 House: Tabled in Militia, Police and Public Safety by voice vote</p>	<p>1/26/2010</p>
<p>Support (10100932D) - Board position in Legislative Program. Summary: Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a primary offense.</p>		
<p>SB 268 - Whipple (31) Weapons; localities may make it unlawful for any person to possess in government facilities.</p>	<p>1/12/2010 Senate: Referred to Committee on Local Government 1/26/2010 Senate: Failed to report (defeated) in Local Government (6-Y 9-N)</p>	<p>1/26/2010</p>
<p>Support (10101759D) - Board position in Legislative Program. 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>		

Bills	General Assembly Actions	Date of BOS Position
<p>SB 280 - Quayle (13) Food and beverage tax; locality to set amount.</p>	<p>1/12/2010 Senate: Referred to Committee on Finance 1/20/2010 Senate: Reported from Finance with amendments (13-Y 2-N) 1/27/2010 Senate: Passed Senate (25-Y 15-N) 2/17/2010 House: Referred to Committee on Finance 2/24/2010 House: Subcommittee recommends laying on the table (8-Y 2-N) 3/1/2010 House: Tabled in Finance by voice vote</p>	<p>1/26/2010</p>
<p>Support (10101463D) - Support as equal taxing authority legislation. Summary: County meals tax; rate of tax and approval required. Removes the current cap of four percent for the county meals tax and allows counties to impose an uncapped rate. The bill would also allow counties to adopt or increase a meals tax by a majority vote of members of the governing body.</p>		
<p>SB 365 - Barker (39) HOT lane construction contracts; requirements for minimum average speed for vehicles using facility.</p>	<p>1/12/2010 Senate: Referred to Committee on Transportation 2/4/2010 Senate: Passed by indefinitely in Transportation (15-Y 0-N)</p>	<p>1/26/2010</p>
<p>Monitor (10102049D) Summary: HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.</p>		
<p>SB 448 - Stuart (28) Onsite sewage systems, alternative; locality to enact an ordinance prohibiting use thereof.</p>	<p>1/13/2010 Senate: Referred to Committee on Local Government 2/2/2010 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)</p>	<p>2/9/2010</p>
<p>Support (10100428D) Summary: Alternative onsite sewage systems. Allows any locality to enact an ordinance prohibiting the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating when sewers or sewerage disposal facilities are not available.</p>		
<p>SB 462 - Howell (32) Crime victims; no law-enforcement officer shall inquire into immigration status thereof.</p>	<p>1/13/2010 Senate: Referred to Committee for Courts of Justice 1/20/2010 Senate: Reported from Courts of Justice (15-Y 0-N) 1/26/2010 Senate: Passed Senate (40-Y 0-N) 2/16/2010 House: Referred to Committee for Courts of Justice 3/5/2010 House: Subcommittee recommends reporting with amendment(s) (5-Y 4-N) 3/8/2010 House: Failed to report (defeated) in Courts</p>	<p>2/9/2010</p>

Bills	General Assembly Actions	Date of BOS Position
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	of Justice (10-Y 10-N)	
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Support (10101329D) - Board has historically supported.

Summary: Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or 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.

SB 482 - Hurt (19)
Absentee ballots;
increase deadline to
make available from 45
to 50 days prior to
November election.

1/13/2010 Senate: Referred to Committee on
Privileges and Elections
2/9/2010 Senate: Incorporated by Privileges and
Elections (SB55-Martin) (15-Y 0-N)

1/26/2010

Support w/ Amend. (10103634D) - Support with amendment to make corresponding change to candidate filing deadlines. See also HB 1235 (Anderson).

Summary: Deadline for making absentee ballots available; military voters. Increases the deadline for each electoral board to make absentee ballots available from 45 to 50 days prior to any November general election or special election held at the same time, and from 30 to 35 days prior to any other general, special, or primary election. Each electoral board must report to the State Board of Elections whether it has complied with these deadlines no later than five days after absentee ballots are made available. The bill also provides that making absentee ballots available includes mailing the ballot or electronic transmission of the ballot to an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or to the spouse or dependent residing with such a voter, and that absentee ballots shall be provided to such voters within three business days upon receiving the voter's application. The bill further provides that absentee ballots cast by such voters will still be counted even if received after the close of the polls on election day if the ballot was received before the State Board meets to ascertain the results of the election.

SB 518 - Norment, Jr.
(3)
Safety belts; primary
enforcement when
violations are observed
at traffic safety
checkpoints.

1/13/2010 Senate: Referred to Committee on
Transportation
1/21/2010 Senate: Reported from Transportation (10-
Y 4-N)
1/27/2010 Senate: Passed Senate (26-Y 14-N)
2/17/2010 House: Referred to Committee on Militia,
Police and Public Safety
3/8/2010 House: Left in Militia and Police

1/26/2010

Support (10102210D) - Board has historically supported.

Summary: Safety belt enforcement. Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

Bills	General Assembly Actions	Date of BOS Position
<p>SB 523 - Norment, Jr. (3) Disaster Response Fund; funds to be disbursed for removal of Chinese drywall hazardous materials.</p>	<p>1/13/2010 Senate: Referred to Committee on General Laws and Technology 1/20/2010 Senate: Reported from General Laws and Technology (15-Y 0-N) 1/27/2010 Senate: Passed Senate (40-Y 0-N) 2/8/2010 House: Referred to Committee on Militia, Police and Public Safety 2/26/2010 House: Stricken from docket by Militia, Police and Public Safety by voice vote</p>	<p>2/9/2010 1/26/2010</p>
<p>Monitor (10102256D-E) - Amendments limit applicability. Support (10102256D) Summary: Virginia Disaster Response Fund; hazardous materials in dwellings. Authorizes funds from the Virginia Disaster Response Fund to be disbursed to political subdivisions to political subdivisions, for costs incurred for the removal of Chinese drywall hazardous materials, from, and subsequent repair of, dwelling units. Under the bill, in order to qualify for disbursements from the fund, the existence of the hazard in the dwelling unit must be certified by the political subdivision and the application for the funds must be made by the political subdivision on behalf of the owner of the dwelling unit constructed in the calendar years 2006 and 2007.</p>		
<p>SB 566 - Ticer (30) Passing vehicles; any vehicle passing a bicycle, etc., shall pass at least three feet to left.</p>	<p>1/13/2010 Senate: Referred to Committee on Transportation 1/28/2010 Senate: Reported from Transportation with substitute (15-Y 0-N) 2/3/2010 Senate: Passed Senate (40-Y 0-N) 2/8/2010 House: Referred to Committee on Transportation 2/17/2010 House: Subcommittee recommends laying on the table by voice vote</p>	<p>2/9/2010</p>
<p>Monitor (10103506D) Summary: Passing bicycles, etc. Increases from two to three feet the minimum distance of separation which other vehicles must allow when passing bicycles, etc.</p>		
<p>SB 576 - Ticer (30) Temporary Assistance for Needy Families (TANF); not be denied due to previous felony drug offense.</p>	<p>1/13/2010 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2010 Senate: Reported from Rehabilitation and Social Services (11-Y 4-N) 1/22/2010 Senate: Rereferred to Finance 2/9/2010 Senate: Left in Finance</p>	<p>1/26/2010</p>
<p>Support (10101315D) - 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>		

Bills	General Assembly Actions	Date of BOS Position
SB 584 - Marsden (37) Transportation district trains; unlawful to ride without a valid ticket.	1/13/2010 Senate: Referred to Committee for Courts of Justice 2/1/2010 Senate: Incorporated by Courts of Justice (SB25-Puller) (13-Y 0-N)	2/9/2010
<p>Support (10102806D) - See also HB 688 (Miller, J.H.) and SB 25 (Puller). Summary: Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a Class 4 misdemeanor. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a Class 4 misdemeanor. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine.</p>		
SB 640 - Martin (11) Cash proffer guidelines; rate policy or guideline established by ordinance.	1/19/2010 Senate: Referred to Committee on Local Government 2/9/2010 Senate: Stricken at request of Patron in Local Government (14-Y 0-N)	2/9/2010
<p>Oppose (10104006D) - Oppose as restriction on local land use authority. Summary: Cash proffer guidelines. Provides that no locality shall establish any rate policy or guideline regarding the amount and timing of the payment of cash proffers to such locality unless such rate policy or guideline is established by ordinance.</p>		
SB 716 - Petersen (34) Conditions of release; posting of bond for person arrested for a felony.	1/22/2010 Senate: Referred to Committee for Courts of Justice 2/8/2010 Senate: Passed by indefinitely in Courts of Justice (12-Y 1-N)	2/9/2010
<p>Oppose (10104055D) - See also HB 728 (Albo). Summary: Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency in lieu of posting a secure bond unless he is determined by a court to be indigent.</p>		
SJ 30 - Edwards (21) Tort claims; JLARC to study costs incurred by State or its localities.	1/11/2010 Senate: Referred to Committee on Rules 2/16/2010 Senate: Left in Rules	1/26/2010
<p>Oppose (10100643D) Summary: Study; costs incurred resulting from tort claims brought against the Commonwealth and localities; report. 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. This resolution is a recommendation of the Boyd-Graves Conference.</p>		