



**FAIRFAX COUNTY BOARD OF SUPERVISORS'
2012 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
March 20, 2012**

**Section I (Pages 3-27)
BOARD PRIORITIES, INITIATIVES, AND BUDGET**

• Overview	3
• Local Government Overview	4
• County Legislative Initiatives	5
• County Principles/Priorities	7
• Other Legislation of Interest.....	20
• Ongoing Issues and Studies	26

**Section II (Pages 28-146)
LEGISLATIVE SUMMARY WITH BOARD POSITIONS**

• County Initiatives	41-44
• Bills -- Oppose or Amend	45-58
• Bills – Support	59-76
• Bills – Monitor	77-102
• Legislation Continued to 2013	103-114
• Bills No Longer Under Consideration	115-146

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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Section I

Final Report to Board of Supervisors 2012 General Assembly

OVERVIEW

The 2012 General Assembly convened on January 11, 2012, with a significant number of new faces, including 16 new delegates and 6 new senators. The November 2011 elections increased the House Republican majority to 68 (including one independent who caucuses with Republicans), and left the Senate split 20-20, with Lieutenant Governor Bill Bolling, according to legal analysis released by his office in early January, empowered to cast tie-breaking votes on all matters except those for which the Constitution requires a majority of members elected, such as Constitutional amendments, judicial elections, and the state budget. The Lieutenant Governor wasted no time in exercising this authority, casting the tie-breaking vote on the organization of the Senate into committees with Republican chairs, and Republican majorities on all but the Committee on Local Government. This vote set the stage for what the *Richmond Times-Dispatch* called “one of the most contentious sessions in recent memory,” with heated rhetoric even on the floor of the Senate, which ordinarily prides itself on its maintenance of civility.

Sharp debate on a number of controversial bills reached beyond the confines of Capitol Square and even outside Virginia’s borders, with the most national attention drawn to a proposed requirement that a woman seeking an abortion submit to a mandatory ultrasound scan. Although this bill had been proposed four times previously, it had never survived committee in the Senate until this year. After several late-night television comedy shows pilloried the bill as overly intrusive, the bill was amended in the House to require only an external ultrasound scan, and further amendments on the Senate floor before final passage of the bill provided an exemption for victims of rape or incest.

Although this bill occupied much of the limelight during the session, several other controversial bills were successful this year after previous failed attempts, including the repeal of Virginia’s 19-year old “one gun a month” limit on handgun purchases, the requirement that a voter who cannot show identification at a polling place vote provisionally instead of casting a regular ballot, and the creation of income tax credits for individuals or corporations who sponsor scholarships for private school tuition for underprivileged students. Despite initial forward momentum, a number of other controversial bills were ultimately shelved, including measures seeking to repeal the mandate for teenage girls to be vaccinated against HPV; to ban abortions after 20 weeks of gestation; to ban state funding for abortions for poor women carrying fetuses with significant birth defects; to codify the “Castle Doctrine”; to eliminate continuing contracts for teachers; to require drug screening for welfare recipients and applicants for unemployment benefit; and to declare that “personhood” begins at the moment of conception.

While dueling press releases during the session differed on which party was more focused on social issues, there were important policy debates in other arenas. After concerns were expressed by the Joint Legislative Audit and Review Commission about the long-term unfunded liabilities of the Virginia Retirement System, significant reforms to the pension plan were passed this year, including a new requirement that teachers contribute a portion of their salaries to their retirement plans, with an offsetting raise to be provided by their employers. Legislation to require online retailers with a physical presence in the state to collect state sales tax was passed after the state reached an agreement with Amazon on the issue. Although the Senate incorporated indexing of the gas tax to inflation in its version of the Governor’s transportation plan, disappointingly, the House rejected this provision and no long-term funding solution for the state’s transportation system was achieved this session.

Budget Status Update

In what is becoming more the rule than the exception in recent times, legislators failed to pass a budget before the conclusion of the session. Due to the Lieutenant Governor’s inability to vote on the budget, at least one Democratic vote was needed in the Senate to pass the spending plan, and the Senate budget and the House budget both failed on the Senate floor by votes of 20-17 and 20-19, respectively. In the waning days of the Session, the Democratic Leader and Caucus Chair sent a letter to the Governor outlining specific items to be included in the budget, and informal groups of negotiators began meeting during the last week.

Upon the request of the General Assembly, the Governor convened a special session after the adjournment *sine die* of the regular session on March 10 to consider the budget and certain other matters; the General Assembly's next meeting is scheduled for March 21. It is unclear at the time of this report's writing whether a resolution will be achieved swiftly or if negotiations will continue throughout the spring, as has occurred in previous stalemates.

LOCAL GOVERNMENT OVERVIEW

At the Board's meeting with the County's General Assembly delegation prior to the session, the Board's message to the delegation was simple: Do no harm. Generally speaking, local governments finished the 2012 General Assembly with a sense that outcomes could have been worse. Passage of the eminent domain Constitutional amendment was the most difficult setback for local governments, whose staff worked with VACo and VML, as well as representatives of the business community, in an attempt to defeat the proposal. Passage of the referendum is likely to be popular this fall, but the implications of this constitutional change will remain unknown for a time; alarmingly, initial legislative scrutiny of the issue in 2011 was weak, at best, while politics drove the required second passage in the 2012 session.

However, despite initial indications to the contrary, the session concluded without major diminution of local land use or taxing authority, which have been perennial targets of the legislature. The specific legislative actions are outlined later in this report, but, similar to past sessions, most of the threats to local government authority tend to originate in the House and are combated primarily in the Senate.

The Governor's promise to focus on mandates did lead to some positive movement on behalf of local governments, as legislation was introduced to implement recommendations of his task force. That success was somewhat mixed, as the General Assembly found old habits hard to break. A few mandates on localities or school divisions were eliminated, while several new mandates were added – just how many, whether they are funded or not, and what the impacts may be, have not yet been assessed.

As is often the case, the County was largely in a defensive posture this session. According to the state's Legislative Information System, there were 2,242 bills and resolutions introduced in the 2012 session that went through the committee process; County legislative staff reviewed these bills and referred 1,783 of them to County operational staff (since many bills were amended throughout the process, 2,833 versions were actually reviewed). As a result of this analysis, the Board took a formal position on 222 bills, the most since 2004 and potentially a record high. Included in this number were a large number of adverse bills; the Board opposed or sought amendments for 97 bills, mostly in the categories of taxation, land use, and transportation. By the end of the session, fewer than a dozen bills remained in this category, outside of the Constitutional amendments and related bills pertaining to eminent domain.

By this measure, the session could be considered a success. However, focusing on defensive successes in ameliorating or defeating problematic legislation can obscure losses of another sort. The state has only just begun to restore funding for critical services as the economy begins to recover, and shared services with local government have not been a priority for the state. K-12 funding remains below FY 2007 levels, for example, and there appears to be no state leadership focused on a long-term solution to the state's transportation funding crisis. To their credit, a number of members of the General Assembly have become concerned about a potential structural problem in the state's General Fund budget created by outdated tax credits and other "tax preferences," and have created a joint subcommittee to examine the issue. Similarly, legislation was enacted this session to require a sunset of no more than five years for all new tax credits and renewals of existing credits. Ultimately, though, doing no harm can only reasonably be considered an interim solution. In order to truly move forward, tackle the challenges ahead, and continue the economic development that yields benefits for all Virginians, the Commonwealth must strengthen its partnership with localities. It is to be hoped that as the state improves its fiscal condition, it will work to do exactly that.

COUNTY LEGISLATIVE INITIATIVES

The County's initiatives were all unsuccessful this year, and all were tabled or carried over in the House, with the exception of one bill, which was withdrawn.

HB 615 (LeMunyon) would have clarified that, in addition to other uses, localities may approve by special exception all modifications to property that may currently also be granted by variance, to ensure flexibility in land use regulations and greater public comment than the current variance process. The bill was referred to the House Committee on Counties, Cities and Towns. When a number of amendments that threatened to erode the County's existing land use authority were proposed, the bill was withdrawn at the request of the patron.

HB 409 (Watts) and **SB 222** (Herring), the County's initiative criminalizing financial exploitation of seniors and incapacitated adults, were revised versions of the County's bills on the same subject from 2011. In the summer of 2011, a coalition of interested parties, including AARP of Virginia, the Virginia Poverty Law Center, the Alzheimer's Association, and the Northern Virginia Aging Network, agreed to work together to support the County's initiative in 2012. Subsequently, the Attorney General and the Governor introduced bills on the issue (**SB 443** (Vogel) and **HB 987** (Loupassi)/**SB 431** (Stuart), respectively), and the Governor included \$50,000 in funding for the projected incarceration costs in his introduced budget. In the House Courts Committee, **HB 409** was incorporated into the Governor's bill, **HB 987**. The bill was debated extensively and ultimately reported in a scaled-back version and referred to the Appropriations Committee due to its fiscal impact. Despite the inclusion of funding in the introduced budget, **HB 987** was tabled in Appropriations.

In the Senate, **SB 222** was incorporated into the Governor's bill, **SB 431**, by Senate Courts, which heard the bill extensively and made several amendments. Senate Courts voted to report **SB 431** by a vote of 8-5, with one abstention, and the bill was referred to Senate Finance for its fiscal review. Senate Finance reported the bill, and it passed the Senate floor by a vote of 39-0, with one abstention. House Courts conformed **SB 431** to **HB 987** as it left House Courts, and referred the bill to Appropriations. The Appropriations Public Safety subcommittee voted to table the bill in order to treat the Senate version in the same fashion as the subcommittee had acted upon the House companion, despite a suggestion by the Governor's staff that unused funding could be available in the House budget for the bill's costs. The stakeholders have agreed to continue to work on the issue during the remainder of the year and plan to reintroduce legislation in 2013.

HB 707 (Filler-Corn) and **SB 434** (Puller) were initiated at the request of the Board to address numerous, highly publicized protests at funerals in the US in recent years, particularly at military funerals. The bills would have made it unlawful for a person to maliciously and willfully disrupt a funeral or memorial service during the 60 minutes immediately preceding through the time immediately following such service. The disruption would have to be within 500 feet of the entrance to the facility being used for the funeral or memorial service. A violation of this provision would result in a class 2 misdemeanor for the first offense and a class 1 misdemeanor for any subsequent offense. **HB 707** was carried over to 2013 in House Courts of Justice after members cited concerns over a potential narrowing of an existing prohibition on funeral protests in the Code's disorderly conduct statute. However, the disorderly conduct language is very broad, and is not in keeping with the parameters provided by the Supreme Court as to what is an allowable restriction on an individual's First Amendment rights. Members of the subcommittee felt that until the current Virginia statute is challenged and declared unconstitutional, they would retain the existing language without adding new language to the Code. In the Senate, **SB 434** was reported from Senate Courts of Justice by a vote of 15-0 and passed the Senate floor unanimously with an amendment to reduce the restriction from 500 feet to 250 feet, and numerous other language changes to conform the bill to an existing Maryland statute, though that statute has not yet been the subject of court review. The amended version was referred to the House Courts of Justice Criminal subcommittee where it met with the same fate as the House version and was carried over to 2013.

SB 389 (Marsden) would have allowed localities to enact an ordinance to prohibit the possession of pneumatic guns on school property, at school functions held on public property, and on school buses. The bill would have provided exemptions for the possession or use of a pneumatic gun by law-enforcement officers, by persons possessing a pneumatic gun as part of the school's curriculum or activities, or by persons possessing a pneumatic gun that is in a closed container in a motor vehicle on

school property or at a school function. **SB 389** was reported by Senate Local Governments by a vote of 13-2 and passed the Senate floor by a vote of 26-14. It was referred to the House Committee on Militia, Police and Public Safety where a subcommittee laid the bill on the table by a voice vote.

COUNTY PRINCIPLES/PRIORITIES

(1.) Funding Core Services – K-12 Education

Principle: It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ).

In recent years, K-12 education has fared particularly badly in the state budget, with funding cuts of \$841 million statewide from FY 2009. Because many of the K-12 cuts have been structural, FCPS and other school divisions will be dealing with those repercussions for years to come.

The Governor's 2012-2014 budget proposal contained several proposals to further reduce state funding for K-12. Perhaps of the most concern to Fairfax County and Northern Virginia was the Governor's proposal to eliminate Cost of Competing Adjustment (COCA) funding for support positions. Cost of Competing is an additional factor used in the state K-12 funding formula, recognizing the higher salaries required in certain high cost areas of the Commonwealth to attract and retain highly qualified teachers and support staff. This proposed structural change would have cut Northern Virginia localities by \$65 million (including Stafford, Fauquier, Spotsylvania and others that border Northern Virginia and receive a reduced COCA factor). Ironically, updating the Composite Index of Local Ability to Pay (LCI) cost the state \$87.8 million, so that much of the expected gain Northern Virginia would have received from reduced composite indices in the new biennium (due to increased enrollment and the ongoing effects of struggles in the NOVA housing market) would have been negated.

Additionally, while the Governor indicated that his budget proposal provided \$438 million in total new state funding for public education, the reality was that the budget proposal contained approximately \$364 million in cuts to K-12. It was the Governor's proposal to increase Virginia Retirement System (VRS) rates significantly, thereby increasing state funding for VRS, that accounts for the additional state K-12 spending. It is critical to note, however, that the higher VRS rates are necessary for two primary reasons. First, the state has underfunded VRS for years, setting rates significantly below the actuarially certified rates. Second, during the recent recession, the state borrowed hundreds of millions of dollars from VRS – funds that must now be repaid. It is also important to note that along with the increased state VRS contributions comes a significant rise in local contributions to VRS.

Both the House and Senate budget proposals provided more General Fund support for K-12 education than in the introduced budget bill – \$165 million in the Senate and \$160 million in the House. However, total state K-12 funding would still remain below FY 2007 levels in these proposals. Of particular importance to Fairfax County, the Senate Finance-passed budget restores full Cost of Competing funding at the current 24.61% rate for support positions (\$30.1 million) in FY 2013, and restores funding at the lower teacher rate of 9.83% (\$12.1 million) in FY 2014. The House adopted budget restores approximately \$12 million each year. The House Appropriations budget originally maintained the Governor's elimination of this funding, but a floor amendment (which passed 98-0) restored some of the funding.

(2.) Funding Core Services – Transportation Funding

Principle: Major new revenue sources for transportation must be enacted during the 2012 General Assembly session. Current revenue sources are not generating sufficient funding to meet Virginia's critical highway needs or its statutory 95 percent share of eligible transit costs.

Several bills were introduced regarding transportation funding, allocation, and planning. The most notable among them was a plan proposed by the Governor, **HB 1248** (Lingamfelter)/**SB 639** (Wagner).

Among the numerous provisions, **HB 1248/SB 639**, as introduced, would have:

- Provided additional revenue for transportation by increasing the portion of the existing sales tax revenues dedicated to transportation.
- Provided General Fund revenue growth to transportation in years when the growth was over five percent.
- Increased the portion of the year-end General Fund surplus dedicated to transportation.
- Provided naming rights for transportation infrastructure in exchange for revenue.
- Provided greater authority to the Commonwealth Transportation Board in allocating funding for projects prior to funds going through the current construction formula, including adding a new allocation formula for the first \$500 million in revenue.
- Required consistency between local and state transportation plans. If VDOT and the CTB determine that the plan is not consistent, the CTB will notify the locality and request that the applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law.
- Expanded the revenue sharing program to include maintenance.
- Required a study on the feasibility of a Northern Virginia Metropolitan Planning Organization (MPO).
- Required a study on the devolution of secondary roads for Fairfax, Loudoun, Prince William and Chesterfield Counties.

During the legislative process, the Senate bill was changed drastically, removing all provisions, except for those related to revenue sharing. Instead, the Senate included indexing of the Commonwealth's gas tax and eliminated the current five-year limitation of the imposition of a local option income tax allowed in Northern Virginia and Hampton Roads through a local referendum. The House retained several of the provisions, in some form, but also removed the Northern Virginia MPO and secondary roads study. **HB 1248** passed the House (65-35) while **SB 639** passed the Senate (26-14) and the bills were negotiated in a conference committee. The **Conference Report** included many provisions similar to the introduced bill, including naming rights for transportation infrastructure; consistency between local and state transportation plans; the availability of revenue funds for maintenance; and the allocation of funds to priority projects through a new formula prior to funding going to the formula. The **Conference Report** passed the House (59-34 for **HB 1248** and 58-36 for **SB 639**) and the Senate (20-20, with the Lieutenant Governor voting for the bill).

Other Transportation Funding Legislation

There were several bills that would have created additional transportation resources by changing the state's tax structure. However, they were left in the House Finance Committee. Among these bills were **HB 983** (Scott), which would have changed the tax on gasoline from cents per gallon to a percentage and **HB 393** (Howell, A.), which would have increased the gas tax by \$.10 per gallon. **HB 422** (Watts) included a Northern Virginia funding package and would have provided for additional funding by, among other things: imposing a motor fuels sales tax rate of 4%, phased in over four years for highway maintenance; increasing the state sales tax in Northern Virginia by 0.5% for transportation projects in Northern Virginia; and increasing the recordation tax in Northern Virginia at a rate of \$0.40 per \$100 valuation. **HB 802** (May) would have imposed a "pump toll," of \$0.50 on each sale by a retail dealer in the Commonwealth of conventional and clean fuel subject to the Virginia Fuels Tax, with an additional \$0.50 on sales of 35 gallons or more. **HB 899** would have indexed the gas tax and would have allocated .25% of the current sales tax in Northern Virginia and Hampton Roads for their respective transportation projects. In the Senate, **SB 162** (Petersen) and **SB 631** (Watkins) would have indexed the gas tax rate.

SB 162 was incorporated into **SB 631**, which was then reported by the Senate Finance Committee but stricken from the Senate Calendar.

HB 806 (May) provides a uniform fee structure for permits on overweight vehicles. Currently, codified fee amounts vary by vehicle type. The bill authorizes single trip permits or annual permits and charge fees based on the weight of the vehicle, and could provide approximately \$4.5 million annually in additional funds for road maintenance. **HB 806** passed the House (100-0) and the Senate (40-0)

HB 1068 (Hugo) would have permanently capped the commercial and industrial property tax allowed by Northern Virginia localities at \$.125 per \$100 of assessed value. The bill was amended to extend that limit from 2013 to 2018. **HB 1068** passed the House (98-0) and the Senate (39-0).

Regional Issues of Importance

Several members of the Northern Virginia Delegation introduced legislation to change the composition of the Commonwealth Transportation to more equitably reflect population. Specifically, **HB 600** (LeMunyon), **HB 864** (Rust), **HB 659** (Surovell), **SB 161** (Petersen), and **SB 392** (Marsden) would have required that one CTB member be appointed from each of Virginia's congressional districts, with others serving as at-large members. The CTB's citizen members now represent each of VDOT's highway construction districts, with five representing the state at-large. **HB 600** and **HB 659** were left in the House Transportation Committee. **HB 864** gathered 53 co-patrons and passed the House (51-47), but it, **SB 161**, and **SB 392** were carried over by the Senate Transportation Committee for study.

HB 427 (Bulova), **HB 477** (Albo), and **HB 699** (Filler-Corn), changed current formulas for allocating transportation funds. **HB 477**, which incorporated **HB 427** and **HB 699**, would have required the Commonwealth Transportation Board (CTB) to consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. **HB 477** passed the House (73-27) but was defeated by the Senate (17-23).

HB 601 (LeMunyon) codified the Northern Virginia Transportation Commission's requirement to appoint one representative of the Commonwealth to the WMATA Board as a principal member. **HB 601** also changed the terms and put in place term limits for all of Virginia's appointees to the WMATA Board, and created membership and reporting requirements for all Board members. **HB 601** was passed by the House (71-26). In the Senate, it was amended to require the Governor's appointee to be from a locality served by WMATA and to ensure Board members appointed mid-way through a term would be able to serve for two full terms. The amended version was then passed in the Senate (39-1) and by the House (98-0).

HB 599 (LeMunyon)/**SB 531** (Marsden) provided that CTB, in consultation with VDOT and the Northern Virginia Transportation Authority (NVTA), would evaluate significant transportation projects in Northern Virginia and rate them in relation to congestion mitigation and emergency evacuation. These evaluations were to be used as guidance by the CTB in making funding allocation decisions. **HB 599** passed the House (64-36). **SB 531** was amended to ensure that the CTB did this evaluation in coordination with NVTA, provided that the performance-based criteria set in the Virginia Code when NVTA was created was used, and to eliminate the specific naming of projects. **SB 531** passed the Senate (40-0). The bills were negotiated in a conference committee, and the **Conference Report** was written to provide for ongoing coordination with NVTA in the evaluation of these projects and in the allocation of funding, and ensure that the CTB can consider the other performance-based criteria set in the Code when making allocation decisions, in addition to congestion mitigation. The **Conference Report** was passed by the House (64-34) and the Senate (36-3).

(3.) Governance – Local Authority

Principle: Existing local government authority should be preserved, particularly in such key areas as taxation and land use, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another.

Taxation

Among a number of tax-related bills initiated again this session, most were amended or killed. The following bill, although previously opposed by the County, was supported conceptually by the County this year, in an attempt to find a legislative fix to a long-standing problem.

SB 409 (Hanger) eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation, and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18 cents per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; no such exception exists for other refinancings. After unsuccessful legislative attempts during several previous GA sessions, this bill finally fixes the current inequity. There will be some fiscal impact to the County, possibly several million dollars, but the amount has been greatly ameliorated from past legislation.

A second recordation tax bill was opposed by the Clerks of the Court, but supported by the state Department of Taxation. **HB 509** (Garrett) clarifies that the recordation tax for deeds of trust is based on the value of the security interest created by the deed of trust, not just the amount of the obligations described. The bill appears to contradict an Attorney General's opinion and the long-standing interpretation of the statute utilized by most Clerks. The bill, as finally passed, has a delayed effective date of January 1, 2014.

Several repetitive adverse bills were carried over by the Senate Finance Committee and sent to the Tax Reform Commission:

As passed by the House, **HB 10** (Cole) would prohibit a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year; this prohibition on increasing BPOL fees and taxes would expire beginning with the 2015 license year. The bill also authorizes a locality to impose the BPOL tax on (i) gross receipts or (ii) the Virginia taxable income of a corporation, the net income of a sole proprietorship, and the net income of a pass-through entity. After attempts to amend or lessen the bill, ultimately, it was carried over.

Also passed by the House, **HB 483** (Iaquinto) would provide that the current authority to increase the assessment of real property taxes for three preceding tax years, by increasing the amount of the valuation of the property, applies only to errors related to (i) new construction or improvements to the property, (ii) a change in the use of the property, or (iii) fraud on the part of the taxpayer. Senator Watkins in Senate Finance tried to reduce the current three-year "look back" to one year – this made the bill even more adverse to local governments. The amended bill failed to report on a tie 7-7-1 vote, was resurrected the next day, and ultimately carried over in the committee. Late in the session, local governments learned that the bill was promoted by the Speaker of the House.

As introduced, **SB 549** (Wagner) would have classified certain machinery and tools (purchased on or after July 1, 2012, but that had not been in service for more than three years) as intangible personal property (as such, legally subject to state taxation, but as a policy, not taxed). The House companion, **HB 512** (Purkey), was defeated on the House floor by a vote of 35-65. However, as passed by the Senate, and worked out between local governments and the Virginia Manufacturers Association, **SB 549** would have created a grant program that would allow a company to apply for a grant for machinery and tools (M&T) in service less than two years equal to the amount of local M&T taxes paid. The amount of the grant would have been capped at the amount of taxes that would be paid under that rate of tax imposed on June 30, 2012; the grant program was to be administered by the Department of Accounts. However, when the bill went to the House, it was referred to Appropriations, where it sat idly, and died. The matter will likely be ultimately resolved in the state budget.

Other tax-related bills which ultimately failed or were carried over include:

HB 461 (Byron) provided that the rate of interest set by localities that is charged on delinquent local taxes, and paid on refunds of local taxes, for the first year should not exceed the "Underpayment Rate" of the Internal Revenue Code, then set to increase by two percent. Under current state law, such interest rate shall not exceed the rate established pursuant to federal code or 10 percent, whichever is greater. The bill also authorized the waiver of interest and penalty for good cause, and maintained the current law requiring the interest charged on delinquent taxes to be the same as the interest paid on tax refunds. The bill was opposed by the County as not feasible (interest rates would have changed quarterly) and as having an administrative cost of \$150,000. However, the patron offered a Floor Substitute, which removed the variable interest rate and set a flat interest rate of five percent, down from the current 10 percent. A **new** change was also made to the bill, capping the late payment and filing fee penalty at five percent, also down from the current 10 percent. The fiscal impact of this change to the County was approximately \$6 million. Gratifyingly, the bill was then defeated on a 17-80 House vote – a fairly unusual occurrence.

HB 1079 (Hugo) would have prohibited any locality from restricting the owner of a business from transferring stamped cigarettes he legally possesses from one of his business locations to another of his business locations. The patron's concern pertained to a location in Fairfax County. The Northern Virginia Cigarette Tax Board administers and collects cigarette taxes for the County and other Northern Virginia jurisdictions with such authority. The bill was carried over after a commitment by that Board and the affected jurisdictions would work to find an administrative solution. A related bill, **HB 1081** (Hugo), would have repealed the statute authorizing localities to utilize specific methods in administering and enforcing local taxes on cigarettes; that bill was also carried over.

HB 117 (Wilt) and **SB 401** (Hanger) would have authorized localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. The bills were requested by rural localities in the Shenandoah Valley region to address an overpayment concern; a similar bill, **HB 290** (Sherwood) had been requested by the Treasurers' Association, but that bill was stricken by the patron earlier in the session. **HB 117** and **SB 401** both ended up in conference, where suggested language would have required the locality to prove that willful errors were made by the taxpayer. An enactment clause written by business groups was also added to convene a large working group to report on the feasibility of and fiscal impacts upon local governments of a uniform method of assessing interest for under- and overpayments, as well as uniform criteria for evaluating and applying repayments (Va. Code §§58.1-3916, 3918). This would have expanded the initial reach of the bills, as intended by the requesters. The bills then failed to pass, after no further action was taken by either body.

Land Use

Eminent Domain

Problematic for local governments' planning and development, the well-settled Virginia law of eminent domain is closer to sweeping change with the second passage of last year's constitutional amendment in **HJ 3** (Bell) and **SJ 3** (Obenshain). Among other things, the proposed constitutional amendment prohibits taking property where the taking's primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development. **HB 5** (Bell) and **SB 240** (Obenshain) set forth the ballot question for a referendum at the November 6, 2012, election. If the amendment is approved by the voters, it will become effective January 1, 2013. The constitutional amendment is the most recent reaction to the U. S. Supreme Court's 2005 *Kelo* decision that held that taking property from one owner and giving it to another private owner for economic development can be a valid public use under the U.S. Constitution. In 2006, the Virginia Supreme Court held that the Virginia Constitution is more restrictive than the U.S. Constitution and prohibits the result in *Kelo*. This year, the General Assembly again rejected the arguments of numerous private business associations and local governments that this amendment was unnecessary because, among other reasons, Virginia landowners are clearly well-protected by a statute enacted in 2007, and less onerous statutory amendments can address any unintended consequences.

Among other flaws, the proposed constitutional amendment does not expressly define transportation projects or utilities of a local government and authorities, such as a water authority, as public uses, although there is a special "carve out" for railroads and public service corporations, such as Dominion Power. Attempting to address these flaws, **HB 975** (Bell) and **SB 653** (Newman) provide that, among

other things, local government utilities and transportation projects are public uses regardless of whether the primary purpose of the taking is for private gain or economic development. However, statutory language cannot trump unambiguous contradictory language in a constitutional provision. Therefore, only future litigation can settle whether the statutory language in **HB 975** and **SB 653** can fix the failure to include these public uses in the constitutional amendment's language. As was done to incrementally build a body of case law over approximately 100 years interpreting and applying the existing eminent domain constitutional provision, each court case will be limited to retroactive review of its facts and issues. Consequently, the myriad of questions already decided under existing law can be questioned anew under the changes in the proposed constitutional amendment. Furthermore, new questions arise under the unprecedented provisions of just compensation under the amendment.

The amendment exceeds *Kelo* reform by expanding "just compensation" to include "lost profits" and "lost access," significantly increasing the costs of public improvements. **HB 1035** (Joannou) and **SB 437** (Obenshain) define the terms "lost access" and "lost profits" pursuant to express authority in the amendment. Some highlights of these bills are that "lost access" means a material impairment of direct access to property, allows a change in access to be compensated, and does not include lost access caused by "off-site circuitry of travel and diversion of traffic," such as constructing a median in the existing right-of-way adjoining private property. Furthermore, "lost profits" is a loss of the average net income, using generally accepted accounting principles, of a business or farm operation on the property taken for federal income tax purposes for the three years immediately prior to the taking. Lost profits can be awarded to a landowner who owns a business on the taken property or a tenant who owns a business and who has possession of substantially all of the property. Lost profits do not have to be part of the bona fide effort or written offer to purchase the property to be taken that is required by existing law prior to commencing a court action to take the property.

Land Use and Planning

Adding limited flexibility to amend existing proffer conditions, **HB 326** (Massie) and **SB 36** (Black) provide a mechanism by which a landowner subject to proffer conditions that also affect surrounding properties may apply to a governing body to amend the proffer conditions. A public hearing would be required and, in addition to existing general requirements for public hearings, written notice of the application and hearing must first be given to any landowner who is subject to such existing proffered conditions. Also related to proffer administration, **HB 910** (Minchew) expands existing provisions allowing limited alternative uses of cash proffers by also allowing such alternative uses if the functional purpose for which the cash proffer was made no longer exists.

Though not affecting land use authority, **HB 166** (Cosgrove) removes the express provision that any written zoning decision by any administrative officer, including but not limited to the zoning administrator, cannot be changed even if the error contradicts the clear language of the zoning ordinance. While these errors are rare, the effect of **HB 166** remains to be seen and may not be known until a court opines on its application. Also relating to land use decisions, **HB 170** (Cosgrove) clarifies that an aggrieved party may appeal a governing body's review of a zoning administrator's decision in the circuit court. In practice in Fairfax County, such reviews of the governing body have generally related to the interpretation of proffer conditions.

Addressing blighted buildings, two bills recommended by the Virginia Housing Commission, **HB 491** (Dance) and **SB 122** (Watkins), authorize a locality to serve as a receiver, appointed by the circuit court, to repair such buildings that have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property during the receivership process or prior to sale and will be awarded any profits above repair costs that are realized by sale at public auction.

A heavily negotiated bill from the Virginia Housing Commission and recommended by the Virginia Municipal League, **HB 567** (Marshall, D. W.) provides numerous requirements before a locality or water authority can place a lien on a landlord's property for outstanding utility charges incurred by a tenant. Among other things, the bill requires the landlord's written authorization that the tenant may obtain such service in the tenant's name unless the governing body of the locality passes a resolution that such authorization by landlords is not required. Unless the locality has adopted such a resolution, a lien may not be placed on the property unless the locality takes numerous steps, including, for example, certain notices to the owner and opportunity to pay before the recordation of a lien and a security deposit from the tenant of not less than three months and not more than five months of estimated utility charges. Deposits are not required of tenants receiving need-based, public rental assistance. The bill restricts any

lien to no more than three months of outstanding charges, plus collection costs and penalties, and prohibits liens incurred 60 days after a bill is delinquent unless other law, such as health requirements, prohibits ceasing such service. The bill is effective only for charges contracted for after July 1, 2012.

Expressly stating that cemeteries are not exempt from any local zoning regulations, **HB 316** (Ingram) and **SB 430** (Ruff) provide that the existing definition for cemeteries in Virginia Code Section 54.1-2310 shall apply to zoning laws and that any local approvals of a cemetery use shall include uses customarily related to cemeteries including landscaping and soil storage subject to erosion and sediment controls laws. Furthermore, the bill would not be effective until January 1, 2013.

Localities are prohibited from a total ban on non-commercial, personal helicopter landings and departures within the entire locality under **HB 526** (Cosgrove); however, localities may require special exceptions or special permits for repeated landings and departures from a parcel.

Undoing a recent mandate for certain local governments' comprehensive plans to designate "urban development areas" (UDAs) for higher density development and public utilities near transportation facilities, among other things, **HB 869** (Rust) and **SB 274** (Smith) provide that the inclusion of UDAs is optional for all localities. In Fairfax County, Tysons Corner has already been designated as a UDA so the bill has no local effect.

Fortunately, some bills that would have increased costs and restricted local land use authority have been defeated this year but may return in future sessions. For example, **HB 383** (Pogge), which would have required localities to pay attorney's fees in successful challenges to zoning decisions, was rejected. Also, **HB 614** (LeMunyon), which would have prohibited future zoning decisions from deviating at all from a locality's comprehensive plan, also failed. Furthermore, the defeated **HB 1196** (Cole) would have mandated schools and daycare facilities operated by religious institutions to be allowed wherever religious institutions were a permitted use. Additionally, **HB 405** (Torian) would have prohibited a governing body from appointing persons to the local planning commission if the person was employed or paid by any organization whose mission relates to the outcome of local planning and zoning policies regardless of existing self-disclosure requirements.

Alternative Onsite Septic Systems

Relevant to the County, two bills, **HB 942** (Lingamfelter) and **HB 1071** (Hugo), seeking to suspend or prevent additional Health Department regulations to ensure the integrity of alternative onsite septic (AOSS) systems have been referred to the Virginia Housing Commission for further study. Another bill, **SB 442** (Obenshain), was defeated without being referred. Specifically, **HB 942** would prevent localities from requiring owners to enter into performance agreements to maintain an existing AOSS system or to post a bond or other surety to cover costs after a system failure, none of which is required by the Health Department currently. And **HB 1071** would have exempted many AOSS systems in the County from Health Department regulations for operation and maintenance until July 1, 2014, unless such a system had already failed. Staff will monitor these bills in the off-session.

The bill that was defeated without being referred, **SB 442**, would have replaced the Health Department's authority to regulate AOSS systems with general engineering practices, which would have left owners subject to a patchwork of competing opinions of private professionals without a uniform regulatory standard.

Stormwater and Chesapeake Bay Clean Up

Some bills made changes to stormwater management, with additional regulations for stormwater and Total Maximum Daily Loads of pollutants (TMDL) pending. As passed, **SB 227** (Herring) allows a town located within a stormwater service district to retain any revenues collected by the service district within the town, so long as the town maintains its own MS4 permit. Each of the Towns of Herndon and Vienna maintains its own MS4 permit.

HB 176 (Knight) and **SB 77** (Watkins) adjust last session's "nonpoint nutrient offsets" legislation with a "nutrient credit exchange" program. In short, with certain geographic and other limitations, a locality that has an MS-4 Permit or a developer may use offsite options to obtain nutrient credits to comply with the nonpoint nutrient runoff water quality requirements of a local stormwater management program. Offsite options may not be used to comply with water quantity requirements. The bills also include a "Nutrient Trading Act" that requires the Virginia Soil and Water Conservation Board and the State Water Control

Board to establish regulations for the measurement, calculation, and trading of nutrient credits for nonpoint and point sources. The bill also directs the Departments of Conservation and Recreation and Environmental Quality to maintain registries of all certified credits that can be used by their respective regulated entities for water quality compliance.

Keeping with the session's theme of government reorganization and consolidation, **HB 1065** (Sherwood) and **SB 407** (Hanger) integrate elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act to attempt to achieve efficiencies. The bills also eliminate the Chesapeake Bay Local Assistance Board and place its responsibilities with the Virginia Soil and Water Conservation Board.

(4.) State Budget

Principle: The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia.

While it is always true that the state budget is the most important single piece of legislation that the GA considers each session, during the 2012 session, the budget became an even greater focal point, as the tensions that remained just below the surface in an evenly divided Senate seemed to erupt as the final weeks of the session approached.

As always, budget season began with the Governor presenting his 2012-2014 biennium budget, and amendments to the existing FY 2012 budget, to the joint money committees in Richmond prior to the session. However, while the state's financial outlook appeared to be improving, the budget proposal was not good news for local governments.

The Governor's revised revenue forecast, combined with FY 2011 "surplus" funds and unspent balances, provided the Governor with approximately \$2 billion in additional resources in the new biennium, over the FY 2012 base budget. While those numbers seemed heartening, on the heels of the ongoing recession and the over \$1 billion in budget cuts local governments had already experienced since FY 2009, there was much to be concerned about in the Governor's proposed budget. Though new spending was included, the biennium budget proposal also included \$882.4 million in additional state "savings" and cost avoidance strategies. Certainly the key item of concern to Fairfax County and Northern Virginia was the Governor's proposal to eliminate Cost of Competing Adjustment (COCA) funding for support positions (as explained on page 7 under K-12 funding).

Both the House and Senate budget proposals provided more General Fund support for K-12 education than in the introduced budget bill – \$165 million in the Senate and \$160 million in the House. However, total state K-12 funding would still remain below FY 2007 levels in these proposals. Of particular importance to Fairfax County, the Senate Finance-passed budget restored full Cost of Competing funding at the current 24.61% rate for support positions (\$30.1 million) in FY 2013, and restored funding at the lower teacher rate of 9.83% (\$12.1 million) in FY 2014. The House Appropriations budget maintained the Governor's elimination of this funding, but a floor amendment (which passed 98-0) restored approximately \$12 million each year.

Additionally, both the House and Senate demonstrated a commitment to reducing across-the-board cuts to local governments, though neither eliminated the cuts completely. And both addressed many of the County's funding priorities, including funding for the social safety net, water quality and public safety, though items of concern were included in both as well.

And then the buzz around Capitol Square began – though the House passed its budget without much difficulty, the Senate would be unable to pass a budget. According to the Virginia Constitution, while most other bills require the votes of the majority of members present, the budget requires the votes of the majority of members elected. In other words, 21 votes are needed to pass the budget, and the Lieutenant Governor (currently Republican Bill Bolling) cannot break a tie.

Senate Democrats opposed the Senate Finance budget, citing numerous reasons, including the lack of funding for Dulles Rail and only partial restoration of funding for Cost of Competing and the social safety net. Additional concerns were raised over funding for tax credits to companies who donate to foundations that provide private school scholarships. There was also much discussion over whether power-sharing in committee assignments and chairmanships was partially at issue.

Though this would be the fourth time the GA had failed to pass a budget on time since 2001, the debate became particularly heated – in the GA, the Governor's office and the media – as accusations were hurled in both directions. But on day 58 of the session, something seemed to happen on the Senate floor that made everyone sit up and take notice. Senator Chuck Colgan, a Democrat from Prince William County and former Chairman of the Senate Finance Committee, took to the floor. His voice filled with emotion, the usually gentle, affable Senator used strong language to encourage, even beseech and command, his colleagues to work together in a bipartisan manner. Every Senator sat in their seats in rapt attention, as Senator Colgan quoted Winston Churchill and urged them all to be statesmen. At the

conclusion of his speech, he received a standing ovation from both sides of the aisle. And the question around Capitol Square became – was this a turning point? A move in a new direction?

The following day, the House and Senate adopted a resolution that would allow them to carryover the House budgets, **HB 1300** and **HB 1301**, for consideration in a special session. And as the status of the budget remained in limbo, some signs of optimism seem to have appeared.

Below is a list of items of interest to Fairfax County in the House-passed and Senate Finance budgets, which at least provide a window into the priorities of each house, though many steps remain ahead.

**Highlights of Fairfax County Budget Priorities
2012-2014 House and Senate Budget Amendments
As Contained in HB 30/HB 1301 and SB 30**

***Senate Democrats offered supplemental budget amendments to the Senate Finance budget late in the session. The amendments re-appropriate funds from various sources, including reducing deposits to the FACT fund, eliminating funding for the Machinery and Tools Grant fund (due to the bill's failure), and redirecting funding from the Mortgage Servicing Settlement, and re-appropriate those funds to other priorities.*

K-12

Both the House and Senate provide more General Fund support for K-12 education than in the introduced budget bill – \$165 million in the Senate and \$160 million in the House. However, total state K-12 funding would still remain below FY 2007 levels in these proposals.

- Senate restores full Cost of Competing funding at the current 24.61% rate for support positions (\$30.1 million) in FY 2013, and restores funding at the lower teacher rate of 9.83% (\$12.1 million) in FY 2014.
- House restores approximately \$12 million each year. The House Appropriations budget originally maintained the Governor's elimination of this funding, but a floor amendment (which passed 98-0) restored some of the funding.
- ***Senate supplemental amendments fully restore Cost of Competing in FY 2014 (and retain the full restoration of COCA in FY 2013 in the Senate Finance budget). The amendments also fully restore funding for non-personal inflation for support positions, which was cut in the introduced budget, fully restored in the House budget, and partially restored in the Senate Finance budget.*

Educational Improvement Scholarships Tax Credits

- Legislation has passed both the House and Senate to create a new program which would allow taxpayers to claim a tax credit (against the individual income tax, corporate income tax, bank franchise tax, insurance premiums license tax, or tax on public service corporations) for contributions to approved scholarship foundations that provide private school scholarships to students in the Commonwealth. The total amount of credits available in any given fiscal year would be capped at \$25 million. It appears that the Senate budget documents include a cost of \$10 million for this program in FY 2014.

Virginia Retirement System (VRS) (this matter was included in the final version of SB 497)

Both the House and Senate address VRS funding issues.

- Senate provides \$45 million in FY 2013 to school divisions to assist with the increase in VRS rates in Governor's budget from the current 6.33% to 11.66%.
- House lowers the VRS rate for teacher from 11.66% to 10.23%, and provides a net lump payment of \$30 million each year to VRS.

- House also gives localities and school boards that are paying the 5% employee contribution on behalf of their Plan I employees the option of requiring their employees to pay a portion or all of the 5% employee contribution.

Aid to Localities (ATL)

Both the House and Senate demonstrate a commitment to reducing across-the-board cuts to local governments, though neither eliminate the provision.

- House amendments reduce the \$95 million biennial cut to \$50 million.
- Senate amendments could reduce the figure even lower, to \$45 million, but the funding source would be up to \$50 million of Virginia's mortgage servicing settlement, which is expected to be \$69.3 million. The settlement would be used first to make up for any shortfall in revenues for the three percent bonus for state employees in December 2012.
- *** Senate supplemental amendments utilize the Mortgage Servicing Settlement funds to capitalize the Housing Trust Fund and for other priorities. As a result, the funds would not be available for any shortfall needed to fund a three percent bonus for state employees, and would also not be available to restore up to \$50 million in ATL funding, as included in the Senate Finance budget.*

Line of Duty

Both the House and Senate address concerns with the transfer of the Line of Duty program from the state to localities, but neither revert the program back to the state. The Governor's proposed FY 2012 budget included a work group on the Line of Duty program.

- House deletes language which requires localities that opt-out of the statewide program to use the State Comptroller to process their benefit payments, and clarifies that localities that do not participate in the statewide pool are not responsible for contributing to the administrative cost of managing the statewide program.
- Senate changes the composition of the work group proposed by the Governor, and charges the work group with reviewing the current process for determining eligibility of state and local Line of Duty Act recipients and the funding responsibility between the state and its localities. The purpose of this study would be to examine cost efficiencies and the division of financial responsibility for Line of Duty Act program costs.

Human Services

Both the House and Senate restore funding over the Governor's proposed budget for safety net programs.

- Senate provides \$900,000 in FY 2013 for 13 beds at the Northern Virginia Mental Health Institute.
- Senate adds \$1.4 million GF and \$2.1 million NGF each year to restore funding for local departments of social services.
- Senate restores \$5.4 million in FY 2013 for wrap-around services for CSA special education kids.
- House and Senate provide \$500,000 each year for community action agencies to promote self-sufficiency.
- Senate provides \$1 million GF and \$1 million NGF each year to increase cap on Medicaid personal care hours from 48 to 56 hours per week (Governor's budget reduced hours).
- Senate restores \$559,000 each year for the General Relief for the unattached children's program.
- Senate restores \$380,000 each year for Healthy Families.
- House provides funding to add 200 Medicaid waivers for ID and 50 Medicaid waivers for DD.

- House provides \$500,000 each year for local Area Agencies on Aging (AAA).
- House eliminates \$200,000 each year for Northern Virginia Family Services that were in introduced budget.

*** Senate supplemental amendments restore \$18.2 million GF and \$18.2 million NGF in FY 2014, in order to eliminate language in the introduced budget which would have reduced the eligibility limit for Medicaid long-term care services. The amendments also provide funding for a three percent increase for personal care services provided under community-based Medicaid waiver programs, and restore \$704,000 each year for long-term and extended employment services for individuals with physical disabilities. Additionally, the amendments restore \$2.4 million each year for at-risk child day care services. Finally, the amendments add \$2.1 million GF each year and reduce \$500,000 NGF each year for poison control centers, restoring reductions in the introduced budget and adding an additional \$1.6 million GF each year.*

Environment

Both the House and Senate provide funds for point source pollution, however,

- House transfers \$38.5 million to reimburse localities for sewage treatment plant upgrades and sets aside \$6.8 million in the WQIF reserve fund for the same purpose.
- Senate transfers \$15.3 million in year-end general fund surplus into the sub-fund of WQIF to reimburse localities for sewage treatment plant upgrades, and reduces funding for WQIF point source projects by \$30 million in FY 2013, and transfers these funds to non-point source projects instead.
- Senate also provides authorization of up to \$89.5 million in VPBA bonds in FY 2014 to reimburse localities for sewage treatment plant upgrades.
- Senate restores \$151,000 each year in dues for the Interstate Commission on the Potomac River Basin.

Transportation

Neither the House nor Senate budget contains a comprehensive transportation funding solution. Neither budget contains additional funding for the Dulles Rail project.

- Senate eliminates Governor's proposed increase in GF sales tax proceeds to Highway Maintenance and Operations Fund (HMOF).
- House includes a study of secondary road devolution, a study on the creation of a Northern Virginia MPO and maintains the Governor's proposal to divert GF dollars to transportation. The House proposal reduces the transfer of sales tax revenue to the HMOF from \$110 million (in the Governor's proposal) to \$94 million over the biennium, to reflect that the sales tax does not apply to food sales.
- House provides that no project may be undertaken by the Commonwealth Transportation Board or no state funds may be expended in support of a project if it is subject to a mandatory project labor agreement or provides an incentive in scoring favoring entities entering into such agreements.
- *** Senate supplemental amendments provide for the annual indexing of the gas tax, tied to the change in the US Department of Labor's Producer Price Index for Other Nonresidential Construction.*
- *** The amendments also provide \$250 million in Commonwealth Project Revenue Bond proceeds for construction of Dulles Rail Phase II, for the purpose of mitigating toll rates, in addition to the \$150 million previously committed by the Commonwealth in the Memorandum of Understanding*

(the amendments also provide \$250 million from the same source for toll mitigation in Hampton Roads).

Employee Compensation

Both the House and Senate include employee salary increases in their budgets (the Governor's budget did not include a salary increase).

- House includes \$42.2 million in FY 2014 for a two percent salary increase, effective July 2013, for state employees and Constitutional officers and their employees. Funding is not included for other state-supported local employees.
- Senate includes \$58.8 million in FY 2014 for a two percent salary increase, effective July 2013, for state employees and state-supported local employees.
- House eliminates the three percent bonus for state employees included in the Governor's budget (the Governor's budget made the bonus contingent on agency savings and other criteria).
- Senate funds a three percent bonus for state employees effective December 1, 2012, but changes some of the criteria for determining if the bonuses would be given.

Local Fines

Senate requires the deposit into the Literary Fund of half of all fines and fees collected at local level for enforcement of local ordinances that are in excess of 30% of the total local and state collections (cost to local governments is estimated in the budget at \$3.6 million per year). Budget uses these funds to pay a portion of teacher retirement costs.

HB 599

Both the House and Senate accept the Governor's proposal to maintain the FY 2012 funding level of \$172.4 million in FY 2013 and FY 2014. The Code of Virginia states that the program's funding growth is tied to the anticipated rate of growth in the General Fund, which is projected to grow at 3.3 percent in FY 2013 and 4.5 percent in FY 2014. The proposed level of funding does not meet the Code requirements.

Machinery and Tools Investment Grant Fund

Senate provides \$3 million each year to capitalize the special fund established under SB 549 (Wagner).

*** Senate supplemental amendments eliminate this funding, as the legislation creating the grant fund failed in the General Assembly.*

OTHER LEGISLATION OF INTEREST

Collection of Taxes

In addition to existing authority to require payment of outstanding real estate taxes before the issuance of business licenses, land use approvals, and building permits, **HB 842** (James) and **SB 308** (Blevins) allow localities to also require a landowner to condition such issuance upon payment of utility fees and other fees owed to it.

As additional deterrence for persons who evade personal property taxes, **HB 878** (Sickles) allows localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempted from the requirements of displaying such license plates.

Elections

Legislative action in the arena of elections began promptly upon the convening of the 2012 General Assembly session, with consideration and approval of the Congressional redistricting plan by the House Privileges and Elections Committee on the first day of the session. This plan, which had failed to pass in 2011 due to disagreement between the House and Senate, was subsequently approved by the full House and by the Senate, and was the first bill signed by the Governor this Session. The plan received preclearance from the Department of Justice on March 14, 2012, in time for the Senate primaries to take place as scheduled on June 12. The 2012 General Assembly also revisited the state redistricting plans approved in 2011 with a number of bills containing technical adjustments to district lines; these bills were incorporated into one House bill and one Senate bill, both of which were continued to 2013 in Senate Privileges and Elections after being sent back to committee from the Senate floor.

Seven bills were introduced to require that ballots identify the nominating party for candidates for local office and identify independent candidates as such. (Currently, this requirement applies only to federal, statewide, and General Assembly elections.) The Senate vehicle, **SB 56** (Obenshain), was defeated on the Senate floor by a vote of 14-25; the House vehicle, **HB 769** (Landes), failed to report in House Privileges and Elections by a vote of 10-12. Several members voting against the bill stated that they were concerned that such a change would inject partisanship into local elections, particularly for small towns. In a similar vein, five bills were introduced to allow a voter to provide his or her party affiliation when registering to vote, or to register as an independent. The House vehicle, **HB 628** (LeMunyon) failed to report from subcommittee in House Privileges and Elections, in part due to concerns about the bill's fiscal impact to the State Board of Elections; the Senate vehicle, **SB 62** (Stanley), was defeated on the Senate floor by a vote of 16-24.

As passed, **HB 1118** (Ingram) addresses a lawsuit brought against the state in 2009 by a nonprofit organization seeking access to the lists of voters in primary, special, or general elections. The court ruled that if the state provides these lists to political parties, candidates, and PACs, then the state cannot withhold the list from other groups. **HB 1118** provides that these lists may be provided to (i) candidates, (ii) political party committees or officials, (iii) political action committees, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration.

Among the most controversial measures considered this session were those that require a voter to present identification at the polling place before casting a regular ballot. As it passed the House, **HB 9** (Cole) required a voter who was unable to present one of the forms of identification listed in current Code (his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business) would vote a provisional ballot. As part of the canvass of provisional ballots held after Election Day, the bill provided that the electoral board could determine whether to count the provisional ballot by comparing the signature in the applicant's voter file with the signature on the provisional ballot envelope to determine the person's identity.

In contrast, **SB 1** (Martin), as it passed the Senate, provided that if the electoral board determines that the person casting the provisional ballot was not entitled to vote as a qualified voter in the precinct in which

he or she offered the provisional vote, or is unable to determine his/her right to vote, or has not been provided one of the forms of identification set out in the bill, the vote will not be counted. (The bill requires that a voter casting a provisional ballot be informed that he or she may submit a copy of one of the forms of identification specified in the bill to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery.) One positive element of **SB 1** is that it expands the list of documents that are deemed acceptable forms of identification to include a valid student ID card issued by a four-year institution of higher education located in Virginia, or a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. This approach, rather than **HB 9**, is what ultimately prevailed in a conference committee. Staff expects that the Attorney General will submit this change for federal preclearance review in accordance with Section 5 of the federal Voting Rights Act of 1965, as amended.

A number of other measures were also considered that would have gone beyond an identification requirement to mandate photo identification; several of these bills also included a requirement for proof of citizenship in order to register to vote. **HB 828** (Marshall, R.G), **HB 895** (Albo), and **HB 1084** (Hugo) were all tabled in House Privileges and Elections in favor of a substitute version of **HB 569** (Marshall, D.W.), which provided for a process by which the Department of Motor Vehicles and the State Board of Elections would collaborate on the issuance of photo identification cards for voters, and would allow local registrars to verify citizenship through access to DMV's records. The bill had a significant fiscal impact for both the state and localities, and was left in House Appropriations.

Fire Bills

After the filing deadline and by unanimous consent, three bills relating to fire inspections were introduced by a delegate representing the City of Chesapeake. The bills were problematic for many reasons, and were designed to address a situation in Chesapeake. The first bill, **HB 1292** (Spruill), would have grandfathered certain church kitchens, and was killed early in the session. The second, **HB 1293** (Spruill), would have capped fire inspection fees for religious institutions at \$50, below the County's current fees (current state code only allows localities to recoup their costs and expenses, and \$50 would be significantly below the County's costs). The County opposed this bill, and worked to amend it in the Senate General Laws Committee to apply only to the City of Chesapeake. As a result, the County withdrew its opposition, as the bill no longer affected the County.

The third and final bill, **HB 1294** (Spruill), was more complicated. As introduced, the bill would have prohibited localities from charging an assembly fee, or any similar fee, to any religious institution. The patron explained the bill by saying that in Chesapeake, churches were being charged a fee to get together to worship. Since the bill was a Section 1 bill, it was difficult to determine which fees the bill might be referencing. As it turns out, the fee in question was a fire inspection permit fee, charged to places of assembly (in Fairfax County that means places where more than 50 people assemble). Prohibiting that fee would be a significant problem for the County, where over 400 places of worship fall into this category. County staff worked with VACo, VML, the state fire chiefs and numerous other localities to ensure amendments were made to the bill, both in the Senate Local Government Committee and on the Senate floor. After many efforts and the appointment of a conference committee, the final bill basically reiterates the Dillon Rule, stating that localities may not charge fees to places of worship without authority in state law. Interestingly, the bill also provides an exemption from this for fire inspection fees.

Governor's Reorganization Plan

One of Governor McDonnell's first executive orders created the Governor's Commission on Government Reform and Restructuring. This commission met in 2010 and numerous times in 2011, and was tasked with making government smaller and more efficient. Two bills, **HB 1291** (Gilbert) and **SB 678** (McDougle), were requested by the Governor to implement some of the recommendations of the Commission. Each of these bills was over 200 pages long, amended numerous Code sections and became very onerous for the GA to consider. The projected savings to the Commonwealth from these actions was only approximately \$2 million. The House General Laws Committee even created a special subcommittee to hear these bills, as they were far reaching, included many complex issues, and received hours of testimony each time they were heard.

As introduced, the bills would have eliminated two state agencies, cut 19 boards and commissions and de-regulated three professions, though many provisions were removed or amended as the bills made their way through the House and Senate. The introduced bills would have:

- Eliminated the Virginia National Defense Industrial Authority (VNDIA) and the Board of Towing and Recovery Operators (BTRO);
- Merged several boards and commissions, including: Department of Rehabilitative Services with the Virginia Department for the Aging (VDA) and the Department for the Deaf and Hard of Hearing; Human Rights Council with the Office of the Attorney General; Department of Correctional Education (DCE) with the Department of Juvenile Justice (DJJ) and Department of Corrections (DOC); Department of Employment Dispute Resolution with the Department of Human Resource Management;
- Eliminated the Commonwealth Competition Council, Interagency Dispute Resolution Council, Virginia Public Buildings Board, Virginia Council on Human Resources, Virginia Public Broadcasting Board, Hemophilia Advisory Board, Sewage Handling and Disposal Appeal Review Board, Child Day Care Council, and the Board on Transportation Safety;
- Deregulated hair braiders, mold inspectors and remediators and interior designers.

There were three issues of particular importance to the County in the introduced bills:

- Combining Northern Virginia Transportation Commission (NVTC) and the Northern Virginia Transportation Authority (NVTA);
- Transferring Municipal Separate Storm Sewer (MS4) Permitting from the Department of Conservation and Recreation (DCR) to the Department of Environmental Quality (DEQ);
- Eliminating the Litter Control and Recycling Advisory Board.

The County opposed elimination of the Litter Control and Recycling Advisory Board, and ultimately this provision was removed from the legislation. Additionally, the County was concerned about the potential impact of moving MS4 permitting from DCR to DEQ. However, the effective date for this transfer is not until January 1, 2014, or the date of EPA approval of this transfer, whichever is later. So this may be an issue for the 2013 GA session.

Finally, while the County initially opposed the language in the legislation combining NVTA and NVTC, which would have had NVTA assuming all the roles, responsibilities, assets, and liabilities of NVTC, the County ultimately supported compromise language allowing NVTA, NVTC and the Northern Virginia Regional Commission (NVRC) to come up with a plan for consolidation of the three organizations into one or two organizations. After much discussion and debate over the wording of this language as the bills were negotiated in conference, the consolidation language was removed from the final bill and an agreement was struck that the Northern Virginia GA delegation would ask NVTA, NVTC, NVRC, and the Potomac Rappahannock Transportation Commission (PRTC) to "determine whether consolidation and/or improved coordination would enhance regional planning." The organizations will be requested to analyze issues relating to governance, membership, voting procedures, geographical representation, legal obstacles and funding matters. The organizations will report back on this proposal prior to the 2013 GA session.

Human Services

Supported by the Board as a means to enhance local representation in decisions regarding the Comprehensive Services Act, **HB 135** (Kilgore)/**SB 396** (Hanger) adds two local government representatives, chosen from the members of a county board of supervisors or a city council and a county administrator or city manager, to the State Executive Council, increasing the number of local government representatives from three to five. Gubernatorial amendments to **SB 396** removed a positive provision that would have allowed the local representatives to designate alternates; the same amendments are expected to be proposed to **HB 135** during the reconvened session. Other gubernatorial amendments to **SB 396**, allegedly to maintain the same size SEC, removed the chair of the State-Local Advisory Team (SLAT) and one of three private providers from the SEC.

HB 1075 (Hugo) and **SB 201** (Marsden), introduced in response to a local circumstance that resulted in the tragic death of a young woman, Alicia Lannes, from a drug overdose sometime after a visit to a hospital emergency room, work to improve future outcomes by requiring hospitals to educate patients, and in certain circumstances their families, about follow-up care, treatment, and services upon discharge. The bill also requires community services boards to provide information to hospitals about alcohol and substance abuse services available to minors. Testimony was offered by the Lannes family in support of this legislation at the public hearing held prior to the adoption of the Board's Legislative Program in 2011.

Ignition Interlocks

The General Assembly also considered legislation pertaining to requirements of Ignition interlock systems for a first offense of driving under the influence. **HB 279** (Iaquinto)/**SB 378** (McEachin) would require ignition interlocks for the first DUI conviction. Currently, ignition interlock systems are required for second offenses or when the offender's blood alcohol content is .15 or higher. **HB 279** was passed by the House (87-11) and Senate (26-13). **SB 378** was passed by the Senate (24-16) and the House (91-7). **HB 279** was approved by the Governor on March 7, 2012.

Immigration

A number of bills were introduced regarding law enforcement inquiries into citizenship status; **HB 958** (Bell) and **HB 1060** (Anderson) became the vehicles for such legislation. **HB 958** (Bell, R.B.), as it passed the House, would have required that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. The Senate version of the bill simply would have clarified that local law enforcement officers must check the Virginia Criminal Information Network and/or the National Crime Information Center databases for outstanding warrants for criminal violations of the federal Immigration and Nationality Act, in addition to any other outstanding warrants, thus codifying current practice of the Fairfax County Police Department. In a surprising turn of events, the Speaker of the House ruled that the Senate substitute was not germane to the original bill, and the President of the Senate ruled in turn that the bill was not properly before the Senate, thus defeating the bill. Similar to **HB 958**, **HB 1060** (Anderson) also would have required that an arresting officer inquire of every arrestee whether he is in the country legally. However, **HB 1060** further provided that when a law-enforcement officer believes that an arrestee is not legally present in the United States, he shall communicate to a judicial officer the facts and circumstances underlying his belief. **HB 1060** failed to report in Senate Courts on a 7-7 vote.

HB 1001 (Ramadan) would have provided that the Superintendent of State Police shall seek to enter into a memorandum of agreement with United States Department of Homeland Security, Immigration and Customs Enforcement, as authorized under 8 U.S.C. § 1357(g), to permit the State Police to perform federal immigration law-enforcement functions after arrest of an alien. The bill was defeated on the Senate floor, and subsequently recommitted to Senate Courts and continued to 2013.

Interstate Commission on the Potomac River Basin

In the 2011 adopted budget, the state removed funding for Virginia's dues payment to the Interstate Commission on the Potomac River Basin (ICPRB), and in correspondence during the fall of 2011, the Secretary of Natural Resources stated that it was his intention to withdraw Virginia from membership in the ICPRB altogether. **HB 1034** (Landes), as introduced, repealed the Code section governing Virginia's membership in the ICPRB and provided for notification of the state's withdrawal from the compact, as well as two other interstate bodies. In House Rules, a substitute version of the bill was introduced which removed the provisions dealing with the ICPRB, and the Governor's staff stated that the Administration has agreed to continue discussions on the merits of the state's participation in the body. Restoration of funding for Virginia's dues payment was included in the Senate Finance budget proposal; it is likely to be part of budget negotiations.

Mandate Relief

Prior to the 2012 GA session, Governor McDonnell convened a Governor's Task Force on Local Government Mandate Review, chaired by Fairfax County Supervisor Pat Herrity. Early on in the process, the task force was instructed by the Governor that funding issues – areas where the state underfunds services or shifts costs to localities – were off the table in the first year of this five year task force. The Governor did give assurances that funding issues will be considered in subsequent years, and local governments will be strongly pressing consideration of those issues, as that is the fundamental concern localities have with many state mandates.

Of the numerous recommendations made by the Mandates Task Force, the Governor recommended several for consideration by the GA in **HB 1295** (Byron) and **SB 679** (Newman), stating that his goal is to make Virginia a national leader in removing "red tape" for local governments.

Some items in the introduced bills include:

- Removing the ability of a Circuit Court to mandate a locality to construct a new courthouse;

- Eliminating the requirement that that RFPs be published in newspapers;
- Increasing the amount of time that local governments have to respond to Freedom of Information Act requests;
- Eliminating a mandate that requires VDOT approval of the location of locally-placed red light cameras;
- Removing a prohibition forbidding localities from creating their own procurement guidelines; and
- Removing a mandate requiring the establishment of a variety of local education advisory committees.

However, many of the mandates slated for elimination were removed from the bills by the GA, including: elimination of mandates regarding state inspection of erosion and sediment under certain circumstances; elimination of restrictions on the use of cooperative procurement for construction contracts; and elimination of requirements regarding publication of requests for proposals in newspapers of general circulation. The bills that passed the GA did endorse elimination of mandates that require: surplus property to be first offered for sale to other local governments and volunteer fire departments; Department of Aviation approval airport of property leases; approval of library internet use policies by the Librarian of Virginia; VDOT approval of the location of new red light cameras; and localities to build new or replacement court facilities by Circuit Court mandate.

While the task force postponed addressing some of the most burdensome and expensive mandates that confront local governments, this effort was welcomed as an attempt to begin the process of reducing or eliminating onerous mandates on local governments, and the County supported the bills.

Project Labor Agreements

Several bills were introduced during the 2012 GA session seeking to prohibit the use of mandatory project labor agreements (PLAs) for state funded projects in Virginia, targeting the Dulles Rail project. Though Phase I of Dulles Rail included a voluntary PLA, the Metropolitan Washington Airports Authority (MWAA) had indicated it was planning to include a mandatory PLA for Phase II.

Two bills, **HB 33** (Comstock) and **SB 242** (Obenshain), were put in at the Governor's request. The bills state that bidders, offerors, contractors or subcontractors cannot be required to, or prohibited from, participating in agreements with labor organizations. Supporters of the bills, including various business groups, indicated that the bills simply provide a level playing field and are consistent with the state's right-to-work laws. Opponents were concerned that the bills were anti-labor, and that passage could hurt the Dulles Rail project. There was also much discussion in Richmond over the \$150 million that the state has committed to the Dulles Rail project, amid concerns that this funding could be withheld if the bills did not pass. The County monitored these bills closely, but did not take a position on them, with the exception of supporting one small, but significant, amendment. The introduced bills would have given any "taxpayer" standing to sue in court over possible violation of this proposed law. Allowing this could have created serious roadblocks for the Dulles Rail project, which has already been the subject of litigation numerous times. The County successfully had the word "taxpayer" removed from the bills, and they were ultimately passed by the GA.

There were other bills, **HB 2** (RG Marshall) and **HB 627** (LeMunyon), which went even further than **HB 33/SB 242**, and could have effectively killed the Dulles Rail project. The County opposed those bills, and they failed in the House General Laws committee.

Scholarship Tax Credits

The General Assembly approved bills that establish a \$25 million tax credit program for corporations to make donations to nonprofit organizations that give scholarships for "low income" or disabled students to attend private schools. The credit will begin in tax year 2013 and would equal 70 percent of the donation under **HB 321** (Massie) and **SB 131** (Stanley). The tax credit is due to expire in 2017, and would be under the Neighborhood Assistance Act program.

Low income is defined as "an individual whose family's annual household income is not in excess of 300 percent of the current poverty guidelines," meaning that a child in a single-parent family with an income of \$44,130 would be eligible. The income level if the student is disabled for that two-person family would be \$58,840.

Described as being similar to school vouchers, the bills were controversial. Creation of this program was part of Governor McDonnell's education agenda, but while the House of Delegates has passed similar legislation for several years, the measure had always died in the Senate. This year's bills squeaked through the Senate, with Lieutenant Governor Bill Bolling voting to pass the bills on a 21-20 party-line vote. This could be an item of negotiation in the budget deliberations.

Signs in the Right of Way

Regarding the removal of non-governmental signs from the VDOT right-of-way, **HB 34** (Albo) allows the Commissioner of Highways and Fairfax County to enter an agreement, after the County holds a public hearing, for the County to remove such signs provided that the County shall not be authorized to remove signs providing directions to "special events" posted on weekends.

Towing

After extensive discussions regarding towing of cars from Fairfax County to other jurisdictions throughout the past year, **HB 860** (Rust)/**SB 195** (Marsden) were introduced this session. The bills would allow localities in Northern Virginia to create a permitting and fee structure to allow for tows outside that locality's boundaries, but no more than five miles from the point of tow. Both **HB 860** and **SB 195** were passed by the Senate (40-0), the House (98-0), and approved by the Governor on March 7, 2012.

Virginia Retirement System

On the final day of the GA session, the House and Senate agreed to a compromise on Virginia Retirement System (VRS) reforms after last-minute gubernatorial intervention in the afternoon. Several bills had been introduced during the session on this topic, including **SB 498** (Watkins), **SB 497** (Watkins), **HB 1129** (Howell) and **HB 1130** (Howell).

The final bills will:

- Phase in a commitment to fund VRS Board-approved rates for state employees and teachers over 3 biennia;
- Employees of school boards hired after July 1, 2012, would have to pay the five percent employee contribution immediately
- School employees hired before that date would be required to pay one percent of the contribution each year until they pay the full 5 percent in 2016, though school boards are given the authority to accelerate the phase-in of the 5 percent (in whole percentage increments) (FCPS currently pays the 5% employee contribution on behalf of its employees);
- School boards would be required to give salary increases to offset the increased payment by employees;
- The offsetting salary increase required may be phased-in at the same rate as well – if a school board elects to only require employee payment of one percent each year until 2016, it would only be required to provide a one percent salary increase in each of those years;
- Create a new mandatory defined contribution/defined benefit hybrid plan for new employees hired on or after January 1, 2014. Current employees would have the option to move to the new plan or to stay in their existing plan.

The hybrid plan has two key components -- a defined benefit retirement "backbone" and a defined contribution component. Disability coverage would be continued for state employees, and would be extended to teachers and VRS-covered local employees. The hybrid plan is expected to reduce costs to VRS employers by \$24 million in FY 2015 (the first full year of implementation) and by \$200 million per year by FY 2034.

Warrants for GPS Tracking Devices

HB 1298 (Albo) and **SB 685** (Reeves) were introduced late in the Session at the request of the Governor, in response to a January 2012 United States Supreme Court decision in *United States v. Jones* requiring probable cause and the issuance of a search warrant for the use of GPS tracking devices. The bills outline the process by which such a warrant is requested and issued. County legislative and police staff, as well as the Commonwealth's Attorney and his staff, worked with the Governor's staff and the Attorney General's office to ensure that the bill's provisions struck an appropriate balance between protecting individuals' privacy and preserving the integrity of investigations as well as the safety of detectives and confidential informants. Both bills passed the General Assembly with an emergency clause included, and will become law upon the Governor's signature.

ONGOING ISSUES AND STUDIES

The creation of new studies was again held to a minimum this year, in part due to a proposal under discussion that would allow standing House and Senate committees to conduct studies jointly, instead of creating joint subcommittees. Below are those studies of interest to the County that passed the General Assembly this year.

HB 79 (Orrock) provides that the Virginia Disability Commission shall establish work groups to assist the Commission in carrying out its powers and duties. Such work groups shall include work groups that focus on issues related to (i) housing and transportation, (ii) education and employment, (iii) publicly funded services, and (iv) such other issues as the Commission may deem necessary. The bill also repeals the sunset provision for the Commission, which is set to expire July 1, 2012.

HB 777 (Landes) establishes the Joint Subcommittee to Evaluate Tax Preferences. The Joint Subcommittee is charged with overseeing the evaluation of Virginia's tax preferences. The joint subcommittee would consist of 14 legislative members: two members of the House Committee on Appropriations; six members of the House Committee on Finance; and six members of the Senate Committee on Finance. Members of the joint subcommittee will be appointed by the Speaker of the House of Delegates and the Senate Committee on Rules, respectively, upon the recommendation of the House and Senate Committee chairmen.

HJ 50 (Stolle)/**SJ 76** (Northam) requests the Virginia Institute of Marine Science to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities.

HJ 85 (Purkey) directs the Joint Legislative Audit and Review Commission (JLARC) to study and determine the multiplier effects of various types of income tax credits, public-private partnerships, and other public-private investment programs.

HJ 108 (Landes) directs JLARC to study the cost efficiency of the Commonwealth's institutions of higher education and to identify opportunities to reduce the cost of public higher education in Virginia. This study ends in November 2014.

HJ 111 (Iaquinto) requests the Judicial Council of Virginia to study the jurisdictional capacity of the Court of Appeals and whether such capacity should be expanded.

HJ 132 (Lingamfelter) directs JLARC to study the ongoing planning and preparedness efforts throughout the Commonwealth with regard to homeland security and emergency management. The Joint Legislative Audit and Review Commission must report its final findings and recommendations to the 2013 Session of the General Assembly.

HJ 243 (Byron) requests the Department of Environmental Quality to study the benefits and costs of seeking authority from the U.S. Environmental Protection Agency to administer the § 404 permitting program under the federal Clean Water Act.

SJ 15 (Watkins) directs the Joint Commission on Technology and Science to study electronic identity credentials and any possible liability concerns therewith. In conducting its study, the Joint Commission on Technology and Science shall (i) coordinate with stakeholders in both the public and private realm to identify opportunities, challenges, and strategies for the issuance of electronic security credentials; (ii) identify potential uses of electronic security credentials in transactions involving the Commonwealth; (iii) identify the role the Commonwealth should play in the issuance of identification documentation used by private electronic security credentialing services; (iv) identify policies and craft legislation that would facilitate the use and issuance of electronic security credentials; (v) identify and address through policies and legislation any liability considerations that may arise through the issuance of electronic security credentials by private entities; and (vi) consider such other related issues as the joint commission deems appropriate. JCOTS must report its final findings and recommendations to the 2013 Session of the General Assembly.

SJ 16 (Watkins) directs the Commission on Unemployment Compensation to study conforming provisions of the Virginia Unemployment Compensation Act to requirements of the Trade Adjustment Assistance Extension Act of 2011.

SJ 21 (Howell) directs the Virginia State Crime Commission, among other things, to determine why illegal cigarette trafficking occurs; identify the methods of illegal cigarette trafficking and the strategies used by smugglers; and document the affects and financial impact on the Commonwealth, local governments, and cigarette manufacturers, retailers, and wholesalers. The Commission must submit its report to the 2014 Session of the General Assembly.

SJ 92 (Stosch) directs JLARC to study the effect of Medicaid payment policies for hospitals, nursing homes, and physicians on Virginia Medicaid recipients' access to health care services.

SJ 127 (Hanger) encourages the Secretary of Health and Human Resources and the Superintendent of Public Instruction to adopt and implement Employment First practices in providing and coordinating services to Virginians with disabilities.



FAIRFAX COUNTY LEGISLATIVE SUMMARY

2012 GENERAL ASSEMBLY

March 12, 2012

Fairfax County Legislative Summary 2012 General Assembly

Board of Supervisors Report Key

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

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

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

Table of Contents

Bill	Subject
<i>Fairfax County Initiatives</i>	
<i>(Bills Introduced at Fairfax County's Request) : Pages 41-44</i>	
HB 409 Del. Watts (39)	Financial exploitation of elderly or incapacitated adults; penalty.
HB 615 Del. LeMunyon (67)	Zoning; clarifies that localities may approve by special exception all modifications to property.
HB 707 Del. Filler-Corn (41)	Funeral protests; penalty.
HB 987 Del. Loupassi (68)	Financial exploitation of incapacitated adults; penalties.
SB 222 Sen. Herring (33)	Financial exploitation of elderly or incapacitated adults; penalty.
SB 389 Sen. Marsden (37)	Pneumatic gun ordinance; allows locality to prohibit possession on school property, etc., exception.
SB 431 Sen. Stuart (28)	Financial exploitation of elderly or incapacitated adults; penalty.
SB 434 Sen. Puller (36)	Funeral or memorial service disruption; penalty.
<i>Fairfax County Positions</i>	
<i>(Oppose or Amend) : Pages 45-58</i>	
HB 9 Del. Cole (88)	Voting procedures; voter identification requirements, provisional ballots.
HB 97 Del. Wilt (26)	Motorcycles; driving two abreast in a single lane.
HB 166 Del. Cosgrove (78)	Zoning administrator; narrows instances in which administrator may modify certain orders.
HB 187 Del. Gilbert (15)	Police check-points; prohibits establishment of motorcycle only check-points.
HB 509 Del. Garrett (23)	Recordation tax; clarifies tax for deeds of trust is based on value of security interest.
HB 571 Del. Marshall, III (14)	Housing crisis; extends sunset date for several measures related to various land use approvals, etc.
HB 599 Del. LeMunyon (67)	Northern Virginia Transportation District; responsibilities of Transportation Board.
HB 601 Del. LeMunyon (67)	Washington Metropolitan Area Transit Authority; board membership.
HB 1248 Del. Lingamfelter (31)	Transportation; assignment of general fund revenue, report.
HB 1294 Del. Spruill, Sr. (77)	Churches, synagogues, etc.; localities shall not charge an assembly fee or any similar fee.
SB 1 Sen. Martin (11)	Voter procedures; voter shall be offered provisional ballot, etc.

Eminent Domain Bills

HB 5 Del. Bell (58)	Constitutional amendment; taking or damaging of private property for public use (voter referendum).
HB 975 Del. Bell (58)	Governmental utility corporation; acting as public service corporation or public service company.
HB 1035 Del. Joannou (79)	Eminent domain; definitions of lost access and lost profits, determining compensation.
HJ 3 Del. Bell (58)	Constitutional amendment; taking or damaging of private property for public use (second reference).
SB 240 Sen. Obenshain (26)	Constitutional amendment; taking or damaging of private property for public use (voter referendum).
SB 437 Sen. Obenshain (26)	Eminent domain; definitions of lost access and lost profits, determining compensation.
SB 653 Sen. Newman (23)	Condemnation; proceedings generally.
SJ 3 Sen. Obenshain (26)	Constitutional amendment; taking or damaging of private property for public use (second reference).

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

Pages 59-76

HB 34 Del. Albo (42)	Advertising; Commissioner of Highways may enter into agreements with local governing body regarding.
HB 58 Del. Cole (88)	Urban county executive form; filling vacancy on board of supervisors.
HB 135 Del. Kilgore (1)	Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership.
HB 183 Del. O'Bannon, III (73)	Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.
HB 270 Del. Peace (97)	Public guardianship and conservator program; VDA to adopt person-centered practice procedures.
HB 279 Del. Iaquinto (84)	DUI ignition interlock; required on first offense as a condition of a restricted license.
HB 842 Del. James (80)	Business license or land use authorization, local; conditions of issuance.
HB 860 Del. Rust (86)	Towing ordinances; localities in Northern Virginia to require companies to submit to inspection.
HB 878 Del. Sickles (43)	Motor vehicles, certain; raises amount localities may charge for an annual license tax upon owners.
HB 910 Del. Minchew (10)	Cash proffers; expands existing provisions that allow certain alternative uses.
HB 914 Del. Minchew (10)	Children at play signs; allows county or town governments to install.
HB 922 Del. Lingamfelter (31)	Real estate tax; exemption for disabled veterans.
HB 1059 Del. Anderson (51)	Zoning Appeals, Board of; jurisdictions imposing civil penalties for violations of ordinances, etc.

HB 1075 Del. Hugo (40)	Hospital discharge procedures; community services boards to provide information on certain services.
HB 1164 Del. Bulova (37)	Secondary and urban system highways; STO to conduct periodic examination of process.
HB 1295 Del. Byron (22)	State mandates; eliminating on local and regional government entities relating to education, etc.
SB 179 Sen. Stuart (28)	Bond administration; reimbursement of administrative costs.
SB 195 Sen. Marsden (37)	Towing ordinances; localities in Northern Virginia to require companies to submit to inspection.
SB 201 Sen. Marsden (37)	Hospital discharge procedures; community services boards to provide information on certain services.
SB 299 Sen. Howell (32)	Kinship foster care placements; Commissioner of Social Services may grant variance from requirement.
SB 308 Sen. Blevins (14)	Business license or land use authorization, local; conditions of issuance.
SB 364 Sen. Deeds (25)	Towing; allows police-requested towing to be initiated by employees authorized by local agency.
SB 396 Sen. Hanger, Jr. (24)	Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership.
SB 409 Sen. Hanger, Jr. (24)	Recordation tax; eliminates exemption for deeds of trust securing a refinanced obligation.
SB 540 Sen. Puller (36)	Real estate tax; exemption for disabled veterans.
SB 568 Sen. Ebbin (30)	Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.
SB 639 Sen. Wagner (7)	Transportation; contributions to toll road construction, etc., by localities, revenue-sharing funds.
SB 657 Sen. Puller (36)	Boarding or riding transportation district train with fraudulent ticket; penalty.
SB 676 Sen. Garrett (22)	Recycling survey; requires solid waste planning units and localities to submit report every 4 years.
SB 679 Sen. Newman (23)	State mandates; eliminating on local and regional government entities relating to education, etc.

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

Pages 77-102

HB 33 Del. Comstock (34)	Public procurement; state agency agreements with labor organizations.
HB 170 Del. Cosgrove (78)	Zoning administrator; decisions reviewed by governing body shall be appealable to circuit court.
HB 176 Del. Knight (81)	Nutrient credit; expansion of exchange program, procedures for certification, etc.
HB 255 Del. Stolle (83)	Warrants; those maintained by treasurers shall not disclose certain information.
HB 316 Del. Ingram (62)	Cemeteries; definition for purposes of zoning.

[HB 321](#)
Del. Massie, III (72)

[HB 326](#)
Del. Massie, III (72)

[HB 395](#)
Del. Ransone (99)

[HB 430](#)
Del. Bulova (37)

[HB 455](#)
Del. Ware, Jr. (65)

[HB 491](#)
Del. Dance (63)

[HB 526](#)
Del. Cosgrove (78)

[HB 567](#)
Del. Marshall, III (14)

[HB 625](#)
Del. LeMunyon (67)

[HB 865](#)
Del. Rust (86)

[HB 869](#)
Del. Rust (86)

[HB 1034](#)
Del. Landes (25)

[HB 1065](#)
Del. Sherwood (29)

[HB 1068](#)
Del. Hugo (40)

[HB 1073](#)
Del. Hugo (40)

[HB 1130](#)
Del. Howell (28)

[HB 1245](#)
Del. May (33)

[HB 1291](#)
Del. Gilbert (15)

[HB 1293](#)
Del. Spruill, Sr. (77)

[HB 1298](#)
Del. Albo (42)

[HJ 49](#)
Del. Gilbert (15)

[SB 36](#)
Sen. Black (13)

[SB 73](#)
Sen. Watkins (10)

Income tax, corporate; tax credits for donations to non-profit organizations, etc.

Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.

Line of Duty Act; expeditious payment for burial expense for person whose death is in line of duty.

Inter-local service delivery; expands scope of Regional Cooperation Incentive Fund to foster.

Wireless E-911 Fund; distribution of funds on monthly basis to public safety answering point.

Derelict and blighted buildings; authorizes locality to serve as receiver to repair.

Helicopters; local regulation of use.

Water and sewer authorities; may put lien on property for delinquent rates, etc., on real estate.

Transportation planning; proposed comprehensive plans in Northern Virginia.

Taxicabs; local regulation.

Urban development areas; makes designation optional rather than mandatory for all localities.

Interstate agreements and commissions, certain; withdrawal of State.

Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.

Real estate tax; commercial and industrial property in localities in Northern Virginia.

Residential rental properties; appeal of real property assessments, fair market value.

Virginia Retirement System; defined benefit retirement program established.

Metropolitan Washington Airports Authority; changes in composition.

Governor's reorganization of executive branch of state government.

Statewide Fire Prevention Code; local inspection fee in City of Chesapeake.

GPS tracking device; provides authority & protocol for law enforcement to apply for search warrant.

Governor's Executive Reorganization Plan; approval by each house of General Assembly.

Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.

Residential rental apartments; appeal of real property

[SB 77](#)
Sen. Watkins (10)

[SB 122](#)
Sen. Watkins (10)

[SB 131](#)
Sen. Stanley, Jr. (19)

[SB 227](#)
Sen. Herring (33)

[SB 231](#)
Sen. Herring (33)

[SB 237](#)
Sen. Colgan (29)

[SB 242](#)
Sen. Obenshain (26)

[SB 274](#)
Sen. Smith (22)

[SB 407](#)
Sen. Hanger, Jr. (24)

[SB 430](#)
Sen. Ruff (61)

[SB 495](#)
Sen. Watkins (10)

[SB 497](#)
Sen. Watkins (10)

[SB 498](#)
Sen. Watkins (10)

[SB 531](#)
Sen. Marsden (37)

[SB 678](#)
Sen. McDougale (4)

[SB 685](#)
Sen. Reeves (17)

[SJ 66](#)
Sen. McDougale (4)

Fairfax County Positions

* * *

Legislation No Longer Under Consideration Continued to 2013:

[HB 10](#)
Del. Cole (88)

[HB 73](#)
Del. Bell (20)

[HB 149](#)

assessments, fair market value.

Nutrient credit certification; regulations, Nutrient Trading Act is established, penalty.

Derelict and blighted buildings; authorizes locality to serve as receiver to repair.

Income tax, corporate; tax credits for donations to non-profit organizations, etc.

Stormwater service district; allocation of revenues.

Taxicabs; local regulation.

Metropolitan Washington Airports Authority; changes in composition.

Public procurement; state agency agreements with labor organizations.

Urban development areas; makes designation optional rather than mandatory for all localities.

Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.

Cemeteries; definition for purposes of zoning.

Wireless E-911 Fund; distribution of funds on monthly basis to public safety answering point.

Virginia Retirement System; local government and school board employees, contributions.

Virginia Retirement System; hybrid retirement program created.

Northern Virginia Transportation District; responsibilities of Transportation Board.

Governor's reorganization of executive branch of state government.

GPS tracking device; provides authority & protocol for law enforcement to apply for search warrant.

Governor's Executive Reorganization Plan; approval by each house of General Assembly.

BPOL tax; maximum fee and tax rates established by a locality.

VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Income tax, corporate; lower rate for certain businesses.

Del. Ransone (99)	
HB 230	Alcoholic beverage control; suspension of license for local tax delinquency.
Del. Cosgrove (78)	
HB 426	Planning districts; requires preparation of regional strategic plans for guidance of district.
Del. Bulova (37)	
HB 459	Pawnbrokers and precious metals dealers; photograph required of person pawning, selling, etc.
Del. BaCote (95)	
HB 483	Real property tax; concerning validity of valuation of property, etc.
Del. Iaquinto (84)	
HB 799	Wetlands and streams; water protection permits, conditions for contribution to Board-approved fund.
Del. Scott (30)	
HB 814	Virginia Public Health Foundation; established, report.
Del. Orrock, Sr. (54)	
HB 864	Transportation Board; changes composition, Governor shall appoint or remove members, etc.
Del. Rust (86)	
HB 866	Fairfax County School Board; staggered elections.
Del. Rust (86)	
HB 1078	Deferred Retirement Option Program; Fairfax County to exclude elected officials from participating.
Del. Hugo (40)	
HB 1079	Cigarette tax; prohibits locality from restricting owner from transferring stamped cigarettes.
Del. Hugo (40)	
HB 1081	Cigarettes; repeals statute authorizing localities in administering and enforcing local taxes.
Del. Hugo (40)	
HB 1132	Primary elections; allows write-in votes, etc.
Del. Cole (88)	
SB 6	VIEW; substance abuse screening and assessment of public assistance applicants and recipients.
Sen. Martin (11)	
SB 61	Income tax, corporate; lower rate for certain businesses.
Sen. Stanley, Jr. (19)	
SB 108	Power of attorney; embezzlement by agent, penalty.
Sen. Edwards (21)	
SB 129	State mandates on localities; Governor to temporarily suspend certain unfunded.
Sen. Stanley, Jr. (19)	
SB 161	Transportation Board; increases number of membership.
Sen. Petersen (34)	
SB 196	Fairfax County Parkway; requires CTB to transfer to state primary highway system.
Sen. Marsden (37)	
SB 207	Elections; extension of polling hours.
Sen. Barker (39)	
SB 324	Limitation on Administrative Actions Relating to Firearms Act; established.
Sen. Carrico, Sr. (40)	
SB 392	Transportation Board; increases number of membership.
Sen. Marsden (37)	
SB 410	Wetlands and streams; water protection permits, conditions for contribution to Board-approved fund.
Sen. Hanger, Jr. (24)	
SB 494	Wastewater treatment facilities; Virginia Public Building Authority to issue an additional bond.
Sen. Watkins (10)	

[SB 553](#) School divisions, local; may use unexpended state funds to provide
Sen. Favola (31) one-time bonus to teachers.

Fairfax County Positions

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***Legislation No Longer Under
Consideration***

Pages 115-146

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

[HB 2](#) Dulles Corridor Metrorail Project; prohibits use of state funds for
Del. Marshall (13) Phase II of Project, etc.

[HB 24](#) BPOL tax; certain localities required to assess on Virginia taxable
Del. Cole (88) income.

[HB 46](#) Food inspections; exempts private homes that process and prepare
Del. Habeeb (8) pickles, relishes, and salsas.

[HB 53](#) Tangible personal property; tax relief for qualifying vehicles.
Del. Albo (42)

[HB 92](#) Urban development areas; incorporation of areas optional rather than
Del. Marshall (13) mandatory, etc.

[HB 117](#) Taxes, local; interest on refunds and delinquent taxes.
Del. Wilt (26)

[HB 125](#) Uniform Power of Attorney Act; liability of agent, penalty.
Del. Kilgore (1)

[HB 142](#) Smoking; allows localities to ban in designated public parks.
Del. Englin (45)

[HB 201](#) Real estate tax; exemption for elderly and disabled.
Del. Ward (92)

[HB 221](#) VIEW; substance abuse screening and assessment of public assistance
Del. Head (17) applicants and recipients.

[HB 249](#) VIEW; substance abuse screening and assessment of public assistance
Del. Cline (24) applicants and recipients.

[HB 290](#) Taxes, local; authorizes localities not to pay interest on refund when
Del. Sherwood (29) error made by taxpayer.

[HB 383](#) Zoning ordinances; attorney fees.
Del. Pogge (96)

[HB 405](#) Planning commissions; appointments.
Del. Torian (52)

[HB 420](#) Eligibility for TANF; drug-related felonies.
Del. Watts (39)

[HB 421](#) Standards of Quality; apportionment of state and local share.
Del. Watts (39)

[HB 461](#) Taxes, local; rate of interest capped at five percent annually, penalties.
Del. Byron (22)

[HB 468](#) Public school funding; Department of Education to adjust local
Del. Albo (42) composite index (LCI) calculation.

[HB 512](#) Intangible personal property tax; classification of certain machinery
Del. Purkey (82) and tools.

HB 547 Del. Comstock (34)	School divisions, local; may use unexpended state funds to provide one-time bonus to teachers.
HB 569 Del. Marshall, III (14)	Elections; identification to register to vote and to vote at polls.
HB 597 Del. Crockett-Stark (6)	Eminent domain; definitions of lost profits and access.
HB 598 Del. Crockett-Stark (6)	VIEW; screening and assessment of public assistance recipients for use of illegal substances.
HB 600 Del. LeMunyon (67)	Transportation Board; changes composition.
HB 613 Del. LeMunyon (67)	Public employment; prohibits discrimination.
HB 614 Del. LeMunyon (67)	Comprehensive plan; controls future land use decisions of governing body.
HB 616 Del. LeMunyon (67)	Advertising within the limits of the highway; penalty.
HB 627 Del. LeMunyon (67)	Dulles Corridor Metrorail Project; use of state funds.
HB 659 Del. Surovell (44)	Transportation Board; increases number of members.
HB 667 Del. Surovell (44)	Political contributions; prohibitions during procurement process.
HB 678 Del. Surovell (44)	Virginia Consumer Protection Act; local towing ordinances.
HB 706 Del. Filler-Corn (41)	Pedestrians; requires vehicle drivers to stop at marked crosswalks, etc.
HB 723 Del. Yancey (94)	Transportation; funding and administration in various construction districts.
HB 740 Del. Jones (76)	Line of Duty Act; political subdivisions to make an irrevocable election to self-fund benefits.
HB 784 Del. Lopez (49)	Exercise due care; requires drivers to avoid colliding with pedestrian.
HB 786 Del. Lopez (49)	Elections; absentee voting.
HB 794 Del. Rush (7)	Urban development areas; incorporation of areas optional rather than mandatory, etc.
HB 827 Del. Marshall (13)	Transportation districts; repeals allocation of funds.
HB 828 Del. Marshall (13)	Elections; voter integrity and identification provisions.
HB 863 Del. Rust (86)	Zoning; civil penalties constitute liens on real property.
HB 868 Del. Rust (86)	Plug-in electric-drive vehicles; may park free of charge in certain parking spaces when recharging.
HB 873 Del. Rust (86)	Direct Aid to Public Education; amends by lowering maximum Composite Index rate.
HB 874 Del. Rust (86)	Handheld personal communications devices; penalty if text messaging and emailing while driving.

HB 895 Del. Albo (42)	Voter registration; requires proof of U.S. citizenship, residence, and photo ID to register.
HB 903 Del. Minchew (10)	Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.
HB 909 Del. Minchew (10)	Highway maintenance and construction; allocation of funds.
HB 913 Del. Minchew (10)	Solid waste management plan, regional or local; making such plans optional.
HB 942 Del. Lingamfelter (31)	Alternative onsite sewage system; locality can not require owner to enter in performance agreement.
HB 951 Del. Bell (58)	DUI ignition interlock; required on first offense as a condition of a restricted license.
HB 957 Del. Bell (58)	Zero tolerance; shall continue for two years following restoration of driving privileges for DUI.
HB 958 Del. Bell (58)	Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.
HB 976 Del. Scott (53)	Temporary Assistance for Needy Families; DSS to annually review amount of payment made to recipient.
HB 977 Del. Scott (53)	Virginia Human Rights Act; prohibits discrimination employment based on sexual orientation.
HB 985 Del. Scott (53)	Pawnbrokers and precious metals dealers; photograph required of person pawning, selling, etc.
HB 1046 Del. Keam (35)	Real property tax; exemption for elderly and disabled.
HB 1053 Del. Anderson (51)	Handheld personal communications devices; penalty if text messaging and emailing while driving.
HB 1060 Del. Anderson (51)	Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.
HB 1071 Del. Hugo (40)	Alternative onsite sewage system; owner exempt from requirements for operation and maintenance.
HB 1082 Del. Hugo (40)	Recordation tax; eliminates exemption for certain deeds of trust securing a refinanced obligation.
HB 1084 Del. Hugo (40)	Voter identification requirements; provisional ballot to be offered if voter has no photo ID.
HB 1114 Del. Morris (64)	Sport shooting ranges, certain; applicability of local ordinances.
HB 1122 Del. Morrissey (74)	Derelict and blighted buildings; authorizes locality to serve as receiver to repair.
HB 1129 Del. Howell (28)	Virginia Retirement System; modifies several provisions of defined benefit retirement plan.
HB 1131 Del. Cole (88)	Elections; municipalities will pay expenses associated with May elections after June 30, 2009, etc.
HB 1157 Del. Merricks (16)	Local governments; equalizes city and county taxing authority.
HB 1196 Del. Cole (88)	Zoning provisions; private schools and child day centers operated by religious institutions.

HJ 115 Del. Surovell (44)	United States Constitution; General Assembly of Va. to ratify and affirm Equal Rights Amendment.
SB 3 Sen. Black (13)	Dulles Corridor Metrorail Project; prohibits use of state funds for Phase II of Project, etc.
SB 19 Sen. Stuart (28)	Cash proffers; changes sunset date on provisions that state collection or acceptance by locality.
SB 48 Sen. Watkins (10)	Residential rental properties; establishes criteria by which an assessor determines market value.
SB 56 Sen. Obenshain (26)	Elections; party identification on ballots in local elections.
SB 83 Sen. McWaters (8)	VIEW; screening and assessment of public assistance recipients for use of illegal substances.
SB 102 Sen. Edwards (21)	Water and waste authorities; liens.
SB 107 Sen. Edwards (21)	Freedom of Information Act; criminal investigative records.
SB 125 Sen. Watkins (10)	Line of Duty Act; political subdivision, etc., irrevocable election to self-fund benefits.
SB 174 Sen. Stuart (28)	Stormwater program assistance; DCR to provide technical and staff assistance in managing.
SB 188 Sen. Miller (1)	Absentee voting; application for absentee ballots by electronic mail or other electronic means.
SB 208 Sen. Barker (39)	Driver's license; changes period of administrative suspension for a DUI from seven to 60 days.
SB 210 Sen. Barker (39)	Driver's license holders, provisional; makes cell phone use while driving a primary offense.
SB 219 Sen. Barker (39)	Handheld personal communications devices; penalty if text messaging and emailing while driving.
SB 229 Sen. Herring (33)	Zoning; civil penalties constitute liens on real property.
SB 233 Sen. Herring (33)	Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.
SB 263 Sen. Ebbin (30)	Public employment; prohibits discrimination based on sexual orientation, race, etc.
SB 291 Sen. Lucas (18)	Urban development areas; makes incorporation optional rather than mandatory for all localities.
SB 318 Sen. Carrico, Sr. (40)	VIEW; screening and assessment of public assistance recipients for use of illegal substances.
SB 401 Sen. Hanger, Jr. (24)	Taxes, local; interest on refunds and delinquent taxes.
SB 442 Sen. Obenshain (26)	Onsite sewage systems; design and inspection.
SB 509 Sen. Wagner (7)	State Water Control Board; powers and duties.
SB 549 Sen. Wagner (7)	Machinery and Tools Investment Grant Program; created.
SB 552	Eligibility for TANF; drug-related felonies.

Sen. Favola (31)

[SJ 67](#)

Sen. McDougle (4)

[SJ 117](#)

Sen. Deeds (25)

[SJ 130](#)

Sen. Barker (39)

Constitutional amendment; taking or damaging of private property for public use (second reference).

Constitutional amendment; taking or damaging of private property for public use (second reference).

United States Constitution; General Assembly of Va. to ratify and affirm Equal Rights Amendment.

Fairfax County Initiatives

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 615 - LeMunyon (67) Zoning; clarifies that localities may approve by special exception all modifications to property.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends striking from docket by voice vote at request of patron/County 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>12/6/2011</p>
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Initiate (12101276D)
Summary: Zoning; special exceptions. Clarifies that localities may approve by special exception all modifications to property that may currently also be granted by variance.

<p>HB 707 - Filler-Corn (41) Funeral protests; penalty.</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 2/10/2012 House: Continued to 2013 in Courts of Justice by voice vote</p>	<p>12/6/2011</p>
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Initiate (12103838D) - See also SB 434 (Puller).
Summary: Makes it unlawful for a person to disrupt a funeral or memorial service during the 60 minutes immediately preceding through the time immediately following such service with the intent to disrupt the service. A violation of this provision is a Class 2 misdemeanor for the first offense and a Class 1 misdemeanor for a subsequent offense.

<p>HB 987 - Loupassi (68) Financial exploitation of incapacitated adults; penalties. (includes HB 409 - Watts (39) Financial exploitation of elderly or incapacitated adults; penalty.)</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 1/25/2012 House: Subcommittee recommends reporting with amendment(s) and referring to Appropriations (7-Y 0-N) 2/3/2012 House: Reported from Courts of Justice with substitute (18-Y 0-N) 2/3/2012 House: Referred to Committee on Appropriations 2/10/2012 House: Subcommittee recommends laying on the table by voice vote 2/20/2012 House: Left in Appropriations</p>	
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Support. County initiative HB 409 (Watts) has been incorporated into HB 987.
Summary: Financial exploitation of elderly or incapacitated adults; penalty. Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or incapacitated adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 389 - Marsden (37) Pneumatic gun ordinance; allows locality to prohibit possession on school property, etc., exception.</p>	<p>1/11/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Reported from Local Government with amendment (13-Y 2-N) 2/13/2012 Senate: Passed Senate (26-Y 14-N) 2/15/2012 House: Referred to Committee on Militia, Police and Public Safety 2/24/2012 House: Subcommittee recommends laying on the table by voice vote 2/24/2012 House: Tabled in Militia, Police and Public Safety by voice vote</p>	<p>12/6/2011</p>
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Initiate (12101272D)
Summary: Allows localities to enact an ordinance to prohibit the possession of pneumatic guns on school property, at school functions held on public property, and on school buses. The bill further provides that an ordinance may not prohibit possession or use of a pneumatic gun by law-enforcement officers or as part of the school's curriculum or activities.

<p>SB 431 - Stuart (28) Financial exploitation of elderly or incapacitated adults; penalty. (includes SB 222 - Herring (33) Financial exploitation of elderly or incapacitated adults; penalty.)</p>	<p>1/11/2012 Senate: Referred to Committee for Courts of Justice 2/1/2012 Senate: Reported from Courts of Justice with substitute (8-Y 5-N 1-A) 2/1/2012 Senate: Rereferred to Finance 2/7/2012 Senate: Reported from Finance (15-Y 0-N) 2/10/2012 Senate: Passed Senate (39-Y 0-N 1-A) 2/17/2012 House: Referred to Committee for Courts of Justice 2/27/2012 House: Reported from Courts of Justice with substitute (17-Y 0-N) 2/27/2012 House: Referred to Committee on Appropriations 2/29/2012 House: Subcommittee recommends laying on the table by voice vote</p>	
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Support. County initiative SB 222 (Herring) has been incorporated into SB 431.
Summary: Provides that it is a felony punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult's money, assets, property or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person in a position of trust it is a Class 3 felony. The bill allows forfeiture of personal property used in connection with the crime. This bill incorporates SB 222, SB 285 and SB 443.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 434 - Puller (36) Funeral protests; penalty.</p>	<p>1/11/2012 Senate: Referred to Committee for Courts of Justice 2/8/2012 Senate: Reported from Courts of Justice with substitute (15-Y 0-N) 2/13/2012 Senate: Passed Senate (40-Y 0-N) 2/15/2012 House: Referred to Committee on Militia, Police and Public Safety 2/17/2012 House: Referred to Committee for Courts of Justice 2/27/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/27/2012 House: Continued to 2013 in Courts of Justice by voice vote</p>	<p>12/6/2011</p>
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Initiate (12101277D) - See also HB 707 (Filler-Corn).
Summary: Makes it unlawful for a person to disrupt a funeral or memorial service during the 60 minutes immediately preceding through the time immediately following such service with the intent to disrupt the service. A violation of this provision is a Class 2 misdemeanor for the first offense and a Class 1 misdemeanor for a subsequent offense.

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

Fairfax County Positions
(Oppose or Amend)

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 9 - Cole (88) Voting procedures; voter identification requirements, provisional ballots.</p>	<p>12/1/2011 House: Referred to Committee on Privileges and Elections 1/27/2012 House: Reported from Privileges and Elections with substitute (16-Y 6-N) 2/1/2012 House: VOTE: PASSAGE (69-Y 30-N) 2/2/2012 Senate: Referred to Committee on Privileges and Elections 2/21/2012 Senate: Reported from Privileges and Elections with substitute (8-Y 7-N) 2/27/2012 Senate: Passed Senate with substitute (20-Y 20-N, Lt. Gov. votes Y) 2/29/2012 House: Senate substitute rejected by House (0-Y 97-N) 3/6/2012 Conferees appointed by House (Dels. Cole, Cosgrove, Joannou) and Senate (Martin, Obenshain, McWaters) 3/8/2012 House: Conference report agreed to by House (65-Y 32-N) 3/9/2012 Senate: Conference report agreed to by Senate (20-Y 20-N, Lt. Gov. votes Y) 3/10/2012 House: Enrolled</p>	<p>2/28/2012</p>
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Oppose (12100452D)

Summary: Voter identification requirements; provisional ballots. Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification. The bill allows the voter without identification to vote an official ballot if he is recognized and acknowledged by an officer of election. Otherwise a voter without identification will be offered a provisional ballot and be told that he may submit a copy of one of the required forms of identification to the electoral board in person or by facsimile, electronic mail, or other means. The bill expands the list of acceptable forms of identification to include a valid student identification card issued by a Virginia four-year institution of higher education and certain other documents that show his name and address. Any voter whose name is marked on the pollbook as having already voted will be allowed to vote only by a provisional ballot. The bill is identical to Senate Bill 1.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 97 - Wilt (26) Motorcycles; driving two abreast in a single lane.</p>	<p>12/28/2011 House: Referred to Committee on Transportation 1/18/2012 House: Subcommittee recommends reporting (5-Y 2-N) 1/24/12 House: Reported from Transportation (15-Y 6-N) 1/30/2012 House: VOTE: PASSAGE (80-Y 19-N) 1/31/2012 Senate: Referred to Committee on Transportation 2/8/2012 Senate: Reported from Transportation with amendment (9-Y 4-N 2-A) 2/13/12 Senate: Passed Senate w/amendment (38-Y 2-N) 2/15/2012 House: Senate amendment agreed to by House (87-Y 10-N) 2/16/2012 House: Enrolled 2/16/2012 House: Signed by Speaker 2/16/2012 Senate: Signed by President 2/28/2012 Governor: Approved by Governor</p>	<p>1/24/2012</p>
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Oppose (12101465D) - Board has historically opposed.
Summary: Allows two-wheeled motorcycles to drive two abreast in a single lane.

<p>HB 166 - Cosgrove (78) Zoning administrator; narrows instances in which administrator may modify certain orders.</p>	<p>1/9/2012 House: Referred to Committee on Counties, Cities and Towns 1/20/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 1/25/2012 House: VOTE: PASSAGE (97-Y 1-N) 1/26/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government (13-Y 1-N) 2/24/2012 Senate: Passed Senate (36-Y 2-N) 3/1/2012 House: Enrolled 3/1/2012 House: Signed by Speaker 3/3/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Oppose (12101354D)
Summary: Narrows the instances in which a zoning administrator may modify certain previously issued written orders outside a 60-day time period by deleting the phrase “or other nondiscretionary” from the provision that currently excludes “clerical or other nondiscretionary errors” from the 60-day limitation.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 187 - Gilbert (15) Police check-points; prohibits establishment of motorcycle only check-points.</p>	<p>1/9/2012 House: Referred to Committee on Transportation 1/26/12 House: Reported from Transportation (20-Y 1-N) 1/31/2012 House: VOTE: PASSAGE #2 (85-Y 10-N) 2/1/2012 Senate: Referred to Committee on Transportation 2/8/2012 Senate: Reported from Transportation (15-Y 0-N) 2/13/2012 Senate: Passed Senate (40-Y 0-N) 2/15/2012 House: Enrolled 2/15/2012 House: Signed by Speaker 2/16/2012 Senate: Signed by President 2/28/2012 Governor: Approved by Governor</p>	<p>1/24/2012</p>
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Oppose (12103168D)
Summary: Police check-points. Prohibits the establishment of "motorcycle only" police check-points.

<p>HB 509 - Garrett (23) Recordation tax; clarifies tax for deeds of trust is based on value of security interest.</p>	<p>1/10/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends reporting (9-Y 1-N) 1/30/2012 House: Reported from Finance (17-Y 4-N) 2/2/2012 House: VOTE: PASSAGE (87-Y 13-N) 2/3/2012 Senate: Referred to Committee on Finance 2/22/2012 Senate: Reported from Finance with amendment (7-Y 4-N 2-A) 2/24/2012 Senate: Passed Senate with amendment (24-Y 14-N) 2/29/2012 House: Senate amendment agreed to by House (85-Y 12-N) 3/6/2012 House: Enrolled 3/6/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Oppose (12102464D) - Circuit Court Clerk has indicated this overrules previous legal opinions on this statute.
Summary: Recordation tax. Clarifies that the recordation tax for deeds of trust is based on the value of the security interest created by the deed of trust, not just on the amount of the obligations described in the deed of trust. Therefore, the amount subject to tax does not include any amount that is unsecured because the value of the property conveyed by the deed of trust is inadequate to secure the full amount of obligations described in the deed of trust.

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 571 - Marshall, III (14) Housing crisis; extends sunset date for several measures related to various land use approvals, etc.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/10/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 2/14/2012 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/15/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (15-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/7/2012 House: Enrolled 3/7/2012 House: Signed by Speaker</p>	<p>2/28/2012</p>
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Oppose (12100871D) - Board has historically opposed.
Summary: Extension of measures to address housing crisis. The sunset date for several measures related to various land use approvals, the timing of cash proffer payments, and bonding requirements is extended from July 1, 2014, to July 1, 2017. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2011.

<p>HB 599 - LeMunyon (67) Northern Virginia Transportation District; responsibilities of Transportation Board.</p>	<p>1/10/2012 House: Referred to Committee on Transportation 2/2/2012 House: Subcommittee recommends reporting with amendment(s) (3-Y 2-N) 2/7/2012 House: Reported from Transportation with substitute (12-Y 8-N) 2/14/2012 House: VOTE: PASSAGE (64-Y 36-N) 2/15/12 Senate: Referred to Committee on Transportation 2/22/2012 Senate: Reported from Transportation with substitute (13-Y 0-N) 2/27/12 Senate: Passed Senate with substitute (40-Y 0-N) 2/29/2012 House: Senate substitute rejected by House (5-Y 89-N) 3/6/2012 Conferees appointed by House (Dels. LeMunyon, May, Filler-Corn) and Senate (Sens. McWaters, Smith, Marsden) 3/8/12 Conference report agreed to by House (62-Y 36-N) 3/9/2012 Senate: Conference report agreed to by Senate (37-Y 2-N) 3/10/2012 House: Enrolled</p>	<p>1/24/2012</p>
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Oppose (12103136D)
Summary: Establishes responsibilities for various entities for long-range transportation planning for the Northern Virginia Transportation District.

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

Bills	General Assembly Actions	Date of BOS Position
<p>HB 601 - LeMunyon (67) Washington Metropolitan Area Transit Authority; board membership.</p>	<p>1/10/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends reporting (4-Y 1-N) 1/31/12 House: Reported from Transportation (16-Y 6-N) 2/6/2012 House: VOTE: PASSAGE (71-Y 26-N) 2/7/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Rereferred to Transportation 2/22/2012 Senate: Reported from Transportation (9-Y 4-N) 2/28/2012 Senate: Passed Senate with amendments (39-Y 1-N) 3/1/2012 House: Senate amendments agreed to by House (98-Y 0-N) 3/7/2012 House: Enrolled 3/7/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
<p>Oppose (12101929D) Summary: Provides that in appointing Virginia members of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA Board of Directors. Other requirements for appointment and removal from the board are also specified.</p>		

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

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1248 - Lingamfelter (31) Transportation; assignment of general fund revenue, report.</p>	<p>1/20/2012 House: Referred to Committee on Appropriations 2/10/2012 House: Reported from Appropriations with substitute (15-Y 6-N) 2/14/2012 House: VOTE: PASSAGE (63-Y 35-N) 2/15/12 Senate: Referred to Committee on Transportation 2/22/2012 Senate: Rereferred to Finance 2/28/2012 Senate: Reported from Finance with substitute (11-Y 3-N) 2/29/12 Senate: Passed Senate with substitute (26-Y 14-N) 2/29/2012 House: Senate substitute rejected by House (22-Y 70-N) 2/29/2012 House: Conferees appointed by House (Lingamfelter, Jones, Dance) and Senate (Wagner, Watkins, Puckett) 3/10/2012 House: Conference report agreed to by House (59-Y 34-N) 3/10/2012 03/10/12 Senate: Conference report agreed to by Senate (20-Y 20-N, Lt. Gov. votes Y)</p>	<p>2/28/2012</p>
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Oppose (12101930D) - Oppose as written. Governor's omnibus transportation bill. See also SB 639 (Wagner).
Summary: Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth. This bill is identical to SB 639.

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 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1294 - Spruill, Sr. (77) Churches, synagogues, etc.; localities shall not charge an assembly fee or any similar fee.</p>	<p>1/24/2012 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 2/3/2012 House: Reported from Counties, Cities and Towns with amendments (22-Y 0-N) 2/8/2012 House: VOTE: PASSAGE (98-Y 0-N) 2/9/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government with substitute (15-Y 0-N) 3/8/2012 Senate: Passed Senate with substitute with amendments (40-Y 0-N) 3/8/2012 House: Senate substitute rejected by House (0-Y 95-N) 3/9/2012 House: Conference report agreed to by House (90-Y 0-N) 3/10/2012 Senate: Conference report agreed to by Senate (40-Y 0-N)</p>	<p>2/28/2012</p>
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Oppose (12104496D) - Amendments replace "religious institution" with "church, synagogue, or other place of worship."
Summary: Prohibition of certain local fees. Provides that localities shall not charge an assembly fee, or any similar fee to any church, synagogue, or other place of worship.

<p>SB 1 - Martin (11) Voter procedures; voter shall be offered provisional ballot, etc.</p>	<p>12/1/2011 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Reported from Privileges and Elections with substitute (8-Y 7-N) 2/6/2012 Senate: Passed Senate (20-Y 20-N; Lt. Gov. votes Y) 2/13/2012 House: Referred to Committee on Privileges and Elections 2/24/2012 House: Reported from Privileges and Elections with substitute (15-Y 5-N) 3/8/2012 House: Passed House (66-Y 31-N) 3/9/2012 Senate: Enrolled</p>	<p>2/28/2012</p>
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Oppose (12100190D)
Summary: Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification. The bill allows the voter without identification to vote an official ballot if he is recognized and acknowledged by an officer of election. Otherwise a voter without identification will be offered a provisional ballot and be told that he may submit a copy of one of the required forms of identification to the electoral board in person or by facsimile, electronic mail, or other means.

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Bills	General Assembly Actions	Date of BOS Position
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The bill expands the list of acceptable forms of identification to include a valid student identification card issued by a Virginia four-year institution of higher education and certain other documents that show his name and address. Any voter whose name is marked on the pollbook as having already voted will be allowed to vote only by a provisional ballot. The bill incorporates SB 55. The bill is identical to House Bill 9.

Eminent Domain

<p>HB 5 - Bell (58) Constitutional amendment; taking or damaging of private property for public use (voter referendum).</p>	<p>11/22/2011 House: Referred to Committee on Privileges and Elections 2/10/2012 House: Reported from Privileges and Elections with amendments (22-Y 0-N) 2/14/2012 House: VOTE: PASSAGE (83-Y 14-N) 2/15/2012 Senate: Referred to Committee on Privileges and Elections 2/21/2012 Senate: Reported from Privileges and Elections (13-Y 2-N) 2/24/2012 Senate: Passed Senate (22-Y 16-N) 3/1/2012 House: Enrolled 3/1/2012 House: Signed by Speaker 3/3/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Oppose (12100100D) - See also SB 240 (Obenshain).
Summary: Provides for a referendum at the November 6, 2012, election to approve or reject an amendment that revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged without just compensation. The bill is identical to SB 240.

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 975 - Bell (58) Governmental utility corporation; acting as public service corporation or public service company.</p>	<p>1/11/2012 House: Referred to Committee on Commerce and Labor 1/19/2012 House: Referred to Committee for Courts of Justice 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (6-Y 2-N) 2/10/2012 House: Reported from Courts of Justice with substitute (15-Y 0-N) 2/14/2012 House: VOTE: PASSAGE (100-Y 0-N) 2/15/2012 Senate: Referred to Committee for Courts of Justice 3/2/2012 Senate: Reported from Courts of Justice with substitute (13-Y 0-N) 03/06/12 Senate: Passed Senate with substitute (40-Y 0-N) 3/8/2012 House: Senate substitute agreed to by House (98-Y 0-N) 3/10/2012 House: Enrolled</p>	<p>1/24/2012</p>
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Oppose (12103428D) - Related to the eminent domain constitutional amendment.
Summary: Clarifies that a government utility corporation (a county or municipality, or entity or agency thereof, that provides or operates specified authorized utility services) shall be considered to be acting as a public service corporation or public service company with regard to the provision of such authorized utility services for the purposes of any taking of private property by eminent domain in accordance with the Constitution of Virginia.

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1035 - Joannou (79) Eminent domain; definitions of lost access and lost profits, determining compensation.</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (5-Y 2-N) 2/3/2012 House: Reported from Courts of Justice with substitute (13-Y 4-N) 2/3/2012 House: Referred to Committee on Appropriations 2/10/2012 House: Reported from Appropriations with substitute (17-Y 4-N) 2/14/2012 House: VOTE: PASSAGE (77-Y 22-N) 2/15/2012 Senate: Referred to Committee for Courts of Justice 2/22/2012 Senate: Reported from Courts of Justice with amendments (9-Y 6-N) 2/27/12 Senate: Passed Senate with amendments (24-Y 16-N) 2/29/12 House: Senate amendments agreed to by House (77-Y 19-N) 3/6/2012 House: Enrolled 3/6/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Oppose (12103657D) - See also SB 437 (Obenshain). Related to the eminent domain constitutional amendment.
Summary: Eminent domain; lost profits and access. Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election. This bill incorporates HB 597.

<p>HJ 3 - Bell (58) Constitutional amendment; taking or damaging of private property for public use (second reference).</p>	<p>11/22/2011 House: Referred to Committee on Privileges and Elections 2/10/2012 House: Reported from Privileges and Elections (19-Y 3-N) 2/13/2012 House: VOTE: ADOPTION (80-Y 18-N) 2/14/2012 Senate: Referred to Committee on Privileges and Elections 2/21/2012 Senate: Reported from Privileges and Elections (13-Y 2-N) 2/27/2012 Senate: Agreed to by Senate (24-Y 16-N)</p>	<p>1/24/2012</p>
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Oppose (12100099D) - Board has historically opposed. See also SJ 3 (Obenshain) and SJ 67 (McDougle).
Summary: Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service

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Bills	General Assembly Actions	Date of BOS Position
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corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

<p>SB 240 - Obenshain (26) Constitutional amendment; taking or damaging of private property for public use (voter referendum).</p>	<p>1/10/2012 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Reported from Privileges and Elections with amendment (13-Y 2-N) 2/14/2012 Senate: Passed Senate (24-Y 16-N) 2/16/2012 House: Referred to Committee on Privileges and Elections 2/27/2012 House: Subcommittee recommends reporting (6-Y 0-N) 3/2/2012 House: Reported from Privileges and Elections (20-Y 2-N) 3/6/2012 House: Passed House (77-Y 22-N) 3/8/2012 Senate: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Oppose (12103236D) - See also HB 5 (Bell).
Summary: Provides for a referendum at the November 6, 2012, election to approve or reject an amendment eliminating the General Assembly's authority to define a public use for which private property may be taken or damaged and (i) requiring that eminent domain be exercised for public uses and not for the primary purpose of private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) defining what is to be included in determining just compensation for permissible takings; and (iii) prohibiting the taking of more private property than is necessary for the stated public use. The bill is identical to HB 5.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 437 - Obenshain (26) Eminent domain; definitions of lost profits and lost access.</p>	<p>1/11/2012 Senate: Referred to Committee for Courts of Justice 2/8/2012 Senate: Reported from Courts of Justice with substitute (8-Y 7-N) 2/13/2012 Senate: Motion to rerefer to committee rejected (20-Y 20-N, Lt. Gov. votes N) 2/14/2012 Senate: Passed Senate (23-Y 17-N) 2/16/2012 House: Referred to Committee for Courts of Justice 3/2/2012 House: Reported from Courts of Justice with amendments (15-Y 3-N) 3/7/2012 House: VOTE: PASSAGE (82-Y 16-N) 3/8/2012 Senate: House amendments agreed to by Senate (27-Y 12-N) 3/9/2012 Senate: Enrolled</p>	<p>1/24/2012</p>
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Oppose (12103656D) - See also HB 597 (Crockett-Stark) and HB 1035 (Joannou). Related to eminent domain constitutional amendment.
Summary: Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.

<p>SB 653 - Newman (23) Condemnation; proceedings generally.</p>	<p>1/20/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/13/2012 Senate: Passed Senate (39-Y 0-N) 2/17/2012 House: Referred to Committee on Counties, Cities and Towns 2/24/2012 House: Reported from Counties, Cities and Towns (20-Y 0-N) 2/28/12 House: Passed House (97-Y 0-N) 3/2/2012 Senate: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Oppose (12104501D) - Related to the eminent domain constitutional amendment.
Summary: Provides that lands may be condemned for certain specified uses, including the installation of electric utility lines or telephone lines, because those uses are inherently public uses when undertaken by a locality.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SJ 3 - Obenshain (26) Constitutional amendment; taking or damaging of private property for public use (second reference).</p>	<p>11/21/2011 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Reported from Privileges and Elections with substitute (13-Y 2-N) 2/13/2012 Senate: Agreed to by Senate (23-Y 17-N) 2/15/2012 House: Referred to Committee on Privileges and Elections 2/27/2012 House: Subcommittee recommends reporting (6-Y 0-N) 3/2/2012 House: Reported from Privileges and Elections (20-Y 2-N) 3/6/2012 House: Agreed to by House (83-Y 17-N)</p>	<p>1/24/2012</p>
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Oppose (12100006D) - Board has historically opposed. See also HJ 3 (Bell) and SJ 67 (McDougle).
Summary: Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. The Resolution incorporates SJR 67 and SJR 117.

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Fairfax County Positions
(Support)

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 34 - Albo (42) Advertising; Commissioner of Highways may enter into agreements with local governing body regarding.</p>	<p>12/12/2011 House: Referred to Committee on Transportation 1/19/12 House: Reported from Transportation (22-Y 0-N) 1/24/2012 Passed House (100-Y 0-N) 1/25/2012 Senate: Referred to Committee on Transportation 2/22/2012 Senate: Reported from Transportation with substitute (10-Y 2-N) 2/27/12 Senate: Passed Senate with substitute (40-Y 0-N) 2/29/2012 House: Senate substitute agreed to by House (95-Y 2-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12100383D)

Summary: Allows the Commissioner of Highways to enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner regarding unlawful advertising on highways and collection of penalties and costs. The bill also amends the law regarding such agreements with Fairfax County to provide that signs providing directions to "special events" posted on weekends shall not be subject to such agreements.

<p>HB 58 - Cole (88) Urban county executive form; filling vacancy on board of supervisors.</p>	<p>12/19/2011 House: Referred to Committee on Counties, Cities and Towns 1/20/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 1/25/2012 House: Passed House (98-Y 0-N) 1/26/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government (15-Y 0-N) 2/24/2012 Senate: Passed Senate (38-Y 0-N) 3/1/2012 House: Enrolled 3/1/2012 House: Signed by Speaker 3/3/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12101217D)

Summary: Urban county executive form; board of supervisors. Provides that in a county with the urban county executive form of government (Fairfax County) a special election to fill a vacancy on the board shall be called no fewer than 45 days, rather than 30 days, after the vacancy occurs to allow sufficient time to prepare for the election. This change is also applicable to urban county executive form school board vacancies through a cross-reference in § 22.1-57.3.

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 135 - Kilgore (1) Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership.</p>	<p>1/4/2012 House: Referred to Committee on General Laws 2/2/2012 House: Reported from General Laws (22-Y 0-N) 2/8/2012 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/9/2012 Senate: Referred to Committee on General Laws and Technology 2/20/2012 Senate: Rereferred to Rehabilitation and Social Services 2/24/2012 Senate: Reported from Rehabilitation and Social Services with amendments (15-Y 0-N) 2/28/2012 Senate: Passed Senate (40-Y 0-N) 3/1/2012 House: Senate amendments agreed to by House (98-Y 0-N) 3/7/2012 House: Enrolled 3/7/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>3/6/2012 1/24/2012</p>
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Support (as passed) - Amendments made to allow the designation of alternates by local government representatives. Bill is now identical to SB 396 (Hanger). ~~**Support w/ Amend.** (12102346D) — Support with amendment to allow local government representatives to designate alternates; supported by VACo. See also SB 396 (Hanger).~~

Summary: Adds two local government representatives, chosen from the members of a county board of supervisors or a city council and a county administrator or city manager, to the State Executive Council for Comprehensive Services for At-Risk Youth and Families, increasing the number of local government representatives from three to five. The bill also provides that alternates may be designated by and vote on behalf of local government representatives.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>HB 183</u> - O'Bannon, III (73) Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.</p>	<p>1/9/2012 House: Referred to Committee on Health, Welfare and Institutions 1/26/2012 House: Reported from Health, Welfare and Institutions (21-Y 1-N) 1/26/12 House: Referred to Committee on Appropriations 2/8/12 House: Reported from Appropriations (22-Y 0-N) 2/14/2012 House: VOTE: PASSAGE (99-Y 1-N) 2/15/2012 Senate: Referred to Committee on Education and Health 2/23/2012 Senate: Reported from Education and Health with amendment (15-Y 0-N) 2/27/12 Senate: Passed Senate w/amendment (40-Y 0-N) 2/29/2012 House: Senate amendment rejected by House (0-Y 97-N) 3/8/2012 House: Conference report agreed to by House (85-Y 0-N) 3/9/2012 Senate: Conference report agreed to by Senate (40-Y 0-N) 3/10/2012 House: Enrolled</p>	<p>1/24/2012</p>
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Support (12100938D)

Summary: Provides that the Board of Medical Assistance Services shall include a provision in the state plan for medical assistance services for medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States. The bill also requires the Department of Medical Assistance Services to provide coverage under the Family Access to Medical Insurance Security (FAMIS) Plan for otherwise eligible children and pregnant women during the first five years of lawful residence in the United States.

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 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 270 - Peace (97) Public guardianship and conservator program; VDA to adopt person-centered practice procedures.</p>	<p>1/10/2012 House: Referred to Committee on Health, Welfare and Institutions 1/17/2012 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 1/20/2012 House: Passed House (98-Y 0-N) 1/23/2012 Senate: Referred to Committee on General Laws and Technology 2/20/2012 Senate: Rereferred to Rehabilitation and Social Services 2/24/2012 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N) 2/28/2012 Senate: Passed Senate (40-Y 0-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12104279D-H1)
Summary: Requires the Department for the Aging to adopt, as part of its public guardianship and conservator program, person-centered practice procedures that shall (i) focus on the preferences and needs of the individual receiving public guardianship services and (ii) empower and support the individual receiving public guardianship services, to the extent feasible, in defining the direction for his life and promoting self-determination and community involvement.

<p>HB 279 - Iaquinto (84) DUI ignition interlock; required on first offense as a condition of a restricted license.</p>	<p>1/10/2012 House: Referred to Committee for Courts of Justice 2/3/2012 House: Reported from Courts of Justice with substitute (18-Y 0-N) 2/9/2012 House: VOTE: PASSAGE (87-Y 11-N) 2/10/2012 Senate: Referred to Committee for Courts of Justice 2/20/2012 Senate: Reported from Courts of Justice with substitute (9-Y 6-N) 2/22/2012 Senate: Passed Senate (26-Y 13-N) 2/22/2012 Senate: Passed Senate (26-Y 13-N) 2/27/2012 House: Enrolled 2/27/2012 House: Signed by Speaker 2/28/2012 Senate: Signed by President 3/7/2012 Governor: Approved by Governor</p>	<p>1/24/2012</p>
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Support (12101441D) - Board has historically supported.
Summary: Provides that a person who is convicted of DUI may drive only with an ignition interlock after the first offense, as a condition of a restricted license and is required to have an ignition interlock installed in each vehicle owned by or registered to him after a second offense. The bill also provides that the court may authorize a restricted license for travel to and from the interlock installer and a person can pre-qualify for an ignition

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Bills	General Assembly Actions	Date of BOS Position
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interlock prior to conviction. Currently, the requirement for an ignition interlock is imposed only upon a second or subsequent offense or when the offender's BAC is 0.15 percent or above. This bill incorporates HB 467, HB 951, and HB 1258.

<p>HB 842 - James (80) Business license or land use authorization, local; conditions of issuance.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 1/27/2012 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/1/2012 House: Passed House (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/24/12 Senate: Passed Senate w/amendment (38-Y 0-N) 2/28/2012 House: Senate amendment agreed to by House (98-Y 0-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12102211D) - See also SB 308 (Blevins).
Summary: Applications for local business license or land use authorization; conditions. Permits localities to condition issuance of a local business license or land use authorization on payment of certain delinquent taxes, fees, or other charges owed by the applicant to the locality. This bill is identical to SB 308.

<p>HB 860 - Rust (86) Towing ordinances; localities in Northern Virginia to require companies to submit to inspection.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 2/2/2012 House: Reported from Transportation with substitute (22-Y 0-N) 2/7/2012 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 2/8/2012 Senate: Referred to Committee on Transportation 2/15/2012 Senate: Reported from Transportation (11-Y 0-N) 2/20/2012 Senate: Passed Senate (40-Y 0-N) 2/23/2012 House: Enrolled 2/23/2012 House: Signed by Speaker 2/23/2012 Senate: Signed by President 3/7/2012 Governor: Approved by Governor-Chapter 149 (effective 7/1/12)</p>	<p>2/28/2012 1/24/2012</p>
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Support (12104995D-H1) ~~**Monitor** (12100021D)~~ - See also ~~SB 195 (Marsden)~~.
Summary: Allows localities in Northern Virginia by ordinance to regulate the towing of trespassing vehicles from the locality adopting the ordinance to another locality. This bill is identical to SB 195.

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 878 - Sickles (43) Motor vehicles, certain; raises amount localities may charge for an annual license tax upon owners.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/10/2012 House: Reported from Counties, Cities and Towns with substitute (20-Y 1-N) 2/14/2012 House: VOTE: PASSAGE (88-Y 11-N 1-A) 2/15/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (12-Y 3-N) 3/6/2012 Senate: Passed Senate with amendments (28-Y 12-N) 3/8/2012 House: Senate amendments rejected by House (2-Y 96-N) 03/10/12 Conference report agreed to by House (72-Y 17-N) and Senate (36-Y 3-N)</p>	<p>2/28/2012 1/24/2012</p>
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Support (12105247D-H1) - Amendments made. [~~Amend~~] Amend to allow increase in fee only for residents who have not changed their registration to Virginia in a timely fashion. **Support** (12103887D) —
Summary: License taxes on certain motor vehicles. Allows localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempted from the requirements of displaying such license plates.

<p>HB 910 - Minchew (10) Cash proffers; expands existing provisions that allow certain alternative uses.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 1/26/2012 House: Subcommittee recommends reporting (11-Y 0-N) 1/27/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 2/1/2012 House: Passed House (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (15-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12102799D)
Summary: Cash proffers. Expands existing provisions that allow certain alternative uses of cash proffers to provide that such cash proffers may also be used for an alternative purpose if the functional purpose for which the cash payment was made no longer exists.

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 914 - Minchew (10) Children at play signs; allows county or town governments to install.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/7/2012 House: Reported from Transportation with amendments (20-Y 1-N) 2/14/12 Senate: Referred to Committee on Transportation 2/15/12 Senate: Reported from Transportation (15-Y 0-N) 2/20/2012 Senate: Passed Senate (40-Y 0-N) 2/23/2012 House: Enrolled 2/23/2012 House: Signed by Speaker 2/23/2012 Senate: Signed by President 3/8/2012 Governor: Approved by Governor</p>	<p>1/24/2012</p>
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Support (12102891D) - County proposal to Governor's Commission on Government Reform.
Summary: "Children at play" signs. Allows counties and towns, pursuant to an agreement with the Commissioner of Highways, to install "Children at play" signs on highways within their boundaries. The cost of the signs and installation will be borne by the county or town.

<p>HB 922 - Lingamfelter (31) Real estate tax; exemption for disabled veterans.</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 1/23/2012 House: Reported from Courts of Justice (17-Y 0-N) 1/27/2012 House: VOTE: PASSAGE (98-Y 0-N) 1/30/2012 Senate: Referred to Committee on Finance 2/15/2012 Senate: Reported from Finance (15-Y 0-N) 2/17/2012 Senate: Passed Senate (40-Y 0-N) 2/21/2012 House: Enrolled 2/21/2012 House: Signed by Speaker 2/22/2012 Senate: Signed by President 3/6/2012 Governor: Approved by Governor</p>	<p>2/28/2012</p>
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Support (12103936D) - Amends a concern with the implementation of last year's constitutional amendment. See also SB 540 (Puller).
Summary: Real property tax exemption for disabled veterans. Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for pro rating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill is identical to SB 540.

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1059 - Anderson (51) Zoning Appeals, Board of; jurisdictions imposing civil penalties for violations of ordinances, etc.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 1/27/2012 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N) 2/1/2012 House: Passed House (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (14-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
<p>Support (12104717D-H1) - Support as amended. Amend (12102086D) — Amend to make permissive. Summary: Appeals to the Board of Zoning Appeals. Provides that a civil penalty shall not be assessed by the court during pendency of a 30-day appeal period.</p>		
<p>HB 1075 - Hugo (40) Hospital discharge procedures; community services boards to provide information on certain services.</p>	<p>1/11/2012 House: Referred to Committee on Health, Welfare and Institutions 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N) 2/2/2012 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 2/7/2012 House: VOTE: PASSAGE (98-Y 0-N) 2/8/2012 Senate: Referred to Committee on Education and Health 2/16/2012 Senate: Reported from Education and Health (15-Y 0-N) 2/20/2012 Senate: Passed Senate (40-Y 0-N) 2/23/2012 House: Enrolled 2/23/2012 House: Signed by Speaker 2/23/2012 Senate: Signed by President 3/8/2012 Governor: Approved by Governor</p>	<p>1/24/2012</p>
<p>Support (12101350D) - VACSB amendment incorporated. See also SB 201 (Marsden). Summary: Requires hospitals to educate patients, and in certain circumstances their families, about follow-up care, treatment, and services upon discharge. The bill also requires community services boards to provide information to hospitals about alcohol and substance abuse services available to minors.</p>		

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1164 - Bulova (37) Secondary and urban system highways; STO to conduct periodic examination of process.</p>	<p>1/17/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends reporting (5-Y 0-N) 1/31/12 House: Reported from Transportation (22-Y 0-N) 2/6/2012 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/7/2012 Senate: Referred to Committee on Transportation 2/8/2012 Senate: Reported from Transportation (15-Y 0-N) 2/15/2012 House: Enrolled 2/15/2012 House: Signed by Speaker 2/16/2012 Senate: Signed by President 2/28/2012 Governor: Approved by Governor-Chapter 41 (effective 7/1/12)</p>	<p>2/28/2012</p>
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Support (12104203D)

Summary: Requires the Secretary of Transportation, at least once every four years, to examine the process by which secondary and urban highway system maintenance and improvement projects are approved.

<p>HB 1295 - Byron (22) State mandates; eliminating on local and regional government entities relating to education, etc.</p>	<p>1/25/2012 House: Referred to Committee on General Laws 2/9/2012 House: Reported from General Laws with substitute (21-Y 0-N) 2/14/2012 House: VOTE: PASSAGE (100-Y 0-N) 2/15/2012 Senate: Referred to Committee on General Laws and Technology 2/27/2012 Senate: Reported from General Laws and Technology with substitute (13-Y 0-N) 3/1/2012 Senate: Passed Senate with substitute (39-Y 0-N) 3/1/2012 Senate: Passed Senate with substitute (39-Y 0-N) 3/5/2012 House: Senate substitute rejected by House (0-Y 97-N) 3/10/2012 Conference report agreed to by House (89-Y 0-N) and Senate (35-Y 3-N)</p>	<p>2/28/2012</p>
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Support (12104486D) - Recommendations came from local governments; staff review suggests some provisions are potentially helpful to the County; none identified as adverse. See also SB 679 (Newman).

Summary: Elimination of state mandates. Eliminates several statewide mandates on local and regional government entities relating to education and land use.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 179 - Stuart (28) Bond administration; reimbursement of administrative costs.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Reported from Local Government with substitute (12-Y 2-N) 2/13/2012 Senate: Passed Senate (36-Y 4-N) 2/15/2012 House: Referred to Committee on Counties, Cities and Towns 2/23/2012 House: Subcommittee recommends reporting (11-Y 0-N) 2/24/2012 House: Reported from Counties, Cities and Towns (20-Y 0-N) 2/28/2012 House: Passed House (97-Y 0-N) 3/2/2012 Senate: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Support (12102620D)

Summary: Provides that if the owner or developer defaults on construction of certain public facilities, the locality shall be entitled to retain the allowance for administrative costs regardless of who ultimately completes the facilities.

<p>SB 195 - Marsden (37) Towing ordinances; localities in Northern Virginia to require companies to submit to inspection.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/25/2012 Senate: Reported from Transportation with amendment (14-Y 0-N) 1/31/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Transportation 2/23/2012 House: Reported from Transportation with amendments (22-Y 0-N) 2/27/2012 House: Passed House with amendments (98-Y 0-N) 2/29/2012 Senate: House amendments agreed to by Senate (40-Y 0-N) 2/29/2012 Senate: House amendments agreed to by Senate (40-Y 0-N) 3/5/2012 Senate: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Support (12100020D-E) - Support as amended. ~~**Monitor** (12100020D) - See also **HB 860 (Rust)**.~~

Summary: Allows localities in Northern Virginia by ordinance to require towing companies that tow trespassing vehicles within 10 miles of the tow origin from one locality to another to submit to inspection of their facilities by the locality from which such vehicles are towed. This bill is identical to HB 860.

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Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 201</u> - Marsden (37) Hospital discharge procedures; community services boards to provide information on certain services.</p>	<p>1/10/2012 Senate: Referred to Committee on Education and Health 2/2/2012 Senate: Reported from Education and Health with substitute (12-Y 0-N) 2/7/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Health, Welfare and Institutions 2/16/2012 House: Reported from Health, Welfare and Institutions with amendments (21-Y 0-N) 2/20/2012 House: Passed House with amendments (98-Y 0-N) 2/22/2012 Senate: House amendments agreed to by Senate (38-Y 0-N) 2/27/2012 Senate: Enrolled 2/27/2012 House: Signed by Speaker 2/28/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12101112D) - VACSB amendment incorporated. See also HB 1075 (Hugo).
Summary: Requires hospitals to provide information about follow-up care, treatment, and services upon discharge. The bill also requires community services boards to provide information to hospitals about alcohol and substance abuse services available to minors. This bill is identical to HB 1075.

<p><u>SB 299</u> - Howell (32) Kinship foster care placements; Commissioner of Social Services may grant variance from requirement.</p>	<p>1/10/2012 Senate: Referred to Committee on Rehabilitation and Social Services 1/27/2012 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N 1-A) 2/1/2012 Senate: Read third time and passed Senate (36-Y 3-N) 2/13/2012 House: Referred to Committee on Health, Welfare and Institutions 2/16/2012 House: Reported from Health, Welfare and Institutions with amendments (21-Y 0-N) 2/20/2012 House: Passed House with amendments (98-Y 0-N) 2/22/2012 Senate: House amendments agreed to by Senate (36-Y 1-N) 2/27/2012 Senate: Enrolled 2/27/2012 House: Signed by Speaker 2/28/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12102966D)
Summary: Provides that the Commissioner of Social Services may grant a variance from requirements governing approval of foster care placements and may approve an arrangement for kinship foster care or a kinship foster care provider when he determines (i) the requirement would impose a hardship on the kinship foster care provider, and (ii) the variance will not adversely affect the safety and well-being of the child. The

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Bills	General Assembly Actions	Date of BOS Position
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bill also provides that a local board of social services or child-placing agency may approve an application for approval as an arrangement for kinship care or a kinship foster care provider when the applicant has been convicted of a felony related to the possession of drugs other than felony offenses related to possession with the intent to distribute drugs, a misdemeanor conviction for arson, or an equivalent offense in another state, provided 10 years have elapsed since the date of the conviction and the local board or child-placing agency makes a specific finding that the placement would not endanger the safety or well-being of the child.

<p>SB 308 - Blevins (14) Business license or land use authorization, local; conditions of issuance.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 1/31/2012 Senate: Reported from Local Government with substitute (15-Y 0-N) 2/6/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Counties, Cities and Towns 2/24/2012 House: Reported from Counties, Cities and Towns with amendment (20-Y 0-N) 2/28/12 House: Passed House with amendment (97-Y 0-N) 3/1/2012 Senate: House amendment agreed to by Senate (40-Y 0-N) 3/6/2012 Senate: Enrolled 3/6/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12100901D) - See also HB 842 (James).
Summary: Permits a locality to condition the issuance of a local business license or land use authorization on the payment of any delinquent nuisance charges, stormwater management utility fees, or other charges owed by the applicant to the locality. This bill is identical to HB 842.

<p>SB 364 - Deeds (25) Towing; allows police-requested towing to be initiated by employees authorized by local agency.</p>	<p>1/11/2012 Senate: Referred to Committee on Transportation 1/25/2012 Senate: Reported from Transportation with amendments (13-Y 0-N) 1/31/2012 Senate: Passed Senate (40-Y 0-N) 2/13/12 House: Referred to Committee on Transportation 2/23/2012 House: Reported from Transportation with amendment (22-Y 0-N) 2/27/2012 House: VOTE: PASSAGE (98-Y 0-N) 2/29/2012 Senate: House amendment agreed to by Senate (40-Y 0-N) 3/5/2012 Senate: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Support (12103785D)
Summary: Allows "police-requested towing" to be initiated by uniformed employees of the local police department who are authorized to do so by the chief local law-enforcement officer.

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 396 - Hanger, Jr. (24) Comprehensive Services for At-Risk Youth and Families, State Executive Council for; membership.</p>	<p>1/11/2012 Senate: Referred to Committee on General Laws and Technology 1/23/2012 Senate: Rereferred to Rehabilitation and Social Services 2/3/2012 Senate: Reported from Rehabilitation and Social Services with amendments (14-Y 0-N) 2/8/2012 Senate: Passed Senate (39-Y 0-N) 2/13/2012 House: Referred to Committee on General Laws 2/16/2012 House: Reported from General Laws with amendment (22-Y 0-N) 2/21/2012 House: VOTE: PASSAGE (100-Y 0-N) 2/24/2012 Senate: Enrolled 2/24/2012 House: Signed by Speaker 2/27/2012 Senate: Signed by President 3/10/2012 Governor: Governors recommendation adopted by Senate (38-Y 2-N) and House (87-Y 5-N) 3/10/2012 House: Reenrolled 3/10/2012 Senate: Signed by President as reenrolled 3/10/2012 House: Signed by Speaker as reenrolled</p>	<p>2/28/2012 1/24/2012</p>
<p>Support (12100986D-E) Support w/ Amend. (12100986D) – Support with amendment to allow local government representatives to designate alternates; supported by VACo. See also HB 135 (Kilgore).</p> <p>Summary: Adds two local government representatives, chosen from the members of a county board of supervisors or a city council and a county administrator or city manager, to the State Executive Council for Comprehensive Services for At-Risk Youth and Families, increasing the number of local government representatives from three to five. The bill also provides that alternates may be designated by and vote on behalf of local government representatives.</p>		
<p>SB 409 - Hanger, Jr. (24) Recordation tax; eliminates exemption for deeds of trust securing a refinanced obligation.</p>	<p>1/11/2012 Senate: Referred to Committee on Finance 2/7/2012 Senate: Reported from Finance (11-Y 4-N) 2/10/2012 Senate: Passed Senate (39-Y 1-N) 2/17/2012 House: Referred to Committee on Finance 2/27/2012 House: Reported from Finance with amendments (21-Y 0-N) 2/29/2012 House: VOTE: PASSAGE (91-Y 5-N) 2/29/2012 Senate: House amendments agreed to by Senate (40-Y 0-N) 3/5/2012 Senate: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
<p>Support (12102509D) - Support concept; work to minimize fiscal impact to the County (currently \$3 million as written). See also HB 1082 (Hugo).</p> <p>Summary: Eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation, and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18</p>		

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Bills	General Assembly Actions	Date of BOS Position
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cents (\$0.18) per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; all other such instruments of refinancing are subject to the tax at rates higher than the new rates established in the bill.

SB 540 - Puller (36)
Real estate tax; exemption for disabled veterans.

1/13/2012 Senate: Referred to Committee on Finance
1/25/2012 Senate: Reported from Finance with substitute (11-Y 0-N)
1/30/2012 Senate: Passed Senate (40-Y 0-N)
2/13/2012 House: Referred to Committee on Finance
2/20/2012 House: Reported from Finance (21-Y 0-N)
2/22/2012 House: VOTE: PASSAGE (96-Y 0-N)
2/27/2012 Senate: Enrolled
2/27/2012 House: Signed by Speaker
2/28/2012 Senate: Signed by President

2/28/2012

Support (12104692D-S1) - Amends a concern with the implementation of last year's constitutional amendment. See also HB 922 (Lingamfelter).

Summary: Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for prorating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill incorporates SB 529.

SB 568 - Ebbin (30)
Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.

1/17/2012 Senate: Referred to Committee on Education and Health
2/9/2012 Senate: Reported from Finance with amendment (14-Y 0-N)
2/14/2012 Senate: Passed Senate (36-Y 4-N)
2/16/2012 House: Referred to Committee on Health, Welfare and Institutions
2/23/2012 House: Reported from Health, Welfare and Institutions with amendment (22-Y 0-N)
2/23/12 House: Referred to Committee on Appropriations
2/27/12 House: Reported from Appropriations (22-Y 0-N)
3/1/12 House: Passed House with amendment (99-Y 0-N)
3/5/2012 Senate: House amendment rejected by Senate (11-Y 28-N)
3/9/2012 Conference report agreed to by House (95-Y 0-N) and Senate (39-Y 0-N)
3/10/2012 Senate: Enrolled

2/28/2012

Support (12103928D) - Implementation will likely require budget amendments. See also HB 183 (O'Bannon).

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[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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Summary: Provides that the Board of Medical Assistance Services shall include a provision in the state plan for medical assistance services for medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States. The bill also requires the Department of Medical Assistance Services to provide coverage under the Family Access to Medical Insurance Security (FAMIS) Plan for otherwise eligible children and pregnant women during the first five years of lawful residence in the United States. The provisions of this act will not become effective unless funded by the General Assembly during the 2012 Session.

SB 639 - Wagner (7)
Transportation;
contributions to toll road
construction, etc., by
localities, revenue-
sharing funds.

1/20/2012 Senate: Referred to Committee on Transportation
1/25/2012 Senate: Rereferred to Finance
2/9/2012 Senate: Reported from Finance with substitute (12-Y 3-N)
2/14/2012 Senate: Passed Senate (26-Y 14-N)
2/16/2012 House: Referred to Committee on Finance
2/20/2012 House: Reported from Finance with substitute (12-Y 8-N)
2/22/2012 House: VOTE: PASSAGE (67-Y 32-N)
2/24/2012 Senate: House substitute rejected by Senate (11-Y 27-N)
2/28/2012 Senate: Conferees appointed by Senate (Wagner, Watkins, Puckett)
2/29/2012 House: Conferees appointed by House (Lingamfelter, Jones, Dance)
3/10/2012 Conference report agreed to by House (58-Y 36-N) and Senate (20-Y 20-N, Lt. Gov. votes Y)

2/28/2012
~~{1/27/2012}~~

Support (12105116D-S1) [~~Oppose~~] (12101931D) — ~~Oppose as written. See also HB 1248 (Lingamfelter): Governor's omnibus transportation bill.~~

Summary: Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 657 - Puller (36) Boarding or riding transportation district train with fraudulent ticket; penalty.</p>	<p>1/20/2012 Senate: Referred to Committee for Courts of Justice 2/1/2012 Senate: Reported from Courts of Justice with amendment (14-Y 0-N) 2/7/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee for Courts of Justice 2/29/2012 House: Reported from Courts of Justice (15-Y 0-N) 2/29/2012 House: Referred to Committee on Appropriations 3/2/12 House: Reported from Appropriations (21-Y 0-N) 3/7/2012 House: Passed House (98-Y 0-N) 3/9/2012 Senate: Enrolled</p>	<p>2/28/2012</p>
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Support (12104354D) - Board has historically supported.
Summary: Riding transportation district train with fraudulent ticket; penalty. Provides a \$750 minimum fine for the second conviction within one year of using a fraudulent or counterfeit ticket. Under current law this Class 2 misdemeanor has a minimum fine of \$500.

<p>SB 676 - Garrett (22) Recycling survey; requires solid waste planning units and localities to submit report every 4 years.</p>	<p>1/24/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/2/2012 Senate: Reported from Agriculture, Conservation and Natural Resources with amendment (12-Y 1-N) 2/8/2012 Senate: Passed Senate (38-Y 1-N) 2/13/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/22/2012 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/29/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (20-Y 1-N) 3/2/2012 House: VOTE: PASSAGE (99-Y 0-N) 3/8/2012 Senate: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Support (12104304D)
Summary: Recycling survey report. Requires solid waste planning units or localities with a population of greater than 90,000 to submit a recycling report annually and those units of localities with a population of 90,000 or less will be required to submit the report at least once every four years. Currently, all solid waste planning units or localities are required to submit the report annually.

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Bills	General Assembly Actions	Date of BOS Position
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<p>SB 679 - Newman (23) State mandates; eliminating on local and regional government entities relating to education, etc.</p>	<p>1/25/2012 Senate: Referred to Committee on General Laws and Technology 2/6/2012 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N) 2/10/2012 Senate: Passed Senate (40-Y 0-N) 2/17/2012 House: Referred to Committee on General Laws 2/21/2012 House: Reported from General Laws with substitute (22-Y 0-N) 2/27/2012 House: VOTE: PASSAGE (94-Y 4-N) 2/29/2012 Senate: House substitute rejected by Senate (1-Y 39-N) 2/29/2012 Senate: House substitute rejected by Senate (1-Y 39-N) 3/10/2012 Conference report agreed to by House (95-Y 2-N) and Senate (32-Y 8-N)</p>	<p>2/28/2012</p>
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Support (12104484D) - Recommendations came from local governments; staff review suggests some provisions are potentially helpful to the County; none identified as adverse. See also HB 1295 (Byron).
Summary: Elimination of state mandates. Eliminates several statewide mandates on local and regional government entities relating to procurement procedures, education, and land use.

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 [] Indicates BOS Legislative Committee Action

Fairfax County Positions
(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
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<p>HB 33 - Comstock (34) Public procurement; state agency agreements with labor organizations.</p>	<p>12/12/2011 House: Referred to Committee on General Laws 1/19/2012 House: Subcommittee recommends reporting with amendment(s) (5-Y 2-N) 1/24/2012 House: Reported from General Laws with amendments (16-Y 6-N) 1/31/2012 House: VOTE: PASSAGE (69-Y 27-N) 2/1/2012 Senate: Referred to Committee on General Laws and Technology 2/20/2012 Senate: Reported from General Laws and Technology (8-Y 7-N) 2/23/2012 Senate: Passed Senate (20-Y 20-N, Lt. Gov. votes Y) 2/28/2012 House: Enrolled 2/28/2012 House: Signed by Speaker 2/29/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12102989D-E) - Bill has been amended to remove taxpayer standing. See also SB 242 (Obenshain).
~~**Amend** (12102989D) - Amend to remove "taxpayer" in proposed Section 2.2-4321.2(E).~~
Summary: Requires state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects. This bill is identical to SB 242.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 170 - Cosgrove (78) Zoning administrator; decisions reviewed by governing body shall be appealable to circuit court.</p>	<p>1/9/2012 House: Referred to Committee on Counties, Cities and Towns 1/20/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 1/25/2012 House: Passed House (99-Y 0-N) 1/26/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/24/12 Senate: Passed Senate w/amendment (38-Y 0-N) 2/29/2012 House: Senate amendment agreed to by House (97-Y 0-N) 2/29/2012 House: Senate amendment agreed to by House (97-Y 0-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>3/6/2012 1/24/2012</p>
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Monitor Amended as requested by Board. ~~Amend (12101608D) – Staff is working on amendments to improve bill. Amend to cite different Code section that refers to judicial review of Board of Supervisors decisions and not Board of Zoning Appeals decisions.~~

Summary: Provides that in instances in which decisions of a zoning administrator are reviewed by the governing body, the governing body’s decision shall be appealable to the circuit court.

<p>HB 176 - Knight (81) Nutrient credit; expansion of exchange program, procedures for certification, etc.</p>	<p>1/9/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/8/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N) 2/13/2012 House: Passed House (98-Y 0-N) 2/14/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 3/1/2012 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 3/6/2012 Senate: Passed Senate with substitute (40-Y 0-N) 3/8/2012 House: Senate substitute agreed to by House (97-Y 0-N) 3/10/2012 House: Enrolled</p>	<p>2/28/2012</p>
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Monitor (12105001D-H1) - See also SB 77 (Watkins).

Summary: Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill

Bills	General Assembly Actions	Date of BOS Position
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provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000. This bill is identical to SB 77.

HB 255 - Stolle (83)
Warrants; those maintained by treasurers shall not disclose certain information.

1/10/2012 House: Referred to Committee on Finance
1/23/2012 House: Reported from Finance (22-Y 0-N)
1/26/2012 House: Passed House (100-Y 0-N)
1/27/2012 Senate: Referred to Committee on Finance
2/15/2012 Senate: Reported from Finance (15-Y 0-N)
2/17/2012 Senate: Passed Senate (40-Y 0-N)
2/21/2012 House: Enrolled
2/21/2012 House: Signed by Speaker
2/22/2012 Senate: Signed by President
3/6/2012 Governor: Approved by Governor

2/28/2012

Monitor (12101083D)

Summary: Specifies that the information regarding warrants that shall not be disclosed includes any invoice that has been presented to a locality for payment, which the locality has attempted to pay, but the payment has not been completed because electronic payment has failed or a check was mailed but not cashed.

HB 316 - Ingram (62)
Cemeteries; definition for purposes of zoning.

1/10/2012 House: Referred to Committee on Health, Welfare and Institutions
1/19/2012 House: Referred to Committee on Counties, Cities and Towns
2/10/2012 House: Reported from Counties, Cities and Towns with substitute (21-Y 0-N)
2/14/2012 House: VOTE: PASSAGE (97-Y 0-N 1-A)
2/15/2012 Senate: Referred to Committee on General Laws and Technology
2/27/2012 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N)
3/1/2012 Senate: Passed Senate with substitute (38-Y 0-N 1-A)
3/5/2012 House: Senate substitute agreed to by House (97-Y 0-N 1-A)
3/8/2012 House: Enrolled
3/8/2012 House: Signed by Speaker
3/9/2012 Senate: Signed by President

3/6/2012
2/28/2012
1/24/2012

Monitor (12105619D-S1) - Amendments made. See also SB 430 (Ruff). ~~**Amend** (12105298D-H1) - Amend to clarify that plan is subject to stormwater regulations. See also SB 430 (Ruff). **Oppose** (12102424D) - See also SB 430 (Ruff).~~

Summary: Clarifies the uses that shall be included in the approval of a cemetery without further zoning approval being required. There is a delayed effective date of July 1, 2013. This bill is identical to SB 430.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 321 - Massie, III (72) Income tax, corporate; tax credits for donations to non-profit organizations, etc.</p>	<p>1/10/2012 House: Referred to Committee on Appropriations 1/16/2012 House: Referred to Committee on Finance 2/10/2012 House: Reported from Finance with amendments (15-Y 7-N) 2/14/2012 House: VOTE: PASSAGE (64-Y 35-N) 2/15/2012 Senate: Referred to Committee on Finance 2/28/2012 Senate: Reported from Finance with substitute (8-Y 6-N) 2/29/2012 Senate: Passed Senate with substitute (20-Y 20-N; Lt. Gov. votes Y) 2/29/2012 House: Senate substitute agreed to by House (54-Y 37-N) 2/29/2012 Senate: Passed Senate with substitute (20-Y 20-N, Lt. Gov. votes Y) 2/29/2012 House: Senate substitute agreed to by House (54-Y 37-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12101085D)

Summary: Tax credits; assistance to low-income families, scholarships for K through 12 students attending private schools. Establishes a credit beginning in taxable year 2013 for individuals, business entities, and corporations making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, in order for them to attend nonpublic elementary or secondary schools. Nonprofit organizations to which donations are made would be required to distribute at least 90 percent of each donation in the form of scholarships to such students. The credit would equal 65 percent of the donation made any unused credit for the taxable year could be carried forward for five years. There is an annual cap of \$25 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program. The bill also expands the current Neighborhood Assistance Act Tax Credit program by increasing the tax credit percentage from 40 to 65 percent; raising the total cap on the program from \$11.9 million to \$15 million, and raising the cap on education proposals from \$4.9 million to \$8 million; expanding the eligibility criteria for programs qualifying for tax credits to encompass programs providing services to certain students with disabilities and individuals whose family's annual household income is not in excess of 300 percent of the poverty guidelines; raising the cap on tax credits for neighborhood organizations and affiliates to \$825,000; allowing unused credits at the end of the year to be distributed to neighborhood organizations that had previously met the cap on tax credits; and extending the sunset for the program to July 1, 2017.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 326 - Massie, III (72) Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 1/26/2012 House: Subcommittee recommends reporting (11-Y 0-N) 1/27/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 2/1/2012 House: Passed House (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government with substitute (14-Y 0-N 1-A) 2/24/2012 Senate: Passed Senate with substitute (37-Y 0-N 1-A) 2/28/2012 House: Senate substitute agreed to by House (98-Y 0-N) 2/28/2012 House: Senate substitute agreed to by House (98-Y 0-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>1/24/2012</p>
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Monitor (12103465D) - See also HB 903 (Minchew), SB 36 (Black), SB 233 (Herring).
Summary: Proffers; amendments and notice. Allows a landowner subject to proffered conditions to apply for amendments to such conditions after providing notice to the local governing body.

<p>HB 395 - Ransone (99) Line of Duty Act; expeditious payment for burial expense for person whose death is in line of duty.</p>	<p>1/10/12 House: Referred to Committee on Appropriations 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 1/30/2012 House: Reported from Appropriations with substitute (22-Y 0-N) 2/3/2012 House: VOTE: PASSAGE (100-Y 0-N) 2/6/2012 Senate: Referred to Committee on Finance 2/15/2012 Senate: Reported from Finance (15-Y 0-N) 2/17/2012 Senate: Passed Senate (40-Y 0-N) 2/21/2012 House: Enrolled 2/21/2012 House: Signed by Speaker 2/22/2012 Senate: Signed by President 3/6/2012 Governor: Approved by Governor</p>	<p>2/28/2012</p>
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Monitor (12100370D)
Summary: Authorizes the State Comptroller to release payments, advanced from the death benefits due to the beneficiary of a deceased person under the Line of Duty Act, to a funeral service provider for burial and transportation costs.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 430 - Bulova (37) Inter-local service delivery; expands scope of Regional Cooperation Incentive Fund to foster.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/10/2012 House: Reported from Counties, Cities and Towns (19-Y 1-N) 2/14/2012 House: VOTE: PASSAGE (97-Y 3-N) 2/15/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (14-Y 1-N) 3/2/2012 Senate: Passed Senate (37-Y 1-N 1-A) 3/7/2012 House: Enrolled 3/7/2012 House: Signed by Speaker</p>	<p>1/24/2012</p>
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Monitor (12102175D)

Summary: Incentives for inter-local service delivery. Expands the scope of the Regional Cooperation Incentive Fund to foster inter-local service delivery consolidation or coordination where such consolidation or coordination will result in the more efficient use of local funds.

<p>HB 455 - Ware, Jr. (65) Wireless E-911 Fund; distribution of funds on monthly basis to public safety answering point.</p>	<p>1/10/2012 House: Referred to Committee on Commerce and Labor 1/17/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends reporting with amendment(s) (8-Y 1-N) 1/30/2012 House: Reported from Finance with amendments (20-Y 0-N) 2/2/2012 House: VOTE: PASSAGE (98-Y 1-N) 2/3/2012 Senate: Referred to Committee on Commerce and Labor 2/13/2012 Senate: Reported from Commerce and Labor (15-Y 0-N) 2/15/2012 Senate: Passed Senate (40-Y 0-N) 2/17/2012 House: Enrolled 2/17/2012 House: Signed by Speaker 2/20/2012 Senate: Signed by President 2/28/2012 Governor: Approved by Governor</p>	<p>2/28/2012</p>
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Monitor (12102477D) - As introduced, not harmful to the County. See also SB 495 (Watkins).

Summary: Wireless E-911 Fund; distribution. Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding adjustments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to SB 495.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 491 - Dance (63) Derelict and blighted buildings; authorizes locality to serve as receiver to repair.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 1/20/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 1/25/2012 House: Passed House (99-Y 0-N) 1/26/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government (11-Y 0-N) 2/24/2012 Senate: Passed Senate (38-Y 0-N) 3/1/2012 House: Enrolled 3/1/2012 House: Signed by Speaker 3/3/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12103223D) - VML bill. See also HB 1122 (Morrissey), SB 122 (Watkins).
Summary: Receivership of derelict and blighted buildings. Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission and is identical to SB 122.

<p>HB 526 - Cosgrove (78) Helicopters; local regulation of use.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 1/20/2012 House: Reported from Counties, Cities and Towns (21-Y 0-N) 1/25/2012 House: Passed House (99-Y 0-N) 1/26/2012 Senate: Referred to Committee on Local Government 2/21/2012 Senate: Reported from Local Government with substitute (15-Y 0-N) 2/24/2012 02/24/12 Senate: Passed Senate with substitute (38-Y 0-N) 2/28/2012 House: Senate substitute agreed to by House (95-Y 0-N) 3/5/2012 House: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>3/6/2012 2/28/2012</p>
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Monitor (12105577D-S1) - Bill has been amended to provide that conditional use permit can be required. **Oppose Unless Amended** (12100704D) - ~~Oppose unless amended to allow a locality to impose reasonable restrictions on helicopter landings.~~
Summary: Provides that local land use regulation of helicopter use within a locality shall be reasonable and shall not have the effect of prohibiting the landing or taking off of helicopters within the locality.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 567 - Marshall, III (14) Water and sewer authorities; may put lien on property for delinquent rates, etc., on real estate.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/10/2012 House: Reported from Counties, Cities and Towns with amendments (16-Y 5-N) 2/14/2012 House: VOTE: PASSAGE (72-Y 27-N) 2/15/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government with substitute (10-Y 3-N 1-A) 3/2/2012 Senate: Passed Senate with substitute (32-Y 7-N) 3/7/2012 House: Senate substitute agreed to by House (78-Y 19-N) 3/9/2012 House: Enrolled</p>	<p>2/28/2012</p>
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Monitor (12103053D) - VML bill.

Summary: Authorizes (i) an owner of property who is the occupant or where a single meter serves multiple units or (ii) a lessee or tenant, provided he has written authorization from the owner, to establish water and sewer services in his own name. The bill provides for a locality or water authority to require a deposit of not more than five months of water and sewer charges. A lien may also be placed on the property under circumstances outlined when charges are delinquent. This bill is a recommendation of the Virginia Housing Commission.

<p>HB 625 - LeMunyon (67) Transportation planning; proposed comprehensive plans in Northern Virginia.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends reporting with amendment(s) (10-Y 1-N) 2/3/2012 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 2/8/2012 House: VOTE: PASSAGE (91-Y 6-N) 2/9/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (15-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/7/2012 House: Enrolled 3/7/2012 House: Signed by Speaker</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12105013D-H1) - Bill now requires VDOT to provide comments, not to approve plan. **Oppose** (~~12103957D~~)

Summary: Provides that when a locality in Planning District 8 (Northern Virginia) submits a proposed comprehensive plan or amendment to the Department of Transportation for review, the Department will determine the extent to which the proposal will increase traffic congestion or reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan as amendment. The bill contains technical amendments.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 865 - Rust (86) Taxicabs; local regulation.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 1/26/2012 House: Reported from Transportation with amendment (22-Y 0-N) 1/31/2012 House: VOTE: PASSAGE (95-Y 0-N 1-A) 2/1/2012 Senate: Referred to Committee on Transportation 2/8/2012 Senate: Reported from Transportation (15-Y 0-N) 2/13/2012 Senate: Passed Senate (39-Y 0-N 1-A) 2/15/2012 House: Enrolled 2/15/2012 House: Signed by Speaker 2/16/2012 Senate: Signed by President 2/28/2012 Governor: Approved by Governor</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12101089D-E) - Amendments address concerns. **Oppose** (12101089D) – See also **SB 231 (Herring)**.
Summary: Disallows counties, cities, and towns from reducing the number of taxicabs that are permitted or authorized under the local ordinance, except for non-use or cause as defined by the ordinance. This bill is identical to SB 231.

<p>HB 869 - Rust (86) Urban development areas; makes designation optional rather than mandatory for all localities.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends reporting (11-Y 0-N) 2/3/2012 House: Reported from Counties, Cities and Towns (20-Y 2-N) 2/8/2012 House: VOTE: PASSAGE (74-Y 24-N) 2/9/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (9-Y 6-N) 3/2/2012 Senate: Passed Senate (24-Y 15-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12101375D) - See also HB 92 (Marshall, R.), HB 794 (Rush), SB 274 (Smith), SB 291 (Lucas).
Summary: Makes designation of urban development areas optional for all localities. Currently urban development areas are mandatory for many higher growth localities. This bill is identical to SB 274.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1034 - Landes (25) Interstate agreements and commissions, certain; withdrawal of State.</p>	<p>1/11/2012 House: Referred to Committee on Rules 2/7/2012 House: Reported from Rules with substitute (14-Y 0-N) 2/13/2012 House: VOTE: PASSAGE (98-Y 0-N) 2/14/2012 Senate: Referred to Committee on Rules 2/24/2012 Senate: Reported from Rules (10-Y 3-N) 3/2/2012 Senate: Passed Senate with substitute (38-Y 1-N) 3/6/2012 House: Senate substitute rejected by House (1-Y 98-N) 3/10/2012 House: Conference report agreed to by House (96-Y 1-N) and Senate (38-Y 1-N)</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12105038D-H1) - Bill has been amended to remove provision related to Virginia's withdrawal from the ICPRB. ~~**Amend** (12101962D) - Amend to continue Virginia's participation in the ICPRB.~~
Summary: Withdraws the Commonwealth from the Southern Growth Policies Agreement and the Education Commission of the States. The bill has a delayed effective date of July 1, 2013.

<p>HB 1065 - Sherwood (29) Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.</p>	<p>1/11/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/1/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (20-Y 2-N) 2/6/2012 House: VOTE: PASSAGE (90-Y 8-N) 2/7/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/16/2012 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N) 2/21/2012 Senate: Passed Senate (39-Y 1-N) 3/2/2012 House: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12104753D-H1) - See also SB 407 (Hanger).
Summary: Integration of agencies' programs. Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. This bill is identical to SB 407.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1068 - Hugo (40) Real estate tax; commercial and industrial property in localities in Northern Virginia.</p>	<p>1/11/2012 House: Referred to Committee on Finance 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (10-Y 0-N) 2/6/2012 House: Reported from Finance with substitute (22-Y 0-N) 2/9/2012 House: Passed House (98-Y 0-N) 2/10/2012 Senate: Referred to Committee on Finance 2/29/2012 Senate: Reported from Finance (14-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12105045D-H1) - Substitute provides for a five-year extension of the sunset. ~~**Oppose** (12103797D)~~
Summary: Real property tax; commercial and industrial property in localities in Northern Virginia. Extends the sunset date from June 30, 2013, to June 30, 2018 on the reduction in the tax rate for the special real property tax on commercial and industrial property in the localities encompassed by the Northern Virginia Transportation Authority from 25 cents (\$0.25) per \$100 of assessed value to 12.5 cents (\$0.125) per \$100 of assessed value.

<p>HB 1073 - Hugo (40) Residential rental properties; appeal of real property assessments, fair market value.</p>	<p>1/11/2012 House: Referred to Committee on Finance 2/8/2012 House: Reported from Finance with substitute (22-Y 0-N) 2/14/2012 House: VOTE: PASSAGE EMERGENCY (100-Y 0-N) 2/15/2012 Senate: Referred to Committee on Finance 2/29/2012 Senate: Reported from Finance (14-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12105130D-H1) - Bill has been amended to remove County's most significant objections. ~~**Oppose** (12103412D)~~ ~~— Oppose unless amended to address disparate treatment of residential taxpayers. Has adverse fiscal impact, increased workload, uniformity problems. See also SB 73 (Watkins).~~
Summary: Real property tax; valuation of residential rental apartments. Requires that, in any appeal to a board of equalization concerning the fair market value of residential apartments in excess of four units, the board use the income approach to valuation, unless certain specified exceptions exist. Criteria to be used in making this determination include actual gross income generated, losses due to vacancies, collection losses, and rent concessions, as well as actual operating expenses and expenditures. The bill is in force from its passage, and is effective for tax years beginning on or after January 1, 2012. The bill is identical to SB 73.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1130 - Howell (28) Virginia Retirement System; defined benefit retirement program established.</p>	<p>1/12/12 House: Referred to Committee on Appropriations 2/10/2012 House: Reported from Appropriations with substitute (19-Y 2-N) 2/14/2012 House: VOTE: PASSAGE (68-Y 30-N) 2/15/2012 Senate: Referred to Committee on Finance 2/28/2012 Senate: Reported from Finance with substitute (15-Y 0-N) 3/1/2012 Senate: Passed Senate with substitute (36-Y 4-N) 3/5/2012 House: Senate substitute rejected by House (3-Y 93-N) 3/10/2012 Conference report agreed to by Senate (34-Y 6-N) and House (60-Y 34-N)</p>	<p>2/28/2012</p>
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Monitor (12105287D-H1)

Summary: Virginia Retirement System; optional retirement plan. Creates an optional defined contribution retirement plan for all state employees except employees currently eligible for optional retirement plans. The plan will be available beginning January 1, 2013. Persons first hired on or after January 1, 2013, shall make an irrevocable election to participate in the new defined contribution retirement plan or a VRS-administered defined benefit retirement plan. The defined contribution retirement plan includes a required employee contribution of 5% and a corresponding mandatory contribution from the employer of 5%, with optional additional employee contributions of up to 3.5% which could be matched by another 3.5% from the employer. Maximum contributions to the defined contribution retirement plan are 8.5% from the employee and 8.5% from the employer, for a total of 17%. The bill establishes a short-term and long-term disability plan for state employees who elect to participate in the defined contribution retirement plan.

<p>HB 1245 - May (33) Metropolitan Washington Airports Authority; changes in composition.</p>	<p>1/20/2012 House: Referred to Committee on Transportation 2/2/2012 House: Reported from Transportation with amendment (22-Y 0-N) 2/7/2012 House: VOTE: PASSAGE (97-Y 0-N) 2/8/2012 Senate: Referred to Committee on Local Government 2/28/2012 Senate: Reported from Local Government (15-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12104121D)

Summary: Metropolitan Washington Airports Authority. Changes the composition of the Authority. This bill is identical to SB 237.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1291 - Gilbert (15) Governor's reorganization of executive branch of state government.</p>	<p>1/24/2012 House: Referred to Committee on General Laws 2/9/2012 House: Reported from General Laws with amendments (20-Y 0-N) 2/14/2012 House: VOTE: PASSAGE (82-Y 17-N) 2/15/2012 Senate: Referred to Committee on General Laws and Technology 2/27/2012 Senate: Reported from General Laws and Technology with substitute (8-Y 4-N) 3/1/2012 Senate: Passed Senate with substitute (25-Y 14-N) 3/5/2012 House: Senate substitute rejected by House (4-Y 92-N) 3/10/2012 Conference report agreed to by House (88-Y 8-N) and Senate (34-Y 6-N)</p>	<p>2/28/2012 {2/3/2012}</p>
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Monitor (12104534D) – ~~[Amend to remove proposals to consolidate NVT A/NVTC and to abolish the Litter Control and Recycling Advisory Board. Monitor proposal to transfer MS4 permitting to DEQ from DCR.] See also HJ 49 (Gilbert). See also SB 678 (McDougle).~~
Summary: Reorganizes the executive branch of state government.

<p>HB 1293 - Spruill, Sr. (77) Statewide Fire Prevention Code; local inspection fee in City of Chesapeake.</p>	<p>1/24/2012 House: Referred to Committee on General Laws 2/2/2012 House: Reported from General Laws (22-Y 0-N) 2/8/2012 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/9/2012 Senate: Referred to Committee on General Laws and Technology 2/27/2012 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N) 3/1/2012 Senate: Passed Senate with substitute (39-Y 0-N) 3/5/2012 House: Senate substitute agreed to by House (96-Y 0-N) 3/8/2012 House: Enrolled 3/8/2012 House: Signed by Speaker 3/9/2012 Senate: Signed by President</p>	<p>3/6/2012 2/28/2012</p>
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Monitor (12105638D-S1) - Bill has been limited to pertain only to City of Chesapeake. **Oppose** (12104493D) – ~~Proposes to cap County Fire Code inspection fees at \$50 for those buildings used by religious organizations. Fifty dollars would be below the present fee, which is based on County costs. Fees for Fire Code inspections of other buildings would remain at present levels.~~
Summary: Statewide Fire Prevention Code; local inspection fee. Provides that no fee charged for the inspection of any religious institution shall exceed \$50.

Bills	General Assembly Actions	Date of BOS Position
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<p>HB 1298 - Albo (42) GPS tracking device; provides authority & protocol for law enforcement to apply for search warrant.</p>	<p>2/15/2012 House: Referred to Committee for Courts of Justice 2/27/2012 House: Reported from Courts of Justice with substitute (17-Y 0-N) 3/6/2012 Senate: Referred to Committee for Courts of Justice 3/7/2012 Senate: Reported from Courts of Justice with substitute (14-Y 0-N) 3/8/2012 Senate: Passed Senate with substitute (40-Y 0-N) 3/8/2012 House: Senate substitute agreed to by House (95-Y 0-N) 3/10/2012 House: Enrolled 03/05/12 House: Passed House (98-Y 0-N)</p>	<p>3/2/2012 2/28/2012</p>
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Monitor (12105692D-H1) - County staff and the Commonwealth's Attorney have worked with proponents to address concerns, which for the most part have been ameliorated. ~~Carry Over (12105372D) - Bill needs additional time to consider the issues and implications. See also SB 685 (Reeves).~~
Summary: Criminal procedure; GPS tracking device. Provides the authority and the protocol for a law-enforcement officer to apply for a search warrant to permit the use of a GPS tracking device.

<p>HJ 49 - Gilbert (15) Governor's Executive Reorganization Plan; approval by each house of General Assembly.</p>	<p>1/10/2012 House: Referred to Committee on General Laws 1/11/2012 House: Referred to Committee on Rules 1/17/2012 House: Reported from Rules (13-Y 2-N) 1/20/2012 House: Agreed to by House (69-Y 27-N) 1/23/2012 Senate: Referred to Committee on General Laws and Technology 2/6/2012 Senate: Reported from General Laws and Technology with amendments (10-Y 5-N) 2/9/2012 Senate: Agreed to by Senate with amendments (23-Y 15-N) 2/13/2012 House: Senate amendments rejected by House (0-Y 97-N) 2/16/2012 House: Conferees appointed by House (Gilbert, Jones, James) 2/17/2012 Senate: Conferees appointed by Senate (Vogel, Martin, Black, McDougle) 3/10/2012 House: Conference report agreed to by House (88-Y 8-N) and Senate (34-Y 6-N)</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12101710D-E) - Monitor for consistency with HB 1291 (Support compromise proposal for planned NVTA/NVTC consolidation contained in HB 1291.) ~~Amend (12101710D) - Amend to remove proposals to consolidate NVTA/NVTC and to abolish the Litter Control and Recycling Advisory Board. Monitor proposal to transfer MS4 permitting to DEQ from DCR. See also SJ 66 (McDougle).~~

Bills	General Assembly Actions	Date of BOS Position
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Summary: Governor's Executive Reorganization Plan. Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan.

SB 36 - Black (13)
Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.

12/30/2011 Senate: Referred to Committee on Local Government
 2/7/2012 Senate: Reported from Local Government with substitute (14-Y 0-N 1-A)
 2/13/2012 Senate: Passed Senate (39-Y 0-N 1-A)
 2/15/2012 House: Referred to Committee on Counties, Cities and Towns
 2/23/2012 House: Subcommittee recommends reporting (9-Y 2-N)
 2/24/2012 House: Reported from Counties, Cities and Towns (20-Y 0-N)
 2/28/2012 House: Passed House (97-Y 0-N)
 3/2/2012 Senate: Enrolled
 3/2/2012 House: Signed by Speaker
 3/5/2012 Senate: Signed by President

1/24/2012

Monitor (12101135D) - See also HB 326 (Massie), HB 903 (Minchew), SB 233 (Herring).

Summary: Proffered conditions; amendments or variations. Provides that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 of the Code of Virginia to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition that would preclude the amendment or variation of any proffer pursuant to this provision.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 73 - Watkins (10) Residential rental apartments; appeal of real property assessments, fair market value.</p>	<p>1/5/2012 Senate: Referred to Committee on Finance 1/25/2012 Senate: Reported from Finance with substitute (14-Y 0-N 1-A) 1/30/2012 Senate: Passed Senate (37-Y 3-N) 2/13/2012 House: Referred to Committee on Finance 2/15/2012 House: Subcommittee recommends reporting (10-Y 0-N) 2/20/2012 House: Reported from Finance with substitute (20-Y 0-N) 2/23/12 House: Passed House with substitute (100-Y 0-N) 2/27/2012 Senate: House substitute agreed to by Senate (40-Y 0-N) 3/1/2012 Senate: Enrolled 3/1/2012 House: Signed by Speaker 3/3/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12104695D-S1) - Bill has been amended to remove County's most significant objections. ~~**Oppose** (12103414D) - Working with the patron to improve the bill; bill limits assessors' ability to consider relevant sales data for certain residential apartments.~~

Summary: Requires that, in any appeal to a board of equalization concerning the fair market value of residential apartments in excess of four units, the board use the income approach to valuation, unless certain specified exceptions exist. Criteria to be used in making this determination include actual gross income generated, losses due to vacancies, collection losses, and rent concessions, as well as actual operating expenses and expenditures. The bill contains an emergency clause, and is effective for tax years beginning on or after January 1, 2012. The bill is identical to HB 1073.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 77 - Watkins (10) Nutrient credit certification; regulations, Nutrient Trading Act is established, penalty.</p>	<p>1/5/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/2/2012 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (14-Y 1-N) 2/8/2012 Senate: Passed Senate (39-Y 0-N) 2/13/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/22/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N) 2/24/12 House: Passed House with substitute (98-Y 0- N) 2/28/2012 Senate: House substitute agreed to (40-Y 0-N) 3/2/2012 Senate: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12105049D-S1) - See also HB 176 (Knight).
Summary: Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000. This bill is identical to HB 176.

<p>SB 122 - Watkins (10) Derelict and blighted buildings; authorizes locality to serve as receiver to repair.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 1/31/2012 Senate: Reported from Local Government (14-Y 0-N) 2/6/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Counties, Cities and Towns 2/17/2012 House: Reported from Counties, Cities and Towns (22-Y 0-N) 2/21/2012 House: Passed House (100-0Y 0-N) 2/23/2012 Senate: Enrolled 2/23/2012 Senate: Signed by President 2/23/2012 House: Signed by Speaker 3/10/12 Governor: Governor's recommendation adopted by Senate (40-Y 0-N) and House (94-Y 0-N) 3/10/2012 House: Reenrolled</p>	<p>2/28/2012</p>
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Monitor (12100308D) - VML bill. See also HB 491 (Dance), HB 1122 (Morrissey).
Summary: Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and

Bills	General Assembly Actions	Date of BOS Position
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derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission and is identical to HB 491.

<p>SB 131 - Stanley, Jr. (19) Income tax, corporate; tax credits for donations to non-profit organizations, etc.</p>	<p>1/10/2012 Senate: Referred to Committee on Finance 2/14/2012 Senate: Reported from Finance with substitute (8-Y 7-N) 2/17/2012 Senate: Passed Senate (20-Y 20-N, Lt. Gov votes Y) 2/20/2012 House: Referred to Committee on Finance 2/27/2012 House: Reported from Finance (13-Y 8-N) 2/29/2012 House: VOTE: PASSAGE (57-Y 40-N) 3/5/2012 Senate: Enrolled 3/5/2012 House: Signed by Speaker 3/7/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12105426D-S1) - See also HB 321 (Massie).
Summary: Tax credits; assistance to low-income families, scholarships for K through 12 students attending private schools. Establishes a credit beginning in taxable year 2013 for individuals, business entities, and corporations making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, in order for them to attend nonpublic elementary or secondary schools. Nonprofit organizations to which donations are made would be required to distribute at least 90 percent of each donation in the form of scholarships to such students. The credit would equal 65 percent of the donation made any unused credit for the taxable year could be carried forward for five years. There is an annual cap of \$25 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program. The bill also expands the current Neighborhood Assistance Act Tax Credit program by increasing the tax credit percentage from 40 to 65 percent; raising the total cap on the program from \$11.9 million to \$15 million, and raising the cap on education proposals from \$4.9 million to \$8 million; expanding the eligibility criteria for programs qualifying for tax credits to encompass programs providing services to certain students with disabilities and individuals whose family's annual household income is not in excess of 300 percent of the poverty guidelines; allowing unused credits at the end of the year to be distributed to neighborhood organizations that had previously met the \$500,000 cap on tax credits; and extending the sunset for the program to July 1, 2017. This bill incorporates SB 241.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 227 - Herring (33) Stormwater service district; allocation of revenues.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 1/17/2012 Senate: Reported from Local Government (15-Y 0-N) 1/23/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Counties, Cities and Towns 2/23/2012 House: Subcommittee recommends reporting (11-Y 0-N) 2/24/2012 House: Reported from Counties, Cities and Towns (20-Y 0-N) 2/28/2012 House: Passed House (97-Y 0-N) 3/2/2012 Senate: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12101900D)
Summary: Allows a town located within a stormwater service district to retain any revenues collected by the service district within the town, so long as the town maintains its own MS4 permit.

<p>SB 231 - Herring (33) Taxicabs; local regulation.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/18/12 Senate: Reported from Transportation (14-Y 0-N) 1/27/2012 01/27/12 Senate: Read third time and passed Senate (38-Y 0-N 1-A) 2/13/2012 House: Referred to Committee on Transportation 2/16/12 House: Reported from Transportation (22-Y 0-N) 2/20/2012 House: VOTE: PASSAGE #2 (98-Y 0-N) 2/22/2012 Senate: Enrolled 2/22/2012 Senate: Signed by President 2/22/2012 House: Signed by Speaker 3/6/2012 Governor: Approved by Governor</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (12101214D-E) - Amendments address concerns. ~~**Oppose** (12101214D) - See also **HB 865** (Rust).~~
Summary: Local regulation of taxicabs. Disallows counties, cities, and towns from reducing the number of taxicabs that are permitted or authorized under the local ordinance, except for non-use or cause as defined by the ordinance. This bill is identical to HB 865.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 237 - Colgan (29) Metropolitan Washington Airports Authority; changes in composition.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Reported from Local Government with amendment (15-Y 0-N) 2/13/2012 Senate: Passed Senate (40-Y 0-N) 2/15/12 House: Referred to Committee on Transportation 2/21/12 House: Reported from Transportation (21-Y 0-N) 2/24/2012 House: Passed House (98-Y 0-N) 2/29/2012 Senate: Enrolled 2/29/2012 Senate: Signed by President 2/29/2012 House: Signed by Speaker</p>	<p>2/28/2012</p>
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Monitor (12103497D)

Summary: Metropolitan Washington Airports Authority. Changes the composition of the Authority. This bill is identical to HB 1245.

<p>SB 242 - Obenshain (26) Public procurement; state agency agreements with labor organizations.</p>	<p>1/10/2012 Senate: Referred to Committee on General Laws and Technology 1/23/2012 Senate: Reported from General Laws and Technology with amendments (8-Y 7-N) 1/31/2012 Senate: Passed Senate, 20-20, Lt. Gov. votes yes 2/13/2012 House: Referred to Committee on General Laws 2/16/2012 House: Reported from General Laws with amendment (15-Y 7-N) 2/21/2012 House: VOTE: PASSAGE (71-Y 29-N) 2/23/2012 Senate: House amendment agreed to by Senate (29-Y 11-N) 2/28/2012 Senate: Enrolled 2/28/2012 House: Signed by Speaker 2/29/2012 Senate: Signed by President</p>	<p>2/28/2012 1/24/2012</p>
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Monitor (House General Laws) - Bill has been amended in House General Laws to remove "taxpayer." ~~**Amend** (12103122D) - Amend to remove "taxpayer" in proposed Section 2.2 4321.2(E). See also HB 33 (Comstock).~~

Summary: Public procurement; agreements with labor organizations. Requires state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects. This bill is identical to HB 33.

Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 274</u> - Smith (22) Urban development areas; makes designation optional rather than mandatory for all localities.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 1/31/2012 Senate: Reported from Local Government with substitute (8-Y 7-N) 2/6/2012 Senate: Passed Senate (25-Y 15-N) 2/13/2012 House: Referred to Committee on Counties, Cities and Towns 2/17/2012 House: Reported from Counties, Cities and Towns (20-Y 2-N) 2/21/2012 House: VOTE: PASSAGE (74-Y 26-N) 2/23/2012 Senate: Enrolled 2/23/2012 Senate: Signed by President 2/23/2012 House: Signed by Speaker 3/8/2012 Governor: Approved by Governor-Chapter 192 (effective 7/1/12)</p>	<p>2/28/2012</p>
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Monitor (12102399D) - See also HB 92 (Marshall), HB 794 (Rush), HB 869 (Rust), SB 291 (Lucas).
Summary: Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. The bill also makes technical amendments. This bill is identical to HB 869.

<p><u>SB 407</u> - Hanger, Jr. (24) Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs.</p>	<p>1/11/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/26/2012 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (14-Y 1-N) 2/1/2012 Senate: Passed Senate (35-Y 4-N) 2/13/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/15/2012 House: Reported from Agriculture, Chesapeake and Natural Resources (17-Y 4-N) 2/17/2012 House: VOTE: PASSAGE (90-Y 8-N) 3/2/2012 Senate: Enrolled 3/2/2012 House: Signed by Speaker 3/5/2012 Senate: Signed by President</p>	<p>2/28/2012</p>
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Monitor (12104788D-S1) - See also HB 1065 (Sherwood).
Summary: Integration of agencies' programs. Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. This bill is identical to HB 1065.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 430 - Ruff (61) Cemeteries; definition for purposes of zoning.</p>	<p>1/11/2012 Senate: Referred to Committee on General Laws and Technology 2/13/2012 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N) 2/14/2012 Senate: Passed Senate (39-Y 0-N 1-A) 2/16/2012 House: Referred to Committee on Counties, Cities and Towns 2/24/2012 House: Reported from Counties, Cities and Towns with substitute (20-Y 0-N) 2/28/2012 House: VOTE: PASSAGE (97-Y 0-N) 3/1/2012 Senate: House substitute agreed to by Senate (40-Y 0-N) 3/1/2012 Senate: House substitute agreed to by Senate (40-Y 0-N) 3/6/2012 Senate: Enrolled 3/6/2012 House: Signed by Speaker 3/8/2012 Senate: Signed by President</p>	<p>3/6/2012 2/28/2012 1/24/2012</p>
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Monitor (12105605D-H1) - Bill has been amended to address concerns. See also HB 316 (Ingram). **Amend** (12105306D-S1) ~~Amend to clarify that plan is subject to stormwater regulations.~~ **Oppose** (12102172D) ~~See also HB 316 (Ingram).~~

Summary: Clarifies the uses that shall be included in the approval of a cemetery without further zoning approval being required. There is a delayed effective date of July 1, 2013. This bill is identical to HB 316.

<p>SB 495 - Watkins (10) Wireless E-911 Fund; distribution of funds on monthly basis to public safety answering point.</p>	<p>1/11/2012 Senate: Referred to Committee on Commerce and Labor 1/30/2012 Senate: Reported from Commerce and Labor with amendments (16-Y 0-N) 2/3/2012 Senate: Passed Senate (38-Y 0-N) 2/13/2012 House: Referred to Committee on Commerce and Labor 2/16/2012 House: Reported from Commerce and Labor (22-Y 0-N) 2/21/2012 House: VOTE: PASSAGE (100-Y 0-N) 2/24/2012 Senate: Enrolled 2/24/2012 House: Signed by Speaker 2/27/2012 Senate: Signed by President 3/7/2012 Governor: Approved by Governor</p>	<p>2/28/2012</p>
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Monitor (12102478D) - As introduced, not harmful to the County. See also Hb 455 (Ware, R.L.)

Summary: Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding

Bills	General Assembly Actions	Date of BOS Position
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adjustments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to HB 455.

<p>SB 497 - Watkins (10) Virginia Retirement System; local government and school board employees, contributions.</p>	<p>1/11/2012 Senate: Referred to Committee on Finance 2/9/2012 Senate: Reported from Finance with substitute (13-Y 1-N) 2/14/2012 Senate: Passed Senate (29-Y 11-N) 2/16/12 House: Referred to Committee on Appropriations 2/29/2012 House: Reported from Appropriations with substitute (22-Y 0-N) 3/5/2012 House: Passed House with substitute (62-Y 35-N) 3/6/2012 Senate: House substitute rejected by Senate (1-Y 39-N) 3/10/2012 Senate: Conference report agreed to by Senate (34-Y 6-N) and House (55-Y 38-N)</p>	<p>2/28/2012</p>
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Monitor (12105343D-ES1)
Summary: Requires that persons employed by local government or school board employers be required to pay the five percent employee contribution to the Virginia Retirement System. School board employees would be authorized to phase in the five percent contribution over a maximum of five years. Local employers and school boards would be required to provide employees with a raise to offset the employee contributions.

<p>SB 498 - Watkins (10) Virginia Retirement System; hybrid retirement program created.</p>	<p>1/11/2012 Senate: Referred to Committee on Finance 2/9/2012 Senate: Reported from Finance with substitute (14-Y 0-N) 2/14/2012 Senate: Passed Senate (40-Y 0-N) 2/16/2012 House: Referred to Committee on Appropriations 2/29/2012 House: Reported from Appropriations with substitute (18-Y 4-N) 3/5/2012 House: Passed House with substitute (62-Y 34-N) 3/6/2012 Senate: House substitute rejected by Senate (0-Y 40-N) 3/10/2012 Conference report agreed to by Senate (35-Y 5-N) and by House (58-Y 35-N)</p>	<p>2/28/2012</p>
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Monitor (12105257D-S1)
Summary: Creates a new hybrid retirement program, administered by the Virginia Retirement System, that contains a defined contribution and a defined benefit component. All new state and local employees commencing employment on or after January 1, 2014 would make an irrevocable election to participate in the hybrid plan or the traditional retirement plan. Employees in-service on December 31, 2013 would be given the opportunity to make a one-time, irrevocable election to participate in the new hybrid program.

Bills	General Assembly Actions	Date of BOS Position
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<p><u>SB 531</u> - Marsden (37) Northern Virginia Transportation District; responsibilities of Transportation Board.</p>	<p>1/11/2012 Senate: Referred to Committee on Transportation 2/1/2012 Senate: Reported from Transportation with substitute (15-Y 0-N) 2/7/2012 Senate: Passed Senate (40-Y 0-N) 2/13/12 House: Referred to Committee on Transportation 2/23/2012 House: Reported from Transportation with substitute (20-Y 2-N) 2/27/2012 House: VOTE: PASSAGE (56-Y 42-N) 2/29/2012 Senate: House substitute rejected by Senate (0-Y 40-N) 3/8/2012 House: Conference report agreed to by House (64-Y 34-N) 3/9/2012 Senate: Conference report agreed to by Senate (36-Y 3-N) 3/10/2012 Senate: Enrolled</p>	<p>2/28/2012</p>
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Monitor (12104993D-S1)
Summary: Northern Virginia Transportation District; long-range planning. Establishes responsibilities for various entities for long-range transportation planning for the Northern Virginia Transportation District.

<p><u>SB 678</u> - McDougle (4) Governor's reorganization of executive branch of state government.</p>	<p>1/25/2012 Senate: Referred to Committee on General Laws and Technology 2/6/2012 Senate: Reported from General Laws and Technology with amendments (11-Y 4-N) 2/10/2012 Senate: Passed Senate (25-Y 14-N) 2/15/2012 House: Referred to Committee on General Laws 2/16/2012 House: Reported from General Laws with substitute (18-Y 4-N) 2/22/2012 House: VOTE: PASSAGE (76-Y 22-N) 2/24/2012 Senate: House substitute rejected by Senate (1-Y 37-N) 2/28/2012 Senate: Conferees appointed by Senate (McDougle, Martin, Petersen) 3/1/2012 House: Conferees appointed by House (Gilbert, Jones, James) 3/10/2012 House: Conference report agreed to by House (82-Y 6-N) and by Senate (33-Y 7-N)</p>	<p>2/28/2012</p>
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Monitor (12104240D) - Monitor for consistency with compromise proposal for planned NVTA/NVTC consolidation as contained in companion implementing legislation HB 1291 (Gilbert).
Summary: Reorganizes the executive branch of state government.

Bills	General Assembly Actions	Date of BOS Position
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<p>SB 685 - Reeves (17) GPS tracking device; provides authority & protocol for law enforcement to apply for search warrant.</p>	<p>2/16/2012 Senate: Referred to Committee for Courts of Justice 2/27/2012 Senate: Reported from Courts of Justice with substitute (15-Y 0-N) 3/2/2012 Senate: Passed Senate (39-Y 0-N) 3/5/2012 House: Referred to Committee for Courts of Justice 3/6/2012 House: Reported from Courts of Justice with substitute (16-Y 0-N) 3/8/2012 House: Passed House with substitute (97-Y 0-N) 3/8/2012 Senate: House substitute agreed to (33-Y 0-N) 3/9/2012 Senate: Enrolled</p>	<p>3/6/2012 2/28/2012</p>
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Monitor (12105784D-ES2) - Monitor. County staff and the Commonwealth's Attorney have worked with proponents to address concerns, which for the most part have been ameliorated. See also HB 1298. ~~Carry Over (12105373D) - Bill needs additional time to consider the issues and implications. See also HB 1298 (Albo).~~
Summary: Criminal procedure; GPS tracking device. Provides the authority and the protocol for a law-enforcement officer to apply for a search warrant to permit the use of a GPS tracking device.

<p>SJ 66 - McDougle (4) Governor's Executive Reorganization Plan; approval by each house of General Assembly.</p>	<p>1/10/2012 Senate: Referred to Committee on General Laws and Technology 1/16/2012 Senate: Reported from General Laws and Technology with amendments (11-Y 4-N) 1/20/2012 Senate: Agreed to by Senate (22-Y 17-N) 2/13/2012 House: Referred to Committee on General Laws 2/16/2012 House: Reported from General Laws with substitute (19-Y 3-N) 2/22/2012 House: VOTE: ADOPTION (84-Y 15-N) 2/24/2012 Senate: House substitute rejected by Senate (0-Y 37-N) 2/28/2012 Senate: Conferees appointed by Senate (Vogel, Martin, Black, McDougle) 2/29/2012 House: Conferees appointed by House (Gilbert, Jones, James) 3/10/2012 Conference report agreed to by House (89-Y 8-N) and by Senate (33-Y 7-N)</p>	<p>1/24/2012</p>
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Monitor (12102673D) - Monitor proposal to transfer MS4 permitting to DEQ from DCR. See also HJ 49 (Gilbert).
Summary: Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly. The resolution sets out the pertinent details of the plan.

Fairfax County Positions

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*Legislation
Continued to 2013*

Bills	General Assembly Actions	Date of BOS Position
<p>HB 10 - Cole (88) BPOL tax; maximum fee and tax rates established by a locality.</p>	<p>12/1/2011 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends reporting with amendment(s) (10-Y 0-N) 1/30/2012 House: Reported from Finance with substitute (21-Y 1-N) 2/2/2012 House: VOTE: PASSAGE (88-Y 12-N) 2/3/2012 Senate: Referred to Committee on Finance 2/29/12 Senate: Continued to 2013 in Finance (11-Y 2-N)</p>	<p>1/24/2012</p>
<p>Oppose (12100251D) - Restricts local authority by freezing current local BPOL tax rates; issue is under study by JLARC. Bill now includes provisions of HB 24, which the Board also opposed. Summary: BPOL tax; maximum fee and tax rates established. Prohibits a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year. The prohibition on increasing BPOL fees and taxes expires beginning with the 2015 license year. The bill also authorizes a locality to impose the BPOL tax on (i) gross receipts or (ii) the Virginia taxable income of a corporation, the net income of a sole proprietorship, and the net income of a pass-through entity.</p>		
<p>HB 73 - Bell (20) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.</p>	<p>12/21/2011 House: Referred to Committee on Health, Welfare and Institutions 1/24/2012 House: Referred to Committee on Appropriations 1/24/2012 House: Reported from Health, Welfare and Institutions with substitute (14-Y 8-N) 2/8/2012 House: Continued to 2013 in Appropriations by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12100462D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 221 (Head), HB 249 (Cline), HB 598 (Crockett-Stark), SB 6 (Martin), SB 83 (McWaters), SB 318 (Carrico). 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill incorporates HB221, HB249, HB598, and HB955.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 149 - Ransone (99) Income tax, corporate; lower rate for certain businesses.</p>	<p>1/5/2012 House: Referred to Committee on Finance 2/6/2012 House: Continued to 2013 in Finance by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12102553D) - Use of state tax to create inequity among jurisdictions; Fairfax Chamber of Commerce has historically opposed. See also SB 61 (Stanley). Summary: Corporate income tax; lower rate for certain businesses. Reduces the corporate income tax rate from six percent to three percent for the first three years after a business located outside Virginia opens a satellite office in a Virginia locality with a population of 200,000 or fewer or after a business located in a Virginia locality with a population exceeding 200,000 opens a satellite office or operation in a Virginia locality with a population of 200,000 or fewer, for taxable years beginning on or after January 1, 2012. The capital investment made by the corporation must be \$250,000 or more and the tax reduction may not exceed the amount of that capital investment.</p>		
<p>HB 230 - Cosgrove (78) Alcoholic beverage control; suspension of license for local tax delinquency.</p>	<p>1/10/2012 House: Referred to Committee on General Laws 2/2/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/7/2012 House: Continued to 2013 in General Laws by voice vote</p>	<p>1/24/2012</p>
<p>Support (12100697D) Summary: Provides that upon receipt by the ABC Board of a notice certified by the treasurer, commissioner of the revenue, or finance director of any locality that a licensee of the ABC Board is delinquent in the payment of any taxes, penalties, or interest lawfully imposed by the locality, and who does not have presently pending a bona fide application or appeal with respect to such taxes, penalties, or interest, the ABC Board shall suspend the license until such taxes, penalties, or interest are paid in full.</p>		
<p>HB 426 - Bulova (37) Planning districts; requires preparation of regional strategic plans for guidance of district.</p>	<p>1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/10/2012 House: Continued to 2013 in Counties, Cities and Towns by voice vote</p>	<p>1/24/2012</p>
<p>Monitor (12101088D) Summary: Planning districts; strategic plans. Requires all planning districts to prepare regional strategic plans for the guidance of the district. Currently, planning districts in which regional planning is conducted by multistate councils of government are excluded from such requirement.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 459 - BaCote (95) Pawnbrokers and precious metals dealers; photograph required of person pawning, selling, etc.</p>	<p>1/10/2012 House: Referred to Committee on General Laws 1/19/2012 House: Reported from General Laws with substitute (22-Y 0-N) 1/23/2012 House: Rereferred to General Laws 1/24/2012 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N) 1/26/2012 House: Reported from General Laws with substitute (22-Y 0-N) 2/1/2012 House: Passed House (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on General Laws and Technology 2/27/2012 Senate: Continued to 2013 in General Laws and Technology (14-Y 1-N)</p>	<p>1/24/2012</p>
<p>Support (12102328D) - Board has historically supported. Summary: Requires pawnbrokers and precious metal dealers to take a digital image of (i) the form of identification used by the person involved in the transaction, which identification must bear a photograph of the person pawning or selling the goods and (ii) the article or thing pawned, pledged or sold.</p>		
<p>HB 483 - Iaquinto (84) Real property tax; concerning validity of valuation of property, etc.</p>	<p>1/10/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends reporting (8-Y 0-N) 1/30/2012 House: Reported from Finance with amendments (20-Y 2-N) 2/2/2012 House: VOTE: PASSAGE (90-Y 10-N) 2/3/2012 Senate: Referred to Committee on Finance 2/28/2012 Senate: Failed to report (defeated) in Finance (7-Y 7-N 1-A) 2/29/2012 Senate: Reconsidered by Finance 2/29/12 Senate: Continued to 2013 in Finance (11-Y 4-N)</p>	<p>1/24/2012</p>
<p>Oppose (12102722D) - Would impede uniformity. This was an area of contention and ultimate compromise last session. Summary: Provides that the current authority to increase the assessment of real property taxes for three preceding tax years by increasing the amount of the valuation of the property applies only to errors related to (i) new construction or improvements to the property, (ii) a change in the use of the property, or (iii) fraud on the part of the taxpayer.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 799 - Scott (30) Wetlands and streams; water protection permits, conditions for contribution to Board-approved fund.</p>	<p>1/11/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/8/2012 House: Continued to 2013 in Agriculture, Chesapeake and Natural Resources by voice vote</p>	<p>2/28/2012</p>
<p>Oppose (12103677D) - Bill adds new regulatory burden and new unspecified terms in repairing stream impacts. See also SB 410 (Hanger). Summary: Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund. Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.</p>		
<p>HB 814 - Orrock, Sr. (54) Virginia Public Health Foundation; established, report.</p>	<p>1/11/2012 House: Referred to Committee on Health, Welfare and Institutions 1/19/2012 House: Reported from Health, Welfare and Institutions (21-Y 0-N) 1/26/2012 House: Referred to Committee on Appropriations 2/8/2012 House: Continued to 2013 in Appropriations by voice vote</p>	<p>1/24/2012</p>
<p>Support (12103934D) Summary: Virginia Public Health Foundation; established. Creates the Virginia Public Health Foundation in order to (i) support the development and implementation of innovative activities and creative solutions for the prevention of disease and the promotion of public health, with a particular focus on emergency preparedness and response, as well as environmental health issues including provision of safe drinking water and sanitary on-site sewage disposal; (ii) secure and distribute resources in support of core public health functions and essential services; and (iii) support the mission and goals of the Department of Health.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 864 - Rust (86) Transportation Board; changes composition, Governor shall appoint or remove members, etc.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (3-Y 2-N) 2/7/2012 House: Reported from Transportation with substitute (11-Y 8-N) 2/14/12 Senate: Referred to Committee on Transportation 2/15/2012 Senate: Continued to 2013 in Transportation (15-Y 0-N)</p>	<p>1/24/2012</p>
<p>Support (12100956D) - See also similar bills HB 600 (LeMunyon), HB 659 (Surovell), SB 161 (Petersen), SB 392 (Marsden). Summary: Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three more will be at-large appointees. The three ex officio members remain unchanged. The bill also replaces the term metropolitan statistical areas with metropolitan planning areas with populations greater than 200,000.</p>		
<p>HB 866 - Rust (86) Fairfax County School Board; staggered elections.</p>	<p>1/11/2012 House: Referred to Committee on Privileges and Elections 1/27/2012 House: Reported from Privileges and Elections with amendment (22-Y 0-N) 2/1/2012 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 2/2/2012 Senate: Referred to Committee on Privileges and Elections 2/28/2012 Senate: Continued to 2013 in Privileges and Elections (15-Y 0-N)</p>	<p>2/28/2012</p>
<p>Monitor (12101176D) Summary: Allows for staggered terms for the Fairfax County school board beginning with the November 2015 general election upon a majority vote of its members.</p>		
<p>HB 1078 - Hugo (40) Deferred Retirement Option Program; Fairfax County to exclude elected officials from participating.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/10/2012 House: Continued to 2013 in Counties, Cities and Towns by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12100637D) - Oppose as state infringement on local authority. Summary: Fairfax County; retirement. Requires Fairfax County to exclude members of its retirement system who are elected officials from participating in its Deferred Retirement Option Program ("DROP").</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1079 - Hugo (40) Cigarette tax; prohibits locality from restricting owner from transferring stamped cigarettes.</p>	<p>1/11/2012 House: Referred to Committee on Finance 2/1/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/6/2012 House: Continued to 2013 in Finance by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12102646D) - Executive Committee of the Northern Virginia Cigarette Tax Board has agreed to implement a controlled administrative remedy to allow intrajurisdictional cigarette transfer, to be implemented prior to July 1, 2012. Summary: Prohibits any locality from restricting the owner of a business from transferring stamped cigarettes he legally possesses from one of his business locations to another of his business locations. The bill contains technical amendments.</p>		
<p>HB 1081 - Hugo (40) Cigarettes; repeals statute authorizing localities in administering and enforcing local taxes.</p>	<p>1/11/2012 House: Referred to Committee on Finance 2/6/2012 House: Continued to 2013 in Finance by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12102665D) - HB 1079 was carried over, but this statewide companion is still alive. Summary: Local taxes on cigarettes; administration and enforcement. Repeals the statute authorizing localities to utilize specific methods in administering and enforcing local taxes on cigarettes.</p>		
<p>HB 1132 - Cole (88) Primary elections; allows write-in votes, etc.</p>	<p>1/12/2012 House: Referred to Committee on Privileges and Elections 1/27/2012 House: Reported from Privileges and Elections (19-Y 3-N) 2/3/2012 House: VOTE: PASSAGE (50-Y 49-N) 2/6/2012 Senate: Referred to Committee on Privileges and Elections 2/21/2012 Senate: Continued to 2013 in Privileges and Elections (15-Y 0-N)</p>	<p>2/28/2012 [1/27/2012]</p>
<p>Amend (12103235D-E) - Amend to provide for delayed effective date. [Oppose] (12103235D) — Oppose as unfunded mandate; potential fiscal impact of \$720,000 in initial costs for voting machines plus ongoing annual costs. Summary: Elections and ballots. Allows write-in votes in primary elections when the duly constituted political party authorities have authorized write-in votes.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>SB 6 - Martin (11) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.</p>	<p>12/5/2011 Senate: Referred to Committee on Rehabilitation and Social Services 2/3/2012 Senate: Reported from Rehabilitation and Social Services with substitute (8-Y 7-N) 2/3/2012 Senate: Rereferred to Finance 2/9/2012 Senate: Reported from Finance with amendments (9-Y 6-N) 2/14/2012 Senate: Passed Senate (20-Y 20-N, Lt. Gov. votes Y) 2/16/2012 House: Referred to Committee on Health, Welfare and Institutions 2/21/12 House: Referred to Committee on Appropriations 2/21/2012 House: Reported from Health, Welfare and Institutions with substitute (14-Y 8-N) 2/27/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/27/2012 House: Continued to 2013 in Appropriations by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12100189D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 73 (Bell, R.P.), HB 221 (Head), HB 249 (Cline), HB 598 (Crockett-Stark), SB 83 (McWaters), SB 318 (Carrico). Summary: 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill. This bill incorporates SB83 and SB318.</p>		
<p>SB 61 - Stanley, Jr. (19) Income tax, corporate; lower rate for certain businesses.</p>	<p>1/5/2012 Senate: Referred to Committee on Finance 2/8/2012 Senate: Continued to 2013 in Finance (15-Y 0-N)</p>	<p>1/24/2012</p>
<p>Oppose (12100753D) - Use of state tax to create inequity among jurisdictions; Fairfax County Chamber of Commerce has historically opposed. See also HB 149 (Ransone). Summary: Corporate income tax; lower rate for certain businesses. Reduces the corporate income tax rate from six percent to three percent for the first three years after a business located outside Virginia opens a satellite office in a Virginia locality with a population of 200,000 or fewer or after a business located in a Virginia</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>locality with a population exceeding 200,000 opens a satellite office or operation in a Virginia locality with a population of 200,000 or fewer, for taxable years beginning on or after January 1, 2012. The capital investment made by the corporation must be \$250,000 or more and the tax reduction may not exceed the amount of that capital investment.</p>		
<p>SB 108 - Edwards (21) Power of attorney; embezzlement by agent, penalty.</p>	<p>1/9/2012 Senate: Referred to Committee for Courts of Justice 1/23/2012 Senate: Reported from Courts of Justice with substitute (15-Y 0-N) 1/23/2012 Senate: Rereferred to Finance 2/7/12 Senate: Continued to 2013 in Finance (15-Y 0-N)</p>	<p>[1/27/2012]</p>
<p>[Support] (12101403D) - Helpful supplement to County's initiative on financial exploitation of seniors/incapacitated adults. See also HB 125 (Kilgore). Summary: Emphasizes that an agent who violates the Uniform Power of Attorney Act with the intent to defraud the principal and who thereby converts funds or other property is guilty of embezzlement.</p>		
<p>SB 129 - Stanley, Jr. (19) State mandates on localities; Governor to temporarily suspend certain unfunded.</p>	<p>1/10/2012 Senate: Referred to Committee on General Laws and Technology 1/30/2012 Senate: Reported from General Laws and Technology (14-Y 0-N) 1/30/2012 Senate: Rereferred to Finance 2/9/2012 Senate: Continued to 2013 in Finance (8-Y 0-N)</p>	<p>1/24/2012</p>
<p>Support (12100791D) Summary: State mandates on localities. Directs the Governor to temporarily suspend certain unfunded state mandates on localities pending a review of such mandates.</p>		
<p>SB 161 - Petersen (34) Transportation Board; increases number of membership.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/25/2012 Senate: Continued to 2013 in Transportation (15-Y 0-N)</p>	<p>1/24/2012</p>
<p>Support (12101641D) - See also similar bills HB 600 (LeMunyon), HB 659 (Surovell), HB 864 (Rust), SB 392 (Marsden). Summary: Composition of the Commonwealth Transportation Board. Increases the number of members of the Commonwealth Transportation Board to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas.</p>		
<p>SB 196 - Marsden (37) Fairfax County Parkway; requires CTB to transfer to state primary highway system.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/25/2012 Senate: Continued to 2013 in Transportation (13-Y 0-N)</p>	<p>1/24/2012</p>
<p>Support (12100893D) Summary: Requires the CTB to transfer the Fairfax County Parkway to the state primary highway system.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 207</u> - Barker (39) Elections; extension of polling hours.</p>	<p>1/10/2012 Senate: Referred to Committee on Privileges and Elections 1/24/2012 Senate: Reported from Privileges and Elections (8-Y 7-N) 2/1/2012 Senate: Passed Senate (21-Y 18-N) 2/13/2012 House: Referred to Committee on Privileges and Elections 2/21/2012 House: Subcommittee recommends continuing to 2013 by voice vote 2/24/2012 House: Continued to 2013 in Privileges and Elections by voice vote</p>	<p>1/24/2012</p>
<p>Support w/ Amend. (12101597D) - Support with amendment to provide for more time to provide notice to local electoral boards of a court decision to extend polling hours. Summary: Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours, provides for notice by any petitioner for an extension to the other potential petitioners, and includes other restrictions on the court's discretion and the premature release of election results. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties. The court will be a three-judge panel of the Virginia Supreme Court appointed by the Chief Justice.</p>		
<p><u>SB 324</u> - Carrico, Sr. (40) Limitation on Administrative Actions Relating to Firearms Act; established.</p>	<p>1/10/2012 Senate: Referred to Committee for Courts of Justice 1/30/2012 Senate: Continued to 2013 in Courts of Justice (15-Y 0-N)</p>	<p>1/24/2012</p>
<p>Oppose (12103208D) - Bill would have impacted County ability to regulate storage of firearms and ammunition for certain home day care facilities. Summary: Limitation on administrative actions relating to Firearms Act. Establishes legislative preemption of any administrative action taken by an administrative body that has the direct or indirect effect of governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof, unless the administrative body has express statutory authority. Under the bill, any administrative action taken prior to July 1, 2012, having a direct or indirect effect of governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid. The bill also requires administrative bodies to take appropriate action to bring any contrary administrative action into compliance.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 392 - Marsden (37) Transportation Board; increases number of membership.	1/11/2012 Senate: Referred to Committee on Transportation 1/25/2012 Senate: Continued to 2013 in Transportation (15-Y 0-N)	1/24/2012
<p>Support (12103861D) - See also similar bills HB 600 (LeMunyon), HB 659 (Surovell), HB 864 (Rust), SB 161 (Petersen).</p> <p>Summary: Composition of the Commonwealth Transportation Board. Increases the number of members of the Commonwealth Transportation Board to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas.</p>		
SB 410 - Hanger, Jr. (24) Wetlands and streams; water protection permits, conditions for contribution to Board- approved fund.	1/11/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/2/2012 Senate: Continued to 2013 in Agriculture, Conservation and Natural Resources (15-Y 0-N)	2/28/2012
<p>Oppose (12103678D) - See also HB 799 (Scott, E.T.)</p> <p>Summary: Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund. Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.</p>		
SB 494 - Watkins (10) Wastewater treatment facilities; Virginia Public Building Authority to issue an additional bond.	1/11/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/26/2012 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N) 1/26/2012 Senate: Rereferred to Finance 2/7/2012 Senate: Reported from Finance with substitute (15-Y 0-N) 2/10/2012 Senate: Passed Senate (40-Y 0-N) 2/17/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/22/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with amendments (22-Y 0-N) 2/22/2012 House: Referred to Committee on Appropriations 2/29/2012 House: Continued to 2013 in Appropriations by voice vote	1/24/2012
<p>Support (12102039D) - Position in Legislative Program.</p> <p>Summary: Bond issuance for wastewater treatment facilities and combined sewer overflow projects. Authorizes the Virginia Public Building Authority to issue an additional \$378 million in bonds to continue</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Improvement Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007. A portion of the bond revenues could also be used for combined sewer overflow projects in the Cities of Lynchburg and Richmond. The bill also contains technical amendments.</p>		
<p>SB 553 - Favola (31) School divisions, local; may use unexpended state funds to provide one-time bonus to teachers.</p>	<p>1/16/2012 Senate: Referred to Committee on Education and Health 1/26/2012 Senate: Reported from Education and Health (11-Y 4-N) 1/26/2012 Senate: Rereferred to Finance 2/9/2012 Senate: Continued to 2013 in Finance (15-Y 0-N)</p>	<p>2/28/2012</p>
<p>Oppose (12103654D) - Oppose as written. See also HB 547 (Comstock), which has been laid on the table. Summary: Local school divisions; unexpended state funds. Provides that local school divisions may elect to use any unexpended state funds to provide a one-time bonus to all teachers of up to three percent of the annual base salary.</p>		

Fairfax County Positions

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Legislation No Longer Under Consideration

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

Bills	General Assembly Actions	Date of BOS Position
HB 2 - Marshall (13) Dulles Corridor Metrorail Project; prohibits use of state funds for Phase II of Project, etc.	11/21/2011 House: Referred to Committee on General Laws 2/9/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in General Laws	1/24/2012
<p>Oppose (12100505D) Summary: Dulles Metrorail Project. Prohibits use of state funds for Phase II of the Dulles Metrorail Project if the Project is subject to a project labor agreement, the policies and bylaws of the Metropolitan Washington Airports Authority do not permit public access to MWAA's meetings and records as provided in Virginia's FOIA, or the Project is not subject to audit by VDOT or the Auditor of Public Accounts.</p>		
HB 24 - Cole (88) BPOL tax; certain localities required to assess on Virginia taxable income.	12/7/2011 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends passing by indefinitely by voice vote	1/24/2012
<p>Oppose (12100250D) - This issue is under study by JLARC and should not be addressed this session. bill provisions incorporated into HB 10. Summary: Requires that the local license (BPOL) tax be imposed on the Virginia taxable income of a business for any locality that did not impose a BPOL tax in license year 2011 and subsequently elects to impose a BPOL tax. Under current law, the tax base upon which the local license tax is imposed is the gross receipts or gross income of businesses with a place of business in the locality.</p>		
HB 46 - Habeeb (8) Food inspections; exempts private homes that process and prepare pickles, relishes, and salsas.	12/14/2011 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/14/2012 House: Left in Agriculture, Chesapeake and Natural Resources	2/28/2012
<p>Monitor (12100563D) Summary: Food inspections in private homes. Exempts private homes from food safety inspections when the resident processes and prepares pickles, relishes, and salsas for sale to individuals at the home or at farmers markets and labeled "NOT FOR RESALE - PROCESSED AND PREPARED WITHOUT STATE INSPECTION." Private homes where candies, jams, jellies, and baked goods are prepared and distributed accordingly are already exempt from inspection .</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 53 - Albo (42) Tangible personal property; tax relief for qualifying vehicles.</p>	<p>12/19/2011 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends striking from docket by voice vote 1/30/2012 House: Stricken from docket by Finance by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12100391D) - Revenue neutral to localities; not so for individual taxpayers. Summary: Tangible personal property tax relief. Requires that beginning with tax year 2013 the reimbursement paid by the Commonwealth to localities for providing tangible personal property tax relief would be apportioned approximately in an equal dollar amount among all vehicles in the county, city, or town qualifying for the tax relief.</p>		
<p>HB 92 - Marshall (13) Urban development areas; incorporation of areas optional rather than mandatory, etc.</p>	<p>12/27/2011 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>2/28/2012</p>
<p>Monitor (12100702D) - See also HB 794 (Rush), HB 869 (Rust), SB 274 (Smith), SB 291 (Lucas). Summary: Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action.</p>		
<p>HB 117 - Wilt (26) Taxes, local; interest on refunds and delinquent taxes.</p>	<p>1/3/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 1/30/2012 House: Reported from Finance (22-Y 0-N) 2/2/2012 House: Passed House (100-Y 0-N) 2/3/2012 Senate: Referred to Committee on Finance 2/22/2012 Senate: Reported from Finance with substitute (9-Y 0-N 1-A) 2/24/2012 Senate: Passed Senate with substitute (38-Y 0-N) 2/28/2012 House: Senate substitute rejected by House (1-Y 97-N) 3/5/2012 Senate: Conferees appointed by Senate (Sens. Hanger, Ruff, Marsh) 3/6/2012 House: Conferees appointed by House (Dels. Wilt, Sherwood, Keam) 3/10/2012 House: No further action taken; failed to pass in House</p>	<p>1/24/2012</p>
<p>Monitor (12102173D) - See also SB 401 (Hanger). Summary: Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill has technical amendments.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 125 - Kilgore (1) Uniform Power of Attorney Act; liability of agent, penalty.</p>	<p>1/4/2012 House: Referred to Committee for Courts of Justice 2/3/12 House: Reported from Courts of Justice (18-Y 0-N) 2/3/2012 House: Referred to Committee on Appropriations 2/10/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>2/28/2012</p>
<p>Support (12102899D) - Helpful supplement to County's initiative on financial exploitation of seniors/incapacitated adults. See also SB 108 (Edwards). Summary: Provides that an agent under a power of attorney who violates the Uniform Power of Attorney Act with intent to defraud the principal and converts his principal's property is guilty of embezzlement.</p>		
<p>HB 142 - Englin (45) Smoking; allows localities to ban in designated public parks.</p>	<p>1/5/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends laying on the table (11-Y 0-N) 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>1/24/2012</p>
<p>Support (12100698D) Summary: Smoking in public parks. Allows localities to ban smoking in designated public parks.</p>		
<p>HB 201 - Ward (92) Real estate tax; exemption for elderly and disabled.</p>	<p>1/9/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12102563D) - Treasurers' Association bill. See also HB 1046 (Keam). Summary: Real property tax exemption; elderly and disabled. Removes the requirement that "income" be restricted to that which is taxable under federal income tax laws, for purposes of a locality that elects to have income caps in determining eligibility of the elderly and disabled for tax relief.</p>		
<p>HB 221 - Head (17) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.</p>	<p>1/10/2012 House: Referred to Committee on Health, Welfare and Institutions 1/23/2012 House: Subcommittee recommends incorporating (HB73-Bell, Richard P.) by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12100551D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 73 (Bell, R.P.), HB 249 (Cline), HB 598 (Crockett-Stark), SB 6 (Martin), and SB 318 (Carrico). Summary: 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 local department of social services 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, unless he enters into and complies with the requirements of a drug treatment program. This</p>		

Bills	General Assembly Actions	Date of BOS Position
bill was incorporated into HB73.		
HB 249 - Cline (24) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.	1/10/2012 House: Referred to Committee on Health, Welfare and Institutions 1/23/2012 House: Subcommittee recommends incorporating (HB73-Bell, Richard P.) by voice vote	1/24/2012
<p>Oppose (12102550D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 73 (Bell, R.P.), HB 221 (Head), HB 598 (Crockett-Stark), SB 6 (Martin), SB 83 (McWaters), SB 318 (Carrico). Summary: 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. The 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. This bill was incorporated into HB73.</p>		
HB 290 - Sherwood (29) Taxes, local; authorizes localities not to pay interest on refund when error made by taxpayer.	1/10/2012 House: Referred to Committee on Finance 1/25/2012 House: Subcommittee recommends striking from docket by voice vote 1/30/2012 House: Stricken from docket by Finance by voice vote	1/24/2012
<p>Monitor (12103154D) - See also HB 117 (Wilt). Summary: Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill also has technical amendments.</p>		
HB 383 - Pogge (96) Zoning ordinances; attorney fees.	1/10/2012 House: Referred to Committee for Courts of Justice 1/23/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Oppose (12101261D) Summary: Provides that a court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in a zoning action brought against it or that successfully challenges the validity of a zoning ordinance.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 405 - Torian (52) Planning commissions; appointments.	1/10/2012 House: Referred to Committee on Counties, Cities and Towns 1/25/2012 House: Subcommittee recommends reporting with amendment(s) (8-Y 1-N) 2/1/2012 House: Subcommittee recommends passing by indefinitely by voice vote	2/28/2012
<p>Oppose (12102323D) Summary: Provides that no member shall be appointed to a planning commission who holds a pecuniary interest or professional position with any organization to which the outcome of local planning and zoning policies is integral to the organization's mission.</p>		
HB 420 - Watts (39) Eligibility for TANF; drug-related felonies.	1/10/2012 House: Referred to Committee on Health, Welfare and Institutions 1/26/2012 01/26/12 House: Subcommittee recommends reporting and referring to Appropriations (5-Y 0-N) 2/2/2012 House: Reported from Health, Welfare and Institutions (22-Y 0-N) 2/2/2012 House: Referred to Committee on Appropriations 2/6/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Support (12102325D) - Board has historically supported. See also SB 552 (Favola). Summary: Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families 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 and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.</p>		
HB 421 - Watts (39) Standards of Quality; apportionment of state and local share.	1/10/2012 House: Referred to Committee on Appropriations 1/31/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Monitor (12101737D) - Generally positive for the County, but certain elements need further work. Summary: Directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2012, 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 average of the cost of competing index if used for instructional personnel and for support positions, to the statewide value of real estate per person; (iii) local one percent sales tax revenue collected by the locality to the statewide total local sales tax revenue collected; (iv) the assessed value of the personal property taxed by the locality to the statewide assessed value of the local personal property tax; and (v) revenue collected from local lodging, local cigarette, and local meals</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>taxes to the revenue collected statewide from such local lodging, cigarette, and meals taxes. To determine each locality's composite index of ability to pay (a) 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; (b) 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 (c) 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 (c) shall be the local composite index of ability to pay.</p>		
<p>HB 461 - Byron (22) Taxes, local; rate of interest capped at five percent annually, penalties.</p>	<p>1/10/2012 House: Referred to Committee on Finance 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (7-Y 3-N) 2/6/2012 House: Reported from Finance with amendment (17-Y 5-N) 2/9/2012 House: VOTE: DEFEATED (17-Y 80-N)</p>	<p>1/24/2012</p>
<p>Oppose (12103712D) - Would be very difficult to implement; unfunded mandate. Summary: Provides that the rate of interest set by localities that is charged on delinquent local taxes, and paid on refunds of local taxes, for the first year shall not exceed the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code. After the first year, the cap on the rate increases by two percent. Under current law, such interest rate shall not exceed the rate established pursuant to § 6621(a)(2) of the Internal Revenue Code or 10 percent, whichever is greater. The bill also repeals a statute that automatically imposed an interest rate of 10 percent in any locality that does not enact an ordinance setting the interest rate. Finally, the bill authorizes the waiver of interest and penalty for good cause. The current law requiring the interest charged on delinquent taxes to be the same as the interest paid on tax refunds, is maintained. The bill contains technical amendments.</p>		
<p>HB 468 - Albo (42) Public school funding; Department of Education to adjust local composite index (LCI) calculation.</p>	<p>1/10/2012 House: Referred to Committee on Appropriations 1/31/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Monitor (12102660D) Summary: Requires the Department of Education to adjust its calculation of the composite index of local ability to pay for public education by (i) reducing the maximum LCI of 0.80 by 0.02 each year for a period of 10 years and (ii) using the average of true value of real property, adjusted gross income, taxable retail sales, average daily membership, and total population over the preceding five-year period in calculating the LCI.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 512 - Purkey (82) Intangible personal property tax; classification of certain machinery and tools.</p>	<p>1/10/2012 House: Referred to Committee on Finance 2/6/2012 House: Reported from Finance (18-Y 4-N) 2/14/2012 House: VOTE: DEFEATED (35-Y 65-N)</p>	<p>1/24/2012</p>
<p>Oppose (12102240D) - Erosion of current local taxing authority; impact difficult to determine, possibly \$40,000. See also SB 549 (Wagner). Summary: Classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools purchased on or after July 1, 2012, that have not been in service for more than three years.</p>		
<p>HB 547 - Comstock (34) School divisions, local; may use unexpended state funds to provide one-time bonus to teachers.</p>	<p>1/10/2012 House: Referred to Committee on Education 1/23/2012 House: Referred to Committee on Appropriations 1/31/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>2/28/2012</p>
<p>Oppose (12101319D) - Oppose as written. See also SB 553 (Favola). Summary: Provides that local school divisions may elect to use any unexpended state funds to provide a one-time bonus to all teachers of up to three percent of the annual base salary.</p>		
<p>HB 569 - Marshall, III (14) Elections; identification to register to vote and to vote at polls.</p>	<p>1/10/2012 House: Referred to Committee on Privileges and Elections 1/31/12 House: Subcommittee recommends reporting with amendment(s) and referring to Appropriations (4-Y 2-N) 2/3/2012 House: Reported from Privileges and Elections with substitute (16-Y 6-N) 2/3/2012 House: Referred to Committee on Appropriations</p>	<p>2/28/2012</p>
<p>Oppose (12103098D) - Substitute does not address Board's concerns about particular burden on seniors who must obtain photo IDs. Summary: Elections; identification to register to vote and to vote. Requires the following: (i) posting notice of legally required voting qualifications and penalties for violations in at least two languages at all polling places; (ii) proof of citizenship with registration applications; and (iii) proof of identification to vote at the polls. Persons failing to provide proof of identification will be allowed to vote a provisional ballot. The bill provides that any person who is registered in Virginia as of January 1, 2013, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship; however, that privilege shall not be construed to affirm or deny whether such person is lawfully registered to vote in the Commonwealth. The act will take effect January 1, 2013.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 597 - Crockett-Stark (6) Eminent domain; definitions of lost profits and access.</p>	<p>1/10/2012 House: Referred to Committee for Courts of Justice 2/1/2012 House: Subcommittee recommends incorporating (HB1035-Joannou) by voice vote 2/3/2012 House: Incorporated by Courts of Justice (HB1035-Joannou) by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12101082D) - See also HB 1035 (Joannou) and SB 437 (Obenshain). Summary: Eminent domain; lost profits and access. Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election. This bill was incorporated into HB 1035.</p>		
<p>HB 598 - Crockett-Stark (6) VIEW; screening and assessment of public assistance recipients for use of illegal substances.</p>	<p>1/10/2012 House: Referred to Committee on Health, Welfare and Institutions 1/23/2012 House: Subcommittee recommends incorporating (HB73-Bell, Richard P.) by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12101058D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 73 (Bell, R.P.), HB 221 (Head), HB 249 (Cline), SB 6 (Martin), SB 83 (McWaters), SB 318 (Carrico). Summary: Substance abuse screening and assessment of public assistance 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 local department of social services 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, unless he enters into and complies with the requirements of a drug treatment program. This bill was incorporated into HB73.</p>		
<p>HB 600 - LeMunyon (67) Transportation Board; changes composition.</p>	<p>1/10/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12103150D) - See also similar bills HB 659 (Surovell), HB 864 (Rust), SB 161 (Petersen), SB 392 (Marsden). Summary: Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB. One member will be appointed from each of Virginia's congressional districts (as they exist on July 1, 2012) and three more will be at-large. The three ex officio members remain unchanged.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 613 - LeMunyon (67) Public employment; prohibits discrimination.	1/10/2012 House: Referred to Committee on General Laws 2/7/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in General Laws	2/28/2012
<p>Oppose (12101791D) - Oppose as written. Summary: Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, political affiliation, national origin, sex, age, disability, or any other reason except reasons related to qualifications, ability, or performance. The bill contains technical amendments.</p>		
HB 614 - LeMunyon (67) Comprehensive plan; controls future land use decisions of governing body.	1/10/2012 House: Referred to Committee on Counties, Cities and Towns 2/14/2012 House: Left in Counties, Cities and Towns	1/24/2012
<p>Oppose (12102282D) Summary: Provides that the comprehensive plan shall control the future land use decisions of the governing body. No zoning amendment shall be approved unless it has been determined to be substantially in accord with the adopted comprehensive plan. However, a governing body may approve a proposed zoning amendment that is not in substantial accord with the comprehensive plan if the advocate for such proposed amendment can make a substantial showing that the land use change will serve the purposes of the zoning ordinance.</p>		
HB 616 - LeMunyon (67) Advertising within the limits of the highway; penalty.	1/10/2012 House: Referred to Committee on Transportation 1/26/2012 House: Tabled in Transportation by voice vote	1/24/2012
<p>Amend (12101044D) - Amend to allow locality to retain civil penalty monies. Summary: Increases the civil penalty for advertising within the limits of the highways to \$250. The bill also allows localities to remove advertisements and to then share the penalty equally with the Fund.</p>		
HB 627 - LeMunyon (67) Dulles Corridor Metrorail Project; use of state funds.	1/10/12 House: Referred to Committee on Transportation 1/17/2012 House: Referred to Committee on General Laws 2/9/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in General Laws	1/24/2012
<p>Oppose (12103959D) Summary: Makes use of state funds for Phase II of the Dulles Metrorail Project subject to certain conditions.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 659 - Surovell (44) Transportation Board; increases number of members.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12103394D) - See also similar bills HB 600 (LeMunyon), HB 864 (Rust), SB 161 (Petersen), SB 392 (Marsden). Summary: Composition of the Commonwealth Transportation Board. Increases the number of members of the Commonwealth Transportation Board to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas.</p>		
<p>HB 667 - Surovell (44) Political contributions; prohibitions during procurement process.</p>	<p>1/11/2012 House: Referred to Committee on General Laws 2/2/2012 House: Subcommittee recommends passing by indefinitely by voice vote 2/7/2012 House: Passed by indefinitely in General Laws by voice vote</p>	<p>2/28/2012</p>
<p>Oppose Unless Amended (12100683D) - Oppose unless amended to exclude local governing bodies that do not make procurement decisions. Summary: Includes the mayor or chief executive officer of a locality, school superintendent, and any member of a local governing body, planning commission, or school board in the current prohibition against knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the mayor or chief executive officer of a locality, school superintendent, or any member of a local governing body, planning commission, or school board. Any violation shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.</p>		
<p>HB 678 - Surovell (44) Virginia Consumer Protection Act; local towing ordinances.</p>	<p>1/11/2012 House: Referred to Committee on Commerce and Labor 2/2/2012 House: Subcommittee recommends passing by indefinitely by voice vote</p>	<p>1/24/2012</p>
<p>Support (12100806D) Summary: Provides that violations of a local ordinance regulating the removal or immobilization of trespassing vehicles or setting towing fees constitute prohibited practices under the Virginia Consumer Protection Act.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 706 - Filler-Corn (41) Pedestrians; requires vehicle drivers to stop at marked crosswalks, etc.	1/11/2012 House: Referred to Committee on Transportation 2/1/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Amend (12103228D) - Work with patron on language. Summary: Pedestrians. Requires vehicle drivers to stop for pedestrians crossing at marked crosswalks or at intersections not controlled by traffic signals.</p>		
HB 723 - Yancey (94) Transportation; funding and administration in various construction districts.	1/11/2012 House: Referred to Committee on Appropriations 1/30/2012 House: Subcommittee recommends laying on the table by voice vote	2/28/2012
<p>Oppose (12101164D) Summary: Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District.</p>		
HB 740 - Jones (76) Line of Duty Act; political subdivisions to make an irrevocable election to self-fund benefits.	1/11/2012 House: Referred to Committee on General Laws 1/31/2012 House: Referred to Committee on Appropriations	2/28/2012
<p>Monitor (12103326D) - This is a VACo/VML bill; a working group on the issue has been meeting with state administration officials and the Senate Finance committee stressed that an agreement must be reached. See also SB 125 (Watkins). Summary: Line of Duty Act. Allows a political subdivision with employees eligible for coverage under the Line of Duty Act to make an irrevocable election to self-fund the benefits available under the Line of Duty Act.</p>		
HB 784 - Lopez (49) Exercise due care; requires drivers to avoid colliding with pedestrian.	1/11/2012 House: Referred to Committee on Transportation 1/26/2012 House: Passed by indefinitely in Transportation by voice vote	1/24/2012
<p>Support (12101809D) Summary: Drivers to exercise due care. Requires drivers to exercise due care to avoid colliding with a pedestrian or the operator of a human-powered vehicle.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 786 - Lopez (49) Elections; absentee voting.	1/11/2012 House: Referred to Committee on Privileges and Elections 2/7/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in Privileges and Elections	1/24/2012
<p>Support (12101960D) - Board has historically supported.</p> <p>Summary: 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>		
HB 794 - Rush (7) Urban development areas; incorporation of areas optional rather than mandatory, etc.	1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/2/2012 House: Subcommittee recommends laying on the table by voice vote	2/28/2012
<p>Monitor (12102627D) - See also HB 92 (Marshall, R.), HB 869 (Rust), SB 274 (Smith), SB 291 (Lucas).</p> <p>Summary: Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action.</p>		
HB 827 - Marshall (13) Transportation districts; repeals allocation of funds.	1/11/2012 House: Referred to Committee on Transportation 2/7/2012 House: Tabled in Transportation by voice vote	1/24/2012
<p>Oppose (12102361D)</p> <p>Summary: Transportation districts. Repeals the allocation of funds to transportation districts.</p>		
HB 828 - Marshall (13) Elections; voter integrity and identification provisions.	1/11/2012 House: Referred to Committee on Privileges and Elections 2/7/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in Privileges and Elections	2/28/2012
<p>Oppose (12103072D) - Particular concerns about seniors who may lack photo IDs.</p> <p>Summary: Requires the following steps to emphasize integrity in the voting process: (i) posting notice of legally required voting qualifications and penalties for violations in at least two languages at all polling places; (ii) requiring proof of citizenship with registration applications; and (iii) requiring a copy of proof of identification be submitted for in-person and absentee voting. The bill provides that any person who is registered in Virginia as of January 1, 2013, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship; however, that privilege shall not be construed to affirm or deny whether such person is lawfully registered to vote in the Commonwealth. The act will take effect January 1, 2013.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 863 - Rust (86) Zoning; civil penalties constitute liens on real property.	1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/14/2012 House: Left in Counties, Cities and Towns	1/24/2012
<p>Support (12100437D) - See also SB 229 (Herring). Summary: Establishes that a lien against real property shall exist for each penalty levied for a scheduled violation of a locality's zoning ordinance. Such a lien shall arise for each penalty that either remains unpaid after the completion of an appeals procedure sustaining the penalty or otherwise remains unpaid for 90 days after issuance.</p>		
HB 868 - Rust (86) Plug-in electric-drive vehicles; may park free of charge in certain parking spaces when recharging.	1/11/2012 House: Referred to Committee on Transportation 2/2/2012 House: Passed by indefinitely in Transportation by voice vote	1/24/2012
<p>Amend (12101335D) - Amend for Metro parking garages. Summary: Plug-in electric-drive vehicles. Provides that plug-in electric-drive vehicles may park free of charge in government owned or controlled parking space when the vehicles are recharging their batteries.</p>		
HB 873 - Rust (86) Direct Aid to Public Education; amends by lowering maximum Composite Index rate.	1/11/2012 House: Referred to Committee on Appropriations 1/31/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Monitor (12102824D) Summary: Amends future Direct Aid to Public Education Distribution by lowering the maximum Composite Index.</p>		
HB 874 - Rust (86) Handheld personal communications devices; penalty if text messaging and emailing while driving.	1/11/2012 House: Referred to Committee on Militia, Police and Public Safety 2/14/2012 House: Left in Militia, Police and Public Safety	1/24/2012
<p>Support (12100124D) - Board has historically supported. See also SB 219 (Barker). Summary: Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 895 - Albo (42) Voter registration; requires proof of U.S. citizenship, residence, and photo ID to register.</p>	<p>1/11/2012 House: Referred to Committee on Privileges and Elections 2/14/2012 House: Left in Privileges and Elections</p>	<p>2/28/2012</p>
<p>Oppose (12101757D) - Particular concerns about seniors who may lack photo IDs. Summary: Voter registration; accompanying documentation. Requires proof of U.S. citizenship and residence and photo ID to register to vote in person, by mail, and through DMV and assistance agencies.</p>		
<p>HB 903 - Minchew (10) Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 1/26/2012 House: Subcommittee recommends striking from docket by voice vote 1/27/2012 House: Stricken from docket by Counties, Cities and Towns (0-Y 0-N)</p>	<p>1/24/2012</p>
<p>Monitor (12103822D) - See also HB 326 (Massie), SB 36 (Black), SB 233 (Herring). Summary: Provides that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition.</p>		
<p>HB 909 - Minchew (10) Highway maintenance and construction; allocation of funds.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 1/26/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Oppose (12102719D) Summary: Highway maintenance and construction. Prohibits allocation by the Commonwealth Transportation Board (CTB) of any funds in the Transportation Trust Fund for highway maintenance purposes.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 913 - Minchew (10) Solid waste management plan, regional or local; making such plans optional.</p>	<p>1/11/2012 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/1/2012 House: Subcommittee recommends reporting with amendment(s) (5-Y 2-N) 2/8/2012 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (13-Y 9-N) 2/14/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 3/1/2012 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources (11-Y 4-N)</p>	<p>2/28/2012</p>
<p>Support (12105098D-H1) - Amended to require state permit to conform to local plan. Summary: Removes the mandate that a governing body develop and implement a regional or local solid waste management plan, making such plans optional. The bill includes technical amendments.</p>		
<p>HB 942 - Lingamfelter (31) Alternative onsite sewage system; locality can not require owner to enter in performance agreement.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends laying on the table (11-Y 0-N) 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>1/24/2012</p>
<p>Oppose (12101860D) Summary: Onsite sewage systems. Provides that a locality shall not require the owner of an alternative onsite sewage system to enter into a performance agreement with the locality or otherwise require the owner of an alternative onsite sewage system to post with the locality a sum of cash, a letter of credit, or a bond.</p>		
<p>HB 951 - Bell (58) DUI ignition interlock; required on first offense as a condition of a restricted license.</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 1/30/2012 House: Subcommittee recommends incorporating (HB279-Iaquinto) by voice vote 2/3/2012 House: Incorporated by Courts of Justice (HB279-Iaquinto) by voice vote</p>	<p>2/28/2012</p>
<p>Support (12102227D) - Board has historically supported. Summary: DUI ignition interlock. 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 ignition interlock is imposed only upon a second or subsequent offense or when the offender's BAC is above 0.15 percent. The bill also adds passenger vehicles designed to transport more than 15 passengers to the types of vehicles that cannot be operated by a person who is required to have an interlock but who is otherwise permitted to operate a vehicle owned or provided by his employer in the course of his employment. The bill also provides for the court to allow a person to drive to and from the facility that installed or monitors the interlock system when he is subject to a restricted license. This bill was incorporated into HB 279.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 957 - Bell (58) Zero tolerance; shall continue for two years following restoration of driving privileges for DUI.</p>	<p>1/11/2012 House: Referred to Committee on Transportation 1/24/2012 House: Referred to Committee for Courts of Justice 1/30/2012 House: Subcommittee recommends reporting (9-Y 0-N) 2/3/2012 House: Reported from Courts of Justice with substitute (15-Y 0-N) 2/3/12 House: Referred to Committee on Appropriations</p>	<p>1/24/2012</p>
<p>Support (12100434D) Summary: Provides that the zero tolerance (0.02%) blood alcohol content restriction imposed upon a person following a DUI conviction (i) during the pendency of a restricted license, shall continue for two years following restoration of driving privileges or (ii) when no restricted license is issued, shall be imposed for two years upon restoration of driving privileges following a suspension or revocation.</p>		
<p>HB 958 - Bell (58) Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.</p>	<p>1/11/2012 House: Referred to Committee for Courts of Justice 2/10/2012 House: Reported from Courts of Justice with substitute (15-Y 2-N) 2/14/2012 House: VOTE: PASSAGE (81-Y 19-N) 2/15/2012 Senate: Referred to Committee for Courts of Justice 2/27/2012 Senate: Reported from Courts of Justice with substitute (9-Y 6-N) 2/29/12 Senate: Passed Senate with substitute (26-Y 14-N) 3/2/2012 House: Speaker ruled substitute 12105661D-S1 not germane 3/10/12 House: No further action taken; failed to pass in House</p>	<p>3/6/2012 2/28/2012</p>
<p>Monitor (12105661D-S1) - Senate Courts substitute reflects current County law enforcement practice. Oppose (12105318D-H1) Summary: Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. This bill incorporates HB 89 and HB 320.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 976 - Scott (53) Temporary Assistance for Needy Families; DSS to annually review amount of payment made to recipient.</p>	<p>1/11/2012 House: Referred to Committee on Health, Welfare and Institutions 1/19/12 House: Referred to Committee on Appropriations 2/6/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12102182D) Summary: Department of Social Services to annually review the amount of payments made to TANF recipients and index such payments to the Consumer Price Index. Directs the Department of Social Services to develop and implement a process for annually reviewing the amount of assistance paid to eligible recipients through the Temporary Assistance for Needy Families program and indexing the amount of such payments in an amount equal to the percentage change in the Consumer Price Index for the year immediately preceding the year in which the review occurs. The bill requires the Department to report to the Governor and the General Assembly on its progress in implementing the provisions of this act no later than December 1, 2012.</p>		
<p>HB 977 - Scott (53) Virginia Human Rights Act; prohibits discrimination employment based on sexual orientation.</p>	<p>1/11/2012 House: Referred to Committee on General Laws 2/7/2012 House: Subcommittee recommends incorporating (HB613-LeMunyon) by voice vote 2/14/2012 House: Left in General Laws</p>	<p>1/24/2012</p>
<p>Support (12102249D) - Board has historically supported. See also SB 263 (Ebbin). Summary: Virginia Human Rights Act; prohibited discrimination; sexual orientation. Prohibits discrimination in employment based on sexual orientation. 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 also codifies existing prohibited discrimination in employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill contains technical amendments.</p>		
<p>HB 985 - Scott (53) Pawnbrokers and precious metals dealers; photograph required of person pawning, selling, etc.</p>	<p>1/11/2012 House: Referred to Committee on General Laws 1/19/2012 House: Incorporated by General Laws (HB459-BaCote) by voice vote 1/26/2012 House: Tabled in General Laws by voice vote</p>	<p>1/24/2012</p>
<p>Support (12100760D) - Board has historically supported. Summary: Requires pawnbrokers and precious metals dealers to take a photograph or digital image of (i) the person pawning or pledging or selling an article, precious metal or gem taken at the time of the transaction and (ii) the article, precious metal or gem pawned or pledged or sold. The bill also requires the pawnbrokers and precious metals dealers to submit a daily report containing information on transactions to law-enforcement</p>		

Bills	General Assembly Actions	Date of BOS Position
officials by electronic means. Currently, for pawnbrokers the requirement to submit electronic reports is a local option and precious metals dealers are required to mail or deliver the report within 24 hours of the transaction.		
HB 1046 - Keam (35) Real property tax; exemption for elderly and disabled.	1/11/2012 House: Referred to Committee on Finance 2/1/2012 House: Subcommittee recommends laying on the table (7-Y 3-N)	1/24/2012
Support (12101262D) - Treasurers' Association bills; see also HB 201 (Ward). Summary: Real property tax exemption; elderly and disabled. Removes the requirement that "income" be restricted to that which is taxable under federal income tax laws, for purposes of a locality that elects to have income caps in determining eligibility of the elderly and disabled for tax relief.		
HB 1053 - Anderson (51) Handheld personal communications devices; penalty if text messaging and emailing while driving.	1/11/2012 House: Referred to Committee on Militia, Police and Public Safety 2/14/2012 House: Left in Militia, Police and Public Safety	2/28/2012
Support (12102713D) - Board has historically supported. Summary: Texting while driving. Removes the "secondary enforcement" provision from the statute prohibiting sending or reading email or text messages while driving.		
HB 1060 - Anderson (51) Citizenship of arrestee; if accused is not committed to jail, arresting officer to ascertain.	1/11/2012 House: Referred to Committee for Courts of Justice 2/10/2012 House: Reported from Courts of Justice with substitute (14-Y 3-N) 2/14/2012 House: VOTE: PASSAGE (75-Y 25-N) 2/15/2012 Senate: Referred to Committee for Courts of Justice 2/22/2012 Senate: Failed to report (defeated) in Courts of Justice (7-Y 7-N)	2/28/2012
Amend (12105239D-H1) - Amend to clarify that the bill pertains to physical custody arrests. Summary: Arresting officer to ascertain citizenship of arrestee. Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring that an arresting officer inquire of every arrestee whether he is in the country legally. The bill further provides that when a law-enforcement officer believes that the person is not legally present in the United States, he shall communicate to the judicial officer the facts and circumstances underlying his belief.		

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1071</u> - Hugo (40) Alternative onsite sewage system; owner exempt from requirements for operation and maintenance.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends laying on the table (11-Y 0-N) 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>1/24/2012</p>
<p>Oppose (12100960D) Summary: Onsite sewage systems. Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day serving a church or an individual single-family dwelling occupied by such owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in State Board of Health regulations. The provisions of this act shall expire on July 1, 2014.</p>		
<p><u>HB 1082</u> - Hugo (40) Recordation tax; eliminates exemption for certain deeds of trust securing a refinanced obligation.</p>	<p>1/11/2012 House: Referred to Committee on Finance 2/6/2012 House: Reported from Finance (16-Y 6-N) 2/13/2012 House: Rereferred to Finance 2/14/2012 House: Left in Finance</p>	<p>1/24/2012</p>
<p>Support (12102507D) - Support concept; work to minimize fiscal impact to County (\$3 million as currently written). See also SB 409 (Hanger). Summary: Eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation, and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18 cents (\$0.18) per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; all other such instruments of refinancing are subject to the tax at rates higher than the new rates established in the bill.</p>		
<p><u>HB 1084</u> - Hugo (40) Voter identification requirements; provisional ballot to be offered if voter has no photo ID.</p>	<p>1/11/2012 House: Referred to Committee on Privileges and Elections 2/7/2012 House: Subcommittee recommends laying on the table by voice vote 2/14/2012 House: Left in Privileges and Elections</p>	<p>2/28/2012</p>
<p>Oppose (12101759D) Summary: Requires photo ID at the polls. The bill eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to cast a provisional ballot if he cannot show identification.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>HB 1114 - Morris (64) Sport shooting ranges, certain; applicability of local ordinances.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends striking from docket (11-Y 0-N) 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>2/28/2012</p>
<p>Oppose (12104040D) Summary: Sport shooting range. Provides that no local ordinance shall subject a sport shooting range to any regulation or land use requirement more stringent than those in effect at the time the sport shooting range was approved.</p>		
<p>HB 1122 - Morrissey (74) Derelict and blighted buildings; authorizes locality to serve as receiver to repair.</p>	<p>1/11/2012 House: Referred to Committee on Counties, Cities and Towns 1/27/2012 House: Referred to Committee for Courts of Justice 2/1/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>2/28/2012</p>
<p>Monitor (12102571D) - VML bill. See also HB 491 (Dance) and SB 122 (Watkins). Summary: Receivership of derelict and blighted buildings. Authorizes a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill was recommended by the Virginia Housing Commission.</p>		
<p>HB 1129 - Howell (28) Virginia Retirement System; modifies several provisions of defined benefit retirement plan.</p>	<p>1/12/2012 House: Referred to Committee on Appropriations 2/10/2012 House: Reported from Appropriations with substitute (20-Y 1-N) 2/14/2012 House: VOTE: PASSAGE (74-Y 26-N) 2/15/2012 Senate: Referred to Committee on Finance 2/28/2012 Senate: Incorporated by Finance (HB1130-Howell, W.J.) (15-Y 0-N)</p>	<p>2/28/2012</p>
<p>Monitor (12105282D-H1) Summary: Virginia Retirement System; defined benefit plan. Modifies several provisions of the defined benefit retirement plan. Beginning January 1, 2013, the bill changes the calculation of average final compensation to cover a period of 60 months rather than 36 months. Under current law, the use of a 60-month period applies only to those employees hired on or after July 1, 2010. However, current employees affected by this change in average final compensation may use the 36-month period of calculation for compensation received prior to January 1, 2013, if it is greater than the 60-month period of calculation. Effective January 1, 2013, except for employees who are within five years of their unreduced retirement date at that time, the bill (i) restricts cost of living adjustments (COLA) to those employees who reach the age for unreduced retirement benefits and (ii) reduces the COLA to the first two percent of inflation plus one-half of the next two percent, for a maximum</p>		

Bills	General Assembly Actions	Date of BOS Position
total of three percent. Under current law, the COLA is the first three percent of inflation plus one-half of the next four percent, for a maximum total of five percent. Finally, for state and local employees hired on or after January 1, 2013, other than law-enforcement employees and judges, the bill reduces the multiplier from 1.7 to 1.6.		
<p>HB 1131 - Cole (88) Elections; municipalities will pay expenses associated with May elections after June 30, 2009, etc.</p>	<p>1/12/2012 House: Referred to Committee on Privileges and Elections 1/26/2012 House: Subcommittee recommends reporting with amendment(s) (5-Y 0-N) 2/3/2012 House: Reported from Privileges and Elections with substitute (22-Y 0-N) 2/8/2012 House: VOTE: PASSAGE (90-Y 8-N) 2/9/2012 Senate: Referred to Committee on Privileges and Elections 2/28/2012 Senate: Passed by indefinitely in Privileges and Elections (13-Y 1-N)</p>	<p>2/28/2012 1/24/2012</p>
<p>Monitor (12104748D-H1) - Amendments made to remove County elections from requirement to pay SBE costs. Amend (12103050D) - Amend to exempt special elections and primaries. Summary: Costs of elections. Requires cities and towns to pay the costs incurred by the State Board of Elections in administering local May elections.</p>		
<p>HB 1157 - Merricks (16) Local governments; equalizes city and county taxing authority.</p>	<p>1/16/2012 House: Referred to Committee on Finance 2/1/2012 House: Subcommittee recommends striking from docket by voice vote 2/6/2012 House: Stricken from docket by Finance by voice vote</p>	<p>1/24/2012</p>
<p>Support (12103100D) - A VACo bill. Summary: Local government taxing authority. Equalizes city and county taxing authority beginning January 1, 2013, by granting counties the same authority available to cities. In general, cities are not subject to maximum tax rates that may be imposed on meals, transient room rentals, cigarettes, and admissions to events. In general, counties are subject to maximum rates for these taxes.</p>		
<p>HB 1196 - Cole (88) Zoning provisions; private schools and child day centers operated by religious institutions.</p>	<p>1/19/2012 House: Referred to Committee on Counties, Cities and Towns 2/9/2012 House: Subcommittee recommends laying on the table (11-Y 0-N) 2/14/2012 House: Left in Counties, Cities and Towns</p>	<p>2/28/2012</p>
<p>Oppose (12103770D) - Bill does not consider increase in intensity of use where religious institution is combined with daycare or school. Summary: Zoning provisions for private schools and child day centers; religious institutions. Provides that zoning ordinances for all purposes shall consider (i) private schools operated by a religious institution and (ii) certain child day centers operated by a religious institution as permitted uses in any zoning classification in which religious institutions are a permitted use.</p>		

Bills	General Assembly Actions	Date of BOS Position
HJ 115 - Surovell (44) United States Constitution; General Assembly of Va. to ratify and affirm Equal Rights Amendment.	1/11/2012 House: Referred to Committee on Privileges and Elections 2/14/2012 House: Left in Privileges and Elections	1/24/2012
<p>Support (12103026D) Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
SB 3 - Black (13) Dulles Corridor Metrorail Project; prohibits use of state funds for Phase II of Project, etc.	12/1/2011 Senate: Referred to Committee on Finance 2/7/2012 Senate: Reported from Finance with substitute (14-Y 1-N) 2/14/2012 Senate: Defeated by Senate (19-Y 20-N 1-A)	1/24/2012
<p>Oppose (12100709D) Summary: Dulles Metrorail Project. Prohibits use of state funds for Phase II of the Dulles Metrorail Project if the Project is subject to a project labor agreement, the policies and bylaws of the Metropolitan Washington Airports Authority do not permit public access to MWAA's meetings and records as provided in Virginia's FOIA, or the Project is not subject to audit by VDOT or the Auditor of Public Accounts.</p>		
SB 19 - Stuart (28) Cash proffers; changes sunset date on provisions that state collection or acceptance by locality.	12/28/2011 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Failed to report (defeated) in Local Government (13-Y 2-N)	1/24/2012
<p>Support (12101236D) Summary: Cash proffers. Changes the sunset date from July 1, 2015, to July 1, 2012, on provisions that state that cash proffers shall be collected or accepted by any locality only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.</p>		
SB 48 - Watkins (10) Residential rental properties; establishes criteria by which an assessor determines market value.	1/4/2012 Senate: Referred to Committee on Finance 1/24/2012 Senate: Stricken at request of Patron in Finance (15-Y 0-N)	1/24/2012
<p>Oppose Unless Amended (12100756D) Summary: Assessment of residential rental properties. Establishes criteria by which an assessor shall determine fair market value for real estate used in whole or in part as residential rental property as defined by ordinance or</p>		

Bills	General Assembly Actions	Date of BOS Position
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the locality. Criteria include actual gross income generated, losses due to vacancies, collection losses, and rent concessions as well as actual operating expenses and expenditures. Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment.

SB 56 - Obenshain (26)
Elections; party
identification on ballots
in local elections.

1/5/2012 Senate: Referred to Committee on Privileges and Elections
1/24/2012 Senate: Reported from Privileges and Elections with substitute (8-Y 7-N)
2/1/2012 Senate: Read third time and defeated by Senate (14-Y 25-N)

2/28/2012

Monitor (12102759D)

Summary: Elections; party identification on ballots; local elections. Extends to local elections the requirement that ballots identify the nominating political party for party candidates and identify independent candidates as such. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

SB 83 - McWaters (8)
VIEW; screening and
assessment of public
assistance recipients for
use of illegal substances.

1/9/2012 Senate: Referred to Committee on Rehabilitation and Social Services
2/3/2012 Senate: Incorporated by Rehabilitation and Social Services (SB6-Martin) (15-Y 0-N)

1/24/2012

Oppose (12100217D) - Oppose as unfunded mandate; Board has historically opposed. See also HB 73 (Bell, R.P.), HB 221 (Head), HB 249 (Cline), HB 598 (Crockett-Stark), SB 6 (Martin), SB 318 (Carrico).

Summary: Requires local departments of social services to screen each participant in the Virginia Initiative for Employment Not Welfare (VIEW) to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. In cases in which drug testing is required, the participant shall pay the cost of such 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill was incorporated into SB6.

Bills	General Assembly Actions	Date of BOS Position
<p>SB 102 - Edwards (21) Water and waste authorities; liens.</p>	<p>1/9/2012 Senate: Referred to Committee on Local Government 1/31/2012 Senate: Reported from Local Government with amendment (8-Y 5-N 2-A) 2/6/2012 Senate: Passed Senate (30-Y 10-N) 2/13/2012 House: Referred to Committee on Counties, Cities and Towns 2/29/2012 House: Failed to report (defeated) in Counties, Cities and Towns (5-Y 16-N)</p>	<p>2/28/2012</p>
<p>Oppose (12101228D) - Bill prohibits liens for tenants' unpaid utility fees if landlord does not agree to lien. Summary: Prohibits a water authority in some circumstances from establishing a lien against a landlord's property for a tenant's delinquent fees absent an agreement signed by the landlord permitting such recourse.</p>		
<p>SB 107 - Edwards (21) Freedom of Information Act; criminal investigative records.</p>	<p>1/9/2012 Senate: Referred to Committee on General Laws and Technology 2/13/2012 Senate: Passed by indefinitely in General Laws and Technology (7-Y 6-N)</p>	<p>1/24/2012</p>
<p>Oppose (12101238D) - Board has historically opposed. Summary: Amends the definition of "criminal investigative file" so that the exemption applies to records relating to active or ongoing investigations or prosecutions.</p>		
<p>SB 125 - Watkins (10) Line of Duty Act; political subdivision, etc., irrevocable election to self-fund benefits.</p>	<p>1/10/2012 Senate: Referred to Committee on Finance 1/24/2012 Senate: Reported from Finance with amendments (8-Y 6-N 1-A) 1/31/2012 Senate: Read third time and passed Senate (34-Y 6-N) 2/13/2012 House: Referred to Committee on Appropriations 3/10/2012 03/10/12 House: Left in Appropriations</p>	<p>2/28/2012</p>
<p>Monitor (12103521D) - A VACo/VML bill; has been amended to delay the irrevocable Line of Duty decision by a locality from 2012 to 2013; a working group on the issue has been meeting with state administration officials and the Senate Finance committee stressed that an agreement must be reached. See also HB 740 (Jones). Summary: Line of Duty Act. Allows a political subdivision with employees eligible for coverage under the Line of Duty Act to make an irrevocable election, on or before July 1, 2013, to self-fund the benefits available under the Line of Duty Act. The bill contains a reenactment clause.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 174 - Stuart (28) Stormwater program assistance; DCR to provide technical and staff assistance in managing.	1/10/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/15/2012 Senate: Left in Agriculture, Conservation and Natural Resources	1/24/2012
<p>Support (12101027D) Summary: Requires the Department of Conservation and Recreation, if requested by a local government, to provide technical and staff assistance in managing the local stormwater municipal separate storm sewer system (MS4) program.</p>		
SB 188 - Miller (1) Absentee voting; application for absentee ballots by electronic mail or other electronic means.	1/10/2012 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Reported from Privileges and Elections with substitute (14-Y 1-N) 2/6/2012 Senate: Passed Senate (34-Y 5-N) 2/13/2012 House: Referred to Committee on Privileges and Elections 2/21/2012 House: Subcommittee recommends laying on the table by voice vote	2/28/2012
<p>Support Study (12104369D-S1) - Support concept; carry over to work out implementation details. Summary: Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. The bill further provides that any applicant for an absentee ballot may request that the ballot materials be sent to him by electronic transmission. The option for such electronic transmission is currently available only to military and overseas voters.</p>		
SB 208 - Barker (39) Driver's license; changes period of administrative suspension for a DUI from seven to 60 days.	1/10/2012 Senate: Referred to Committee on Transportation 1/18/2012 Senate: Rereferred to Courts of Justice 2/8/2012 Senate: Passed by indefinitely in Courts of Justice (15-Y 0-N)	1/24/2012
<p>Support (12101598D) Summary: Changes the period of administrative license suspension upon arrest for a DUI from seven to 60 days and, for a second or subsequent offense, from 60 days until the time of trial.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><u>SB 210</u> - Barker (39) Driver's license holders, provisional; makes cell phone use while driving a primary offense.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/18/12 Senate: Reported from Transportation (11-Y 3-N) 1/24/2012 Senate: Passed Senate (30-Y 10-N) 2/13/2012 House: Referred to Committee on Militia, Police and Public Safety 2/16/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12101595D) - Board has historically supported. Summary: Provisional driver's license holders. Changes from a secondary offense to a primary offense use of a cell phone by a provisional driver's license holder.</p>		
<p><u>SB 219</u> - Barker (39) Handheld personal communications devices; penalty if text messaging and emailing while driving.</p>	<p>1/10/2012 Senate: Referred to Committee on Transportation 1/18/2012 Senate: Reported from Transportation (8-Y 5-N 1-A) 1/23/2012 Senate: Rereferred to Courts of Justice 2/6/12 Senate: Reported from Courts of Justice (10-Y 4-N) 2/7/2012 Senate: Passed Senate (28-Y 12-N) 2/13/2012 House: Referred to Committee on Militia, Police and Public Safety 2/16/2012 House: Subcommittee recommends laying on the table by voice vote</p>	<p>1/24/2012</p>
<p>Support (12102224D) - Board has historically supported. See also HB 874 (Rust). Summary: Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.</p>		
<p><u>SB 229</u> - Herring (33) Zoning; civil penalties constitute liens on real property.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Failed to report (defeated) in Local Government (6-Y 8-N)</p>	<p>1/24/2012</p>
<p>Support (12102069D) - See also HB 863 (Rust). Summary: Establishes that a lien against real property shall exist for each penalty levied for a scheduled violation of a locality's zoning ordinance. Such a lien shall arise for each penalty that either remains unpaid after the completion of an appeals procedure sustaining the penalty or otherwise remains unpaid for 90 days after issuance.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>SB 233 - Herring (33) Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 2/7/2012 Senate: Stricken at request of Patron in Local Government (14-Y 0-N)</p>	<p>1/24/2012</p>
<p>Monitor (12103824D) - See also HB 326 (Massie), HB 903 (Minchew), SB 36 (Black). Summary: Proffered conditions. Provides that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition.</p>		
<p>SB 263 - Ebbin (30) Public employment; prohibits discrimination based on sexual orientation, race, etc.</p>	<p>1/10/2012 Senate: Referred to Committee on General Laws and Technology</p>	<p>1/24/2012</p>
<p>Support (12102454D) - Board has historically supported. See also HB 977 (Scott, J.M.) Summary: Prohibits discrimination in public employment based on sexual orientation. 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. The bill also codifies existing prohibitions against discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill contains technical amendments.</p>		
<p>SB 291 - Lucas (18) Urban development areas; makes incorporation optional rather than mandatory for all localities.</p>	<p>1/10/2012 Senate: Referred to Committee on Local Government 1/31/2012 Senate: Incorporated by Local Government (SB274-Smith) (15-Y 0-N)</p>	<p>2/28/2012</p>
<p>Monitor (12103820D) - See also HB 92 (Marshall), HB 794 (Rush), HB 869 (Rust), SB 274 (Smith). Summary: Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may reconsider such action.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 318 - Carrico, Sr. (40) VIEW; screening and assessment of public assistance recipients for use of illegal substances.	1/10/2012 Senate: Referred to Committee on Rehabilitation and Social Services 2/3/2012 Senate: Incorporated by Rehabilitation and Social Services (SB6-Martin) (15-Y 0-N)	1/24/2012
<p>Oppose (12100633D) - Oppose as unfunded mandate; Board has historically opposed. See also Hb 73 (Bell, R.P.), HB 221 (Head), HB 249 (Cline), HB 598 (Crockett-Stark), SB 6 (Martin), SB 83 (McWaters). Summary: 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year. This bill was incorporated into SB318.</p>		
SB 401 - Hanger, Jr. (24) Taxes, local; interest on refunds and delinquent taxes.	1/11/2012 Senate: Referred to Committee on Finance 1/25/2012 Senate: Reported from Finance with substitute (15-Y 0-N) 1/30/2012 Senate: Passed Senate (40-Y 0-N) 2/13/2012 House: Referred to Committee on Finance 2/27/2012 House: Reported from Finance with substitute (21-Y 0-N) 3/2/2012 Senate: House substitute rejected by Senate (2-Y 37-N) 3/6/2012 Senate: Conferees appointed by Senate (Sens. Hanger, Watkins, Y.B. Miller) 3/7/2012 House: Conferees appointed by House (Dels. Wilt, Sherwood, Keam) 3/10/2012 03/10/12 Senate: No further action taken; failed to pass in Senate.	1/24/2012
<p>Monitor (12102083D) - See also HB 117 (Wilt). Summary: Local taxes; interest on refunds and delinquent taxes. Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill has technical amendments.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>SB 442 - Obenshain (26) Onsite sewage systems; design and inspection.</p>	<p>1/11/2012 Senate: Referred to Committee on Education and Health 2/2/2012 Senate: Reported from Education and Health with substitute (11-Y 4-N) 2/8/2012 Senate: Passed Senate (30-Y 9-N) 2/13/2012 House: Referred to Committee on Health, Welfare and Institutions 2/21/2012 House: Failed to report (defeated) in Health, Welfare and Institutions (10-Y 12-N)</p>	<p>1/24/2012</p>
<p>Oppose (12102741D) Summary: Design and inspection of onsite sewage systems. Establishes minimum required inspection frequencies for alternative onsite systems.</p>		
<p>SB 509 - Wagner (7) State Water Control Board; powers and duties.</p>	<p>1/11/2012 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/26/2012 Senate: Stricken at request of Patron in Agriculture, Conservation and Natural Resources (15-Y 0-N)</p>	<p>2/28/2012</p>
<p>Oppose (12100410D) Summary: Requires that state water quality laws be no more restrictive than federal requirements. Currently, Virginia law allows more stringent regulations than those adopted by the federal government, so long as the reasons for the more restrictive provisions are disclosed to the committees having oversight responsibilities.</p>		
<p>SB 549 - Wagner (7) Machinery and Tools Investment Grant Program; created.</p>	<p>1/16/2012 Senate: Referred to Committee on Finance 2/9/2012 Senate: Reported from Finance with substitute (13-Y 2-N) 2/14/2012 Senate: Passed Senate (28-Y 12-N) 2/16/12 House: Referred to Committee on Appropriations</p>	<p>2/28/2012 1/24/2012</p>
<p>Support ((Wagner)) - Compromise amendment was worked out in the Senate; a grant program will be funded by the state; localities will still receive the tax revenue. Oppose (12103540D) - Erosion of current local taxing authority; impact difficult to determine, possibly \$40,000. See also HB 512 (Purkey). Impacts rural localities, while BPOL tax bills impact larger suburban jurisdictions. Summary: Machinery and Tools Investment Grant Program. Creates a grant program that would allow a person to apply for a grant for machinery and tools in service less than two years equal to the amount of local machinery and tools taxes paid. The amount of the grant would be capped at the amount of taxes that would be paid under that rate of tax imposed on June 30, 2012. The grant program would be administered by the Department of Accounts.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 552 - Favola (31) Eligibility for TANF; drug-related felonies.	1/16/2012 Senate: Referred to Committee on Rehabilitation and Social Services 2/3/2012 Senate: Reported from Rehabilitation and Social Services with substitute (15-Y 0-N) 2/3/2012 Senate: Rereferred to Finance 2/9/2012 Senate: Reported from Finance with amendment (12-Y 2-N) 2/14/2012 Senate: Passed Senate (31-Y 9-N) 2/16/12 House: Referred to Committee on Appropriations 2/27/2012 House: Subcommittee recommends laying on the table by voice vote	1/24/2012
<p>Support (12103128D) - Board has historically supported. See also HB 420 (Watts). Summary: Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided he is not engaged in the use of illegal drugs and he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings conducted at least once ever three months or more frequently if there is reason to believe the individual may be engaged in the use of illegal drugs. The bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.</p>		
SJ 67 - McDougale (4) Constitutional amendment; taking or damaging of private property for public use (second reference).	1/10/2012 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Incorporated by Privileges and Elections (SJ3-Obenshain) (15-Y 0-N)	1/24/2012
<p>Oppose (12102332D) - Board has historically opposed. See also HJ 3 (Bell) and SJ 67 (McDougale). Summary: Constitutional amendment (second resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. The Resolution was incorporated into SJR 3.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p>SJ 117 - Deeds (25) Constitutional amendment; taking or damaging of private property for public use (second reference).</p>	<p>1/19/2012 Senate: Referred to Committee on Privileges and Elections 1/31/2012 Senate: Incorporated by Privileges and Elections (SJ3-Obenshain) (15-Y 0-N)</p>	
<p>See also HJ 3 (Bell), SJ 3 (Obenshain), SJ 67 (McDougle) Summary: Constitutional amendment (second resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. This Resolution was incorporated into SJR 3.</p>		
<p>SJ 130 - Barker (39) United States Constitution; General Assembly of Va. to ratify and affirm Equal Rights Amendment.</p>	<p>1/20/2012 Senate: Referred to Committee on Privileges and Elections 2/7/2012 Senate: Reported from Privileges and Elections (9-Y 6-N) 2/14/2012 Senate: Agreed to by Senate (24-Y 15-N) 2/16/2012 House: Referred to Committee on Privileges and Elections</p>	<p>1/24/2012</p>
<p>Support (12104512D) Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		