

Final Legislative Update

2009 Bills of Interest to Local Government: Passed



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**2009 Bills of Interest to Local Government: Passed
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1. Charters

HB 2251 Charter; City of Williamsburg.

Summary as introduced: **City of Williamsburg; charter.** Repeals the existing charter and provides a new charter containing powers typically granted to cities. This bill is identical to SB 1406 (Norment). *Patron:* Barlow

HB 2366 Charter; Town of Strasburg.

Summary as enacted with Governor's Recommendations: **Charter; Town of Strasburg.** Clarifies that elected and appointed members of council shall have the same authority, except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. The bill also shifts the appointment time of town officers. *Patron:* Gilbert

SB 929 Charter; City of Alexandria.

Summary as introduced: **Charter; City of Alexandria.** Amends the charter to allow the city council, by ordinance, to establish term limits for members of advisory boards and commissioners whom the council has appointed. Further amends the charter by requiring any applicant in a land use proceeding to fully disclose all parties who have an ownership or financial interest in the land or application that is the subject of the hearing. Requires that all parties, members of city council, members of the planning commission, members of the board of zoning appeals, and members of the board of architectural review in any proceeding regarding land use or land development to make a full public disclosure of any business or financial relationship that such individual has, or has had within the 12-month period prior to such hearing, with each member of the board in front of which they appear. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor. *Patron:* Ticer

2. Comprehensive Services Act

SB 1179 State Executive Council; increases membership and establishes term limits.

Summary as passed Senate: **State Executive Council; increases membership.** Increases the membership of the State Executive Council by adding two local government representatives, the Governor's Special Advisor of Children's Services, a public provider, and two private providers. The bill also places a three year term limit and two consecutive term maximum on all of the Governor's appointments. *Patron:* Hanger

SB 1180 State Executive Council for Comprehensive Services; powers and duties.

Summary as introduced: **State Executive Council for Comprehensive Services; powers and duties.** Requires the State Executive Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems. The bill also requires the Council to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding. Both reporting requirements would be included in the biennial state progress report on comprehensive services to children, youth, and families delivered to the General Assembly and community policy and management teams. *Patron:* Hanger

SB 1181 Office of Comprehensive Services; report expenditures on children receiving pool-funded services.

Summary as passed: **Office of Comprehensive Services; report expenditures on children receiving pool-funded services.** Requires the Director of the Office of Comprehensive Services to: (i) report to the Council all expenditures associated with serving children who receive pool-funded services, including all services purchased with pool funding, all treatment, foster care case management, and residential care funded by Medicaid; and all child-specific payments made through the Title IV-E program; (ii) to report to the State Executive Council on the nature and cost of all services provided to the population of at risk and troubled children identified by the Council as within the scope of the CSA program; (iii) develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and coordinators to help them guide localities in prioritizing the coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending; and (iv) develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams to encourage utilization of multidisciplinary teams in service planning. This bill incorporates SB 1182, SB 1183, and SB1184. *Patron:* Hanger

SB 1506 Comprehensive Services Act Program; judicial assignment of services for children.

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

3. Economic Development

HB 1907 Twin County Airport Commission; change in membership.

Summary as passed House: **Charter; Twin County Airport Commission.** Amends the charter of the Twin County Airport Commission to require a six-member commission rather than a seven-member commission. The Counties of Carroll and Grayson would each have two members, rather than one, while several towns would lose representation. *Patron:* Armstrong

HB 1936 Resources Authority; authorized to finance any program to perform site acquisition develop work.

Summary as introduced: **Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government. This bill is identical to SB 1476 (Marsh). *Patron:* Ingram

HB 2408 Community development authorities; makes comprehensive changes to provisions related thereto.

Summary as passed House: **Community development authorities.** Makes comprehensive changes to provisions related to the creation and operation of community development authorities (CDA). Changes include codification of the current practice of altering the boundaries of a CDA under certain circumstances and clarification of the process for creating a CDA if it is located wholly or partly within a town. *Patron:* Hall

HB 2442 Investment Performance Grants; raises per project amount thereof.

Summary as introduced: **Virginia Investment Partnership Act; Virginia Investment Performance Grants.** Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines. *Patron:* BaCote

HB 2550 MEI Project Approval Commission; established.

Summary as introduced: **Economic development; incentive financing for major employment and investment projects.** Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital

investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority. *Patron:* Cox

HB 2673 Investment Partnership Act; amends definition of 'eligible company.'

Summary as introduced: **Virginia Investment Partnership Act; definitions.** Amends the definition of "eligible company" by adding that a company may create or cause to be created 300 jobs with average salaries at least 100 percent greater than the Prevailing Average Wage to be eligible for performance grants under the Virginia Investment Partnership Act. Currently a company would have to create or cause to be created 400 jobs with average salaries at least 50 percent greater than the Prevailing Average Wage. The bill also has an emergency clause. *Patron:* Putney. See also SB 1548 (Colgan).

SB 1089 Investment Performance Grants; raises per project amount thereof.

Summary as introduced: **Virginia Investment Partnership Act; Virginia Investment Performance Grants.** Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines. *Patron:* Miller, J.C.

SB 1119 Economic development; incentive financing for major employment and investment projects, report.

Summary as introduced: **Economic development; incentive financing for major employment and investment projects.** Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority. *Patron:* Colgan

SB 1177 Regional Industrial Facilities Act; expands scope of act.

Summary as introduced: **Regional Industrial Facilities Act.** Expands the scope of the act statewide. *Patron:* Watkins

SB 1451 Resources Authority; increases debt ceiling for bonds issued by and local obligations guaranteed by.

Summary as introduced: **Virginia Resources Authority; debt capacity.** Increases the debt ceiling for bonds issued by and local obligations guaranteed by the Virginia Resources Authority, which assists localities to finance infrastructure projects, from \$900 million to \$1.5 billion without prior approval of the General Assembly. *Patron:* Colgan

4. Education

HB 1923 Textbooks; local school boards may assess reasonable fee or charge for loss or damage to.

Summary as introduced: **Textbooks; reasonable fee or charge.** Provides that local school boards may assess a reasonable fee or charge for the loss of or damage to a textbook, so long as such textbook has been provided to the student free of charge.

Patron: Tata

HB 2070 Classroom placement of twins or multiples; school board to develop policies to allow parental input.

Summary as passed: **Local school board policies; classroom placement of twins.** Requires local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

Patron: Scott, E.T.

HB 2112 Financial literacy education; school board to implement objectives in middle and high schools.

Summary as enacted with Governor's Recommendations: **Financial literacy education.** Provides that local school boards must establish educational objectives in financial literacy for middle and high school. *Patron:* Spruill

HB 2166 Schools; delayed implementation of certain statutes, etc. upon which accreditation is based.

Summary as passed House: **Accreditation of schools; delayed implementation of certain statutes and regulations, etc.** Provides for the delayed implementation of statutes and regulations, upon which the accreditation of schools or school divisions in the Commonwealth is based that are not already in effect on June 30, 2008, until July 1, 2010, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. *Patron:* Lohr

HB 2474 Planning time for school teachers; Superintendent to ensure elementary school teachers are provided.

Summary as passed: **Planning time for school teachers.** Requires school boards to ensure that all elementary school teachers are provided an average of 30 minutes a day of planning time. *Patron:* Hugo

5. Elections / Voting

HB 1771 Constitutional offices; provides special election to fill vacancy therein in certain localities.

Summary as passed: **Elections; vacancies in constitutional offices.** Provides that the special election to fill a vacancy in a constitutional office (clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer) in localities with a population of 15,000 or less, or a constitutional office shared by localities with a combined population of 15,000 or less, shall be scheduled to be held at the next November general election rather than on a more promptly scheduled special election date. *Emergency.* *Patron:* Pollard

HB 1832 Elections; electoral board of city contained within one county may appoint city general registrar.

Summary as introduced: **Elections; general registrars; their appointment, qualification, and term; vacancies; and prohibitions.** Provides that the electoral board of a city that is wholly contained within one county may appoint a qualified voter of that county to serve as city general registrar. Cities wholly contained within one county include Bedford City, Buena Vista, Charlottesville, Covington, Danville, Emporia, Fairfax City, Harrisonburg, Lexington, Manassas, Martinsville, Norton, Roanoke City, Salem, Staunton, Waynesboro, and Winchester. *Patron:* Toscano

HB 1878 Elections; clarifications and revisions to registration and election processes.

Summary as passed: **Elections; clarifications and revisions to registration and election processes; penalties.** Incorporates changes to definitions, duties of election officials, registration procedures, voting procedures, and election offenses; penalties. This bill incorporates HB 1610, HB 1630, HB 1978, and HB 2219. This bill is identical to SB 848 (Edwards) and SB 1188 (Blevins). **Note: Governor's recommendation adopted in part.**

HB 1892 Elections, Board of; powers and duties.

Summary as passed House: **State Board of Elections; powers and duties.** Addresses the Board's authority to oversee local election officials and imposes limits on the political

activities of Board staff members. Specifically, electoral boards and registrars are required to follow (i) the elections laws and (ii) the rules and regulations of the Board insofar as they do not conflict with Virginia or federal law. The Board shall also set the training standards for the officers of election and ensure that members of its own staff refrain from overt political activity. *Patron: Brink*

HB 2422 Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election.

Summary as passed House: Elections; acquisition of voting equipment by localities. Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because wholly or partly under lock and seal following an election. This bill is identical to SB 988 (Colgan). *Patron: May*

6. Employment

HB 1678 Grievance procedure; gives localities authority to use an administrative hearing officer.

Summary as passed: Provision of grievance procedure; final hearing. Gives localities the authority to use an administrative hearing officer in lieu of the required three-person panel when addressing grievance procedures if agreed to by both parties. *Patron: Orrock*

HB 1756 Workers' compensation insurance; written agreement approved by State Corporation Commission.

Summary as introduced: State Corporation Commission; local government self-insurance pools; workers' compensation insurance. Establishes a mechanism for the merger of the local government group self-insurance association and local government group self-insurance pool, for the purpose of allowing political subdivisions of the Commonwealth to provide workers' compensation insurance coverage for their employees. SB 1372 (Ruff) is identical. *Patron: Hargrove*

HB 2065 Retirement System; provide benefits for regional jail's sworn officers and superintendent.

Summary as passed: Virginia Retirement System; regional jails. Requires regional jail boards and authorities (and localities participating in such boards and authorities) participating in the Virginia Retirement System to provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's superintendent and sworn officers. *Patron: Hamilton*

HB 2083 State employees; increases paid leave allowed for volunteer fire department and rescue squad services.

Summary as introduced: **State employees; leave for volunteer fire and rescue service.** Increases from 16 to 24 the number of hours of paid leave in any calendar year (in addition to other paid leave) that may be allowed to state employees to serve with a volunteer fire department and rescue squad or auxiliary unit thereof. *Patron:* Purkey

HB 2132 Workforce housing; locality may offer housing assistance grants to school division personnel.

Summary as passed House: **Housing Assistance for school board employees.** Provides that localities, in cooperation with the school board, may pursue housing assistance for its employees. *Patron:* Miller, J.H.

SB 919 Retirement System; retirees may be hired as teachers without interrupting retirement benefits.

Summary as introduced: **Teacher's retirement allowance.** Extends the July 1, 2010, sunset date to July 1, 2015, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. *Patron:* Reynolds

SB 1285 School budgets; local school divisions to publish on website.

Summary as passed: **Publication of annual school budget.** Requires local governing bodies and local school divisions to publish the estimated required local match in the publication of the annual school budget. Local governing bodies and school divisions must, by law, publish the annual school budget for public inspection and comment. *Patron:* Newman

7. Energy

HB 1707 Energy performance-based contracts; Department of Mines, Minerals, and Energy to provide advice.

Summary as passed House: **Energy performance-based contracts; local assistance.** Requires the Department of Mines, Minerals and Energy to make a reasonable effort as long as workload permits, to provide general assistance to localities, upon request, considering energy performance-based contracts. The bill also requires the Department to compile information annually concerning any energy performance-based contract of a locality of which the Department becomes aware. *Patron:* Oder

HB 1975 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc.

Summary as passed House: **Local incentives for green roofs.** Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to SB 1058 (Whipple). *Patron:* Ware, R.L. See also HB 1828 (Fralin).

HB 2171 Agricultural waste; excludes any farm, etc., that owns and operates facilities within State.

Summary as introduced: **Electrical generation from agricultural waste.** Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission. The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia. *Patron:* Vanderhye

HB 2172 Renewable energy sources; location of facilities for distribution of electricity, steam, etc.

Summary as enacted with Governor's Recommendations: **Interconnection of renewable generation facilities.** Establishes procedures for the operator of an eligible non-utility renewable energy facility that produces not more than 2 megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline or to customers, as applicable, by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a procedure that requires the payment of a public rights-of-way use fee to the affected locality or the Department of Transportation. The measure does not authorize the location of distribution facilities within public parks. *Patron:* Hogan

HB 2175 Small renewable energy projects; DEQ to develop procedure permitting construction and operation.

Summary as enacted with Governor's Recommendations: **Small renewable energy projects; penalty.** Directs the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of 100 megawatts if they generate electricity from sunlight, wind, or falling water, wave motion, tides, or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. A small renewable energy project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Fees collected from owners and operators of small renewable energy projects will be paid into a special nonreverting fund in the state treasury. Violations are subject to civil and criminal penalties. HB 2525 is incorporated. SB 1347 (Wagner) is identical. *Patron:* Hogan

HB 2177 Rechargeable battery recycling; authorizes localities to ban disposal of certain.

Summary as introduced: **Rechargeable battery recycling.** Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction. *Patron:* Plum

HB 2506 Energy efficiency programs; investor-owned electric utilities to recover costs of designing, etc.

Summary as enacted with Governor's Recommendations: **Energy efficiency programs.** Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing, implementing, and operating energy efficiency programs, including a general rate of return on operating expenses, if such programs are found to be in the public interest. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. The costs of new energy efficiency programs shall not be assigned to certain large customers. In proceedings regarding such programs, the Commission shall take into consideration the goals of economic development, energy efficiency, and environmental protection. HB 2176 is incorporated. *Patron:* Pollard

SB 1212 Clean Energy Financing Program; locality may authorize contracts to finance by ordinance.

Summary as passed: **Clean energy financing.** Grants localities the authority to authorize, by ordinance, contracts to provide loans for the initial acquisition and installation of clean energy improvements. *Patron:* Deeds

SB 1339 Electric utility regulation; directs SCC to require utilities to offer service under tariffs.

Summary as passed: **Electric utility regulation.** Establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025. The measure also (i) requires investor-owned electric utilities to develop tariffs offering dynamic rates that vary in accordance with the utility's costs of providing electricity seasonally, daily, and throughout each day; and (ii) requires that rates for utility payments to eligible customer-generators under a net energy metering program be based on the utility's avoided generation costs and the average market value of the renewable attributes for the customer-generator's facility. The measure will become effective if reenacted by the 2010 Session. *Patron:* Herring. **Note: House rejected Governor's recommendation.**

8. Environment

HB 1703 Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.

Summary as passed House: **Virginia Indoor Clean Air Act; penalty.** Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. The bill contains technical amendments. *Patron:* Cosgrove

HB 1991 Stormwater management programs; establishment by localities.

Summary as introduced: **Establishment of stormwater programs by localities.** Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that

establishes local program criteria and delegation procedures not become effective until after July 1, 2010. *Patron:* Bulova

HB 2074 Wastewater treatment plant; Board to accept petition from facility subject to waste load allocation.

Summary as passed: **Wastewater treatment plants; total maximum daily load allocations.** Establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow. The Board is authorized to accept these petitions through July 10, 2009. The Board in reviewing the petitions would determine whether to grant each petitioning facility an extension to December 31, 2015, to obtain a certificate at a higher design flow. The current deadline is December 31, 2010. Whether the facilities are granted or denied the extension, each facility would still have to comply with its currently applicable nutrient allocations by January 1, 2011, whether by obtaining point source nutrient credits or by some other means. This bill incorporates HB 2323. This bill is identical to SB 1022 (Hanger). *Patron:* Scott, E.T.

HB 2148 Onsite treatment works; designs therefor include a report by professional soil scientist.

Summary as passed House: **Onsite treatment works designs.** Provides that designs for treatment works submitted to the Department of Health by professional engineers shall be appropriate for the particular soil characteristics of the site. *Patron:* Nutter

HB 2168 Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply.

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

HB 2188 Onsite sewage system; Board of Health shall establish procedures for requiring survey plat.

Summary as passed House: **Onsite treatment works.** Provides that the Board of Health shall establish procedures for requiring a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement. *Patron:* Phillips

HB 2270 Private residential wells; minimum storage capacity and yield requirements.

Summary as passed House: **Private residential wells; minimum storage capacity and yield requirements.** Requires the Board of Health to include in its regulations minimum storage capacity and yield requirements for residential drinking wells, and requires that the certified water well systems provider shall certify the storage capacity and yield of the well on a form provided by the Department of Health at the time the well is completed. *Patron:* Poindexter

HB 2558 Biosolids permit; if amended to increase acreage by 50% more than initial permit give public notice.

Summary as passed: **Biosolids permit.** Clarifies that if a biosolids permit is amended to increase the acreage by 50 percent or more than was permitted in the initial permit, public notice shall be given and a public meeting shall be held. The bill also requires that the State Water Control Board not issue a permit for land disposal until a public meeting has been held and comments received from the local governing body or until 30 days have lapsed from the date of the public meeting. *Patron:* Byron

HB 2663 Water and waste authorities; appointment of industrial or economic development authority directors.

Summary as introduced: **Water and waste authorities.** Allows appointment of industrial or economic development authority directors to the board of water and waste authorities. *Patron:* Ware, O.

SB 982 Stormwater; requires localities to regulate.

Summary as passed Senate: **Regulation of stormwater.** Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit has been obtained by either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits were not required to be obtained from the Department of Conservation and Recreation. *Patron:* Wagner

SB 1114 Stormwater management; emerging technology.

Summary as passed: **Stormwater management; emerging technology.** Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution. *Patron:* Ticer

SB 1128 Wells; issuance of an express geothermal permit for construction thereof.

Summary as passed: **Construction of wells; geothermal heating systems.** Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed loop geothermal heating systems. Such regulations shall include a provision that a single application and a single fee shall be required for any geothermal well system, and that the fee shall be equal to the fee for a single private well as required in the private well regulations. *Patron:* Petersen

SB 1276 Alternative on-site sewage systems; no locality shall prohibit use thereof.

Summary as enacted with Governor's Recommendations: Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. This bill provides that the State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the court for the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the property that is the subject of the permit. The preemption of local authority is delayed until the state has adopted regulation governing the operation and maintenance of alternative onsite sewage systems. This bill is identical to HB 1788 (Hull). *Patron:* Martin

SB 1295 Silvicultural activities; State Forester to inspect land to determine if activity causing pollution.

Summary as introduced: **Silvicultural activities.** Authorizes the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution. *Patron:* Reynolds

SB 1468 Onsite treatment works; provides specific requirements therefor designed by professional engineer.

Summary as passed: **Department of Health; onsite treatment works; designs by engineers.** Requires the Department of Health to ensure that onsite treatment works design by professional engineers meet or exceed the discharge standards for systems otherwise permitted pursuant to the Department's regulations and policies. This bill also requires the Board of Health to adopt, within 280 days, regulations establishing performance requirements and horizontal setbacks necessary to protect public health and the environment for alternative systems, and provides that such regulations shall include a requirement for comment period of at least 30 days, and shall contain operation and maintenance requirements consistent with the requirements for alternative onsite sewage systems. This bill is identical to HB 2551 (Orrock). *Patron:* Quayle

SB 1509 Residential onsite sewage systems; replacement or modifications thereof to include nitrogen removal.

Summary as passed: **Septic systems; nitrogen-reducing technology.** Clarifies that the Department of Conservation and Recreation may award grants from the Water Quality Improvement Fund for the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities. The Board of Health may also set nitrogen-reducing performance requirements for alternative onsite sewage systems that protect public health and ground and surface water quality. *Patron:* Ticer

SB 1105 Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.

Summary as passed: **Virginia Indoor Clean Air Act; penalty.** Prohibits smoking in all indoor restaurants, bar and lounge areas, and restrooms in restaurants in the Commonwealth, with certain exceptions where smoking may be permitted. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions. *Patron:* Northam

9. Freedom of Information Act

HB 2266 Freedom of Information Act; exemption for name, address, etc., of complainants relating to zoning.

Summary as introduced: **Freedom of Information Act; building and fire code complaints.** Expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code. *Patron:* Ware, O.

SB 1319 Freedom of Information Act; meeting minutes.

Summary as introduced: **Freedom of Information Act; meeting minutes.** Clarifies that minutes of public meetings must be in writing. The bill also contains a technical amendment. The terms "include" and "in writing" that appear in the bill are defined in Title 1 to mean, respectively, "include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." This bill is a recommendation of the Freedom of Information Advisory Council. *Patron:* Houck

SB 1344 Freedom of Information Act; amends an existing records exemption for economic development records.

Summary as introduced: **Freedom of Information Act; economic development records.** Amends an existing records exemption for economic development records to include records related to the retention of existing business, and to allow the exemption to be used by all public bodies subject to FOIA. The bill makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings. *Patron:* Reynolds

SB 1478 Freedom of Information Act; building and fire code complaints.

Summary as passed: **Freedom of Information Act; building and fire code complaints.** Provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body. This bill incorporates SB 1014. *Patron:* Locke

SB 1535 Planning district commissions; designates Planning District Commissions 1, 2, and 13.

Summary as enacted with Governor's Recommendations: **Planning District Commissions; economic development organizations.** Designates Planning District Commissions 1, 2, and 13 as economic development organizations. *Patron:* Ruff

10. Governmental Transition / Annexation

HB 1697 Annexation; extends to 2018 temporary restriction on city authority on granting of city charters.

Summary as passed House: **Annexation.** Extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county

immunity proceedings. This bill is identical to SB 1469 (Quayle) and SB 1287 (Newman). *Patron:* Lohr

HB 2487 Library aid; period in which transition of city to town status may continue to receive.

Summary as introduced: **Transition of city to town status; library aid.** Increases from five years to 15 years the period in which cities that transition to town status may continue to receive certain library aid from the Commonwealth. *Patron:* Putney

11. Land Use

HB 1637 Boards of zoning appeals; when actions may be taken.

Summary as introduced: **Boards of zoning appeals; when actions may be taken.** Allows local boards of zoning appeals to take action when a majority of those present and voting vote. Maintains the requirement that a quorum be present to initiate a hearing. *Patron:* Cole

HB 1671 Derelict buildings and structures; locality authorized to require removal, repair, etc., thereof.

Summary as passed House: **Derelict buildings.** Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill is recommended by the Virginia Housing Commission. This bill is identical to SB 1094 (Locke). *Patron:* Dance

HB 1680 Vested rights; defines term 'act of God' to include any natural disaster or phenomena.

Summary as enacted with Governor's Recommendations: **Vested rights; Act of God.** Provides that the term "act of God" includes a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. Specifies that, for the purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. The bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent. *Patron:* Orrock

HB 1681 Wells, private; requires site plan to be included in an application for permit to construct.

Summary as introduced: **Construction of wells.** Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also clarifies that it is the landowner's responsibility to ensure that the well is located on his property. *Patron:* Lewis

HB 1735 Arts and cultural districts; grants statewide authority for creation thereof.

Summary as introduced: **Arts and cultural districts.** Grants statewide authority for creation of arts and cultural districts by localities for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district. Currently, the statute applies only to certain listed localities. *Patron:* Valentine

HB 1912 Grass and weeds; permits City of Newport News to require property owner to cut if excessively high.

Summary as introduced: **High grass and weeds; civil penalty.** Expands the authority of the City of Newport News to require that owners of not only vacant developed and undeveloped properties but also owners of occupied property cut grass, weeds, and other foreign growth on the property. If such property owner fails to do so after reasonable notice, the City may cut such grass, weeds, or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property. *Patron:* BaCote

HB 2029 Subdivision ordinances; bonding requirements.

Summary as passed House: **Subdivision ordinance; bonding requirements.** Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision will sunset in 5 years. *Patron:* Marshall, D.W.

HB 2034 Plats; extends period of validity with phased developments.

Summary as introduced: **Plats; period of validity.** Extends the period of plat validity with phased developments. *Patron:* Lingamfelter

HB 2055 Development rights; makes extensive changes to provisions for making transfer process more usable.

Summary as passed House: **Transfer of development rights.** Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of

development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to SB 1418 (Vogel). *Patron:* Lohr

HB 2077 Land use actions; extension of approvals to address housing crisis.

Summary as passed House: **Plats and site plans; period of validity.** Extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014. *Patron:* Oder

HB 2096 Affordable housing; localities waive certain fee for organization with primary purpose of assisting.

Summary as enacted with Governor's Recommendations: **Waiver of certain fees; affordable housing.** Allows localities to waive certain fees associated with the construction, renovation or rehabilitation of housing by 501(c)(3) organizations with a primary purpose of assisting with the provision of affordable housing. *Patron:* Orrock

HB 2138 Graffiti abatement; permits localities to charge property owner for cost thereof.

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

Patron: Miller, J.H.

HB 2165 Zoning; locality shall not require special use permit for certain small-scale conversion of biomass.

Summary as passed House: **Zoning; on-farm production of biofuels.** Allows farmers to engage in the small-scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when (i) at least 50 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet; and (iii) the owner notifies the administrative head of the locality in which the processing occurs. *Patron:* Lohr

HB 2216 Subdivision ordinance; delete City of Suffolk from locality that shall provide reasonable provision.

Summary as introduced: **Provisions for subdivision of a lot for conveyance to a family member; city of Suffolk.** Amends the law so the city of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to SB 1354 (Quayle). *Patron:* Jones

HB 2322 Urban development areas; counties shall have until July 1, 2011, to amend comprehensive plans.

Summary as passed House: **Urban development areas.** Provides that cities and towns shall have until July 1, 2012, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1. Currently, counties have until July 1, 2011, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1. *Patron:* Athey

HB 2326 Zoning appeals, board of; changes standard by which variance can be granted.

Summary as passed House: **Boards of zoning appeals; variances.** Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation." *Patron:* Athey

HB 2424 Graffiti; restitution for abatement costs.

Summary as introduced: **Graffiti abatement.** Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action. *Patron:* May

HB 2429 Land development plans; adds Town of Leesburg to localities that may develop procedure for review.

Summary as passed House: **Expedited land development review procedure.** Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. *Patron:* May

HB 2565 Farmland Preservation, Office of; to provide technical assistance to local governments interested.

Summary as passed House: **Farmland Preservation programs and policies.** Empowers the Office of Farmland Preservation to provide technical, and other assistance to local governments interested in developing additional farmland preservation policies and programs. *Patron:* Knight

SB 881 Grass; adds Stafford County to counties authorized to require property owners to cut.

Summary as introduced: **Authority to cut grass.** Adds Stafford County to the list of counties with authority to require that the owner of occupied residential real property cut the grass or lawn area of less than one-half acre on such property when growth on the grass or lawn area exceeds 12 inches in height. Stafford County may, after reasonable notice, have the grass or lawn area cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of the property and may be collected by the county as taxes and levies are collected. *Patron:* Stuart

SB 940 Board for Architects, Professional Engineer, Land Surveyor, etc.; licensure of landscape architects.

Summary as introduced: **Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; licensure of landscape architects; penalty.** Requires the licensure of landscape architects by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects effective July 1, 2010. Currently landscape architects are required to be certified by the Board. *Patron:* Watkins

SB 1052 Affordable housing assessments; determination of fair market value of affordable rental housing.

Summary as introduced: **Affordable housing assessments.** Provides for a determination of fair market value of affordable rental housing, allows for localities to determine the definition of affordable rental housing, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission. *Patron:* Whipple

SB 1064 Comprehensive plan; local planning commission to post plan being considered on their website.

Summary as passed Senate: **Posting of comprehensive plans.** Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission or on any other website on which the commission generally posts information and that is available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body or on any other website on which the governing body generally posts information and that is available to the public. The bill further provides that inadvertent failure to post such information will not invalidate action taken by the local planning commission or governing body. *Patron:* Puller

SB 1095 Land development plans; adds Town of Leesburg to localities that may develop procedure for review.

Summary as introduced: **Expedited land development review procedure.** Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill incorporates SB 1269. *Patron:* Herring

SB 1335 Conditional zoning; amendment to proffered condition is requested by profferor local body may waive.

Summary as introduced: **Conditional zoning; public hearing.** Provides that where an amendment to proffered conditions is requested by the profferor, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing. *Patron:* Stuart

SB 1416 Preservation of historical sites and architectural areas; local governing bodies may include.

Summary as passed Senate: **Preservation of historical sites and architectural areas.** Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009. *Patron:* Blevins

SB 1487 Comprehensive plan; allows urban development areas to provide for mix of residential housing, etc.

Summary as introduced: **Comprehensive plans; urban development areas.** Allows urban development areas to provide for a mix of residential housing types, including affordable housing, to meet projected family income distributions of future residential growth. *Patron:* Vogel

SB 1524 Zoning ordinances; broadens administrator's authority to determine vested rights.

Summary as introduced: **Permitted provisions in zoning ordinances.** Broadens the zoning administrator's authority to determine vested rights in certain circumstances. *Patron:* Watkins

SB 1533 Special use permits; extension of expiration dates.

Summary as passed Senate: **Special use permits; extension of validity.** Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011. *Patron:* Saslaw

12. Public Safety and Courts

HB 1655 Firearms; award of court costs, etc., to entity that prevails in action challenging locality.

Summary as passed: **Control of firearms; award of court costs and fees.** Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to SB 1513 (Smith). *Patron:* Carrico

HB 2123 Mutual aid agreement; institution of higher learning having police force appointed to enter therein.

Summary as introduced: **Mutual aid agreements; institutions of higher learning.** Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. *Patron:* Howell, A.T.

HB 2473 Public use; term to include public libraries for purposes to prohibit loitering on grounds.

Summary as passed House: **Powers of local governments; loitering on grounds of public libraries.** Clarifies that the term "public place" also includes public libraries for the purposes of any ordinance adopted to prohibit loitering on the grounds of a public place. *Patron:* Hugo

HB 2638 Capital murder; add auxiliary police officer, etc. to definition of law-enforcement officer statute.

Summary as passed House: **Capital murder; auxiliary police officers and fire marshals.** Adds auxiliary police officers and auxiliary deputy sheriffs, as well as fire marshals and assistant fire marshals with police powers, to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer or marshal. When the killing is for the purpose of interfering with the performance of the officer's duties. *Patron:* Pogge

SB 1107 Exposure to communicable diseases; first responders.

Summary as passed Senate: **Exposure to communicable diseases; first responders.** Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. This bill incorporates SB 1034 (Hanger) and SB 1152 (McDougle). *Patron:* Northam

SB 1189 Law libraries, local; authorized to use space at public libraries, to charge flat rate to patrons.

Summary as passed: **Local law libraries.** Authorizes all or a portion of local law libraries to be housed in local public libraries with the approval of and subject to the management of the local public libraries. Such law libraries are also authorized to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the four dollars assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public. *Patron:* Puckett

SB 1199 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.

Summary as enacted with Governor's Recommendations: **Payment of costs associated with prisoner keep.** Increases the per day fee from \$1 to \$3 charged to a jail inmate. This bill was identical to HB 1919 (Crockett-Stark) before the Governor's amendments were adopted. *Patron:* Puckett

13. Taxation / Fees / Finance

HB 1691 Retail Sales and Use Tax; City of Virginia Beach entitled to certain.

Summary as introduced: **Sales tax revenue; retention by the City of Virginia Beach.** Adds the City of Virginia Beach to the localities that are entitled to all sales tax revenues generated by transactions taking place at events in certain public facilities. *Patron:* Tata

HB 1729 Electric transmission lines; locality to request an electric utility to install underground, etc.

Summary as passed House: **Undergrounding electric transmission lines.** Authorizes the governing body of any locality to enter into an agreement with an electric utility that provides that the locality will impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating, and maintaining the proposed line as an underground rather than an overhead line. Currently, only the Counties of Fauquier, Loudoun, and Stafford and the Towns of Hamilton, Leesburg, and Purcellville are authorized to enter into such agreements. *Patron:* Cole

HB 1737 Income tax, state; conforms State with Internal Revenue Code.

Summary as introduced: **Income tax; conformity.** Conforms Virginia's income tax with the Internal Revenue Code as it has been done each year for many years. This bill is identical to SB 985 (Colgan). *Patron:* Purkey

HB 1830 Setoff Debt Collection Act; allows local governments to collect past due local taxes.

Summary as enacted with Governor's Recommendations: **Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. *Patron:* Fralin

HB 1891 Land preservation tax credit; reduces amount that may be claimed for taxable years 2009 and 2010.

Summary as introduced: **Land preservation tax credit.** Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the land preservation tax credit. *Patron:* Brink. See also SB 986 (Colgan).

HB 2084 Real and personal property taxes; exempts certain pollution control equipment and facilities.

Summary as introduced: **Real and personal property taxes.** Exempts certain pollution control equipment and facilities from local property taxes. *Patron:* Purkey

HB 2135 Recordation/grantor tax; penalty if understatement of consideration is false with intent to evade.

Summary as passed: **Recordation taxes; basis.** Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is false or fraudulent with the intent to evade a tax. The bill incorporates HB 1823. *Patron:* Miller, J.H. See also SB 1157 (Saslaw).

HB 2182 Vehicle license fees and taxes, local; allows localities to exempt veterans and surviving spouses.

Summary as passed House: **Local vehicle license fees and taxes; disabled veterans and their surviving spouses.** Amends present law to allow localities to exempt disabled veterans, non-disabled veterans, and the surviving spouses of veterans from local vehicle license fees and taxes. This bill conflicts with SB 1200 (Puckett). *Patron:* Phillips

HB 2289 Real and personal property taxes; duty to provide information to commissioner of revenue.

Summary as passed House: **Real and personal property taxes; duty to provide information to commissioner of the revenue.** Requires (i) certain entities that manage real property and that maintain names of the owners of such property, on the request of the commissioner of revenue, to provide such names to the commissioner, and (ii) the owner or manager of a self-storage facility to provide the names and addresses of the lessees of any portion of the facility's outdoor common area. *Patron:* Cline

HB 2308 Public hearings; notice of and locality must hold prior to increasing its real property tax.

Summary as passed House: **Effect on rate when assessment results in tax increase; public hearings.** Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which a general appropriation act or amendments to a general appropriation act have not been enacted by April 30. *Patron:* Melvin

HB 2311 Courthouses; localities to assess fee as part of costs in each criminal or traffic case, etc.

Summary as enacted with Governor's Recommendations: **Construction, renovation, or maintenance of a courthouse; fees.** Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to SB 1387 (Stolle). *Patron:* Melvin

HB 2472 Short-term rental property; definition/removes daily rental property definition from merchants' capital.

Summary as introduced: **Merchants' capital tax.** Deems rented merchants' capital under contracts giving both the lessor and the lessee the right to terminate at any time to be daily rental property. Under current law, persons engaged in the short-term rental business cannot be taxed in an amount that exceeds one percent of the gross proceeds from daily rental property. *Patron:* Hugo

HB 2479 Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.

Summary as enacted with Governor's Recommendations: **Real property tax rate; commercial property in Northern Virginia.** Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100. This bill has a sunset date of June 30, 2013. *Patron:* Hugo

HB 2480 Real property tax; commercial property in Northern Virginia and Hampton Roads.

Summary as passed: **Real property tax; commercial property in Northern Virginia and Hampton Roads.** Requires localities to use the revenue from the special real property tax on commercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for (i) new road construction and associated design and right of way acquisition, (ii) new public transit construction and associated design and right of way acquisition, (iii) other initial capital costs related to new transportation projects and the operating costs directly related thereto and (iv) the issuance costs and debt service on bonds to support the capital costs permitted in (i) through (iii). Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs. *Patron:* Hugo

HB 2502 Transient occupancy tax; adds representatives of lodging properties to local tourism organizations.

Summary as introduced: **Transient occupancy tax.** Adds representatives of lodging properties to those local tourism organizations with whom counties consult prior to determining what tourism-related expenditures to make with the revenue from the additional three percent transient occupancy tax available to some counties (all counties may impose a two percent tax). The bill also expands the list of considerations regarding a proposed expenditure to include whether such expenditure will increase occupancy of lodging properties. *Patron:* Pogge. See also SB 1176 (Watkins).

HB 2504 Income tax, corporate; real estate investment trusts.

Summary as passed: **Corporate income tax; real estate investment trusts.** Phases in over a two-year period certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners. *Patron:* Amundson

HB 2515 Workers' Compensation Act; increases maximum tax rate that may be assessed on uninsured, etc.

Summary as introduced: **Workers' Compensation Act; uninsured employer's fund.** Increases the maximum tax rate that may be assessed on uninsured or self-insured employers from 0.25 percent to 0.5 percent. The revenues from the tax fund workers' compensation benefits that are awarded against such employers from the uninsured employer's fund. The measure sunsets on July 1, 2012. *Patron:* Tata

HB 2583 Local government investment pool; limitations.

Summary as passed: **Local government investment pool; limitations.** Provides that no less than 10 percent of local government investment pool assets shall be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. The provisions of the bill will not become effective unless reenacted by the 2010 Session of the General Assembly.

Patron: Merricks

HJ 647 Constitutional amendment; limit on taxes or revenues and Revenue Stabilization Fund.

Summary as introduced: **Constitutional amendment (first resolution); limit on taxes or revenues and the Revenue Stabilization Fund.** Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. *Patron:* O'Bannon

HJ 648 Constitutional amendment; property tax exemption for certain veterans (first reference).

Summary as passed House: **Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This amendment is identical to SJR 275 (Puller). This resolution incorporates HJR 669. *Patron:* O'Bannon (by request)

HJ 688 Constitutional amendment; real property tax relief for persons 65 years old, etc. (first reference).

Summary as passed House: **Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to allow the General Assembly to authorize localities to either waive or establish their own income or financial worth limitations for purposes of granting real property tax relief for persons not less than 65 years of age or persons permanently and totally disabled. *Patron:* Cole

SB 868 Retail Sales and Use Tax; expands definition of public facility for purpose of using certain revenues.

Summary as passed: **Sales and use tax; entitlement to revenues.** Reduces the size of the expansion of certain public facilities from 50% of the square footage of the existing public facilities to 10%, in order to qualify to use certain sales tax revenues to pay off

bonds issued to fund the expansion. To qualify, such bonds must be issued on or after July 1, 2009 but before July 1, 2012. *Patron:* Edwards

SB 891 Communications sales and use tax; distributions to Bath County and Town of Clifton.

Summary as passed Senate: **Communications sales and use tax; distributions to certain localities.** Clarifies the amount of communications sales and use tax revenues that Bath County is to receive annually. The bill also allows any locality that collected telecommunications and television cable funds from local taxes adopted on or before January 1, 2006, but did not submit or submitted incorrectly the information to receive a percentage share of the communications sales and use tax, to report such collections to the Department of Taxation to begin to receive a percentage share of the tax revenues. *Patron:* McDougle

SB 896 Duty to file lists of renters, etc.; provide name and address thereof to commissioner of revenue.

Summary as introduced: **Duty to file lists of property owners, renters, and lessees.** Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request. *Patron:* McDougle

SB 989 Resources Authority; authorized to finance projects of local government buildings.

Summary as introduced: **Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance projects of local government buildings, including administrative and operations systems and other local government equipment and infrastructure. *Patron:* Colgan

SB 1003 Public hearings; notice of and locality must hold prior to increasing its real property tax.

Summary as passed Senate: **Effect on rate when assessment results in tax increase; public hearings.** Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act have been enacted by April 30. *Patron:* Quayle

SB 1147 Income tax, corporate; real estate investment trusts.

Summary as introduced: **Corporate income tax; real estate investment trusts.** Includes certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners. *Patron:* Whipple

SB 1292 Setoff Debt Collection Act; allows local governments to collect past due local taxes..

Summary as passed Senate: **Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. The bill also clarifies current policy for the priority of claims against income tax refunds. *Patron:* Edwards

SB 1419 Daily rental property tax; definition.

Summary as passed Senate: **Daily rental property.** Creates a separate classification of property for daily rental property for taxation purposes. Currently, daily rental property is classified as merchants' capital for taxation purpose. The bill contains a reenactment clause. *Patron:* Watkins

SB 1532 Motor fuels tax; changes percentage in Northern Virginia.

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

SJ 332 Constitutional amendment; tax exemptions for buildings constructed or designed to conserve energy.

Summary as passed: **Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy. *Patron:* Petersen

14. Transportation

HB 1628 Contractor performance bonds; amount for locally administered transportation improvement projects.

Summary as passed House: **Contractor performance bonds for locally administered transportation improvement projects.** Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as a dual obligee, the amount of such bonds shall be no greater than would have been required had the Department not been included as a dual obligee. This bill incorporates HB 1677. *Patron:* Cole

HB 1645 Highway system construction, urban; not more than 1/3 of funds to be used to reimburse locality.

Summary as introduced: **Urban highway system construction allocations.** Provides that not more than two-thirds (instead of the present one-third) of the annual urban system highway funds apportioned to a city or town may be used to reimburse the locality for debt service for bonds or eligible project costs incurred on approved projects included in the Six-Year Improvement Program of the Commonwealth Transportation Board and the city's or town's capital improvement program. This bill is identical to SB 1438 (Y. B. Miller). *Patron:* Marshall, D.W.

HB 2019 Transportation corridors; Transportation Board to establish connection with Transportation Plan.

Summary as introduced: **Transportation corridors.** Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. This bill incorporates HB 2420 and is identical to SB 1398 (Norment). *Patron:* Rust

HB 2099 George Washington Toll Road Authority; created, encompasses City of Fredericksburg, etc.

Summary as enacted with Governor's Recommendations: **George Washington Toll Road Authority.** Creates a toll road authority encompassing the City of Fredericksburg and the County of Spotsylvania for the purposes of alleviating highway congestion, promoting highway safety, expanding highway construction, increasing the utility and benefits and extending the services of public highways, including bridges, tunnels and other highway facilities, both free and toll, and otherwise contributing to the welfare of the Commonwealth and the George Washington Region. *Patron:* Orrock

HB 2158 Charlottesville-Albemarle Regional Transit Authority; established.

Summary as passed House: **Charlottesville-Albemarle Regional Transit Authority.**

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

HB 2425 Highways, primary and secondary; transfer roads, bridges, etc., therefrom to local system of roads.

Summary as introduced: **Primary and secondary system of state highways; localities.**

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

HB 2577 Highway noise abatement; Transportation Board or VDOT to plan therefor when constructing.

Summary as passed House: **Noise abatement practices and technologies.** Requires that whenever the Commonwealth Transportation Board or VDOT plans for or undertakes any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, consideration shall be given to the use of noise reducing design and low noise pavement materials and techniques. *Patron:* May

SB 1530 Subdivision streets; acceptance into state secondary highway system.

Summary as introduced: **Subdivision streets; acceptance into state secondary highway system.** Provides that no secondary street can be taken into the state secondary highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatsoever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction. *Patron:* Norment