

VFC Update on 2012 Legislation Affecting Cities

January 24, 2012

No “support” or “oppose” designation = legislation we are tracking/analyzing

Bill Number Patron	Bill Summary	Status
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HOUSING & ECONOMIC DEVELOPMENT

HB 121 Morrissey HB 1100 Herring SUPPORT	VA Housing Trust Fund Authority. Creates the VA Housing Trust Fund Authority to administer the VA Housing Trust Fund also created by the bill to assist in increasing the capacity of community housing organizations and encourage private sector businesses and individuals to contribute capital to community-based housing organizations and assist them in providing safe, decent, and affordable housing to Virginia citizens.	House: General Laws
HB 169 Cosgrove OPPOSE	State enterprise zone designations. An area for which state enterprise zone designation is sought would be required to meet one of the following: (i) have 25 % or more of the population with incomes below 80 % of the median income of the jurisdiction; (ii) have an unemployment rate 1.5 times the state average; or (iii) have a demonstrated floor area vacancy rate of industrial and/or commercial properties of 20 % or more. <i>Changes the existing criteria for Enterprise zones. Would make less-distressed localities eligible.</i>	House: App sub: Economic Dvp, Agriculture & NR
HB 491 Dance SB 122 Watkins SUPPORT	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. <i>VHC Bill.</i>	House: Reported from Counties, Cities & Towns 21-0 Senate: Local Government
HB 1122 Morrissey SUPPORT	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. <i>VHC and Richmond City Bill.</i>	House: Counties, Cities & Towns sub 2
HB 499 Dance SUPPORT	Vacant building registration. Increases the annual registration fee that cities may charge to owners of property that has been vacant for 12 months or more from \$25 to \$200.	House: Tabled in Counties, Cities & Towns
SB 48 Watkins	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 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.	Senate: Finance
HB 92 Marshall SB 274 Smith	Urban development areas. 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.	House: Counties, Cities & Towns sub 2 Senate: Local Government
SB 339 Newman	Advertisements and advertising structures. Allows running animation on advertisements and advertising structures. The bill also allows scrolling animation on on-premises advertisements and advertising structures.	Senate: Transportation
HB 812 May	Historic district notices. Eliminates the requirement that the Department of Historic Resources publish a notice of a public hearing on the designation or nomination of a historic district in a newspaper once a week for two successive weeks.	House: ACNR

SB 102 Edwards	Water and waste authorities; liens. Requires that a property owner be informed in advance by written notice that liens may be placed on his property under certain circumstances for the unpaid charges to a lessee.	Senate: Local Government
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EMINENT DOMAIN

HB 597 Crockett Starke HB 1035 Joannou SB 437 Obenshain	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.	House: Courts sub on Civil Senate: Courts
SB 653 Newman	Condemnation proceedings generally. adds gas, electricity, telephone , telegraph and other utility lines to the list of condemnation activities defined as a public service when performed by a locality.	Senate: Local Government
SB 594 Favola	Acquisition of land by localities. Allows counties and cities to acquire land within their boundaries for development of business or industry by voluntary sale, but not by condemnation; current law allows such land acquisition only by towns. The bill removes a provision that currently states that towns may acquire property within three miles outside their boundaries for such purposes.	Senate: Local Government
HJ 3 Bell SJ 3 Obenshain SJ 117 Deeds OPPOSE	Constitutional amendment (2nd 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.	House: P&E sub on Constitutional Amendments Senate: P & E
HB 5 Bell	Constitutional amendment (voter referendum); taking or damaging of private property; public use. 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 providing that no private property shall be taken or damaged for a public use without just compensation to the property owner and that only so much of the property as is necessary to achieve the public use is taken or damaged.	House: P & E sub on Constitutional Amendments

EDUCATION

HB 144 Englin SB 261 Ebbin SUPPORT	VA Preschool Initiative Local Grant Program. Creates a grant program to be administered by the VA Dept. of Education to improve training for preschool educators; create, outfit, or expand preschool classrooms; implement the VA Quality Rating and Improvement System; ensure the availability of preschool education for the children of veterans; and create innovative early childhood programs for rural communities where access to services is difficult. The grant program shall be funded by the unused moneys allocated by the General Assembly towards the VA Preschool Initiative, which requires a local match in order for such funds to be utilized. Grants shall be awarded pursuant to a competitive request for proposals process designed to ensure that all service providers in VA, regardless of size or geographic location, are afforded the opportunity to apply for funds.	House: Appropriations Senate: Education & Health sub on Public Education
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HB 143 Englin SUPPORT	Preschool programs; private funding. Allows a locality currently providing preschool programs to at least 60 percent of its at-risk four-year-olds to accept private funding, which may have restrictions or conditions attached, to meet its local share in order to apply for a state matching grant to serve additional eligible four-year-olds, as well as at-risk three-year-olds.	House: Education sub on Students and Early Ed recommends report with amendment
HB 76 Habeeb	Teachers without continuing contract status. Shifts the date of effective contract renewal for those teachers without continuing contract status from April 15 to June 15.	House: Education sub Teachers and Admin. Action
HB 250 Cline OPPOSE	Expenditures and reports on instructional spending. Requires each local school board to allocate 67 percent of its operating budget to instructional spending. <i>Sub amendment incorporates HB 78 (Habeeb)</i>	House: Education sub on Teachers and Admin recommends reporting amended.
HB 138 Cole OPPOSE	Public schools; impact of unlawful aliens; report. Requires public schools to determine whether each student enrolling in public school was born outside the jurisdiction of the United States or is the child of an alien not lawfully present in the United States and qualifies for assignment to an English as a Second Language class or other remedial program. The Board of Education must prepare a report on the impacts of such students in public schools and request reimbursement from the U.S. Department of Education for the fiscal costs to the state and political subdivisions thereof of providing educational instruction, computers, textbooks and other supplies, free or discounted school meals, and extracurricular activities to students who are aliens not lawfully present in the United States.	House: Education sub on SOQ recommends tabling.
HB 421 Watts OPPOSE	SOQ; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share of the costs of meeting the SOQ, beginning 7/1/12, 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 same; (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 1 % 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 same.the local and (v) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from same.	House: Appropriations sub on Elementary & Secondary Ed
HB 468 Albo OPPOSE	Public school funding; LCI calculation. 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.	House: Appropriations sub on Elementary & Secondary Ed
HJ 63 McClellan SJ 14 Marsh SUPPORT	Study; JLARC to study Composite Index of Local Ability to Pay. Directs the JLARC to study the efficiency and effectiveness of the Composite Index of Local Ability to Pay. In conducting its study, the Commission shall (i) review current statutory, constitutional, and budgetary provisions governing the calculation of SOQ costs and funding; (ii) examine the components of the Composite Index and how they interact; (iii) evaluate other states' public school funding formulas; (iv) hear local concerns and seek input from various VA and national experts, as available; and (v) evaluate the need to adjust the current basic school aid formula.	House: Rules sub on Studies Senate: Rules
SB 185 Miller SUPPORT	Third grade SOLs; math and English only. Requires the Board of Education to require only math and English Standards of Learning for third graders. <i>Recommendation of JLARC 3rd grade reading study.</i>	Senate: Reported from Education with amendments 11-4. On 2 nd reading
SJ 17 Obenshain Oppose	Constitutional amendment (first resolution); charter schools. Grants the Board of Education authority to establish charter schools within the school divisions of the Commonwealth.	Senate: Carried over in P & E

LOCAL GOVERNMENT OPERATIONS

<p>HB 135 Kilgore SUPPORT</p>	<p>Comprehensive Services for At-Risk Youth and Families; State Executive Council; membership. Adds two local government representatives 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.</p>	<p>House: GL sub 4</p>
<p>HB 449 Toscano SUPPORT</p>	<p>VA Public Procurement Act; preferences by localities, public institutions of higher education and regional public bodies. Allows a locality to give a procurement preference for goods, services, and construction produced in the locality or by persons, firms, or corporations having principal places of business in the locality. The bill also allows public bodies that are public institutions of higher education or regional public bodies to give such a preference to goods, services, and construction produced in the localities in which the institution or regional public body is located. Currently preference is allowed only in the case of a tie.</p>	<p>House: General Laws sub 2</p>
<p>HB 529 McQuinn SUPPORT Richmond Bill</p>	<p>VA Public Procurement Act; preference for local products and firms; applicability. Authorizes localities to apply a preference for bidders or offerors located in the locality of up to 10 %, provided (i) for competitive sealed bidding the percentage of the discount is stated in the Invitation to Bid, (ii) for competitive negotiations the percentage of the increase is stated in the Request for Proposal, and (iii) the discount percentage or increase percentage is included in the informal solicitation for small purchase.</p>	<p>House: General Laws</p>
<p>HB 1193 Villanueva</p>	<p>Public procurement; posting by local public bodies of procurement opportunities. Requires local public bodies to post required procurement notices on the Department of General Services' central electronic procurement website and makes newspaper publication optional. Currently, only state public bodies are required to post procurement notices on the Department of General Services' central electronic procurement website.</p>	<p>House: General Laws sub 2</p>
<p>HJ 18 O'Bannon</p>	<p>Study; community-based mental health services for individuals transitioning from state hospitals; report. Directs the Joint Commission on Health Care to study the availability of community-based mental health services for individuals transitioning from state hospitals to community-based care and to identify service gaps and service needs and develop recommendations for addressing any service gaps or service needs in this area.</p>	<p>House: Rules sub on Studies</p>
<p>HJ 117 Dudenhefer SUPPORT</p>	<p>Resolution; unfunded mandates. Recognizes the difficulties caused by unfunded mandates upon Virginia localities.</p>	<p>House: Rules</p>
<p>SB 129 Stanley</p>	<p>State mandates on localities. Directs the Governor to temporarily suspend certain unfunded state mandates on localities pending a review of such mandates.</p>	<p>Senate: General Laws</p>
<p>HB 73 Bell SB 6 Martin OPPOSE</p>	<p>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. 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. <i>New unfunded mandate.</i></p>	<p>House: HWI sub 1 recommends reporting w/amendments Senate: Rehab & Social Services</p>
<p>HB 430 Bulova SUPPORT</p>	<p>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>	<p>House: C C & T sub 2</p>
<p>HB 117 Wilt</p>	<p>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>	<p>House: Finance sub 1</p>
<p>HB 773 Landes</p>	<p>Local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives. Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action.</p>	<p>House: CC&T sub 2</p>

HB 222 Head SB 664 Smith	Advertisement of legal notices by localities. Allows localities to meet certain notice requirements by utilizing their websites, radio, or television rather than being limited to a newspaper of general circulation.	House: Courts sub on Civil Senate: Local Government
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TRANSPORTATION

HB 155 Ware SUPPORT	Revenue sharing funds for highways in certain localities. Funds provided to localities are a grant and that the DOT shall not have administrative oversight on local projects. Requires localities to certify in writing to the Department that the funds were used as intended.	House: Transportation sub 4
HB 477 Albo STRONGLY OPPOSE	Highway maintenance funds. When allocating funds for the interstate system of highways, the primary system of state highways, the secondary system of state highways, city and town street maintenance payments, and the payments made to counties that have withdrawn or elect to withdraw from the secondary system maintained by VA, the CTB shall consider achieving a minimal level of disparity among highway construction districts, city and town streets, and those counties that have withdrawn from the secondary system of highways. Also provides that the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with the allocation of such based entirely on asset management methodology. The bill replaces funding based on a per-lane-mile rate for counties that withdraw with funding based solely on asset management methodology. The bill replaces maintenance payments based on annual growth to cities and towns with payments based on asset management methodology.	House: Appropriations sub on Transportation
HB 1164 Bulova OPPOSE	Improvements to secondary and urban system highways. 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.	House: Transportation sub 4
HB 427 Bulova OPPOSE	Highway maintenance funds. When allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by VA , the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset management standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset management standards by highway construction district.	House: Transportation sub 4 recommends reporting
HB 699 Filler-Corn OPPOSE	Highway maintenance funds. When allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by VA, the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.	House: Transportation sub 3
HB 542 Poindexter OPPOSE	Highway maintenance projects. Allows counties, cities, and towns to use "revenue-sharing funds" for highway maintenance projects. <i>Dollar for dollar match. Dramatically increases the local match. Also increases the competition for very limited construction and reconstruction funds.</i>	House: Transportation sub 3
SB 213 Barker	Highway maintenance allocations. Provides that allocation of funds by the CTB for maintenance of assets within the Interstate System of Highways and the primary and secondary systems of state highways shall be based on achieving a minimal level of disparity among highway construction districts in meeting asset management standards.	Senate: Transportation
HB 370 Pogge	Highway median maintenance agreements. Allows VDOT to enter into agreements with local governments whereby the local governments assume responsibility for maintenance of highway medians within their boundaries.	House: Tabled in Transportation

HB 422 Watts	Transportation funding and administration. Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of 4%, phased in over 4 years, for highway maintenance; (ii) increasing the state sales tax in NO VA by 0.5 % for transportation projects in NOVA; and (iii) adding an additional recordation tax in NOVA at a rate of \$0.40 per \$100 valuation. The motor fuels tax is not effective until the unemployment rate VA decreases for 4 consecutive quarters after 7/1/11. Also reduces the sales and use tax rate on food for human consumption from 1.5 to 1 % , and repeals the authority for certain localities to impose a local income tax. Removes the sunset date from the 2009 Act of Assembly that reduced the special real property tax rate on commercial property in the localities embraced by the NOVA Transportation Authority. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value.	House: Finance sub 2
HB 723 Yancey	Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, NOVA, the Richmond Highway Construction District, and the Staunton Highway Construction District. <i>This shifts taxes from the General Fund (portions of sales tax, income tax, insurance licensing tax and corpoptate tax) from the General fund to Transportation in these districts.</i>	House: Appropriations sub on Transportation
SB 230 Herring OPPOSE Unnecessary	Administration of local highway projects. Requires VDOT to provide for training and certification of local government employees to enable them to administer locally performed highway maintenance and construction projects without additional VDOT supervision.	Senate: Transportation
HB 262 Peace	Residence requirements of the CTB. Increases the number of members of the CTB from 17 to 18 and adds an urban at-large member. The bill also changes the reference to "standard metropolitan statistical areas" to "metropolitan planning areas with populations greater than 200,000."	House: Transportation sub 4
HB 600 LeMunyon	CTB; composition. Changes the composition of the CTB. One member will be appointed from each of VA's congressional districts (as they exist on 7/1/12) and 3 more will be at-large. The 3 ex officio members remain unchanged.	House: Transportation sub 4
HB 659 Surovell SB 161 Peterse	Composition of the CTB. Increases the number of members of the CTB to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas. Other companion bills: SB 392 (Marsden)	House: Transportation sub 4 Senate: Transportation
SB 469 Nortner SUPPORT	Public-Private Transportation Act of 1995 (PPTA). Requires the approval by transportation planning organizations (TPOs) of PPTA comprehensive agreements dealing with projects within the boundaries of one of the TPO's constituent localities.	Senate: Defeated in Transportation 8-6
HB 256 Stolle	High-occupancy vehicle lanes; sunset clause. Extends the sunset clause on HOV lanes in Northern Virginia to 2013 and in Hampton Roads to 2017. <i>Committee amendment removes NOVA.</i>	House: Transportation sub 3

TAXATION/FUNDING

HB 41 Tata OPPOSE	Personal property tax; situs of certain motor vehicles. Provides that when a motor vehicle is normally garaged in a location different from the domicile of the owner of the vehicle due to its use by a student attending an institution of higher education, then the situs is the owner's domicile. Under current law, the situs of such vehicle is the owner's domicile only if the student is the owner. <i>Negatively affects college towns.</i>	House: Finance sub 1
HB 53 Albo OPPOSE	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.	House: Finance sub 1
HB 146 Toscano SUPPORT	Commission to Review the Effectiveness of Virginia's Tax Preferences; report. Establishes the Commission to oversee the evaluation of Virginia's tax preferences. <i>JLARC recommendation.</i>	House: Rules sub on Studies

HB 461 Byron	Local taxes; interest and penalties. 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 IRS Code. After the first year, the cap on the rate increases by 2 %. Under current law, such interest rate shall not exceed the rate established pursuant to § 6621(a)(2) of the Internal Revenue Code or 10 %, whichever is greater. Also repeals a statute that automatically imposed an interest rate of 10 % 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.	House: Finance sub 1
HB 512 Purkey SB 549 Wagner OPPOSE	Intangible personal property tax; machinery and tools. 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.	House: Finance sub 1 Senate: Finance
SB 138 Puller SUPPORT	Motor vehicle fuel sales tax. Transfers the administration and collection of the motor vehicle fuel sales tax imposed in certain transportation districts from the Department of Taxation to the Department of Motor Vehicles, effective July 1, 2013. <i>Provides added funding source for heavy rail, light rail and commuter bus.</i>	Senate: Finance
HB 1027 Englin	Local motor fuels tax. Permits two or more localities that are constructing or operating high capacity transit systems to impose a local motor fuels tax at the rate of 2.1 percent of the wholesale price of fuels sold to retailers. The revenue generated from the tax shall be used to construct or operate high capacity transit systems.	House: Finance sub 2
HB 1241 Purkey SB 631 Watkins	Motor fuels tax; indexed. Requires that the motor fuels tax rate be indexed each year to the percentage change in the U.S. Department of Labor's Producer Price Index for Other Nonresidential Construction from January 1 through December 31 of the year immediately preceding the affected year.	House: Finance Senate: Finance
HB 983 Scott SUPPORT	Motor fuels tax rate. Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. The bill provides that the Commissioner of the Department of Motor Vehicles shall calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.	House: Finance sub 2
HB 899 Albo	Transportation funding; motor fuels tax and sales and use tax revenue. Provides funds for statewide transportation by indexing the motor fuels tax rate to the National Highway Construction Cost Index. Also allocates a portion of current sales and use tax revenue by (i) dedicating the revenue equal to a one-quarter percent sales and use tax in NOVA for transportation projects in NOVA, and (ii) dedicating the revenue equal to a one-quarter percent sales and use tax in Hampton Roads for transportation projects in Hampton Roads.	House: Finance sub 1
HB 1239 Putney Governor's Plan	Retail sales and use tax increase. Increases the state retail sales and use tax from 4 to 5% beginning 1/1/13, subject to a statewide referendum. The increase in the state retail sales and use tax would result in a combined state and local retail sales and use tax of 6%. One-half of the revenues generated would be deposited into a new special fund, the Supplemental Highway Construction and Maintenance Fund, and one-half of the revenues generated would be used in accordance with the general appropriation act for the provision of mental health services, public K through 12 education, and public higher education. Of the sales and use tax revenues deposited into the Supplemental Highway Construction and Maintenance Fund, \$200 million each fiscal year would be used for the construction of secondary system roads. The remaining sales and use tax revenues deposited into the Fund would be distributed to the Highway Maintenance and Operating Fund to be used (i) to repair bridges that are structurally deficient or functionally obsolete and (ii) for maintenance of the Commonwealth's highways. <i>Goes only to highway operating funds.</i>	House: Finance

<p>HB 1248 Lingamfelter</p> <p>SB 639 Wagner</p> <p>Governor's Plan</p>	<p>Transportation construction, operation and maintenance, and funding. Provides for the construction, maintenance, and funding of transportation by (i) creating transportation construction districts and the Transportation Improvement District Fund to identify, construct, and fund certain transportation projects, including the authority to issue revenue bonds; (ii) creating the VA Toll Road Authority to fund transportation projects through tolls and other charges, (iii) increasing the dedicated transportation allocation of the sales and use tax from 0.5 to 0.75%, phased in over 8 years, with the additional revenue dedicated for highway maintenance and operation, (iv) increasing transportation's share of year-end surpluses to 75 %, (v) dedicating a portion of revenue growth each year to transportation, and (vi) requiring localities to create transportation plans as part of comprehensive planning.</p> <p>Authorizes 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. 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.</p>	<p>House: Appropriations sub Transportation</p> <p>Senate: Transportation</p>
<p>HJ 52 Cole</p>	<p>Study; reforming Virginia's state and local tax structure; report. Establishes a joint subcommittee to study reforming Virginia's tax structure, including the feasibility of adopting a flat tax or a fair tax.</p>	<p>House: Rules sub on Studies</p>
<p>SB 49 Watkins</p>	<p>Apportionment of corporate income tax; retail companies. Requires retail companies to use an apportionment formula for payment of income taxes of multiplying their income by the sales factor. The provisions would be effective beginning 7/1/12, and would be phased in with the apportionment formula having a 100 % sales factor by 2015.</p>	<p>Senate: Finance</p>
<p>HB 185 Gilbert OPPOSE</p>	<p>Manner of enforcement of state criminal offenses and local criminal ordinances. Provides that when a person is summoned or arrested for a misdemeanor offense under the Code of Virginia he shall be charged and tried for that offense and shall not be charged and tried for a violation of a local ordinance representing a like offense.</p>	<p>House: Substitute reported from CC&T 20-1</p>
<p>SB 500 Watkins OPPOSE</p>	<p>Fines and fees for violations occurring on interstate highways. Provides that when a warrant or summons is issued for a violation of law occurring on an interstate highway or a highway that receives federal-aid funds, a state statute must be charged.</p>	<p>Senate: Defeated in Transportation 4-10</p>
<p>SB 614 Edwards</p>	<p>Local sales tax distribution; correction of erroneous payments. Requires the state to make adjustments in the next month's distribution of sales tax revenues to a locality after it is discovered that an error in payment was made. Current law allows the adjustment to be made over a period of six months.</p>	<p>Senate: Finance</p>

OTHER BILLS OF INTEREST

<p>HJ 86 Purkey</p> <p>HJ 231 Brink SUPPORT</p>	<p>Constitutional amendment (1st resolution); Governor's term of office. Permits a Governor elected in 2017 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.</p>	<p>House: P & E</p>
<p>SB 42 Marsh</p>	<p>City of Richmond tax amnesty program. Expands the scope of the City of Richmond's tax amnesty program to include all local taxes and accrued interest.</p>	<p>Senate: Passed 40-0</p>
<p>HB 16 Habeeb</p>	<p>Restoration of civil rights. Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting felony drug and election fraud crimes) upon completion of sentence, including any term of probation or parole, and the payment of all restitution, fines, costs, and fees assessed as a result of the felony conviction.</p>	<p>House: Militia & Police sub 2 recommends not reporting 2-3</p>

HJ 17 Morrissey SUPPORT	Constitutional amendment (1st resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.	House: P & E
HB 176 Knight	Regulation of nutrient credit certification. Directs the VA Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay Total Maximum Daily Load (TMDL), the legislation sets out certain requirements of the regulations, permits the Department of Conservation and Recreation to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions.	House: Agriculture, Chesapeake & NR sub on Chesapeake
HB 287 Iaquinto	Expansion of gang-free zones. Adds school bus stops and publicly owned parks, libraries, and hospitals to the list of places denoted "gang-free zones." Criminal gang activity that occurs in gang-free zones receives additional punishment. <i>Fiscal Impact</i>	House: Courts sub on Criminal
HB 492 Dance	Cutting of grass; City of Hopewell. Adds Hopewell to the list of localities that may enforce a grass cutting ordinance on occupied property. The existing general provisions apply to vacant property only.	House: Reported from Counties, Cities & Towns 18-3
SB 1 Martin	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 and provides instead for the voter to cast a provisional ballot if he cannot provide a required form of identification. In order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's identification. The bill also removes a Commonwealth of VA voter registration card from the list of forms of identification that a voter can present to demonstrate that he is a qualified voter.	Senate: P & E sub on Campaigns & Elections
HB 157 Greason	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. <i>Other bills include HB 351 (Cox), HB 374 (Pogge), HB 622 (LeMunyon) and HB 931 (Lingamfelter).</i>	House: P& E sub on CA recommends tabling
SB 28 Locke SB 186 Miller	Payday loans; permitted interest. Removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to simple interest at a maximum annual rate of 36 percent.	Senate: Commerce & Labor sub on Payday Loans

For detailed information on each bill, go to: [Legislative Information Systems](#)