

Recommended Positions on Bills of Importance to the City February 6, 2015

HB 1849 Zoning appeals, board of; applications for variances.

Patron: Marshall, D.W.

Summary as introduced:

Variances. Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.

02/06/15 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N)

Notes: City Position: oppose

HB 2023 Child care subsidy; license required.

Patrons: BaCote, Bulova, Helsel, Hester, Hope, James, Joannou, Kory, Krupicka, Lindsey, Mason, McClellan, Murphy, Plum, Simon, Spruill, Torian, Toscano, Tyler, Ward, Watts and Yost; *Senator:* Locke

Summary as introduced:

Child care subsidy; license required. Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.

01/14/15 House: Referred to Committee on Health, Welfare and Institutions

01/20/15 House: Assigned HWI sub: Subcommittee #3

Notes: City Position: Support, but amend so that City continues to regulate smaller day care facilities.

HB 2125 Use of unmanned aircraft systems; search warrant required.

Patron: Cline

Summary as introduced:

Use of unmanned aircraft systems; search warrant required. Replaces the moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, that will expire on July 1, 2015, with an absolute prohibition on the use of unmanned aircraft systems by such law enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to certain search and rescue operations, certain Virginia National Guard functions, or research and development conducted by institutions of higher education or other research organizations.

02/04/15 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N)

Notes: City Position: oppose

HB 2127 Virginia Biased-Based Profiling Statistics Reporting Act; report.

Patrons: Futrell, Plum and Rasoul

Summary as introduced:

Virginia Biased-Based Profiling Statistics Reporting Act. Prohibits the use of biased-based profiling by state and local law-enforcement officers and requires such officers to record certain

data regarding motor vehicle and investigatory stops and report this information to the Department of State Police. The Department of State Police is required to develop a statewide database to analyze the data to determine the existence and prevalence of biased-based profiling in the Commonwealth. The Superintendent of State Police is required to report annually on the findings of the analysis to the Governor, the General Assembly, and the Attorney General.

01/14/15 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: oppose

HB 2129 Barriers to licensure or registration; certain DCJS regulated industries.

Patron: Mason

Summary as introduced:

Barriers to licensure or registration; private security services businesses; bail bondsmen; bail enforcement agents; special conservators of the peace. Prohibits persons who are currently the subject of a protective order or who are required to register as a sex offender from obtaining a license or registration from the Department of Criminal Justice Services for the private security industry, bail bonding industry, and special conservators of the peace program.

02/04/15 House: Read third time and passed House (96-Y 3-N)

Notes: City Position: support

HB 2186 Public school buildings; minimum standards, recommendations for minimum usable school site size.

Patron: Kory

Summary as introduced:

Minimum standards for public school buildings; recommendations for minimum usable school site size. Requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations.

01/14/15 House: Referred to Committee on Education

01/23/15 House: Assigned Education sub: Elementary and Secondary Education

Notes: City Position: oppose

HB 2235 HOT lanes; when law-enforcement vehicles may use.

Patron: Rust

Summary as introduced:

HOT lanes; law-enforcement vehicles. Clarifies the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll.

02/03/15 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

Notes: City Position: support

HB 2267 Virginia Solar Energy Development Authority.

Patrons: Hugo, Bulova, Ramadan, Villanueva and Yost

Summary as introduced:

Virginia Solar Energy Development Authority. Creates the Virginia Solar Energy

Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to develop programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members appointed by the Governor. Members may represent solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry, (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications, (iii) applying to the U.S. Department of Energy for loan guarantees for such projects, and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. At the recommendation of the Authority, the Director of the Department of Mines, Minerals and Energy may utilize nonstate-funded support to carry out any duties assigned to the Director. Funding for nonstate support may be provided by any source, public or private, for the purposes for which the Authority is created. 02/06/15 House: Appropriations Subcommittee recommends reporting (7-Y 0-N)

Notes: City Position: support

HB 2274 Electric utilities; cost recovery.

Patron: Kilgore

Summary as introduced:

Electric utilities; cost recovery. Permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate the maintenance of distribution rights-of-way or otherwise enhance distribution reliability. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers.

02/05/15 House: Reported from Commerce and Labor with amendments (20-Y 1-N)

Notes: City Position: oppose

HB 2369 Police forces; establishment of public and private forces, etc.

Patron: Berg (by request)

Summary as introduced:

Police forces of the Commonwealth; private security services businesses; private police departments; special conservators of the peace; campus police departments. Makes numerous changes to the Code involving private police, including (i) providing that any Secretary of the Governor may, upon approval of the Governor, establish a police force of the Commonwealth to secure property or the peace upon the grounds and buildings of public property under the cognizance of such Secretary; (ii) requiring the Criminal Justice Services Board to establish compulsory minimum entry-level, in-service, and advanced training standards for special conservators of the peace; (iii) removing the cap on training hours required for special conservators of the peace; (iv) defining "private police department"; (v) providing that any

locality may, by ordinance, establish one or more private police departments; (vi) requiring the Department of Criminal Justice Services to provide eligibility authorization to prospective special conservator of the peace appointees prior to their appointment by a circuit court; (vii) requiring a circuit court to grant an application for a special conservator of the peace upon finding that a preponderance of the evidence exists to show a necessity for the security of property or the peace and indicate that the qualifications of the prospective appointee are consistent with the authority and powers sought for the prospective appointee; (viii) requiring the order of appointment for a special conservator of the peace to specify whether the appointee is appointed as a conservator of the peace, in which case he will have the power to make arrests in any case within the geographical limits of his appointment, or for the purpose of code enforcement, in which case he will have the power to effect misdemeanor arrests and issue summonses for violations of misdemeanors and local ordinances; (ix) providing that a law-enforcement officer may pursue any person who escapes or attempts to flee such officer who is attempting to detain him based on the reasonable suspicion that the person has committed or is about to commit a crime; (x) providing that a person who falsely identifies himself to a special conservator of the peace is guilty of a Class 1 misdemeanor; (xi) requiring that private campus police departments and their officers maintain surety bonds or liability insurance; (xii) providing that private campus police departments shall not conduct asset forfeiture activities or private policing services for third-party entities; (xiii) establishing special conservators of the peace and campus police officers as mandatory reporters for child abuse; and (xiv) providing that the training requirements for special conservators of the peace established by the Criminal Justice Services Board subsequent to the passage of this bill shall substantially conform to specific recommendations of any duly authorized study commission authorized by the General Assembly on the subject of training for special conservators of the peace.

02/06/15 House: Reported from Militia, Police and Public Safety with substitute (19-Y 2-N)

Notes: City Position: oppose

SB 693 Feral cats; trapping, neutering, and returning to site activity.

Patrons: Martin; *Delegate:* Kory

Summary as passed Senate:

Trap, Neuter, and Return activity. Permits a person to trap and sterilize a feral cat before returning it to the site where it was trapped. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor.

02/05/15 Senate: Read third time and passed Senate (28-Y 10-N)

Notes: City Position: support

SB 882 Motor vehicle doors; opening and closing doors, penalty.

Patron: Petersen

Summary as passed Senate:

Opening and closing motor vehicle doors. Requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

01/27/15 Passed Senate

02/06/15 House: Assigned Transportation sub: Subcommittee #2

Notes: City Position: oppose

SB 967 Extended Foster Care Services and Support; created.

Patrons: Favola and Ebbin; *Delegate:* Peace

Summary as introduced:

Extended foster care services and support. Creates the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 years who were formerly in the custody of a local board of social services.

02/06/15 Senate: Read third time and passed Senate (37-Y 0-N)

Notes: City Position: support

SB 1001 Dogs or cats; sale and procurement prohibited on or in a roadside, etc.

Patron: Stanley

Summary as passed Senate:

Sale and procurement of certain pets. Prohibits the sale or display of a dog or cat on or in a roadside, parking lot, flea market, or similar place and limits the sources of pet shop dogs to humane societies, public animal shelters, and breeders who meet certain qualifications. The bill also establishes a record-keeping requirement for pet shops selling dogs and applies the existing misdemeanor penalty for a violation of the section to each dog sold or offered for sale.

01/28/15 Senate: Read third time and passed Senate (39-Y 0-N)

01/30/15 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

Notes: City Position: support

SB 1092 General registrars; reassigning duties of the electoral board.

Patron: Vogel

Summary as introduced:

General registrars; reassigning duties of the electoral board. Reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars. The bill also requires that the governing bodies of the localities be reimbursed in full for the compensation and expenses of electoral board members and general registrars.

02/02/15 Senate: Read third time and passed Senate (37-Y 1-N)

02/06/15 House: Assigned P & E sub: Campaign Finance

Notes: City Position: support

SB 1095 Prospective foster parents; barrier crimes.

Patron: McEachin

Summary as introduced:

Prospective foster parents; barrier crimes. Allows child-placing agencies to approve as an adoptive or foster parent an applicant convicted of felony possession of drugs with intent to distribute, provided the applicant has had his civil rights restored by the Governor and at least 20 years have elapsed since the conviction.

01/28/15 Senate: Read third time and passed Senate (39-Y 0-N)

01/30/15 House: Referred to Committee on Health, Welfare and Institutions

Notes: City Position: support

SB 1123 Child care subsidy; license required.

Patrons: Barker; Delegate: Hester

Summary as passed Senate:

Child care subsidy; license required. Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant. The bill has a delayed effective date of July 1, 2016.

02/06/15 Senate: Read third time and passed Senate (32-Y 6-N)

Notes: City Position: Support, but amend so that City continues to regulate smaller day care facilities.

SB 1160 Renewable energy; third party power purchase agreements.

Patron: Edwards

Summary as introduced:

Renewable energy; third party power purchase agreements. Replaces the pilot program enacted in 2013 that authorized certain third party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the SCC to establish third party power purchase agreement programs for eligible customer-generators in the service territories of Dominion Virginia Power (DVP) and AEP. This measure differs from the existing pilot program in that (i) the existing pilot program applies only to DVP and (ii) the maximum size of a renewable generation facility is increased from one megawatt to two megawatts.

01/13/15 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: support

SB 1201 Stormwater; dredging operations in the Chesapeake Bay Watershed.

Patron: Wagner

Summary as introduced:

Stormwater; municipal separate storm sewer system permittees; dredging. Directs the State Water Control Board establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed by a locality that is a municipal separate storm sewer system (MS4) permittee as a method by which the permittee may meet its pollutant reduction and loading requirements. The bill provides that before the Board establishes the procedure, the Chesapeake Bay Program must approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill also requires that any dredging take place in a navigable waterway within the boundaries of the locality and comply with all applicable laws.

02/04/15 Senate: Passed Senate (38-Y 0-N)

Notes: City Position: support

SB 1334 Electric utilities; cost recovery.

Patron: Chafin

Summary as introduced:

Electric utilities; cost recovery. Permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate

the maintenance of distribution rights-of-way or otherwise enhance distribution reliability. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers.

01/30/15 Senate: Read third time and passed Senate (38-Y 0-N)

02/06/15 House: Referred to Committee on Commerce and Labor

Notes: City position: oppose

SB 1349 Electric utility regulation; suspension of reviews of earnings.

Patron: Wagner

Summary as introduced:

Electric utility regulation; suspension of reviews of earnings. Bars the State Corporation Commission (SCC) from conducting a biennial review of the rates, terms, and conditions for any service of Dominion Virginia Power for the eight test periods beginning January 1, 2013, and ending December 31, 2020. The utility is directed not to make biennial review filings in 2016 through 2022. The SCC is directed to dismiss any biennial review initiated in 2015 without making findings or determinations and is barred from adjusting the utility's rates until the conclusion of the 2023 biennial review, with certain exceptions. The SCC is directed to conduct biennial proceedings from 2017 through 2021 to determine what constitutes the utility's fair rate of return on common equity for use in connection with rate adjustment clauses. The measure also requires each electric utility to file updated integrated resource plans annually starting in 2015; currently, such updates are required to be filed biennially.

02/06/15 Senate: Passed Senate (32-Y 6-N)

Notes: City Position: oppose

SB 1381 Private animal shelter; clarifies purpose and definition.

Patrons: Stanley (by request), Alexander and Lewis; Delegate: Hester

Summary as introduced:

Definition of private animal shelter. Clarifies that the purpose of a private animal shelter is to find permanent adoptive homes and facilitate other lifesaving outcomes for animals.

02/04/15 Senate: Read third time and passed Senate (33-Y 5-N)

Notes: City Position: support