**VA Tea Party Patriots Federation**

**CoLA – Scorecard 2014 – BILL POSTIONS**

***“The standard is the Constitution — for every issue, on every occasion, with no exceptions. Anything less than that is a step toward tyranny.”***

The VA Tea Party Patriots Federation supports legislation that promotes smaller constitutional government, fiscal responsibility, individual liberty and responsibility, and free markets. We oppose legislation that is contrary to these principles.

**HOUSE:** HB17; HB449; HB706; HB1084; HB1239; HB1253; HB1256; SB653; NO Medicaid expansion

**SENATE:** HB2; HB17; HB449; SB418; SB446; SB513; SB578; SB653; NO Medicaid expansion

**HB2 Commonwealth Transportation Board; statewide prioritization process for project selection. Passed House and Senate – OPPOSE: In 2013 we were told we needed a massive tax increase for priority transportation projects which were absolutely critical to relieve congestion. Now one year later HB2 changes project prioritization to include economic development and the environment.**

***Allocations within highway construction districts. Provides for the development of a prioritization process for projects funded by the Commonwealth Transportation Board. Such prioritization shall weight factors such as congestion mitigation, economic development, accessibility, safety, and environmental quality and be applied within each highway construction district.***

**HB17 [Privacy protection] Electronic communication or remote computing devices; warrant requirement for certain records. Passed House and Senate – SUPPORT: Warrant required for cell (and remote device) GPS tracking of an individual.**

***Provides that a provider of electronic communication service or remote computing service shall not disclose real-time location data to an investigative or law-enforcement officer except pursuant to a search warrant, subject to certain exceptions. The bill defines "real-time location data" as data or information concerning the current location of an electronic device that is generated, derived from, or obtained by the operation of the device.***

**HB449 [Privacy, FERPA, Longitudinal Data System] Student information; release to federal government agencies or authorized representative of agency. Passed House and Senate – SUPPORT: This bill helps in our effort to stop the Longitudinal Data System from being implemented in Virginia. It protects student privacy by limiting distribution of personally identifiable information to the federal government. The exception below is regrettable as it assumes that the federal government has a role to play in education; an assumption that many do not accept as constitutional. Missing is specific wording that prohibits distribution of personally identifiable student data to third parties by the state for any commercial use. We will work to see that these issues are addressed in future legislation. [The House and Senate also passed unanimously SB242 which prevents the sale of student data by institutions of higher learning]**

***Prohibits a member or employee of a local school board or the Department of Education from transmitting personally identifiable information from a student's record to a federal government agency or an authorized representative of such agency, except as required by federal law or regulation.***

**HB706 [Rule of Law] General Assembly member legislative standing to defend laws of the Commonwealth. Passed House - SUPPORT: Killed in Senate Rules committee. Would have given legislators standing to defend laws of the Commonwealth. If such a law had been in place in 2013, GA members could have filed law suits to determine the constitutionality of the Medicaid expansion Committee [MIRC] included in HB2313. Today such a law could be used against Herring for effectively implementing the “Dream Act” by nothing more than a legal opinion. (In spite of the ‘Dream Act’ failure to pass the 2014 General Assembly)**

***Provides that the General Assembly, the House of Delegates, the Senate of Virginia, or a member of the General Assembly has standing to represent the interests of the Commonwealth in a proceeding in which a provision of the Constitution of Virginia is contested or the constitutionality, legality, or application of a law established under legislative authority is at issue and the Governor and Attorney General choose not to defend the law.***

**HB1084 / SB578 [Citizen remedies for abridgment of Constitutional rights]** Permits and approvals, certain; damages for unconstitutional grant or denial by locality. **Passed House and Senate – SUPPORT: Property Rights. The bill establishes that when a property owner proves in court that a decision to grant or deny a land use permit turned on an “unconstitutional condition,” the land owner is entitled to compensatory damages and reasonable attorney fees.**

*“It shouldn’t matter whether you’re a Republican, Democrat, or independent: we should all be able to agree that if you can prove in court that the government abridged your rights, you shouldn’t have to be the one footing the bill.”* Mark Obenshain

**HB1239 / SB418**  **[Local Mandates, tax credits]** Real and personal property taxes; exemption for solar energy equipment, facilities, or devices. **Passed House and Senate – OPPOSE: These bills reward and incentivize inefficient, uneconomical renewable energy and place *A NEW MANDATE* *on local government* which results in local government revenue loss.**

***Real and personal property tax exemption; solar energy equipment, facilities, or devices.*** *Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy.*

**HB1253 / SB513 [Fiscal; Growth in government]** Hampton Roads Transportation Accountability Commission; created. **Passed House and Senate – OPPOSE: Established a new duplicate layer of expensive bureaucracy with unlimited tolling, bonding [taxing] power.**

*Creates the Hampton Roads Transportation Accountability Commission. Moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Transportation Planning Organization to the [new] Hampton Roads Transportation Accountability Commission.*

**HB1256 [NDAA - Indefinite Detention, eliminates writ of habeas corpus]** Detention and removal of a citizen from the Commonwealth by the federal government. **Passed House – SUPPORT: Required local law enforcement to be notified of removal by the Federal government of a citizen from the commonwealth. [2012 National Defense Authorization Act (NDAA), sec 1021]**

*Secretary of Defense shall provide notification within 24 hours of the detention to both the Secretary of Public Safety and the chief law-enforcement officer of the locality in which the citizen is detained and that the U.S. Secretary of Defense or his designee shall seek authorization from the chief law-enforcement officer of the locality in which the citizen is detained prior to removal of the citizen from the locality. The bill also provides that if the federal agency detaining any citizen pursuant to the National Defense Authorization Act fails to comply with either such request, funds appropriated for implementation or continuation of memoranda of understanding entered into by cabinet secretaries shall be contingent upon authorization by an act of the General Assembly in a subsequent year. Finally, the bill authorizes the Governor to terminate any memorandum of understanding for noncompliance.*

*FEDERAL CODE: Provides that the Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any United States citizen pursuant to 50 U.S.C. § 1541 et seq. as provided by the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, § 1021 [providing for detention of any person "who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks" or "who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces"]), the U.S.*

**SB446 [Budget transparency]** General Assembly; reports accompanying general appropriation bills. **Passed Senate - SUPPORT: Would have given a start toward budget transparency. Killed in the House Appropriations Committee by not putting it on a docket. We will work to see that this bill is submitted every year until it passes the full legislature and is signed by the Governor.**

*Summary: General Assembly; general appropriation bills. Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.*

**SB653** Renewable energy property; grants for placing into service, Renewable Energy Property Grant Fund. **Passed House and Senate – OPPOSE: This bill has a reenactment clause. It must pass both Houses again next year before becoming law. If passed this fund will become the ultimate source for pet projects. MAJOR issue this session and next.**

*Summary: Renewable energy property grants. Establishes, beginning with fiscal year 2016, grants for placing into service renewable energy property. The bill defines renewable energy as energy derived from sunlight, wind, falling water, biomass, waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, but not including energy derived from coal, oil, natural gas, or nuclear power.*

**NO Medicaid Expansion in Budget – 50 points**

 40 points – Representative’s position at the end of the regular session

 10 points – Representative’s position at the end of the Special Session

***QUESTION FOR ALL DELEGATES AND SENATORS:***

*Please, supply details of the additional income to the state that grew the biannual budget from $84 Billion to $96 Billion in two years. FYI … $6 Billion increase from 2013 HB2313 accounts for only $1.2 Billion per yr. over 5yrs*

***The 10 Most Corrupt State Governments in the United States includes Virginia***

*There are many ethical areas where the state of Virginia fails to deliver. These include weak consumer protection, lack of government insight, and a hazy line between large businesses and politicians. In the State Integrity Investigation, the state received a total of 9 F’s. One of the greatest drawbacks is that the state is exempted in the State Corporation Commission, which is a regulatory agency responsible for overseeing all types of utilities, railroads, financial institutions, and businesses. Even the General Assembly Conflict of Interests Act has proven to be greatly inefficient. Another weakness of the state is in its enforcement of disclosure laws.*

[*http://www.therichest.com/expensive-lifestyle/location/the-10-most-corrupt-state-governments-in-the-united-states/*](http://www.therichest.com/expensive-lifestyle/location/the-10-most-corrupt-state-governments-in-the-united-states/)

[Please take into consideration: Conspicuously absent from this list are blue states like California]