

VA Tea Party Patriots Federation - CoLA

House Scorecard 2015 – BILL POSTIONS

(Senate positions below)

“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.

#1 HB1287 – SUPPORT

Forfeiture of property used in connection with commission of crimes; conviction required.

(Passed House; Passed Senate committee; Killed on Senate floor using a motion to ‘refer to Finance’ by Senator Carrico and then killed during recess in a committee meeting held on the Senate floor)

Required that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime authorizing the forfeiture and has exhausted all appeals.

Forfeiture laws are an effective tool that, when used properly, can hit criminals in their pocketbooks and help law enforcement fight crime. But changes need to be made to clarify how these laws are used, and what recourse a citizen has to get their property back. None of these reforms need to let criminals off the hook. If you break the law, you will still face criminal charges, but innocent people must be protected. Due process and private property rights are the bedrock of our free society and must be protected from well-intentioned, but flawed laws.

#2 HB1315 – SUPPORT

Jury commissioners; retention of information obtained from those not qualified to serve

(Passed both Houses, vetoed by Governor)

Jury commissioners; lists of unqualified persons provided to general registrars. Required jury commissioners to retain information obtained from those persons not qualified to serve as jurors as a result of (i) not being a citizen of the United States, (ii) no longer being a resident of the Commonwealth, (iii) being a resident of another county or city in the Commonwealth, (iv) having been convicted of a felony and not having had voting rights restored, or (v) having been adjudicated incapacitated. The bill

required the general registrars to use the information received to identify voters who are no longer qualified to vote and to initiate list maintenance procedures pursuant to current law.

#3 HB1318 – SUPPORT

Absentee ballots; photo identification required for submission of application.

(Passed by both Houses; vetoed by the Governor)

Required that any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts from this requirement military and overseas voters and persons with a disability. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification.

#4 HB 1408 - SUPPORT

Telecommunication records; warrant requirement, prohibition on collection by law enforcement.

(Passed and signed by Governor)

Warrant requirement for certain telecommunications records; prohibition on collection by law enforcement.

Provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device.

#5 HB1612 – SUPPORT

School service providers; protection of student personal information.

(Passed and signed by the Governor)

Requires each entity that operates, pursuant to a contract with a public elementary or secondary school in the Commonwealth or a teacher in such a school, a website, mobile application, or online service to maintain certain protections for personal information, including transparency, privacy policies, information security programs, and access to an individual student's person information by the student and his parents.

#6 HB1673 / SB965 – SUPPORT

Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.

(Passed by House and Senate; Governors amendments rejected by both Houses; original bill vetoed by Governor) [CoLA opposed the Governors amendments]

This legislation limited the ability of law-enforcement and regulatory agencies to use any surveillance technology, including license plate readers, to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization.

Information collected by a license plate reader without a warrant shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. After seven days such collected information must be purged unless it is being utilized in an ongoing investigation. The legislation also added to the definition of "personal information" vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place.

#7 HB1751- SUPPORT

Administrative Process Act; certain review by Joint Commission on Administrative Rules, report.

(Passed and signed by Governor)

Administrative Process Act; certain review by Joint Commission on Administrative Rules. Provides that in the event the economic impact analysis completed by the Department of Planning and Budget (the Department) reveals that a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period allowed for preparation of the economic impact analysis. The bill requires the Joint Commission on Administrative Rules to review such rule or regulation and report quarterly to the Governor and the General Assembly on any such regulation, including in its report a statement of any position taken by the Commission on any such regulation.

#8 HB1752 / SB724 – SUPPORT

SOL; Bd. of Education prohibited from adopting revisions that implement Common Core State Standards.

(Passed both Houses, vetoed by the Governor)

Board of Education; Common Core State Standards. Prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that is coincidentally included in the standards referred to as the Common Core State Standards.

#9 HB1886 – SUPPORT

Public-Private Transportation Act; establishes requirement for finding of public interest.

(Passed both Houses; signed by the Governor)

Establishes the requirements for a finding of public interest and requires such a finding prior to an initiation of procurement through the Public-Private Transportation Act. The bill also establishes the Transportation Public-Private Partnership Advisory Committee to determine by a majority vote whether a Virginia Department of Transportation (VDOT) or Department of Rail and Public Transportation project meets the finding of public interest and to report such determination to the General Assembly. In addition, the bill requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding.

#10 HB1946 / SB919 – OPPOSE

Administrative subpoenas; electronic communication services.

(Passed both Houses. Signed by Governor)

Conservatives take the Fourth Amendment seriously, and believe that government may not obtain records of persons or businesses without a warrant signed by a neutral judge, and after a showing of probable cause that some law is violated.” Judge-less administrative subpoenas must go.

Created in the progressive New Deal era, administrative subpoenas are institutionalized violations of the Fourth Amendment. They are far more dangerous than mass, anonymous surveillance by the NSA precisely because they can be targeted at individuals and businesses to bully and violate free market, free speech, free association, religious and private property rights. This legislation authorizes Virginia to obtain record[s] from a provider of electronic communication service or remote computing service. Because the bill requires no specifics in these subpoenas such as the place from which the records must be produced, it authorizes “general warrants.” Those are illegal under Art. I, Sec. 10 of the Virginia Constitution. Known as “Writs of Assistance,” general warrants were one major reason leading to the American Revolution. The subpoenas described in this legislation (aka, warrants) may be issued without authorization by a judge, which too is illegal under the Fourth Amendment, as described in *Katz v. US* (1967). http://en.wikipedia.org/wiki/Katz_v._United_States. And, these subpoenas are not issued under “probable cause” required under the Fourth Amendment, but when “there is reason to believe that the records or other information being sought are relevant to a legitimate law-enforcement investigation.”

Another kicker is that *“The subpoena shall include a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person.”*

#11 HB2144 - SUPPORT

Detention and removal of U.S. citizen from State; SPS shall request notification within 24 hours.

(Passed House. Senate voted to recommit)

A bill to nullify sec 1021 of the NDAA ... the U.S. 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 (NDAA) 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.

#12 HB2238 – SUPPORT

Virginia Parental Choice Education Savings Accounts; established.

(Passed House, killed on the Senate floor by Senators Chafin, Puller and Watkins leaving the chamber and Senator Norment abstaining)

Parental Choice Education Savings Accounts. Permits the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student, including (i) tuition, fees, or required textbooks at a private elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin; (ii) educational therapies or services for the student from a practitioner or provider, including paraprofessionals or educational aides; (iii) tutoring services; (iv) curriculum; (v) tuition or fees for a private online learning program; (vi) fees for a nationally standardized norm-referenced achievement test, an Advanced Placement examination, or any examination taken to gain admission to an institution of higher education; or (vii) tuition fees or required textbooks at a public two-year or four-year institution of higher education in the Commonwealth or at an accredited private institution of higher education in the Commonwealth. The bill also contains provisions for the audit and revocation of such accounts.

#13 HB2267 / SB1099 – OPPOSE

Virginia Solar Energy Development Authority; created, report.

(Passed both Houses; signed by Governor)

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. [Grows government; not free market, subsidizes an uneconomic choice for energy supply and promotes more crony capitalism at the expense of VA consumers. It continues the Climate Change scam ... think Solyndra.]

#14 HB2322 – SUPPORT

Health benefit plans; essential health benefits waiver.

(Passed both Houses; vetoed by Governor)

HB2322 was a proactive step taken by both the House of Delegates and the Senate to help keep insurance costs down if the Supreme Court rules in favor of King in *King vs Burwell*. Authorizes health carriers to offer, sell, issue, or renew any health benefit plan in the individual and group markets that does not include the essential health benefits as required by the federal Patient Protection and Affordable Care Act if (i) federal premium tax credit subsidies are no longer available or provided for a health benefit plan purchased through the federal health benefits exchange and (ii) the appropriate federal authority has suspended enforcement of the provisions of the Act that require a health benefit plan to provide coverage for essential health benefits, to the extent and under the terms that the appropriate federal authority has suspended enforcement of such provisions.

#15 HB2379 – SUPPORT

Voter list maintenance; SBE shall utilize data received through list comparisons with other states.

(Passed both Houses; signed by the Governor)

Voter list maintenance; list comparison data. Requires the State Board of Elections to use the data received through list comparisons with other states to maintain the overall accuracy of the voter registration system by identifying duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered. The bill also extends the current report requirement to those activities related to list maintenance using this data.

#16 SB1365 – SUPPORT

Carbon dioxide emissions; DEQ to develop state plan to regulate emissions.

(Passed House; House substitute rejected by Senate)

Clean Power Plan; state implementation plan; General Assembly approval. Requires the Department of Environmental Quality (the Department) to consider certain factors, seek input from the State Corporation Commission, and meet with interested members of the General Assembly as the Department develops a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. The bill also requires the Department to report to the Governor and the General Assembly on the status of the plan by December 1, 2015, and each year thereafter until December 1, 2019.

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Absentee ballots; photo identification required for submission of application.

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SOL; Bd. of Education prohibited from adopting revisions that implement Common Core State Standards.

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Board of Education; Common Core State Standards. Prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that is coincidentally included in the standards referred to as the Common Core State Standards.

#11 SB919 / HB1946 – OPPOSE

Administrative subpoenas; electronic communication services.

(Passed both Houses. Signed by Governor)

Judge-less administrative subpoenas must go. Created in the progressive New Deal era, administrative subpoenas are institutionalized violations of the Fourth Amendment. They are far more dangerous than mass, anonymous surveillance by the NSA precisely because they can be targeted at individuals and businesses to bully and violate free market, free speech, free association, religious and private property rights. This legislation authorizes Virginia to obtain record[s] from a provider of electronic communication service or remote computing service. Because the bill requires no specifics in these subpoenas such as the place from which the records must be produced, it authorizes “general warrants.” Those are illegal under Art. I, Sec. 10 of the Virginia Constitution. Known as “Writs of Assistance,” general warrants were one major reason leading to the American Revolution. The subpoenas described in the legislation (aka, warrants) may be issued without authorization by a judge, which too is illegal under the Fourth Amendment, as described in *Katz v. US* (1967).

http://en.wikipedia.org/wiki/Katz_v._United_States. And, these subpoenas are not issued under “probable cause” required under the Fourth Amendment, but when “there is reason to believe that the records or other information being sought are relevant to a legitimate law-enforcement investigation.” Another kicker is that “*The subpoena shall include a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person.*”

#12 SB965 / HB1673 – SUPPORT

Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.

*(Passed by House and Senate; Governors amendments rejected by both Houses; vetoed by Governor)
[CoLA opposed the Governors amendments]*

The legislation limited the ability of law-enforcement and regulatory agencies to use any surveillance technology, including license plate readers, to collect and maintain personal information on individuals and organizations where a warrant had not been issued and there is no reasonable suspicion of criminal activity by the individual or organization.

#13 SB1061 – SUPPORT

Electronic pollbooks; photographs and identifying information for each voter.

(Passed Senate; Left in House Appropriations committee)

Requires electronic pollbooks to contain a photograph and identifying information received by the State Board of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information.

#14 SB1099 / HB2267– OPPOSE

Virginia Solar Energy Development Authority; created, report.

(Passed both Houses; signed by Governor)

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. Grows government; subsidizes an uneconomic choice for energy supply and promotes more crony capitalism at the expense of VA consumers. **It continues the Climate Change scam ... think Solyndra.** Let the free market work!

#15 SB1140 – SUPPORT

Local fiscal impact bills; first day introduction.

(Passed Senate; tabled in House Rules committee)

Required bills that result in a net reduction of revenues to local governments be introduced no later than the first day of the regular session of the General Assembly.

#16 SB1365 – SUPPORT

Carbon dioxide emissions; DEQ to develop state plan to regulate emissions.

(Passed House; House substitute rejected by Senate)

Clean Power Plan; state implementation plan; General Assembly approval. Required the Department of Environmental Quality (the Department) to consider certain factors, seek input from the State Corporation Commission, and meet with interested members of the General Assembly as the Department develops a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. The bill also required the Department to report to the Governor and the General Assembly on the status of the plan by December 1, 2015, and each year thereafter until December 1, 2019.