

CoLA 2016 House Scorecard – Positions

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

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

HB 2 – support

Clean Power Plan; state implementation plan, General Assembly approval. - Summary: **Clean Power Plan; state implementation plan; General Assembly approval.** Requires the Department of Environmental Quality to receive approval from the General Assembly for 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. This bill is identical to **SB 21**. *Vetoed by Governor*

The right of the EPA to regulate carbon under the "Clean Power Plan" is before the DC court. This bill which blocks implementation will be resubmitted in 2017 as the court opinion will not be known at the time the VA General Assembly meets.

HB 9 – support

Voter registration; required information on application form.

Summary: Voter registration; application; form and required information. Specifies in greater detail the information that applicants for voter registration are required to provide on the voter registration application form. The bill also requires the general registrars to deny the application of any applicant who fails to provide his first and last name or his date of birth; fails to provide his social security number or indicate that he does not have a social security number; fails to provide his citizenship status or provides that he is not a U.S. citizen; fails to provide his residence address or indicate rural residence location or homelessness; fails to provide previous voter registration information or indicate lack thereof; or fails to indicate that he will be, or indicates that he will not be, at least 18 years of age on or before the date of the next general election. *Vetoed by Governor*

This bill required, among other important declarations, that a person provide proof of citizenship when registering to vote. The Federation position is "One citizen, one vote".

HB 48 – support

Forfeiture of property used in connection with the commission of crimes; finding of guilt required.

Summary: Forfeiture of property used in connection with the commission of crimes; finding of guilt required. Requires 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 found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized.

Civil Asset Forfeiture without conviction is “Policing for Profit”. The Federation believes the police should be fully funded eliminating the necessity for seizure and sale of private property to balance law enforcement budgets. This practice is unconstitutional.

HB193 - support

Certificates of public need; creates three-phase process to sunset requirements for medical care.

Summary: Certificates of public need. Creates a two-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for ambulatory and outpatient surgery centers other than rural ambulatory and outpatient surgery centers and for capital expenditures at medical care facilities other than rural medical care facilities repealed in effective July 1, 2016, and (ii) for all medical care facilities other than nursing homes, rehabilitation hospitals and beds, organ or tissue transplant services, certain open heart surgery services, and rural medical care facilities repealed effective January 1, 2017. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but requires the Commissioner to condition a permit (a) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area and (b) on compliance of the applicant with quality of care standards. The bill also eliminates regional health planning agencies and makes numerous changes to the COPN process for facilities and projects that will still be subject to the requirement of a certificate.

[COPN regulations hurt competition, "harm consumers," and not only fail to contain costs but "can actually lead to price increases." Yet efforts to repeal Virginia's COPN law have so far been blocked, thanks to large hospital chains that benefit from having the government stifle their competition]

HB 259 – support SOL; Bd. of Education prohibited from adopting revisions that implement Common Core State Standards.

Summary: **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 coincidentally is included in the standards referred to as the Common Core State Standards. *Vetoed by Governor*

The Federation supports local parental choice in education, therefore opposes the Common Core national education standards. This legislation would have required General Assembly approval for adoption of any Common Core objectives and prevented adoption behind closed doors by the VA Board of Education.

HB 326 - oppose

Electronic communication service or remote computing service records; obtaining records.

Summary: Obtaining electronic communication service or remote computing service records. Provides that any subpoena issued by a court or grand jury, search warrant, or court order directing a provider of electronic communication service or remote computing service to disclose certain information related to a customer may require that the service provider not disclose the existence of the subpoena, search warrant, or order, except to an attorney to obtain legal advice, for a period of 90 days, subject to renewal for additional 90-day periods, if the victim is under 18 and disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. The bill also provides that only a circuit court can issue an order for disclosure from a service provider when such disclosure is relevant and material to an ongoing criminal investigation or the investigation of certain missing persons.

The Federation opposes ANY non-disclosure of subpoenas

HB 389 – support

Virginia Parental Choice Education Savings Accounts; established, report, effective clause.

Summary: 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. The bill contains a reenactment clause.

Vetoed by Governor

By vetoing this legislation, the Governor has denied the parents of special needs children the best education available for their children at no cost to taxpayers.

HB481 - support [Kate's Law VA, ICE detainers]

Compliance with detainers; U.S. Immigration and Customs Enforcement.

Summary: Compliance with detainers; U.S. Immigration and Customs Enforcement. Prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority. *Vetoed by Governor*

The Governor has vetoed the Commonwealth's "Kate's Law"

HB 1220 – oppose

Electric utility; recover of cost of purchasing certain solar energy facilities.

Summary: Electric utility regulation; solar energy facilities. Clarifies that a provision enacted in 2015 that authorizes an investor-owned electric utility to recover the costs of purchasing certain solar generation facilities through a rate adjustment clause did not alter existing provisions that authorize the utility to recover the costs of constructing certain other types of facilities. The measure contains a statement that it is declarative of existing law. The measure applies to any petition or application filed before the State Corporation Commission on or after July 1, 2015, and contains an emergency clause.

This legislation allows a monopoly investor owned utility company to have rate payers cover the cost of new uneconomic solar facilities. The SCC has denied this in the past.

HB 1305 – oppose

Solar and wind energy equipment, etc.; tax exemptions.

Summary: Sales and use tax exemption and real and personal property tax exemption; solar and wind energy equipment, facilities, and devices. Provides a sales and use tax exemption for machinery, tools, and equipment of a public service corporation used to generate energy derived from sunlight or wind, which expires June 30, 2027.

The Federation opposes all tax credits for renewable energy. It is time for taxpayer subsidies to end!

SB 282 – oppose

Virginia Shoreline Resiliency Fund; established, annual audit of Virginia Resources Authority.

SUMMARY AS ENACTED WITH GOVERNOR'S RECOMMENDATION: Virginia Shoreline Resiliency Fund. Establishes the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage.

Established a fund to solve the problem of flooding caused by sinking land because the Tidewater aquifers are drained by unrestricted development. Local officials have been aware for decades. Not funded. An attempt has been made to have all Commonwealth taxpayers provide funding for this Tidewater problem.

CoLA 2016 Senate Scorecard – Positions

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SB 775 – support

DMAS; Medicaid eligibility and application.

DMAS; Medicaid application. Directs the Department of Medical Assistance Services (DMAS) to verify income, using Virginia Employment Commission data, for Medicaid applicants and recipients who claim no earned or unearned income. The same protocols would be required to be used to verify the income of all applicants and recipients no later than October 1, 2017. The bill also requires DMAS to amend the Virginia Medicaid application, after obtaining approval from the Centers for Medicare and Medicaid Services, to require a Medicaid applicant to opt out if such applicant does not want to grant permission to the state to use his federal tax returns for the purposes of renewing eligibility.

The Medicaid audit required by the General Assembly recommended 12 actions. This bill was one of only 2 that were proposed as legislation. It should have been passed.