

EXHIBIT NO. 1

City of Alexandria

MEMORANDUM

~~17~~
~~1-22-02~~
23
1-26-02

DATE: JANUARY 19, 2002
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*
FROM: BERNARD CATON, LEGISLATIVE DIRECTOR
SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2002 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 1) on legislation introduced at the 2002 General Assembly Session.

RECOMMENDATION: That City Council approve the following as recommended by the City Council's legislative subcommittee (Mayor Donley and Councilman Speck):

- (1) Adopt the positions on legislation that has been introduced in the 2002 General Assembly Session as noted in Attachment 1;
- (2) Support an allocation based on point of sale, rather than school age population, for any new sales tax revenues for education; and
- (3) Seek, in any project list for new transportation revenues, to maximize funding for Metrorail capital improvements, the urban highway system, and the Alexandria Transit Company (DASH).

In addition, the legislative subcommittee recommends that Council determine what position, if any, Council wishes to take on legislative proposals that would increase the sales tax and use the resulting revenues solely for transportation (and not education).

DISCUSSION: The 2002 General Assembly Session began on January 9, and is scheduled to adjourn on March 9. The deadline for introduction of legislation was Friday, January 18¹. Not all the bills that have been introduced have been printed at this time. Since this is a "long" Session, the General Assembly must also enact a new biennial budget.

¹There are some exceptions to this rule (e.g., bills can be introduced at the request of the governor), but relatively few bills are introduced after the deadline.

City Package. The following action was taken on bills from the City's legislative package (Attachment 2 consists of a complete status report on City Package bills):

- SB 130 was passed by the Senate Courts of Justice Committee. This would allow departments of social services to proceed more quickly in placing a child for adoption or in permanent foster care if the court determines that reunification is inadvisable because seriously harmful acts (e.g., abandonment, torture, chronic abuse, sexual abuse) have occurred.
- SB 210 was passed by the Senate Courts of Justice Committee. This would authorize local law enforcement officers or child-protective services workers to perform criminal background checks on all adults who provide emergency child care.
- SB 219 was passed by the Senate Courts of Justice Committee. This would allow local law enforcement officers or child-protective services workers to perform criminal background checks on all adults living in the household prior to returning the child to his family or another relative.
- As introduced, SB 220, the City's Charter bill, sought to (1) give Council authority to reduce the size of the Board of the Alexandria Redevelopment and Housing Authority to 7 members; (2) set the initial meeting date for a new Council on the first business day following July 4 if July 1 falls on a Saturday or Sunday; (3) increase the local recordation tax to provide funds for open space; and (4) allow the City to tax real estate parcels of one-quarter acre or more that are preserved as open space at a lower rate than other real estate. The Senate Local Government Committee deleted provisions 3 and 4, then passed the bill.

Provision 3 (recordation tax) was opposed by the Virginia Realtors Association as well as Senate Local Government Committee members who opposed a new or increased tax. Committee members were reluctant to enact provision 4 (taxation of quarter-acre parcels as open space) unless it was done as general law. Consequently, Senator Ticer plans to introduce a bill this week that would allow those localities already authorized to tax parcels of two acres or more as open space (primarily Alexandria, Arlington County, and Fairfax County) to tax parcels of one-quarter acre or more as open space.
- SB 211, which (1) expands the membership of the Alexandria Historical Restoration and Preservation Commission, and (2) amends the definition of "Restoration Period" as it applies to the Commission's activities², was passed by the Senate General Laws Committee.

²The amendment changes "restoration period" from the period beginning with the founding of the City and ending in 1860, to anything prior to the last 50 years.

- SB 129, which would have extended the period of eligibility for TANF transitional child care benefits from 12 to 24 months, was carried over to the 2003 Session by the Senate Committee on Rehabilitation and Social Services.
- SB 128, which would have added gender, sexual orientation, and physical disability to the State Code as hate crimes, was defeated by the Senate Courts of Justice Committee.

Legislation to Increase the Sales Tax for Transportation, Education, or Both. A number of bills have been introduced to increase the sales tax and use the resulting revenues for transportation, education (capital, technology infrastructure, or debt), or both. Attachment 3 is a table comparing the provisions of these bills. The major issues on which the bills differ are these:

- Some of the bills provide revenue for transportation, some for education, and some for both.
- Some propose to allocate new sales tax revenues for education based on point of sale, and some based on school age population. If an additional one-half percent were added to the sales tax statewide for education and allocated to localities based on point of sale, the City would receive about \$10.36 million annually; if the same funds were allocated to localities based on school age population, the City would receive about \$3.825 million annually.
- The transportation bills include project lists (see Attachment 4); some of these include funds for DASH (HB 656, 657, 1163); and some of these do not (HB 1295, 1296, SB 170).
- Some of the bills require a referendum prior to the tax increase, and some do not.
- Some of the bills propose a regional or local tax increase, and some propose one statewide.
- Some include sunset provisions for the new taxes, and some do not.
- While most of the transportation proposals apply only to Northern Virginia, two also provide potential new revenues to the Hampton Roads area.

Council's Legislative Subcommittee recommends that the City seek, in any project list for new transportation revenues, to maximize funding for Metrorail capital improvements, the urban highway system, and the Alexandria Transit Company (DASH).

Council's Legislative Subcommittee also recommends that Council determine what position, if any, Council wishes to take on legislative proposals to increase the sales tax and use the resulting revenues for transportation only. The City's current position, as stated in its 2002 Legislative Package, is to support those legislative proposals which would divide new sales tax revenue between transportation and education.

State Budget Issues. Former Governor Gilmore proposed a new biennial budget (as well as modifications to the current budget) on December 19. Governor Warner is scheduled to propose his amendments to the Gilmore proposals on January 22. At this time there is a great deal of uncertainty

about how the General Assembly will proceed in developing a biennial budget, given the significant shortfall that exists in State revenues and the general criticism of many of the details (and lack thereof) of the Gilmore proposals. Staff has identified some of the impacts of the Gilmore proposals (Attachment 5), and will continue to monitor State budget developments closely. The House Appropriations and Senate Finance Committees are scheduled to make their budget recommendations on February 17.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - Recommended Positions on Bills of Importance to the City, January 20, 200~~2~~

Attachment 2 - Status Report on the City's 2002 Legislative Package

Attachment 3 - Comparison of Sales and Use Tax Revenue Proposals (Legislation)

Attachment 4 - Comparison of Transportation Project Lists in Proposed 2002 Legislation

Attachment 5 - Preliminary Analysis of the Impact of Governor Gilmore's Proposed Budget on City Programs (as of January 18, 2002)

Attachment 1

Recommended Positions on Bills of Importance to the City, January 20, 2002

HB 25 Juvenile not guilty by reason of insanity.

Summary as introduced:

Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act.

This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also *Commonwealth v. Chapman*, 30 Va. App, 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Patrons: Darner and McDonnell; Senator: Trumbo
01/09/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

HB 36 Constitutional amendment; property tax exemptions.

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment allowing local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patrons: Howell, Dudley and McQuigg

01/16/02 House: Read third time and passed House (97-Y 1-N)

01/16/02 House: VOTE: PASSAGE (97-Y 1-N)

01/16/02 House: Communicated to Senate

01/17/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

HB 42 Social services; auxiliary grants program.

Summary as introduced:

Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program.

Patron: Hamilton

01/09/02 House: Referred to Committee on Appropriations

Notes: City position: Support.

HB 70 Correctional facilities, local; medical costs for prisoners.

Summary as introduced:

Corrections; medical costs. Requires the state, in its annual appropriation to local correctional facilities, to compensate localities for two-thirds of the extraordinary medical costs incurred for treatment provided to state-responsible inmates. Such costs will be determined by the excess over the average medical cost per inmate day as determined by the Compensation Board.

Patron: Jones, J.C.

01/09/02 House: Referred to Committee on Appropriations

Notes: City position: Support.

HB 86 Sales & Use Tax; definition of food.

Summary as introduced:

Sales tax reduction program on food; definition of food. Excludes from the definition of food, for purposes of the sales tax reduction program, food sold by any retailer where the gross receipts derived from the sale of food prepared by such retailer for immediate consumption on or off the premises constitutes more than 80 percent of the total gross receipts of that retail establishment.

Patron: Orrock

01/21/02 House: Assigned to Finance sub-committee: 1

Notes: City position: Support.

HB 110 Transportation Revenue Bond Act of 2002; created.

Summary as introduced:

Commonwealth of Virginia Transportation Revenue Bond Act of 2002. Authorizes the Commonwealth Transportation Board to issue revenue bonds in the principal amount not to exceed \$1 billion with the proceeds to be used for an electronic communication infrastructure project to aid telecommuting and ease traffic congestion and other specified transportation projects. The bill funds the bonds by dedicating one-third of the annual revenues from the insurance license tax.

Patron: Marshall, R.G.

01/14/02 House: Reported from Finance with amds (22-Y 0-N)

01/14/02 House: Referred to Committee on Appropriations

Notes: City position: Oppose.

HB 121 Clustering of dwellings.

Summary as introduced:

Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering.

Patron: Hull

01/09/02 House: Referred to Committee on Counties, Cities and Towns

01/18/02 House: Assigned to C. C. T. sub-committee: 2

Notes: City position: Oppose.

HB 122 Potomac Region Transportation Development Authority; created.

Summary as introduced:

Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority.

Patron: Hull

01/18/02 House: Referred from Counties, Cities & Towns

01/18/02 House: Referred to Committee on Transportation

Notes: City position: Oppose.

HB 175 Uniform Statewide Building Code; use of "slag."

Summary as introduced:

Uniform Statewide Building Code; use of "slag." Directs the Board of Housing and Community Development to adopt regulations prohibiting the use of slag as a fill material in construction. The bill defines "slag" as the nonmetallic byproduct from the production of iron ore.

Patron: Woodrum

01/09/02 House: Referred to Committee on General Laws

Notes: City position: Support.

HB 180 Funding of local health departments.

Summary as introduced:

Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local

health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2003, and ending on June 30, 2007.

Patron: Bryant

01/09/02 House: Referred to Committee on Health, Welfare and Institutions

Notes: City position: Support.

HB 206 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Provides that in any high-growth locality, a zoning ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required under the new zoning classification.

Approval of a proposed rezoning may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such zoning request.

Patrons: Cole, Howell and Orrock

01/09/02 House: Referred to Committee on Counties, Cities and Towns

01/18/02 House: Assigned to C. C. T. sub-committee: 2

Notes: City position: Support.

HB 207 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a new subdivision. Approval of a proposed subdivision may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such subdivision request.

Patrons: Cole and Howell

01/09/02 House: Referred to Committee on Counties, Cities and Towns

01/18/02 House: Assigned to C. C. T. sub-committee: 2

Notes: City position: Support.

HB 210 Stalking; penalty.

Summary as introduced:

Stalking; penalty. Conduct that is prohibited for the purposes of stalking is expanded to include repeatedly maintaining a visual or close physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at a person and also means to annoy or alarm another person, communicating by mechanical or electronic means or otherwise with that person, communicating by telephone, telegraph, mail or any other form of written communication, communicating via computer, use of computer networking, electronic mail, and utilizing the Internet to gain unauthorized access to personal, medical, financial or other identifying information.

Patron: O'Bannon

01/09/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

HB 220 Assault and battery against a family or household member; penalty.

Summary as introduced:

Assault and battery against a family or household member; penalty. Allows Class 6 felony punishment of a person convicted of three or more family assaults if the assaults involve two or more different victims. Currently, enhanced punishment is only made applicable when the assaults occur on different dates.

Patron: Carrico

01/09/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

HB 245 Residential Landlord Tenant Act; abandonment of premises.

Summary as introduced:

Virginia Residential Landlord Tenant Act; abandonment. Provides that where the rental agreement requires a tenant to give the landlord notice of an extended absence and the tenant fails to do so, the landlord may treat the premises as abandoned. The bill also establishes a process to be followed by the landlord if he is unable to determine that the tenant has abandoned the premises.

Patrons: Drake, Dudley and Purkey

01/09/02 House: Referred to Committee on General Laws

Notes: City position: Oppose.

HB 246 Residential Landlord Tenant Act; disposal of abandoned property.

Summary as introduced:

Virginia Residential Landlord Tenant Act; disposal of property abandoned by tenants.

Allows a landlord to dispose of abandoned personal property after the rental agreement has terminated and delivery of possession has occurred provided 24 hours' written notice to the tenant at the last known address of the tenant has been given. Under current law, 10-days' notice is required.

Patrons: Drake, Dudley and Purkey

01/09/02 House: Referred to Committee on General Laws

Notes: City position: Oppose.

HB 271 Outdoor lighting standards and regulations; establishment.

Summary as introduced:

Local outdoor lighting standards and regulations. Grants all localities authority to establish by ordinance outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow, or for the purpose of conserving energy.

Patrons: Callahan, Amundson, Devolites, Plum, Scott and Watts; Senators: Byrne, Howell, Puller and Ticer

01/09/02 House: Referred to Committee on Counties, Cities and Towns

01/18/02 House: Assigned to C. C. T. sub-committee: 2

Notes: City position: Support.

HB 317 BPOL tax appeals.

Summary as introduced:

BPOL tax appeals. Allows a person assessed with a license tax to apply within three years, instead of 90 days, from the date of assessment to the assessor for a correction. The bill also allows any person assessed with a local license tax who has filed an application with a local assessing officer and has not received a final determination within one year of such filing, at his option at any time after such year, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. The changes in the appeals process are effective for all appeals pending or filed on or after July 1, 2001.

Patron: Howell

01/09/02 House: Referred to Committee on Finance

01/21/02 House: Assigned to Finance sub-committee: 2

Notes: City position: Oppose.

HB 318 Taxation; local business tax appeals.

Summary as introduced:

Taxation; local business tax appeals. Expands the list of local business taxes from which the taxpayer may seek relief through appeal and extends the time within which initial review shall be requested of the local assessing officer from 90 days to three years. The bill also permits a taxpayer to seek review from the Tax Commissioner without a final determination from the local assessing officer if the taxpayer's application for correction to the local assessing officer has been pending for a year or more without determination.

Patron: Howell

01/09/02 House: Referred to Committee on Finance

01/21/02 House: Assigned to Finance sub-committee: 1

Notes: City position: Oppose.

HB 346 Clustering of single-family dwellings so as to preserve open space.

Summary as introduced:

Clustering of single-family dwellings so as to preserve open space. Provides that a locality may provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. In any instance where the proposed density is greater than the density permitted in the applicable land use ordinance, the locality may continue to require approval of a special exception, special use permit, conditional use permit or rezoning. Localities shall have until July 1, 2004, to comply with the provisions of this bill.

Patron: Albo

01/09/02 House: Referred to Committee on Counties, Cities and Towns

01/18/02 House: Assigned to C. C. T. sub-committee: 2

Notes: Seek amendment to have small cluster developments exempted from the provisions of this legislation.

HB 371 Local E-911 tax; allowable exemption.

Summary as introduced:

Local E-911 tax; allowable exemption. Allows the local governing body to exempt subscribers 65 years of age and older from the local E-911 tax.

Patron: Cole

01/09/02 House: Referred to Committee on Finance

01/21/02 House: Assigned to Finance sub-committee: 1

Notes: City position: Oppose.

HB 378 Municipal elections; option for November council elections.

Summary as introduced:

Municipal elections; option for November council elections. Provides that cities and towns may shift to November elections held in either odd-numbered or even-numbered years.

Patron: Van Yahres

01/18/02 House: Reported from P. & E. w/substitute (22-Y 0-N)

Notes: Seek to have legislation amended so that it does not apply to any localities whose Charter provides for elections in odd-numbered years (such as the City).

HB 423 "Photo-red" traffic light signal enforcement programs.

Summary as introduced:

"Photo-red" traffic light signal enforcement programs. Allows any county, city, or town to have a "photo-red" traffic light signal enforcement program. No such program shall be instituted solely to generate revenue. Certain functions hitherto authorized to be performed by technicians or employees must now be performed by law-enforcement officers. Photo-monitoring system cameras may not record the image of a vehicle proceeding legally through an intersection during the green phase of a signal, unless the image appears incidental to the recorded image of a vehicle illegally entering an intersection during the red phase of a signal. When selecting intersections for a traffic light signal violation photo-monitoring system, localities must consider factors such as the accident rate for the intersection, the number of red light violations occurring at the intersection, the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators and the ability of law-enforcement officers to apprehend violators safely within a reasonable distance of the violation. The timing of the yellow phase of the signal at intersections being monitored must meet or exceed the minimum time recommended by the Institute of Transportation Engineers. Localities that use photo-monitoring systems must place conspicuous signs indicating this at or near the boundary of the locality on all primary highways. Prior to or coincident with implementation or expansion of a "photo-red" program, a locality must implement a public awareness program. The July 1, 2005, "sunset" on "photo-red" programs is repealed.

Patrons: McQuigg, Lingamfelter and Van Yahres

01/09/02 House: Referred to Committee on Militia, Police and Public Safety

01/18/02 House: Assigned to M., P. & P. S. sub-committee: 2

Notes: City position: Support.

HB 464 Residential Landlord and Tenant Act; terms of rental agreement.

Summary as introduced:

Virginia Residential Landlord Tenant Act; required terms and conditions of rental agreement. Requires a landlord to provide a written notice, signed by the tenant as a separate part of the rental agreement, that the landlord provides no insurance coverage for the loss of the tenant's personal property and other possessions or any relocation costs in the event of a natural or man-made disaster. "Natural disaster" is defined as any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. "Man-made disaster" is defined as any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States.

Patrons: Suit, Cosgrove and Welch

01/17/02 House: Reported from General Laws with sub (17-Y 4-N)

Notes: City position: Support.

HB 505 Suspension without pay for fighters, EMTs, etc.

Summary as introduced:

Suspension without pay. Provides that in no case shall a suspension without pay of a law-enforcement officer, firefighter or emergency medical technician continue for more than 90 days pending completion of the hearing process.

Patrons: Drake, Cosgrove, Devolites and Purkey

01/09/02 House: Referred to Committee on Militia, Police and Public Safety

01/18/02 House: Assigned to M., P. & P. S. sub-committee: 2

Notes: City position: Oppose.

HB 506 Investigations of law-enforcement officers and firefighters.

Summary as introduced:

Right to counsel during investigations of law-enforcement officers and firefighters. Provides that during investigation or interrogation, law-enforcement officers, firefighters and emergency medical technicians shall have the right to be represented by counsel at all stages of the proceedings.

Patrons: Drake, Cosgrove, Devolites and Purkey

01/09/02 House: Referred to Committee on Militia, Police and Public Safety

01/18/02 House: Assigned to M., P. & P. S. sub-committee: 2

Notes: City position: Support.

HB 529 Freedom of Information Act; record exemptions.

Summary as introduced:

Freedom of Information Act; record exemptions. Adds a records exemption for those portions of records containing identifying information of a personal, medical or financial nature provided to a public body where the release of such information would jeopardize the safety of any person. This exemption is similar to the exemption currently available to law-enforcement agencies.

Patron: Devolites

01/09/02 House: Referred to Committee on General Laws

Notes: City position: Support.

HB 658 Criminal background check; substance abuse treatment professionals.

Summary as introduced:

Criminal background check; substance abuse treatment professionals. Permits community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who are convicted of a broader list of crimes: assault and bodily wounding; robbery; threat; burglary; any felony violation relating to the possession or distribution of drugs; or abuse and neglect of children, including failing to secure medical attention for an injured child. The hiring provider must determine that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated.

Patrons: Devolites and Christian

01/09/02 House: Referred to Committee on Health, Welfare and Institutions

Notes: City position: Support.

HB 700 Freedom of Information; exemptions relating to terrorism.

Summary as introduced:

Freedom of Information; exemptions relating to terrorism. Provides a record exemption from FOIA for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building or structure; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or

structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of records for his name and legal address. The bill also provides for judicial review of a decision to withhold such records. The bill contains a technical amendment.

Patron: Jones, S.C.

01/09/02 House: Referred to Committee on General Laws

Notes: City position: Support.

HB 757 Workers' compensation; infectious disease presumption.

Summary as introduced:

Workers' compensation; infectious disease presumption. Creates a presumption that hepatitis, meningococcal meningitis, tuberculosis, herpes or HIV causing the death or disability of firefighters, paramedics, emergency medical technicians, members of the State Police Officers' Retirement System, members of county, city or town police departments, sheriffs and deputy sheriffs, city sergeants or deputy city sergeants of the City of Richmond, Virginia Marine Patrol officers, certain game wardens, and Capitol Police officers who are exposed to blood or body fluids are occupational diseases for the purposes of workers' compensation.

Patrons: Amundson, Brink, Callahan, Darnier, Dillard, Kilgore, McQuigg, Plum, Spruill, Van Landingham and Watts; *Senators:* Byrne, Howell and Puller

01/09/02 House: Referred to Committee on Commerce and Labor

Notes: Oppose in current form; monitor amendments and reconsider position if amended.

HB 952 Concealed handguns; restricted in restaurants.

Summary as introduced:

Concealed handguns. Prohibits the carrier of a concealed handgun in a public place to consume alcohol or be under the influence of alcohol or illegal drugs and eliminates the restriction on licensed, concealed handguns in restaurants that serve alcohol.

Patrons: Ware and Cole

1/09/02 House: Referred to Committee on Militia, Police and Public Safety

01/18/02 House: Assigned to M., P. & P. S. sub-committee: 1

Notes: City position: Oppose.

HB 960 Insurance; Fire Programs Fund.

Summary as introduced:

Insurance; Fire Programs Fund. Increases from one to three percent, the amount of the annual

assessment against all licensed insurance companies doing business in Virginia for the Fire Programs Fund. The bill provides that this increased assessment shall only be effective for five years. The bill also (i) provides that the Fund shall be used to provide staffing to meet national standards for homeland defense, (ii) increases from \$10,000 to \$30,000 the minimum amount an eligible city or county may receive from the Fund, (iii) increases from \$4,000 to \$12,000 the minimum amount an eligible town may receive from the Fund, and (iv) requires that certain moneys from the Fund be used for a state fire academy, replacement of unsafe fire trucks, and administrative support services for nonfunded training to localities, to include an emergency vehicle operator's course and the development of a mandatory firefighters training curriculum. The bill also contains a technical amendment.

Patrons: Almand, Brink, Darner and Plum
01/09/02 House: Referred to Committee on Finance
Notes: City position: Support.

HB 1013 Grants for home ownership.

Summary as introduced:

Grants for home ownership. Allows localities to make grants of local funds up to \$3,000 to local employees for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patrons: Scott, Almand, Amundson, Brink, Hull, Moran and Van LANDINGHAM
01/09/02 House: Referred to Committee on Counties, Cities and Towns
01/18/02 House: Assigned to C. C. T. sub-committee: 2
Notes: City position: Support, and seek amendments to allow localities to make loans as well as grants.

HB 1049 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Darner, Almand, Brink, Christian, Crittenden, Spruill and Van LANDINGHAM

01/09/02 House: Referred to Committee on Education

Notes: City position: Support.

HJ 13 Constitutional amendment; property tax exemptions.

Summary as introduced:

Constitutional amendment (second resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patrons: Howell, Dudley and McQuigg

01/15/02 House: VOTE: ADOPTION (96-Y 2-N)

01/16/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

HJ 131 Constitutional amendment; taxing powers to school boards.

Summary as introduced:

Constitutional amendment (1st resolution); authorization to grant certain taxing powers to school boards. Authorizes the General Assembly, by general law or special act, to grant one or more elected school boards the power to impose real estate taxes and appropriate the funds derived from the taxes for the educational program of the district. The present Constitution in Article VII, Section 7, states that taxes are imposed by an ordinance or resolution adopted by the local governing body and has been construed to prevent the granting of taxing powers to local school boards.

Patron: Stump

01/09/02 House: Referred to Committee on Finance

Notes: City position: Support.

HJ 146 Constitutional amendment; property segregated for local taxation.

Summary as introduced:

Constitution; property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patrons: Almand, Brink and Darner

01/09/02 House: Referred to Committee on Finance

Notes: City position: Support.

HJ 156 Study; growth and economic development.

Summary as introduced:

Study; Growth and Economic Development. Continues the Commission on Growth and Economic Development for two years.

Patron: Hall

01/09/02 House: Referred to Committee on Rules

Notes: City position: Support (Contains provision to study local revenue needs to purchase or protect open space).

SB 3 Motor vehicle registration fees for emergency services.

Summary as introduced:

Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services.

Patrons: Reynolds and Deeds

01/09/02 Senate: Referred to Committee on Transportation

01/17/02 Senate: Reported from Transportation (13-Y 0-N)

Notes: City position: Support.

SB 36 Subsidized guardianship of children living with relative caregivers.

Summary as introduced:

Subsidized guardianship of children living with relative caregivers. Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person for whom the option of reunification has been eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian.

Patron: Miller, Y.B.

01/09/02 Senate: Referred to Committee on Rehabilitation & Social Services

01/18/02 Senate: Continued to 2003 in R. & S. S. (14-Y 0-N)

Notes: City position: Support.

SB 46 Carrying firearms during period of protective order.

Summary as introduced:

Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order.

Patron: Reynolds

01/09/02 Senate: Referred to Committee for Courts of Justice

01/17/02 Senate: Assigned to C. J. sub-committee: 1

Notes: City position: Support.

SB 83 Technology Trust Fund; extends sunset provisions.

Summary as introduced:

Technology Trust Fund. Extends the sunset from July 1, 2002, to July 1, 2004.

Patrons: Wampler, Bolling, Hawkins, Houck, Lambert, Norment, Stolle, Trumbo and Watkins;

Delegates: Abbitt, Hamilton, Ingram, Morgan, Stump and Tata

01/16/02 Senate: Reported from Courts of Justice (15-Y 0-N)

01/18/02 Senate: VOTE: CONST. RDG. DISPENSED R (39-Y 0-N)

Notes: City position: Support.

SB 98 Interstate Enforcement of Domestic Violence Protection Orders Act.

Summary as introduced:

Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. Furthers the "full faith and credit" provision of the Federal Violence Against Women Act of 1994 regarding protection orders issued by states to ensure that full faith and credit is effectively given to protection orders. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in August 2000. The act establishes a uniform system for the enforcement of domestic violence protection orders across state lines. The act defines the meaning of full faith and credit as it relates to the interstate enforcement of domestic violence protection orders and establishes uniform procedures for interstate enforcement. Courts must enforce the terms of valid protection orders of other states as if they were entered by the enforcing state, until the order expires. All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state. Terms of the order made with respect to support are enforceable under the Uniform Interstate Family Support Act. A law-enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an

order of the enforcing state. Law-enforcement officers, governmental agencies, attorneys for the Commonwealth, clerks of court, and other officials are protected from civil and criminal liability for enforcement of a protection order in good faith. So far the act has been adopted by California, Indiana, Montana and Texas. It has been introduced in seven other states, including West Virginia and the District of Columbia.

Patron: Howell

01/09/02 Senate: Referred to Committee for Courts of Justice

01/17/02 Senate: Assigned to C. J. sub-committee: 1

Notes: City position: Support.

SB 122 Local tax on mobile telecommunications services.

Summary as introduced:

Local tax on mobile telecommunications services. Incorporates uniform federal sourcing laws that determine which jurisdictions may impose taxes on local mobile telecommunications services. Beginning August 1, 2002, federal law provides that taxes on mobile telecommunications services may be imposed by a jurisdiction only if the customer's place of primary use is within the jurisdiction. The "place of primary use" is defined as the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the provider of the telecommunications service.

Patron: Stosch

01/18/02 Senate: VOTE: PASSAGE R (39-Y 0-N)

Notes: City position: Support.

SB 134 Freedom of Information Act; exemptions relating to terrorism.

Summary as introduced:

Freedom of Information; exemptions relating to terrorism. Provides a record exemption from FOIA for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building or structure; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of

records for his name and legal address. The bill contains a technical amendment.

Patrons: Stolle and Rerras

01/09/02 Senate: Referred to Committee on General Laws

01/17/02 Senate: Assigned to General Laws sub-committee: 1

Notes: City position: Support.

SB 168 Prosecution for abuse and neglect; abandoned children.

Summary as introduced:

Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when a parent voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals, physicians' offices, local departments of health, local departments of social services, and rescue squads or fire departments that include emergency medical technicians. Acute care hospitals offering 24-hour emergency service are required to become infant-receiving facilities; becoming an infant-receiving facility is discretionary with the other entities listed. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. By delivering the child to an infant-receiving facility, the parents are presumed to have consented to termination of their parental rights. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, is required to develop guidelines for establishing and maintaining an infant-receiving facility. The Department of Social Services is required to launch a media campaign to publicize the emergency custody procedures for abandoned children. The bill has an 8 year sunset clause.

Patrons: Byrne and Ticer

01/09/02 Senate: Referred to Committee for Courts of Justice

Notes: City position: Support.

SB 170 Sales and use tax; additional in No. Va. to fund transportation.

Summary as introduced:

Sales and use taxes; additional tax in Eighth Planning District to fund transportation projects and additional statewide tax to fund public education. Increases the state sales and use tax by one-half percent in all cities and counties within the Eighth Planning District. The revenues from such increase shall be deposited into the Northern Virginia Transportation District Fund to fund transportation projects in the Eighth Planning District. The bill also increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2,696,200,000, specifies

additional transportation projects to be funded by such bonds, and authorizes the Commonwealth Transportation Board to designate additional transportation projects to be paid for from the Northern Virginia Transportation District Fund under certain conditions. The bill repeals the right of certain localities to impose a local income tax. The additional tax in the Eighth Planning District has a delayed effective date of July 1, 2003, and is contingent upon approval by a majority of persons voting in a joint referendum on November 5, 2002, of all the cities and counties in the Eighth Planning District.

The bill also provides for an additional statewide one-half percent sales and use tax. Revenues attributable to this increase would be distributed to counties and cities based on the number of children in each county and city according to the most recent statewide census of school population. This statewide increase also has a delayed effective date of July 1, 2003, and is contingent upon approval by a majority of the persons voting in the Commonwealth in a referendum on November 5, 2002. This would increase the sales and use tax from four and one-half percent to five percent throughout the Commonwealth.

Patrons: Colgan; *Delegate:* Parrish

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Support, but seek the following modifications: funding for DASH; distribution of sales tax revenues for education based on point of sale; provision for a regional (e.g., planning district) sales tax for education.

SB 173 Sales and use tax increase; exempts certain M.V. and boats.

Summary as introduced:

Sales and use tax increase; exemption of certain motor vehicles and boats from tangible personal property taxation. Provides for a one and one-half percent increase in the retail sales and use tax and exempts certain motor vehicles and boats from local tangible personal property taxation, provided that a constitutional amendment exempting such motor vehicles and boats is ratified by a majority of voters voting on such measure in November 2004. The tax exemptions and the additional one and one-half percent sales and use tax are effective January 1, 2005. The revenue from the increase in the sales and use tax shall be used to make payments to localities in lieu of the current funding processes to reimburse localities under the Personal Property Tax Relief Act of 1998. The new funding mechanism will begin in calendar year 2005. In general, the amount funded to (i) a county shall be the amount funded to the county in the preceding calendar year plus 15 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; (ii) a city shall be the amount funded to the city in the preceding calendar year plus 11 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; and (iii) a town shall be the amount funded to the town in the preceding calendar year plus five percent of any increase in the state sales and use tax revenue over the preceding fiscal year. Each locality will have a base year funding amount. The base year funding amount shall equal (a) for a county, 15 percent of its total local tax revenues collected in fiscal year 1997; (b) for a city, 11 percent of its total local tax revenues collected in fiscal year 1997; and (c) for a town, five percent of its total local tax revenues collected in fiscal year 1997. The base year amount is used for

purposes of determining initial funding amounts to counties, cities, and towns in calendar year 2005.

Patron: Colgan

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Oppose.

SB 178 State fuels tax; increase in tax on gasoline, diesel fuel, etc.

Summary as introduced:

State fuels tax; increase in tax on gasoline, diesel fuel, and liquid alternative fuel. Increases the fuels tax on (i) gasoline and gasohol from 17 and one-half cents to 22 and one-half cents per gallon, (ii) diesel fuel from 16 cents to 18 cents per gallon, and (iii) liquid alternative fuels used to operate a highway vehicle from 16 cents to 22 and one-half cents per gallon. The tax increases are effective January 1, 2003, and all revenues attributable to the increases shall be paid into the Transportation Trust Fund.

Patron: Miller, K.G.

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Support.

SB 189 Sales and use tax; food for human consumption.

Summary as introduced:

Sales and use tax; food for human consumption. Exempts food for human consumption from the state sales and use tax.

Patron: Deeds

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Oppose.

SB 217 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Ticer and Whipple; *Delegates:* Almand, Brink, Darner and Van Landingham

01/09/02 Senate: Referred to Committee on Education and Health

Notes: City position: Support.

SB 268 Social services; auxiliary grants.

Summary as introduced:

Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program. This is a recommendation of the Joint Commission on Health Care.

Patrons: Lambert and Puller; *Delegate:* Brink

01/11/02 Senate: Reported from R. & S. S. w/amendment (11-Y 2-N)

01/11/02 Senate: Rereferred to Finance

Notes: City position: Support.

SB 311 Uniform Statewide Building Code; inspections.

Summary as introduced:

Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties at intervals established by ordinance.

Patrons: Edwards and Byrne

01/09/02 Senate: Referred to Committee on General Laws

Notes: City position: Support.

SB 380 Localities' Share of Individual Income Tax Revenue Fund.

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with

the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron: Whipple

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Support.

SB 382 VDOT pedestrian projects.

Summary as introduced:

VDOT pedestrian projects. Allows VDOT to fund and undertake pedestrian projects apart from highway projects.

Patrons: Whipple and Byrne; *Delegates:* Almand, Brink and Darner

01/09/02 Senate: Referred to Committee on Transportation

Notes: City position: Support.

SB 384 Grants for home ownership.

Summary as introduced:

Grants for home ownership. Allows localities to make grants of local funds to employees of the locality or of the school board for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron: Whipple

01/09/02 Senate: Referred to Committee on Local Government

Notes: City position: Support, and seek amendments to allow localities to make loans as well as grants.

SB 394 Law-enforcement expenditures of local governments.

Summary as introduced:

Appropriations for law enforcement expenditures of local governments. Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no affect on the percentage change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund

revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patrons: Whipple; *Delegates:* Albo, Darner and Van Landingham

01/09/02 Senate: Referred to Committee on Local Government

Notes: City position: Support.

SB 404 Assessment for courthouse security.

Summary as introduced:

Assessment for courthouse security. Allows localities to assess each criminal, civil and traffic case a fee of up to ten dollars for courthouse security.

Patrons: Rerras and Stolle

01/09/02 Senate: Referred to Committee for Courts of Justice

Notes: City position: Support.

SB 509 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program on at least a half-day basis prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Newman and Williams

01/09/02 Senate: Referred to Committee on Education and Health

Notes: City position: Support.

SJ 51 Constitutional amendment; taxation, exemptions.

Summary as introduced:

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles and boats, as provided by general law.

Patrons: Colgan and Byrne

01/09/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

SJ 70 Constitutional amendment; taxation, assessments.

Summary as introduced:

Constitutional amendment (first resolution); taxation; assessments. Provides that the General Assembly may prescribe a measure other than fair market value to be used in determining assessments of personal residences.

Patron: Miller, K.G.

01/09/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

SJ 92 Constitutional amendment; property segregated for local taxation.

Summary as introduced:

Constitution; property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patrons: Whipple; Delegates: Brink and Darner

01/09/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Support.

Attachment 2 Status Report on the City's 2002 Legislative Package

HB 130 Urban highway construction allocations.

Summary as introduced:

Urban highway construction allocations. Allows any city or town to use up to six percent of its urban system construction allocation in any year for traffic calming projects or devices.

Patron: Darnier

01/09/02 House: Referred to Committee on Transportation

HB 1025 Income tax; state earned income tax credit.

Summary as introduced:

Income tax; state earned income tax credit. Allows a refundable earned income tax credit against the state income tax for individuals qualifying for the federal earned income tax credit, for taxable years beginning on or after January 1, 2002. The amount of the state credit is 10 percent of the federal credit. The bill also repeals the income tax credit for low-income taxpayers.

Patron: Moran

01/09/02 House: Referred to Committee on Finance

HB 1030 Speed limits in cities.

Summary as introduced:

Speed limits in cities. Expands the provisions of § 46.2-878.2 to apply the penalties presently applicable only to speeding in residence districts (fine up to \$200) to all roads and streets in cities.

Patron: Moran

01/09/02 House: Referred to Committee on Transportation

HB 1043 Criminal history records information; foster care.

Summary as introduced:

Criminal history records information. Provides for the dissemination of criminal history records information to and criminal records checks of a responsible adult (and of all adult household members residing with the responsible adult) with whom a service worker of a local department of social services or board of public welfare or law-enforcement officer is considering placing a child in need of services incident to an emergency foster care situation.

Patrons: Moran and Van Landingham

01/09/02 House: Referred to Committee on Health, Welfare and Institutions

HB 1060 Suspension of operator's license & tags for failure to satisfy judgment.

Summary as introduced:

Suspension of operator's license and tags for failure to satisfy judgment. Provides that the Commissioner of DMV shall suspend the driver's license and all of the registration certificates and license plates of any person who has failed for 30 days to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI unless the person has entered into and is abiding by a payment plan with the locality.

Patron: Moran

01/09/02 House: Referred to Committee on Transportation

HB 1061 Termination of parental rights.

Summary as introduced:

Termination of parental rights. Provides that, in addition to other factors, a court may terminate parental rights if it finds based upon a preponderance of the evidence, a parent has subjected any child to abandonment, torture, chronic physical abuse, sexual abuse or any similar seriously harmful acts.

Patrons: Moran and Van Landingham

01/09/02 House: Referred to Committee for Courts of Justice

SB 128 Hate crimes; penalty.

Summary as introduced:

Hate crimes; penalty. Adds gender, physical disability and sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds gender, physical disability and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patrons: Ticer, Byrne and Howell; *Delegates:* Darner, Moran, Plum, Van Landingham and Watts

01/09/02 Senate: Referred to Committee for Courts of Justice

01/16/02 Senate: Passed by indefinitely in Courts of Justice (9-Y 6-N)

SB 129 Temporary Assistance to Needy Families; child care subsidies.

Summary as introduced:

Temporary Assistance to Needy Families; child care subsidies. Provides for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

Patrons: Ticer, Byrne, Howell and Puller; *Delegates:* Amundson, Plum and Watts

01/09/02 Senate: Referred to Committee on Rehabilitation & Social Services

01/18/02 Senate: Continued to 2003 in R. & S. S. (14-Y 0-N)

SB 130 Termination of parental rights.

Summary as introduced:

Termination of parental rights. Provides that the agency having custody of a child is not required to make reasonable efforts to reunite a child with a parent and parental rights may be terminated if the parent has subjected any child to aggravated circumstances. Aggravated circumstances are defined as abandonment, torture, chronic abuse, sexual abuse and similar seriously harmful acts.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van Landingham

01/16/02 Senate: Reported from Courts of Justice w/amendments (15-Y 0-N)

SB 210 Criminal history records information; child-protective services.

Summary as introduced:

Criminal history records information incident to an emergency placement of a child.

Permits a child-protective services worker of a local department of social services or a law-enforcement officer to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange incident to an emergency placement of a child in need of services when the worker or officer is considering placing the child with a responsible adult, other than the child's parent or legal guardian. The worker or officer shall not make the emergency placement if such responsible adult or any adult household members residing with such responsible adult have been convicted of or are the subject of pending charges for a barrier crime or the subject of a founded complaint of child abuse or neglect.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van Landingham

01/16/02 Senate: Reported from Courts of Justice w/amendments (12-Y 3-N)

SB 211 Alexandria Historical Restoration and Preservation Commission.

Summary as introduced:

Alexandria Historical Restoration and Preservation Commission. Expands the membership from seven to nine members beginning July 1, 2002. In addition, the bill expands the definition of restoration period to include a period of 50 years from the date that the Commission determines to restore a facility. The bill also includes a technical amendment.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van Landingham

01/16/02 Senate: Reported from General Laws with amd (14-Y 0-N)

SB 219 Criminal history record information; child-protective services worker.

Summary as introduced:

Criminal history records information incident to placement of a foster child. Permits a child-protective services worker of a local department of social services or licensed child-placing agency to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange incident to the placement of a foster child when the worker or agency is considering placing the child with the child's prior family member or with a relative other than the child's prior family. The worker or agency shall not make the transfer custody if such relatives or any adult household members residing with such relatives have been convicted of or are the subject of pending charges for a barrier crime or the subject of a founded complaint of child abuse or neglect.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van LANDINGHAM
01/16/02 Senate: Reported from Courts of Justice w/amendments (12-Y 3-N)

SB 220 Charter; City of Alexandria.

Summary as introduced:

Charter; City of Alexandria. Allows the City to alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. Additional charter amendments will (i) clarify when the organizational meeting of a newly elected council will be held, (ii) allow the council, if approved by voters, to impose and levy a city recordation tax in an amount up to two-thirds of the amount of state recordation tax for preservation of open space, and (iii) permit the director of real estate assessments, in calculating the area of land categorized as real estate devoted to open space, to round the amount of land otherwise eligible for such categorization, of one-quarter of an acre but less than two acres in size, to two acres.

Patrons: Ticer; *Delegates:* Darner, Moran and Van LANDINGHAM

01/18/02 Senate: Committee amendments agreed to; engrossed by Senate as amended

Notes: Amended by Senate Local Government Committee to delete provisions pertaining to the recordation tax and special taxation of parcels one-quarter acre or more preserved as open space.

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
HB1019 Scott Finance	No referendum - Increases State sales tax by 1 cent	- Revenues from ½ cent for education - Revenues from ½ cent returned to localities based on point of sale	Based on school age population	Same as existing education 1% (Capital, operating and debt service)	N/A	N/A
HB1163 Hull Finance	Regional Referendum; NoVa localities listed; One question - ½ cent education (10 years) ----- - ½ cent transportation (35 years)	- Nov. 2002 Referendum - Effective Jan. 2003 - "No Supplant" clause - No tax on food	Based on point of sale	Construction and technology infrastructure projects; debt service for last ten years	----- Revenues to NoVa Trans. Authority; bonds specified for designated projects [\$2.38 billion (BANs)]	----- Yes
HB1170 Dillard Education	No Referendum - Increases state sales tax by ½ cent for education		Based on school age population	- Capital and technology infrastructure - Does not include debt service	N/A	N/A
SB170 Colgan Finance	Statewide Referendum - ½ cent state sales tax for education ----- Regional Referendum; NoVa localities listed; additional question on transportation - ½ cent for NoVa region (PD8) for transportation (40 years)	- Nov 2002 referendum - Effective July 2003 - "No Supplant" clause - No tax on food - Repeals local income tax legislation	Based on school age population -----	Same as existing education 1% (Capital, operating and debt service)	N/A ----- \$2.225 billion in additional NVTD bonds issued by CTB	N/A ----- Yes

33

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
HB 1296 Rollison (unofficial Draft)	Regional Referendum; NoVa localities listed; Transportation only - ½ cent for transportation (40 years)	- Nov. 2002 referendum - Effective July 2003 - "No Supplant" clause - No tax on food - Repeals local income tax legislation	N/A	N/A	- \$2.225 billion in additional NVTD bonds issued by CTB - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses	Yes
HB 1295 Rollison/ Williams (unofficial Draft) SB 667	Regional Referendum; NoVa and Hampton Roads (separately decided referendum); Transportation only - 1 cent for transportation (40 years for NoVa, no sunset for HR) - Additional tolls by referendum for HR	- Nov. 2002 referendum for Northern Virginia - Effective July 2003 - "No Supplant" clause - No tax on food - Repeals local income tax legislation	N/A	N/A	- Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses <u>NOVA</u> - \$2.225 billion in additional NVTD bonds issued by CTB <u>HR</u> - \$5.49 billion in CTB bonds.	Yes
SB 668 Williams (unofficial Draft)	Regional Referendum; HR localities listed; Transportation only - 1½ cent for transportation - Additional tolls by referendum	- Nov. 2002 referendum - Effective July 2003 - No sunset - No sales tax on food	N/A	N/A	- Revenues to HRTD for CTM management - Bonds specified for designated projects of \$6.59 billion	Yes

22

Attachment 4
Comparison of Transportation Project Lists in Proposed 2002 Legislation

Expenditures	Dillard	Hull	Rollison	Colgan
	<u>HB 656/HB 657</u>	<u>HB 1163</u>	<u>HB 1295/HB</u>	<u>SB 170</u>
Regional Projects				
Dulles Corridor Transit (locality share)	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000
I-66 Improvements and Rail Extension	\$ 0	\$ 0	\$ 300,000,000	\$ 300,000,000
I-66 Improvements and Rail Extension (West of I-495)	\$ 300,000,000	\$ 300,000,000	\$ 0	\$ 0
I-95 / I-395 Improvements and Transit	\$ 0	\$ 0	\$ 300,000,000	\$ 300,000,000
I-95 Improvements and Rail Extension	\$ 300,000,000	\$ 300,000,000	\$ 0	\$ 0
Route 1	\$ 200,000,000	\$ 200,000,000	\$ 150,000,000	\$ 100,000,000
Techway/Eastern Potomac River Crossing	\$ 100,000,000	\$ 100,000,000	\$ 0	\$ 0
Route 28	\$ 0	\$ 0	\$ 0	\$ 50,000,000
I-495 Improvements and Transit	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000
Fairfax County Parkway	\$ 150,000,000	\$ 150,000,000	\$ 150,000,000	\$ 150,000,000
Tri-County / Loudoun Parkway	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000

Expenditures	Dillard	Hull	Rollison	Colgan
	<u>HB 656/HB 657</u>	<u>HB 1163</u>	<u>HB 1295/HB</u>	<u>SB 170</u>
VRE New Railcar Purchase	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000
Route 234 Bypass / Route 659 Relocated	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000
Metrorail Capital Improvements/ Infrastructure	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000
Secondary System (including unpaved roads)	\$ 0	\$ 0	\$ 150,000,000	\$ 150,000,000
Secondary System	\$ 100,000,000	\$ 100,000,000	\$ 0	\$ 0
Urban System (including Arlington County)	\$ 100,000,000	\$ 100,000,000	\$ 0	\$ 0
Urban System	\$ 0	\$ 0	\$ 90,000,000	\$ 90,000,000
Route 7 Improvements / Loudoun and Fairfax	\$ 0	\$ 0	\$ 100,000,000	\$ 100,000,000
Route 7 Loudoun	\$ 50,000,000	\$ 50,000,000	\$ 0	\$ 0
Route 7 Fairfax	\$ 50,000,000	\$ 50,000,000	\$ 0	\$ 0
Columbia Pike / Route 7 Transit	\$ 90,000,000	\$ 90,000,000	\$ 75,000,000	\$ 75,000,000
Cities of Alexandria and Fairfax Transit (Bus Capital Replacement)	\$ 35,000,000	\$ 35,000,000	\$ 0	\$ 0
PRTC Bus Purchase/Facilities	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 0

Expenditures	Dillard	Hull	Rollison	Colgan
	<u>HB 656/HB 657</u>	<u>HB 1163</u>	<u>HB 1295/HB</u>	<u>SB 170</u>
Rail Safety Improvements	\$ <u>0</u>	\$ <u>0</u>	\$ <u>10,000,000</u>	\$ <u>10,000,000</u>
Total Regional Projects	\$ 2,380,000,000	\$ 2,380,000,000	\$ 2,225,000,000	\$ 2,225,000,000

**Disposition of Funds
Remaining After Debt
Service**

15% for transit operational costs	No	No	Yes	Yes
20% for transit capital and operational costs	Yes	Yes	No	No
Materially advance regional projects	Yes	Yes	Yes	Yes
Allocate to transit, primary, urban, secondary project or projects	No	Yes	Yes	Yes
Fund other projects as determined by localities	Yes	No	No	No

Attachment 5

**Preliminary Analysis of the Impact of Governor Gilmore's Proposed Budget
on City Programs (as of January 18, 2002)**

Program Name	FY 2002	FY 2003
HB 599	Loss of \$367,269	Tied to total State revenue. Allocation is expected to decrease, but actual amounts unknown until the week of 1/18/02.
Libraries	Loss of \$9,000	Loss of \$84,000 (or 40% of State Aid)
MH/MR/SA	Loss of \$91,952	Loss of \$263,867 is nearly double the original estimate
Comprehensive Services Act	Impact not yet identified	Restructure of local match requirements results in \$350,000 to \$400,000 in potential savings
Agency on Aging	Impact not yet identified	6% reduction in State Department of Aging budget. No data yet on the impact on localities.
Education	Loss of \$882,000 in State funding	Loss of \$679,000 in State funding Shift of Cost of Retired Teachers' Healthcare Costs from State to Localities (revenue impact in excess of \$400,000)
Other Areas of Concern: Healthy Families Homeless Jail per diems Regional Competitiveness Act Other Unknown Costs (2-6% agency reductions)	These areas will be monitored closely and the impacts will be reported as data becomes available.	

ROUGH DRAFT

CITY COUNCIL OF ALEXANDRIA, VIRGINIA
Special Public Hearing Meeting — January 26, 2002
Partial Verbatim
DOCKET ITEM NO. 23

* * * * *

23. Consideration of Update Report on Items Before the 2002 General Assembly Session. (#17 1/22/02)

Mayor: Okay. This matter was up before us the other day. Mr. Caton, you said you had one small correction to make.

Caton: Yes, Mr. Mayor, on page 14, item 506 which actually starts at the end of page 13, the City position should read oppose.

Mayor: Okay. That's on HB 506?

Caton: 506. House Bill 506.

Mayor: All right. It starts on 13, and moves onto 14.

Pepper: Is this the handwritten pages?

Mayor: Yes, yes. Okay. That's a correction we will make, and we don't need to amend anything.

Eberwein: I have a quick question on the open space where Senator Ticer plans to introduce a bill that will allow these localities already authorized to tax parcels of two acres or more as open space. Do we do that? This is more a question for the City Manager. Do we do that on a regular basis right now allowing residential, I'm assuming it applies to residential, and maybe it applies to institutional also, but do we reduce the tax rate on open spaces that are two acres or more? And, then I guess my second question is understanding that this would allow us to reduce to require only a quarter of an acre, do we only do that where zoning would allow that open space to be developed? I think that is an important issue. And, as I was reading through it again, it sort of just popped into my mind.

Sunderland: The answer is yes. I can't tell you how frequently we do it, but the answer is yes, and then whether or not reducing this to a quarter of an acre has any meaningful affect depends upon how the property gets appraised with the easement or with the reduction on it and that appraisal would obviously take into account the zoning to the extent the zoning, you know, there is no value affected because the zoning didn't permit what is now precluded by the easement there would be no affect on value and there would be no reason to grant the easement to tell you the truth.

Eberwein: Yeah, and that was actually the basis of my question because if someone is not allowed to develop that open space anyway, then to give them a tax rate, I'm sorry a tax break for keeping it open to my mind is it's not fair. You're rewarding someone with a large piece of property and you're reducing their tax rate and yet they aren't able to develop it anyway and they went into that purchase fully knowing that that open space had to remain open. So, that was my question, thank you.

Donley: Okay. Uh, Mr. Euille.

Euille: Handwritten page 17 - HJ 131 – constitutional amendment taxing powers for school boards – it says the City supports this?

Donley: Um hum.

Caton: Yes, sir.

Euille: Why? I don't recall us having, at least myself, participating in any discussion about allowing school boards to have taxing authority.

Donley: Well, this...Well first off, I mean this, you know what comes before you is, this is not in the City's legislative package. This is a bill that was introduced and this was the position that was taken by the Legislative Committee and is the recommended position for Council to adopt. I mean that's the action that's before us today is that we endorse these positions as taken by the Legislative Committee. I would add that in the School Board's legislative package they have requested or they're supporting this position as well, and I think that's one of the reason why we are taking a similar position because we are supporting our School Board in their position.

Euille: Um, I certainly don't have a problem with the School Board's position, but and knowing that when we went to the elected School Board process that this was going to be an ultimate outcome that the School Board in order for it to not only sustain itself but to have authority to and to finance its operations that at some point in time it would come and ask for the authority to have taxing authority, come for a request to ask for taxing authority. The question at hand is, you know, we really other than the Legislative Committee, as a body we haven't had a full faith and outright discussion regarding this, and I would not want to see this go to Richmond, you know, with the support and the full endorsement of the Council when we really haven't had that discussion in terms of, you know, amongst ourselves. I fully accept the right, I recognize the right of the Committee to, you know, make a recommendation, but this is not a recommendation for something that's pretty plain and simple, let's just do it. I mean this has a lot of serious financial implications.

Pepper: ramifications.

Speck: Mr. Mayor.

Donley: Mr. Speck.

Speck: I wouldn't worry about this bill a whole lot.

Euille: Well, I don't think it's going to pass, but I think....

Pepper: It doesn't matter, but it's a statement that we believe in...

Speck: It is consistent with certainly discussion that the Council has had previously regarding the role of the two elected bodies. I don't know whether we've ever taken a position because I don't know if it's ever come up in the context of having to take a position; but it is to the extent that you have a politically elected body that is making capital decisions, having the taxing authority is the element of that that goes with it, but it's, uh, I think support here is probably more of a reflection that's consistent with the practice of an elected or the governing body that makes those capital decisions. But, it's not going any where.

Donley: Yeah, I agree that the bill gets introduced every year. It's not going to pass; however, it's brought to us and we need to take a position. You do have a disconnect here. I mean under the current system as Mr. Speck said, you have an elected body fully accountable to the voters making decisions regarding expenditures and not making concomitant decisions regarding the revenues to pay for those expenditures, and personally think that's a flaw. And, you know, we don't have that here and this is a bill that would permit that to potentially occur. And, again, I think we're just echoing number one what I think is proper government philosophy and accountability and in most cases where you do have school boards, they often times levy their own taxes. You know, not in Virginia, but it does happen certainly in other states. Uh, Ms. Eberwein.

Eberwein: Yeah, I'd just like to say that I know that this position of the school board is consistent with what they have done for the last the seven years. Certainly when I was on the school board this was their position, and maybe it's something we can bring up at the next session. We have that one meeting a year where we get together with the school board and it might be something that we can discuss with them. I know that having sat on both ends, I'm not sure that, you know, it's kind of be careful what you wish for, but on the other hand, a good discussion of the issue might be beneficial. I don't know if we need to pull it from here because I agree with Mr. Speck, it's probably not going to pass.

Donley: Okay, other comments.

Euille: Mr. Mayor. Just for the record on this particular item Mr. Mayor, I'd like to pull this and have a separate vote on it.

Pepper: Second.

Donley: Okay, uh, we have a motion by Mr. Euille to pull this matter and vote on it separately. That's the motion and is there any further discussion.

Euille: And the reason again as I said, I fully recognize the fact that the school board and might the school board should have taxing authority because that's the only way they are going to be able to really sustain themselves in the future as financing budgets become complicated and difficult, but the reason why, and I'm going to vote against supporting this amendment

simply because I have always been against supporting elected school boards. Thank you.

Donley: Is there any further discussion on the motion? All those in favor say “aye”, those opposed “no”, it passes unanimously, no, it passes 6-to-1...

Cleveland: 5-to-2, I voted against it.

Pepper: No, wait a minute...

Donley: The motion on the floor is to pull it and have a separate vote on this item. Is there any further discussion on that motion. All those in favor say “aye”, opposed “no” Eberwein “no”. It passes 6-to-1....Okay, now, Mr. Euille do you have a motion.

Cleveland: Oh, okay.

Euille: Yes, Mr. Mayor, I move that the Council oppose the constitutional amendment HJ 131 giving taxing power to local school boards.

Donley: Okay. We have a motion by Mr. Euille, is there a second?

Cleveland: Second.

Donley: Seconded by Mr. Cleveland, is there any further discussion?

Pepper: Well, I was hoping that we weren't voting against it, but that we were just pulling it out and not putting it as part of this package.

Donley: that would be an option, but that that's not the motion that's on the floor.

Pepper: Well, that's the one I would like so I'd like to make a substitute motion if I may.

Donley: Well, you certainly may. Make it.

Pepper: Oh, my substitute motion is as I've said, I would like to withdraw this 131 from the rest of the package that we are voting on today so that it's not a matter of whether we're for or against it, but a matter that we just need to have more of a discussion on it before we in any way move forward in approving it.

Donley: Mrs. Pepper's made a substitute motion that we basically remove this from the package and take no position on the item, is there a second to her substitute motion?

Euille: Mr. Mayor, I will remove my motion and accept the substitute motion.

Donley: Okay, is that acceptable to the seconder of Mr. Euille's motion?

Cleveland: Sure.

Donley: Okay, that's acceptable, so we will deem the original motion withdrawn and the substitute motion is now in order by Mrs. Pepper which is to remove the item from the agenda and take no position and that has been seconded by Mr. Euille. Ms. Woodson.

Woodson: Okay. I'm confused. Very confused. I do have a comment outside of this particular motion that I would like to come back to that eventually. Did we not just vote to pull it?

Euille: Pulled it to take a vote on it.

Woodson: We pulled it.

Donley: We pulled it to separate the original motion was to separate.

Woodson: So, shouldn't we now be taking a vote on whether we vote on it yea, or nay, or don't contain a position?

Euille: That's what we're getting ready to do.

Woodson: But isn't this recommendation right now on the floor to pull it and do that?

Pepper: Is to pull it and....

Donley: No, no, no.

Pessoa: To delete it from the package in a sense.

Woodson: Okay. Now, we've pulled it.

Pessoa: So, you'll take it out of the package.

Woodson: I got you. No problem.

Donley: Okay. Now, is there any further discussion on the motion. All those in favor of the motion say "aye"; those opposed "no". That motion passes 4-to-3 (Mayor, Eberwein, Speck voted "no".)

Donley: Now, we will return so that this particular item is withdrawn from our package and we are taking no position. Now, we'll move, maybe we'll get done with or finished with this by lunch, but now we'll move to the original recommendation which is the entire package and also keeping in mind the discussion we had and the positions we took on Tuesday night, so essentially what you have before you is everything with the exception of HJ 131. Okay. Ms. Woodson.

Woodson: I did have the opportunity to talk to Mr. Caton. I support the package as it is, and I would have no problem doing that. I think it's important, however, that we have an opportunity to read this material before we're called upon to vote on it which is why I asked for it to come up. I hesitate to say that if we had voted on it on Tuesday, and then we had an opportunity to read it, we'd have several members of this board here very unhappy, and we can avoid that. So, I'm not sure what the timing is because I don't recall last year. Do we have enough time because I know that you were rushing to this to us on Tuesday, do we have enough time to receive this material and actually have an opportunity to read it and discuss it amongst ourselves and provide you with a position so that you can get back with that position in tow and continue your lobbying efforts? Is there enough time to do that and how can we make a enough time to do that because this is exactly why I wanted it pulled?

Caton: Normally this package would have gone out to you on Monday. So, you would have had at least one night to review it.

Pepper: That would count.

Caton: This year had a strange situation where we had a Holiday on Monday and that was why it wasn't delivered to you on Monday, but for the remainder of the session you will receive the package on the Monday before the Tuesday meeting.

Pepper: Mr. Mayor, I think I'd like to follow up on that because I think that this kind of situation is rare, but it could occur again and it really, we have to work it out some way so that we at least have a night to read these things. I'm very please that Joyce was able to catch this.

Donley: Well, there is also, it does get compounded a little bit more this month because we had postponed a couple of meetings and we had a holiday. I mean there were some extenuating circumstances at this point. Normally we get two bites at the apple. The first legislative meeting, the second legislative meeting. In addition, Mr. Caton, is correct, usually we meet on Friday, the Legislative Committee meets on Friday, largely because that's the opportune time for us to get an update from Mr. Caton about what's going on down there because the committees are meeting and the like. We take positions. The docket memo is prepared over the weekend. Normally it will come to us on a Monday. Now, Monday was a holiday so we didn't get this past week. So normally we do have a little bit of time. In addition, you know, things will change in a matter of weeks because once we get to crossover, and crossover is when this year, Bernie?

Caton: It's the weekend, crossover weekend is the weekend around the 10th or 11th whatever that weekend is.

Donley: After crossover, you know, basically all of our positions are taken and at that point we're sort of lobbying on the positions that we have already taken. And, so it is really sort of this intense period of time, you know, where the Legislative Committee meets once a week. And then, you know, we have had cases in the past where the Legislative Committee felt it was very important to talk with the individual members of Council and so, David and I would just sort of, or Lois and I at one point when she was on the Council, would divide up the list and call everybody and talk about it. So, you know on major items that do come up or that we feel that there's a major division or the potential we want to talk to everybody, we do take that extra step as well. But often times again, this was a little bit different because we postponed at least a public hearing and we were moving things around, but we try to get the information to you as quickly as possible. It

was complicated a little bit this year by a holiday, and you know because the session gets a little bit intense, we do have to take positions very quickly some times because the General Assembly is in constant motion during a short period of time.

Pepper: Mr. Mayor, if we're finished with that discussion, could I just, have we voted on this yet? Sorry.

Donley: I'd love for someone to make a motion.

Pepper: I move acceptance of the remainder of the package.

Donley: There you go.

Euille: Second.

Donley: We have a motion by Mrs. Pepper, seconded by Mr. Euille, is there any further discussion.

Cleveland: Mr. Mayor.

Donley: Mr. Cleveland.

Cleveland: Just one. You know, we were talking last week we were talking about the, I know it's in this package, about the general the overall tax referendum. And you know for me when we talk about taxes and we talk about tax referendums and we push and raise them it really hurts those people that can pay the least. I'm talking about the poor. You know we talk about the poor in this City. I'm going to vote, I'm voting for this, but I just want to recognize that when we do this, it just hurts those people that can really the least afford it. But I am voting for the measure to get this through to you know pass it in general. I just wanted to just take note when we do this, when we're out there pushing for these tax increases I know for like transportation and other things like this, to me and then we're going to add that you know, and we're going to split that penny, or that half cent, and it might go towards education and we're going to have to reassess those things. It's just the least who can afford it is the poor who really are the ones that are getting taxed.

Donley: I understand. It is a regressive tax. I wish there was another way around it. You know the fact of the matter is we're not getting any additional revenue from the State and so the whole notion is we have needs, give us the authority to meet our own needs. Ms. Eberwein, very quickly.

Eberwein: Yes, very quickly. Vice Mayor Cleveland's comments prompt me to ask as question of Mr. Caton, and I doubt if this is something he probably knows the answer. It is true that I've always have having moved here 20 some years ago where food and drugs were not taxed, and I found it to be regressive that they are taxed here. Are there any bills that are talking about the potential of putting this as a referendum before the people because we have to understand that ultimately the people will be voting on it. We may vote to support it going through the legislature, but ultimately it's going to come back for the citizens to vote it up or down. Are there any bills that are taking into account that maybe they would want not to have that extra penny applied to food and drug because to me, I agree, I find that to be something that is hardest on our neediest citizens. You can not do without either of those items.

Caton: I believe all of the bills exempt food and drugs from the extra penny.

Eberwein: Oh, well I'm very happy to hear that. I thought you were going to tell me the exact opposite.

Caton: I'll check that and if I'm incorrect, I'll note it the next report, but I believe all of them are exempt.

Eberwein: Thank you. I mean that to me is very good news. Thank you.

Donley: Okay, did we vote on that yet?

Clerk: No, sir.

Cleveland: No.

Donley: No, sir. Okay, very good. All those in favor say "aye", those opposed "no", it passes unanimously.

Pepper: Mr. Mayor, before Bernie goes away, could I just ask you, there is a Byrne has some kind of a piece of legislature going forward about dog parks not being located within 500 feet of 1500 feet of a school. And that affects one of our schools, so I would want you to watch that one closely, and I'd love to have some feedback on that. That's the first thing and the second thing is I'm following tree canopy and conservation and I know that some of those bills are going down fast, but I'd appreciate a report on those. The particular one that's still alive is HB 185 and, I think HB 105. House Bill, Senate bill is down.

Caton: I'll include tree canopies in the next report. As far as Leslie Byrne's bill on dog parks, that's already been carried over until next year's. So, it's dead for this year.

Donley: Not to worry. Okay. Do we have a motion to adjourn?

H:\clerk\verbatim\01260223\legpackage\bij