

City of Alexandria, Virginia

MEMORANDUM

16
2-26-02

DATE: FEBRUARY 25, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2002 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 3) on legislation introduced at the 2002 General Assembly Session.

RECOMMENDATION: That City Council:

- (1) seek to have the General Assembly reduce proposed funding cuts to public schools, constitutional officers, HB 599, and Virginia Justice Community Criminal Control Act (VJCCCA); and
- (2) seek to have the General Assembly restore full funding for the Arlandria Clinic and the Healthy Families Program.

DISCUSSION: Two weeks remain in the 2002 General Assembly Session, which is scheduled to adjourn on March 9. Among the issues remaining to be resolved are the State Budget, and sales and use tax (or income tax) bills to fund education, transportation, or both. Attachment 1 is a status report on legislation on which the City has previously taken a position.

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 and HB 1061 have passed both the Senate and the House and await the Governor's signature. This legislation allows local 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 behavior toward the child (e.g., abandonment, torture, chronic abuse, sexual abuse) has occurred.
- SB 210, which would have authorized local officials to perform criminal background checks on all adults who provide emergency child care, was incorporated into SB 219.

- SB 219 has also passed both the Senate and the House and awaits the Governor's signature. It requires local social service departments to perform criminal history and child abuse records checks in any case in which the department is considering placing a child with an adult (including returning a child to a birth parent) on an emergency, temporary, or permanent basis. Background checks may also be required for all adults residing in the household where the child is to be placed.
- SB 220 amends the City Charter to (1) give Council authority to reduce the size of the Board of the Alexandria Redevelopment and Housing Authority to 7 members; and (2) set the initial meeting date for a new Council on the first business day following July 1, if July 1 falls on a Saturday or Sunday. SB 220 was approved by the Committee on Counties, Cities and Towns and awaits action by the full House.
- SB 685, which will allow the City to assess and tax parcels of one-quarter acre or more as open space, was approved unanimously by a Subcommittee of the House Finance Committee and awaits action by the full Committee.
- HB 1030, which would allow cities to assess fines of up to \$200 for speeding in residential areas, has passed the House and awaits action by the Senate Committee on Transportation.
- HB 1043, now identical to SB 219 (described above) was approved by the Senate Committee on Rehabilitation and Social Services and now awaits action by the full Senate.
- HB 1060 requires the State Commissioner of Motor Vehicles, upon the City's request, to suspend the license of an individual convicted of driving while intoxicated (DWI), until that person has reimbursed the City for its emergency response costs related to the DWI incident. This bill was approved by the House and awaits action by the Senate Committee on Transportation.

Legislation to Increase the Sales Tax for Transportation, Education, or Both. Of 12 bills that were introduced to increase the sales tax for transportation, education, or both, the following 3 are still alive. They all exempt food from the additional tax, and they all require approval in a referendum before they become effective:

- HB 1296 (Rollison) would add ½ cent to the sales tax in Northern Virginia and use the new revenues to pay for transportation projects in the region. The transportation projects listed in the legislation include funding for Metro (the City's allocation would be approximately \$32 million), and urban system improvements (the City's allocation would be approximately \$54 million). Although there is not yet any funding for DASH in the Rollison bill (the City is seeking \$25 million for DASH), staff is working with other Northern Virginia localities to have DASH and other transit projects added to the legislation.

- SB 170 (Colgan) also increases the sales tax by ½ cent tax in Northern Virginia and uses the new revenues to pay for transportation projects in the region. The bill’s transportation project list is almost identical to Rollison’s list (it includes funding for Metro and urban system improvements, but no money for DASH), but the patron has tentatively agreed to incorporate DASH and other transit projects in the bill. The bill also proposes an additional ½ cent increase in the sales tax statewide, with the revenues from this statewide tax to be allocated to localities based on a complex formula that would provide City schools with approximately \$4.7 million annually (this is 50 percent of what the City would get if funds were allocated based on point of sale, which is the minimum allocation level that Council has agreed to support). Some General Assembly members have recently proposed that a local or regional income tax, rather than the sales tax, be used as a source of new funding for education.
- SB 668 (Williams) would increase the sales tax by one cent in Hampton Roads, to be used for transportation projects in that region.

The Senate bills are now in the House Finance Committee, which is scheduled to consider them on February 25. If approved by that Committee, they are expected to be referred to the House Appropriations Committee. The House bill has been referred to the Senate Finance Committee, which will consider it during the upcoming week. It is likely that the final outcome of this legislation will not be decided until the final days of Session.

State Budget. Attachment 3 is a chart summarizing staff’s understanding of many of the reductions (or, in some few cases, increases) proposed by the House and the Senate in State aid funding to the City. Major reductions are proposed by one or both houses in funding for the Alexandria City Public Schools, state support for constitutional officers, HB 599 (State Assistance for Local Law Enforcement) appropriations, VJCCCA funding (which supports alternatives to detention for juveniles), funding for Healthy Families, and funding for the Arlandria Clinic. A number of other programs, such as Project Discovery (which assists high school students to prepare for college) and Virginia Cares (which provides post-release services to ex-offenders), received smaller but significant cuts.

Staff believes that the Virginia Municipal League will seek to have the General Assembly increase State funding (or reduce cuts) to public schools, constitutional officers, HB 599, and VJCCCA. Staff recommends that Council request the City’s delegation to support additional State funding for these programs. In addition, staff recommends that Council seek to have the General Assembly fully fund the Arlandria Clinic and the Healthy Families program.

Weapons Legislation. SB 593, in its original form, would have repealed the City Manager’s authority to issue administrative regulations banning weapons at City work sites. The City opposed this legislation as introduced. The bill’s patron agreed to amendments in the Senate that would have preserved the City Manager’s authority over weapons at City work sites. On February 22, the House Committee on Militia, Police, and Public Safety amended SB593 so that the City Manager could prohibit City employees only, and not the public, from bringing weapons

onto City work sites. Staff will work with the City's legislative delegation to remove the House Committee's amendment (and retain the City Manager's current authority) or defeat the bill.

Update on Tree Canopy Legislation. Since Councilwoman Pepper's request at the January 26 Council meeting, staff has tracked the status of tree canopy legislation. The last Status Report noted that two of these bills were still alive (HB 185 and SB 76, both of which allow localities to require a developer to meet any of the localities' tree preservation or tree planting requirements by planting or preserving trees off-site of the development). Both bills have now been approved by the House and Senate.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 – Current Status of Bills on Which the City Has Previously Taken a Position, February 22, 2002

Attachment 2 – Status Report on the City's 2002 Legislative Package, February 22, 2002

Attachment 3 – Items of Concern to the City of Alexandria – House Appropriations and Senate Finance Committee Budget Recommendations – February 22, 2002

Current Status of Bills on Which the City Has Previously Taken a Position

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; *Senators:* Mims and Trumbo
02/04/02 House: Continued to 2003 in Courts of Justice (22-Y 0-N)

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. See, also, HJR 13, companion resolution.

Patrons: Howell, Dudley and McQuigg
01/16/02 House: VOTE: PASSAGE (97-Y 1-N)
01/17/02 Senate: Referred to Committee on Privileges and Elections
01/28/02 Senate: Assigned to P. & E. sub-committee: 2

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.

Patrons: Hamilton and Brink

02/06/02 House: Continued to 2003 in Appropriations (25-Y 0-N)

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.

02/04/02 House: Continued to 2003 in Appropriations (25-Y 0-N)

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

02/18/02 Governor: Approved by Governor-Chapter 13 (effective 7/1/02)

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

02/08/02 House: Continued to 2003 in Appropriations (25-Y 0-N)

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

02/01/02 House: Incorporated in C.C.T. (HB346-Albo) (19-Y 0-N)

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

02/09/02 House: Continued to 2003 in Tra. (21-Y 0-N)

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

01/24/02 House: Continued to 2003 in General Laws (22-Y 0-N)

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

01/29/02 House: Continued to 2003 in H. W. I. (22-Y 0-N)

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

01/25/02 House: Passed by indefinitely in C. C. T. (19-Y 3-N)

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

01/25/02 House: Passed by indefinitely in C. C. T. (19-Y 3-N)

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

02/04/02 House: Continued to 2003 in Courts of Justice (22-Y 0-N)

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

02/20/02 Senate: Continued to 2003 in Courts of Justice (12-Y 3-N)

02/20/02 Senate: Refer to Virginia Crime Commission,

Notes: City position: Support.

HB 245 Residential Landlord Tenant Act; abandonment of premises.

Summary as passed House:

Virginia Residential Landlord Tenant Act; abandonment. Establishes a process to be followed by the landlord if he is unable to determine whether a tenant has abandoned the premises.

02/11/02 Senate: Referred to Committee on General Laws

Notes: City position: Oppose.

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

Summary as passed House:

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 the landlord gives certain notice to the tenant.

Patrons: Drake, Athey, Dudley and Purkey

02/09/02 House: VOTE: PASSAGE (97-Y 1-N)

02/11/02 Senate: 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, Cosgrove, Devolites, Plum, Scott and Watts; Senators: Byrne, Howell, Puller and Ticer

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

02/01/02 House: Continued to 2003 in C. C. T. (20-Y 0-N)

Notes: City position: Support.

HB 317 BPOL tax appeals.

Summary as passed House:

BPOL tax appeals. Allows a person assessed with a license tax to apply within one year, instead of 90 days, from the last day of the tax year for which the assessment is made or within one year from the date of the appealable event, whichever is later, to the assessor for a correction. Also allows any person assessed with a local license tax as a result of a determination that is adverse to such person to apply within 90 days to the Tax Commissioner 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 two years of such filing, at his option upon not less than 30 days written notice to the assessor, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. An "appealable event" means an increase in the local license tax assessment payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none was previously assessed.

Patron: Howell

02/22/02 Senate: Passed Senate (40-Y 0-N)

Notes: City position: Oppose.

HB 318 Taxation; local business tax appeals.

Summary as passed House:

Taxation; local business tax appeals. Extends the time for taxpayers seeking initial review of the assessment of business taxes by the local assessing officer from 90 days to one year from the last day of the tax year for which such assessment is made or from the date of an appealable event. An "appealable event" means an increase in the local license tax assessment payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none was previously assessed. In addition, any taxpayer whose application for a correction of assessment has been denied may apply within 90 days to the Tax Commissioner for correction. 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 more than two years without a final determination.

Patron: Howell

02/22/02 Senate: Passed Senate with amendments (40-Y 0-N)

Notes: City position: Oppose.

HB 321 Retirement System; retirement allowance.

Summary as introduced:

Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.5 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all others.

Patrons: Callahan, McQuigg and Nutter

02/01/02 House: Continued to 2003 in Appropriations (25-Y 0-N)

Notes: City Position: Oppose.

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

Summary as passed House:

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 that currently provide for clustering of simple-family dwellings upon approval of a special exception shall have until July 1, 2004, to comply with the provisions of this bill.

Patron: Albo

02/07/02 Senate: Referred to Committee on Local Government

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.

Patrons: Cole, Athey, Johnson and Lingamfelter

01/28/02 House: Continued to 2003 in Finance (22-Y 0-N)

Notes: City position: Oppose.

HB 378 Municipal elections; option for November council elections.

Summary as passed House:

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

02/13/02 House: Enrolled

02/13/02 House: Signed by Speaker

02/13/02 Senate: Signed by President

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

02/01/02 House: Passed by indefinitely in M., P.& P. S. (12-Y 9-N)

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

01/23/02 House: Engrossment refused by House

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, Joannou, Purkey and Rapp

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

02/01/02 House: Continued to 2003 in M.,P. & P. S. (21-Y 0-N)

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, Hall, Joannou, Marshall, D.W., Purkey and Rapp

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

02/07/02 House: Continued to 2003 in M.,P. & P. S. (22-Y 0-N)

Notes: City position: Oppose.

HB 514 Library systems that access the Internet as a non-public forum.

Summary as introduced:

Library systems that access the Internet as a non-public forum. Declares that any public-owned system that accesses the Internet is a non-public forum and affords library boards and governing bodies authority to take the steps necessary to limit library access to the Internet.

Patron: Marrs

01/09/02 House: Referred to Committee on Science and Technology

02/04/02 House: Continued to 2003 in S.T. (18-Y 3-N)

Notes: City Position: Oppose.

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

01/31/02 House: Stricken from docket by General Laws (22-Y 0-N)

Notes: City position: Support.

HB 603 Notice of rezoning.

Summary as introduced:

Notice of rezoning. Requires all rezoning notices to be sent by registered or certified mail at least 21 days, rather than five days, prior to the public hearing. Currently, if a proposed zoning amendment involves more than 25 parcels of land, the notice may be sent by first-class mail.

Patrons: Black, Albo, Cole, Gear and Marshall, R.G.

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

02/06/02 House: Incorporated in C.C.T. (HB477-Suit) (17-Y 0-N)

Notes: City Position: Oppose.

HB 658 Criminal background check; substance abuse treatment professionals.

Summary as passed House:

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 were convicted of a broader list of crimes: a misdemeanor violation relating to (i) unlawful hazing as set out in § 18.2-56; (ii) reckless handling of a firearm as set out in § 18.2-56.1; any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects as set out in § 18.2-51.3; (b) threat as set out in § 18.2-60; (c) burglary as set out in § 18.2-89; (d) breaking and entering a dwelling house with intent to commit other misdemeanor as set out in § 18.2-92; or (e) possession of burglarious tools as set out in § 18.2-94; or any felony violation relating to the distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsection H or I of § 18.2-248; or an equivalent offense in another state. 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

02/21/02 Senate: Reported from Ed. & H. with substitute (14-Y 1-N)

02/22/02 Senate: Const. reading disp., passed by for the day (40-Y 0-N)

Notes: City position: Support.

HB 693 Local ordinances incorporating state laws.

Summary as introduced:

Local ordinances incorporating state laws relating to operation of motor vehicles; disposition of fines imposed for violations. Provides that fines imposed for violations of local ordinances incorporating provisions of the Code of Virginia relating to operation of motor vehicles must be deposited into the Literary Fund (and not into the treasury of the county, city, or town) when the violations are committed on interstate highways.

Patron: Tata

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

02/05/02 House: Passed by indefinitely in Tra. (17-Y 5-N)

Notes: City Position: Oppose.

HB 700 Freedom of Information; exemptions relating to terrorism.

Summary as passed House:

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, structure or information storage system; 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 require a requester of records to provide his name and legal address. The bill contains a technical amendment.

Patron: Jones, S.C.

02/20/02 Senate: Reported from General Laws (15-Y 0-N)

02/22/02 Senate: Const. reading disp., passed by for the day (40-Y 0-N)

Notes: City position: Support.

HB 757 Workers' compensation; infectious disease presumption.

Summary as passed House:

Workers' compensation; infectious disease presumption. Creates a presumption that hepatitis, meningococcal meningitis, tuberculosis 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, Darner, Dillard, Kilgore, McQuigg, Plum, Spruill, Van Landingham and Watts; *Senators:* Byrne, Howell and Puller

02/09/02 House: Read third time and passed House (82-Y 16-N)

02/11/02 Senate: Referred to Committee on Commerce and Labor

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

HB 785 ABC; sale of singles.

Summary as introduced:

ABC; sale of singles. Allows localities by ordinance to regulate the sale of single units of alcoholic beverages purchased for consumption off-premises.

Patrons: Jones, D.C. and Baskerville

01/29/02 House: Tabled in General Laws (22-Y 0-N)

Notes: City Position: Support.

HB 814 Labor unions; abstention requirement.

Summary as introduced:

Labor unions; abstention requirement. Prohibits employers from requiring a person to abstain or refrain from holding office in a labor union or labor organization as a condition of gaining or continuing employment.

Patrons: Almand, Amundson, Brink, Callahan, Darner, Hull, Parrish, Plum and Van Landingham
01/23/02 House: Read third time and passed House (70-Y 27-N)

01/24/02 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support.

HB 839 Thermal Imaging Camera Advisory Board and Fund.

Summary as passed House:

Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund administered by the Department of Fire Programs to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras.

Patrons: Thomas, Abbitt, Amundson, Armstrong, Barlow, Bland, Bloxom, Councill, Cox, Dudley, Jones, S.C., Keister, Kilgore, Parrish, Phillips, Pollard, Rapp, Sherwood, Shuler and Woodrum

02/20/02 Senate: Reported from General Laws (14-Y 0-N)

02/20/02 Senate: Rereferred to Finance

Notes: City Position: Support.

HB 842 Uniform Statewide Building Code; expiration of permits.

Summary as introduced:

Uniform Statewide Building Code; expiration of permits. Provides that permits issued under the Uniform Statewide Building Code are valid for one year from the date of issuance. Under the bill, requests for extension of the permit must be received within 30 days after the expiration date and be reviewed by the local building official prior to an extension being granted. No extension may be granted by the local building official after three years from the date of the original issuance of the permit.

Patron: Drake

01/31/02 House: Tabled in General Laws (22-Y 0-N)

Notes: City Position: Oppose.

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, Athey, Black, Cole, Janis and Wright

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

02/08/02 House: Stricken from docket by M., P. & P. S. (21-Y 1-N)

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

01/21/02 House: Referred from Finance (21-Y 0-N)

01/21/02 House: Referred to Committee on Appropriations

02/08/02 House: Tabled in Appropriations (25-Y 0-N)

Notes: City position: Support.

HB 994 Land use applications; delinquent taxes.

Summary as introduced:

Land use applications; delinquent taxes. Includes building permits and erosion and sediment control permits as types of permits that localities may issue subject to payment of delinquent real estate taxes.

Patron: Councill

02/06/02 House: Read third time and passed House (99-Y 0-N)

02/07/02 Senate: Referred to Committee on Local Government

Notes: City Position: Support.

HB 996 Plat approval.

Summary as introduced:

Plat approval. Requires the planning commission to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any proposed plat within forty-five days of submittal, rather than sixty days. The failure to act within forty-five days or to state the reasons for disapproval shall cause the plat to be deemed approved. The commission shall act on any proposed plat that it has previously disapproved within 30 days after the plat has been resubmitted for approval.

Patron: McDonnell

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

02/08/02 House: Continued to 2003 in C. C. T. (22-Y 0-N)

Notes: City Position: Oppose.

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, Bland, Brink, Christian, Crittenden, Darner, Hull, Jones, D.C., Moran, Van Landingham and Van Yahres

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

02/06/02 House: Continued to 2003 in C. C. T. (22-Y 0-N)

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

HB 1014 Parking.

Summary as introduced:

Parking. Authorizes localities to adopt ordinances to prohibit parking commercial vehicles where they block passing traffic or so restrict the view of oncoming and cross-traffic as to interfere with traffic safety.

Patrons: Scott, Albo, Bland, Callahan, Dillard, Hull, Lingamfelter, Miles, O'Brien, Rust and Watts

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

02/07/02 House: Stricken from docket by Tra. (22-Y 0-N)

Notes: City Position: Support.

HB 1018 Local income tax.

Summary as introduced:

Local income tax. Provides that imposition of the local income tax permitted in certain localities after a local referendum may be set forth on the referendum ballot in one-quarter percent increments not to exceed one percent. The local tax shall be used for (i) transportation projects for certain localities that are part of a plan approved in December 1999 by a transportation council consisting of state and local elected officials; and/or (ii) public education purposes including the construction of, renovation of, technology for and debt service for public schools. However, at least 55 percent of revenues from the local income tax must be expended for transportation purposes. The taxing authority expires on July 1, 2004, if no locality has imposed the tax by that date. The bill repeals current law that restricts any such local income tax to a duration of five years.

Patron: Scott

02/09/02 House: Continued to 2003 in Finance (21-Y 1-N)

Notes: City Position: Support.

HB 1023 Local housing authorities; powers.

Summary as introduced:

Local housing authorities; powers. Authorizes local housing authorities to refinance loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings.

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

02/20/02 Senate: Reported from General Laws (15-Y 0-N)

02/22/02 Senate: Const. reading disp., passed by for the day (40-Y 0-N)

Notes: City Position: Support.

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

01/30/02 House: Continued to 2003 in Education (22-Y 0-N)

Notes: City position: Support.

HB 1115 Department of Corrections; inmate collect call system.

Summary as introduced:

Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections, or by any state, local or regional correctional facility from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system.

Patrons: Crittenden, Christian and Darner; *Senator:* Maxwell

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

02/07/02 House: Continued to 2003 in M.,P. & P. S. (22-Y 0-N)

Notes: City Position: Oppose.

HB 1160 Personal property tax; refund or credit for vehicles sold.

Summary as introduced:

Personal property tax; refund or credit for vehicles sold. Provides that the amount of tax relieved when a vehicle is disposed of after tax day shall be (i) refunded or (ii) credited against

other personal property taxes owed by the taxpayer, at the option of the locality. Under current law, the taxpayer is afforded this option.

Patrons: Tata, Purkey, Sears, Suit and Wardrup; Senator: Stolle

02/21/02 Senate: Passed Senate (40-Y 0-N)

Notes: City Position: Support.

HB 1192 Parking fines; personal property taxes on vehicles.

Summary as introduced:

Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances assessed against vehicles of persons.

Patron: Almand

02/19/02 Senate: Passed Senate (40-Y 0-N)

Notes: City Position: Support.

HB 1237 Workers' compensation; occupational disease.

Summary as passed House:

Workers' compensation; occupational disease. Grants to commercial vehicle enforcement officers and motor carrier safety troopers employed by the Department of State Police and full-time sworn members of the enforcement division of the Department of Motor Vehicles the presumption that certain cancers are occupational diseases under the Workers' Compensation Act. The bill also includes in the definition of "firefighter" any person who is employed by or contracts with any private employer primarily to provide firefighting services.

Patron: Jones, J.C.

02/11/02 House: Read third time and passed House (71-Y 26-N)

02/12/02 Senate: Referred to Committee on Commerce and Labor

Notes: City Position: Support.

HB 1266 Sale price of m.v. subject to the m. v. sales and use tax.

Summary as introduced:

Sale price of motor vehicles subject to the motor vehicle sales and use tax; reductions.

Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade and by the amount of all rebates. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patrons: Byron, Albo, Bolvin, Cole, Cosgrove, Hargrove, Kilgore, Louderback, Oder, Reese, Saxman and Weatherholtz

02/06/02 House: Continued to 2003 in Finance (22-Y 0-N)

Notes: City Position: Oppose.

HB 1276 Urban and secondary highway system construction allocations.

Summary as introduced:

Urban and secondary highway system construction allocations. Allocates urban system and

secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled per lane-mile, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

Patrons: Rust, Albo, Amundson, Black, Bolvin, Callahan, Dillard, Hull, May, McDonnell, Petersen, Reese and Scott; *Senators:* Mims and Puller

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

02/07/02 House: Continued to 2003 in Tra. (22-Y 0-N)

Notes: City Position: Oppose.

HB 1306 Housing Development Authority; regulations.

Summary as introduced:

Virginia Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person only if the persons to whom the loan is to be made are related by blood, marriage or adoption.

Patrons: McDougle, Black, Byron, Cole, Cosgrove, Cox, Griffith, Janis, Lingamfelter, Marshall, R.G., McDonnell, Nixon and Nutter

02/12/02 House: VOTE: PASSAGE (61-Y 38-N)

02/20/02 Senate: Continued to 2003 in General Laws

Notes: City Position: Oppose.

HB 1367 Zoning amendments.

Summary as introduced:

Zoning amendments. Provides that no amendment to the zoning map shall be instituted without the written consent of or just compensation to the landowner whose property is the subject of such amendment.

Patron: Black

01/18/02 House: Referred to Committee on Counties, Cities and Towns

02/06/02 House: Continued to 2003 in C. C. T. (21-Y 1-N)

Notes: City Position: Oppose.

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. See, also, HB 36, companion referendum bill.

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 126 Constitutional amendment; property exempt from taxation.

Summary as introduced:

Constitutional amendment (first resolution); property exempt from taxation. Exempts privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

Patrons: Watts, Hull, Jones, J.C., Moran and Plum

01/21/02 House: Referred from Finance (21-Y 0-N)

01/21/02 House: Referred to Committee on Privileges and Elections

02/01/02 House: Continued to 2003 in P. & E. (22-Y 0-N)

Notes: City Position: Oppose.

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

01/21/02 House: Referred from Finance (21-Y 0-N)

01/21/02 House: Referred to Committee on Privileges and Elections

02/01/02 House: Continued to 2003 in P. & E. (22-Y 0-N)

Notes: City position: Support.

HJ 156 Study; growth and economic development.

Summary as passed House:

Growth and Economic Development. Continues the Commission on Growth and Economic Development. In conducting its study, the Commission shall continue to encourage the participation of all interested groups, organizations and individuals, including those associated with local governments, business interests, the development community, and environmental causes. Issues to be examined by the Commission may include: (i) the need for new or additional funding for programs such as the Derelict Structure Fund, the Weed and Seed Program, Housing Revitalization Zone Program, Urban Public-Private Partnership Redevelopment Fund, housing tax credits, public transportation needs, brownfields site assessment, Agricultural Vitality Program and state and local important soil surveys; (ii) the need for a dedicated source of funding to preserve open space; (iii) a study of the local government tax authority and structure to determine what may be a hindrance to preserving open space; (iv) the creation of a statewide housing policy to address issues such as homeownership trends, barriers to homeownership, and the need for local government accommodation of the housing needs of the entire spectrum of potential home buyers; (v) reform of VDOT funding methods, including increased flexibility to localities in the use of state street maintenance and construction funding; (vi) changes to VDOT minimum street width standards to allow greater local flexibility; (vii) enhancement of the use of various state tax credits and development of a tax credit program for brownfields; (viii) issues surrounding the leasing versus purchasing of educational facilities; (ix) issues related to local revenue shortfalls including proposals to return a portion of future growth in state income tax revenue and use of

the referendum process to allow citizens to determine whether a locality should adopt new local taxes to address such shortfalls; and (x) methods for addressing the state transportation funding shortfall.

The Commission must report its interim findings and recommendations to the Governor and the 2003 Session of the General Assembly, and must submit its written final report to the Governor and the 2004 Session of the General Assembly.

Patron: Hall

02/12/02 House: Agreed to by House BLOCK VOTE (100-Y 0-N)

02/13/02 Senate: 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 passed Senate:

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 provide funding for public safety and emergency response purposes.

Patrons: Reynolds, Deeds and Quayle

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

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 passed Senate:

Carrying firearms during period of protective order. Clarifies that any person who is subject to a protective order is prohibited from possessing a handgun while the order is in effect, even if he holds a concealed handgun permit. A violation is a Class 1 misdemeanor.

Patron: Reynolds

02/18/02 House: Referred to Committee on Militia, Police and Public Safety

02/22/02 House: Reported from M., P. & P. S. with amendments (22-Y 0-N)

Notes: City position: Support.

SB 83 Technology Trust Fund Fee; extends sunset provisions.

Summary as passed Senate:

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

02/18/02 House: Engrossed by House as amended

02/18/02 House: Passed House with amendment (93-Y 6-N)

02/20/02 Senate: House amendment agreed to by Senate (40-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

01/30/02 Senate: Continued to 2003 in Courts of Justice (15-Y 0-N)

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

02/19/02 House: Passed House BLOCK VOTE (100-Y 0-N)

Notes: City position: Support.

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

Summary as passed Senate:

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, structure, or information storage systems; 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, structure, or information storage systems. 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

02/19/02 House: Reported from General Laws (22-Y 0-N)

02/22/02 House: Read third time

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

01/23/02 Senate: Failed to report (defeated) in C. J. (7-Y 8-N)

Notes: City position: Support.

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

Summary as passed Senate:

Sales and use taxes; statewide and regional taxes to fund public education and transportation. Provides for three referendum questions to be voted on at the November 5, 2002 election, each question being mutually exclusive and asking the sense of the voter on additional sales and use taxes. The additional sales and use taxes become effective if the referendum question on the additional tax is affirmed by the voters. One question asks the voters of the Eighth Planning District if there should be an additional one-half of one-percent sales and use tax in the counties and cities of such district with the revenues from the tax to be used for regional transportation projects and programs in Northern Virginia. A second question asks the voters in several counties and cities of the Hampton Roads Planning District if there should be an additional one-percent sales and use tax in such counties and cities with the revenues from the tax to be used for regional transportation projects and programs in Hampton Roads. Both referendum questions are contingent upon approval by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District and several of the cities and counties in the Hampton Roads Planning District, respectively. The last referendum question asks all persons in the Commonwealth voting on November 5, 2002, if there should be an additional one-half of one-percent sales and use tax in all jurisdictions in the Commonwealth with the revenues to be used for expenses incurred in the operation of public schools and capital projects for public schools. The additional sales and use taxes associated with each referendum

question would become effective July 1, 2003.

Patrons: Colgan; Delegate: Parrish

02/20/02 House: 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

02/13/02 Senate: Letter to Joint Sub. on VA State Tax Code

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.

02/12/02 Senate: Failed to report (defeated) in Finance (7-Y 8-N 1-A)

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

02/13/02 Senate: Left in 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

02/13/02 Senate: Left in Finance

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

02/13/02 Senate: Left in 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

01/23/02 Senate: Failed to report (defeated) in General Laws (5-Y 8-N 1-A)

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

02/13/02 Senate: Left in Finance

02/13/02 Senate: Letter to Joint Sub. on VA Tax Code

Notes: City position: Support.

SB 382 VDOT pedestrian projects.

Summary as passed Senate:

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

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

02/04/02 House: Referred to Committee on Transportation

02/19/02 House: Reported from Tra. (22-Y 0-N)

02/21/02 House: Read second time

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

01/29/02 Senate: Failed to report (defeated) in L. G. (5-Y 9-N)

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 effect 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

01/22/02 Senate: Reported from Local Government (14-Y 1-N)

01/22/02 Senate: Rereferred to Finance

02/05/02 Senate: Continued to 2003 in Finance (14-Y 1-N)

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

02/18/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

SB 485 Issuance and violation of stalking protective orders.

Summary as passed Senate:

Issuance and violation of stalking protective orders; penalty. The bill provides that, except when necessary for conduct of the criminal proceeding, the address and telephone number of an allegedly stalked person may not be disclosed. The bill also requires that protective order information be entered into the Virginia Criminal Information Network (VCIN) upon receipt.

Patron: Howell

02/13/02 House: 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; *Delegate:* Oder

01/24/02 Senate: Reported from Education and Health (12-Y 0-N)

01/24/02 Senate: Rereferred to Finance

02/13/02 Senate: Left in Finance

Notes: City position: Support.

SB 518 Protective orders; penalty.

Summary as passed Senate:

Family abuse protective orders; penalty. Provides that the name of a person protected by a protective order shall not be disclosed, unless required by law or necessary for law-enforcement purposes and that no fee shall be charged for filing or serving a protective order. Additionally, the bill requires law-enforcement agencies to enter certain information regarding the protective order, upon receipt, into the Virginia Criminal Information Network System (VCIN).

Patron: Howell

02/05/02 Senate: VOTE: PASSAGE R (39-Y 0-N)

02/13/02 House: Referred to Committee for Courts of Justice

Notes: City Position: Support.

SB 576 Northern Virginia Transportation Authority.

Summary as passed Senate:

Northern Virginia Transportation Authority. Revises statutory provisions dealing with the Northern Virginia Transportation Authority by substituting provisions recommended by the Joint Subcommittee Studying Creation of a Northern Virginia Regional Transportation Authority (the "Barry Commission") for 2001 legislation that created the Authority.

Patrons: Barry, Byrne, Colgan, Howell, Potts, Puller, Saslaw, Ticer and Whipple; *Delegates:* Amundson, Brink, Callahan, Moran, Parrish, Reese, Rollison, Scott and Watts

02/08/02 Senate: Communicated to House

02/13/02 House: Referred to Committee on Transportation

Notes: City Position: Support.

SB 593 Local control of firearms.

Summary as passed Senate:

Local control of firearms. Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, or motion, nor take any administrative action governing the purchase, possession, transfer, ownership, carrying or

transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. The bill provides a locality is not prohibited from adopting workplace rules.

Patron: Hanger

02/18/02 House: Referred to Committee on Militia, Police and Public Safety

02/22/02 House: Reported from M., P. & P. S. with amendment (17-Y 5-N)

Notes: City Position: Oppose as introduced.

SB 618 Sewage sludge; local authority, fees.

Summary as introduced:

Sewage sludge; local authority; fees. Provides authority for localities to enact ordinances that prohibit, restrict, or regulate the land application of sewage sludge. Allows for the collection of local fees to cover testing and monitoring costs. Removes certain provisions requiring the Board of Health to adopt regulations concerning the payment, collection, and disbursement of sludge land application permit fees by the Department of Health.

Patron: Deeds

01/18/02 Senate: Referred to Committee on Agriculture, Conservation & Nat.

02/04/02 Senate: Continued to 2003 in A. C. & N. R. (15-Y 0-N)

Notes: City Position: Oppose.

SB 641 Protective orders; family abuse.

Summary as passed Senate:

Protective orders; dating violence. Creates a provision for issuing protective orders to persons in a dating relationship. A dating relationship is defined as a romantic relationship between individuals that exists or has existed for a reasonably continuous period of time. Jurisdiction is in the general district court unless the respondent is a minor, in which case jurisdiction is in the juvenile and domestic relations district court.

Patron: Watkins

02/12/02 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/18/02 House: Referred to Committee for Courts of Justice

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

01/28/02 Senate: Assigned to P. & E. sub-committee: 2

01/29/02 Senate: Letter to Joint Sub. on Va. State Tax Code

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

01/29/02 Senate: Continued to 2003 in P. & E. (15-Y 0-N)

01/29/02 Senate: Letter to Joint Sub. on Va. State Tax Code

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

01/29/02 Senate: Continued to 2003 in P. & E. (15-Y 0-N)

01/29/02 Senate: Letter to Joint Sub. on Va. State Tax Code

City 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.

Patrons: Darner, Amundson, Baskerville, Bland, Crittenden, Miles, Moran, Plum, Scott and Van Yahres

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

02/07/02 House: Continued to 2003 in Tra. (22-Y 0-N)

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

02/09/02 House: Continued to 2003 in Finance (22-Y 0-N)

HB 1030 Speed limits in cities.

Summary as passed House:

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 residence districts in counties, cities, and towns.

Patron: Moran

02/13/02 Senate: Referred to Committee on Transportation

HB 1043 Criminal history records information; foster care.

Summary as passed House:

Criminal history records information. Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances, each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network.

Patrons: Moran and Van Landingham

02/11/02 Senate: Referred to Committee on Rehabilitation & Social Services

02/22/02 Senate: Reported from R. & S. S. w/amendments (14-Y 0-N)

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

Summary as passed House:

Suspension of operator's license and tags for failure to satisfy judgment. Expands the definition of judgment to include a civil action filed pursuant to § 15.2-1716 (reimbursement of expenses incurred in responding to DUI incident). This expansion allows the Commissioner, pursuant to § 46.2-417, to suspend the driver's license and all of the registration certificates and license plates for any person who has failed to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI.

Patron: Moran

02/13/02 Senate: Referred to Committee on Transportation

HB 1061 Termination of parental rights.

Summary as passed House:

Termination of parental rights. Provides that, in addition to other factors, a court may terminate parental rights if it finds, based upon clear and convincing evidence, that a parent has subjected any child to or failed to protect any child from aggravated circumstances, which means torture, chronic or severe abuse or sexual abuse, if the victim of such conduct was a child of the parent or a child with whom the parent resided at the time such conduct occurred.

Patrons: Moran and Van Landingham

02/20/02 Senate: Reported from Courts of Justice (15-Y 0-N)

02/22/02 Senate: Const. reading disp., passed by for the day (40-Y 0-N)

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

01/16/02 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 passed Senate:

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 there is clear and convincing evidence that the parent subjected any child with whom he resided to aggravated circumstances. Aggravated circumstances are defined as abandonment which involves substantial risk of death, torture, chronic or severe abuse, and chronic or severe sexual abuse.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van Landingham
02/18/02 House: Engrossed by House - committee substitute 025280544-H1
02/18/02 House: Passed House with substitute (97-Y 2-N)
02/20/02 Senate: House substitute agreed to by Senate (40-Y 0-N)

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

Summary as passed Senate:

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.

Patrons: Ticer and Saslaw; *Delegates:* Darner, Moran and Van Landingham
01/22/02 Senate: VOTE: PASSAGE (26-Y 13-N)
01/28/02 House: Incorporated in SB219

SB 211 Alexandria Historical Restoration and Preservation Commission.

Summary as passed Senate:

Alexandria Historical Restoration and Preservation Commission. Expands the membership of the Commission from seven to nine members beginning July 1, 2002. In addition, the bill allows 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
01/22/02 Senate: Communicated to House
02/11/02 House: Assigned to General Laws sub-committee: 2

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

Summary as passed Senate:

Criminal history records information incident to placement of a foster child. Permits a

social 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 of all adult household members incident to the placement of a foster child with the child's prior family or other relative. Prior family is defined as any and all persons from whose custody the child was removed at the time the child was taken into custody by the agency.

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

02/18/02 House: Passed House with substitute (99-Y 0-N)

02/20/02 Senate: House substitute agreed to by Senate (40-Y 0-N)

SB 220 Charter; City of Alexandria.

Summary as passed Senate:

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. An additional charter amendment will clarify when the organizational meeting of a newly elected council will be held.

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

01/21/02 Senate: Communicated to House

01/28/02 House: Referred to Committee on Counties, Cities and Towns

02/22/02 House: Reported from C. C. T. with amendments (22-Y 0-N)

SB 685 Local real estate taxes; use value assessment.

Summary as introduced:

Local real estate taxes; use value assessment. Provides that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown, the real estate shall consist of at least one quarter of an acre to be eligible for use value assessment and taxation. This would change current law, which provides that such real estate shall consist of a minimum of two acres.

Patron: Ticer

02/01/02 Senate: Communicated to House

02/11/02 House: Referred to Committee on Finance

Notes: City Position: Support.

Items of Concern to the City of Alexandria
House Appropriations and Senate Finance Committee Budget Recommendations
(with staff estimates of impacts on the City)
February 22, 2002

ITEM	HOUSE	SENATE
Alexandria Public Schools Existing FY 02 Gov. proposal FY 02 (Reduction from Existing FY 02) General Assembly (GA) FY 02 (Reduction from Existing FY02) Gov. proposal FY 03 GA FY 03 (- Reduction) Gov. proposal FY 04 GA FY 04 (- Reduction)	\$23,639,771 \$22,147,870 (-1,491,901) \$22,098,494 (-1,541,277) \$22,411,822 \$21,635,336 (-776,486) \$23,160,714 \$22,683,532 (-477,182)	\$23,639,771 \$22,147,870 (-1,491,901) \$22,100,320 (-1,539,451) \$22,411,822 \$22,195,008 (-216,814) \$23,160,714 \$22,851,270 (-309,444)
School Construction Grants Estimated impact on City	\$0 In FY 02, City received \$ 296,498 under this program; this amendment would eliminate this funding	\$27.5 M statewide In FY 02, City received \$ 296,498 under this program; this amendment would reduce the level of funding to approximately \$ 148,250
Constitutional Officers Estimated impact on City	reduction of up to 5 percent in State funding for sheriffs and deputy sheriffs loss of up to \$245,000 annually	Localities to cover an additional 10% of costs loss of \$ 650,000 annually
HB 599 FY02 Estimated impact on City FY03 Estimated impact on City FY04 Estimated impact on City	Freeze at 2000 level (\$6,026,123) loss: approximately \$500,000 Freeze at 2000 level loss: approximately \$500,000 Freeze at 2000 level loss: approximately \$500,000	Recalculate (and reduce for each FY) based on the latest State GF revenue forecasts (\$5.6 M) statewide loss of \$ 198,000 (\$2.5 M) statewide loss of \$ 88,000 (\$1.7 M) statewide loss of \$ 59,000

ITEM	HOUSE	SENATE
VJCCCA Estimated impact on City	reduce funds statewide by \$14.5 M annually (from \$29.5 M); turn program into a competitive grant program loss of funds could be as high as \$ 250,000, but cannot be determined, since grants would be awarded on a competitive basis	reduce funds statewide by \$6.5 M reduces State funding to this program from approximately \$250,000 to \$190,000
Offices on Youth Estimated impact on City	eliminate State funding loss of \$ 83,447	eliminate State funding loss of \$ 83,447
Arlandria Clinic Estimated impact on City	\$0 A \$125,000 reduction could result in the loss of up to 4 employees for the Clinic, which serves 3,000 low-income/uninsured women and children of the City. It may be in risk of closing.	\$125,000/yr Continues existing State funding for the Clinic
Healthy Families Estimated impact on City	Fully restore proposed cuts \$6.9 M (03-04) no change to program	Restore \$2.4 million (25% of proposed cut) Approximately 100 families in Alexandria are enrolled in this program at any time and could be affected. Under the program, high-risk pregnant women are assisted through case management for medical appointments, immunizations, and parenting skills.
Comprehensive Services Act Estimated impact on City	Restores current match rate, but requires additional 10% local match for supplemental appropriations in FY 04 unable to determine	Leaves CSA program, including local match rates, as it exists today no impact

ITEM	HOUSE	SENATE
CSBs Estimated impact on City	 unable to determine precise reductions, but they appear to be no less than \$90,000 nor more than \$175,000/yr.	restores 75% of proposed reduction unable to determine precise reductions, but they appear to be no less than \$120,000 nor more than \$200,000/yr.
Homelessness grants Estimated impact on City	\$0 (does not restore any of the Governor's proposed cut) unable to determine	Restores \$9.2 M (which the Governor's budget proposed eliminating) unable to determine
State Aid to Local Libraries Estimated impact on City	Reduce cut (proposal was 25%) to 7% for FY 03, and 8% for FY 04 loss of \$ 18,793 in FY 03; \$21,478 in FY 04	Reduce cut (proposal was 25%) to 7% for FY 03, and 8% for FY 04 loss of \$ 18,793 in FY 03; \$21,478 in FY 04
Hydrilla	\$25,000 new, one-time grant	\$0
Fort Ward	\$50,000 new, one-time grant	\$0
Lloyd House	\$50,000 new, one-time grant	\$0
Regional Partnerships Estimated impact on Northern Virginia	\$0 In FY 02, the Northern Virginia Regional Partnership received approximately \$2.27 million; this would be eliminated entirely under the House proposal.	\$4 M for workforce training (allocated competitively) In FY 02, the Northern Virginia Regional Partnership received approximately \$2.27 million; no one can estimate what the Partnership would receive under a competitive allocation program, but it would be substantially less.
"Re-op Pool" (hiring requirements for laid-off state employees)	Localities have certain obligations to hire laid-off "fully qualified" former State employees into state-supported positions	not addressed