

## **Agenda**

### **Legislative Subcommittee**

**January 17, 2003  
5 p.m., Council Workroom**

1. Update on City Package
2. Transportation & Public Works  
Woodrow Wilson Bridge
3. Taxation, Finance & Budget  
Car Tax Bills
4. Public Safety
5. Planning
6. Human Rights
7. Housing
8. Human Services
9. Miscellaneous

January 16, 2003 (3:54pm)

## City Package

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### **HB 1710 Admissions tax; events to which admission charged.**

*Summary as introduced:*

**Admissions tax; events to which admission charged.** Adds as an additional class admissions charged for entry into motion picture theaters to the list of events to which the local admissions tax is charged.

*Patrons:* Darner and Van Lanningham; Senator: Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/03/03 034170696

01/08/03 House: Referred to Committee on Finance

01/12/03 House: Fiscal impact statement from TAX (HB1710)

### **HB 2107 Recordation tax increase; City of Alexandria.**

*Summary as introduced:*

**Recordation tax increase; City of Alexandria.** Permits the City of Alexandria, by local ordinance, to increase its recordation tax from an amount equal to one-third of the amount of state recordation tax to two-thirds. Moneys collected that are attributable to such increase shall be used to finance affordable housing or the acquisition or preservation of open-space land.

*Patron:* Van Lanningham

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036620544

01/08/03 House: Referred to Committee on Finance

### **HJ 564 Study; Youth Commission.**

*Summary as introduced:*

**Study; Youth Commission.** Requests the Commission on Youth to study the foster care payment rates in the Commonwealth.

*Patron:* Darner

01/08/03 House: Presented & ordered printed, prefiled 12/26/02 036207696

01/08/03 House: Referred to Committee on Rules

### **SB 912 Pedestrians.**

*Summary as introduced:*

**Pedestrians.** Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

*Patrons:* Whipple, Byrne, Cuccinelli, Howell and Mims; Delegates: Almand, Amundson, Callahan, Darner, Petersen, Plum, Reese, Rust, Scott and Watts

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 036666660

01/08/03 Senate: Referred to Committee on Transportation

**SB 1285 Local real estate assessments; buildings; completed or fit for use.**

*Summary as introduced:*

**Local real estate assessments; buildings substantially completed or fit for use and occupancy.** Authorizes any county or city adjacent to Fairfax County to assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness. Under current law, (i) any county, city, or town may assess real estate tax on new buildings that are substantially complete or fit for use and occupancy prior to November 1 of the tax year, and (ii) Fairfax County may assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness.

*Patron:* Saslaw

01/15/03 Senate: Presented & ordered printed 039037528

01/15/03 Senate: Referred to Committee on Finance

## Transportation & Public Works

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### **HB 1485 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, 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, Black, Lingamfelter, Parrish, Petersen, Plum and Reese; *Senators:* Cuccinelli, Howell, Mims and Puller

01/08/03 House: Presented & ordered printed, prefiled 12/09/02 031269922

01/08/03 House: Referred to Committee on Transportation

### **HB 2354 Potomac Region Transportation Development Authority.**

*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

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031295776

01/08/03 House: Referred to Committee on Counties, Cities and Towns

### **HB 2628 Pedestrians.**

*Summary as introduced:*

**Pedestrians.** Requires, at certain locations, that the driver of any vehicle on a highway yield the right-of-way to any pedestrian crossing the half of the highway upon which the vehicle is traveling by stopping and remaining stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. In addition, the driver must also yield the right-of-way when any pedestrian, approaching the half of the highway upon which the vehicle is traveling from the opposite half of the highway, would be in such close proximity to that traveling vehicle as to be in danger, and such vehicle shall stop and remain stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. The bill also allows localities by ordinance to require that the driver of any vehicle stop to permit the safe and expeditious passage of any pedestrian crossing such highway at a clearly marked or unmarked crosswalk when the driver is

approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour.

*Patron:* Darner

01/08/03 House: Presented & ordered printed 036063696

01/08/03 House: Referred to Committee on Transportation

**SB 1115 Commonwealth Mass Transit Fund.**

*Summary as introduced:*

**Commonwealth Mass Transit Fund.** Increases the percentage share of monies deposited into the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

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

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 034405564

01/08/03 Senate: Referred to Committee on Transportation

## Taxation, Finance & Budget

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### **HB 1629 Sheriffs' fees.**

*Summary as introduced:*

**Sheriffs' fees.** Increases and clarifies some of the fees charged by sheriffs for (i) out of state service, (ii) sheriff's commission on executing a writ, and (iii) collection of expenses of advertising.

*Patron:* Cosgrove

01/08/03 House: Presented & ordered printed, prefiled 12/27/02 038834674

01/08/03 House: Referred to Committee for Courts of Justice

### **HB 1852 Sales and use tax distribution; transportation.**

*Summary as introduced:*

**Sales and use tax distribution; transportation.** Returns a portion of the current state sales and use tax revenue generated through sales in certain regions back to those regions for transportation projects that will reduce poor air quality, reduce traffic congestion, and aid the safety of motorists or pedestrians as follows: (i) revenues attributable to a one-half percent rate, up to \$50 million annually, for transportation projects in Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) revenues attributable to a one-half percent rate, up to \$50 million annually, for transportation projects in Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; and (iii) revenues attributable to a one-half percent rate, up to \$20 million annually for transportation projects in Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Harrisonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester.

*Patron:* Lingamfelter

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 032009822

01/08/03 House: Referred to Committee on Appropriations

01/15/03 House: Fiscal impact statement from TAX (HB1852)

### **HB 1993 State recordation tax; additional distribution to localities.**

*Summary as introduced:*

**State recordation tax; additional distribution to localities.** Provides that 50 percent of the amount of state recordation tax collected in excess of \$80 million shall be distributed, beginning

June 30, 2004, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

*Patron:* Bloxom

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 032475644

01/08/03 House: Referred to Committee on Finance

### **HB 1998 Local business taxes; appeals.**

(Summary not available)

*Patron:* Ware

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 031996823

01/08/03 House: Referred to Committee on Finance

01/14/03 House: Fiscal impact statement from TAX (HB1998)

### **HB 2002 Local correctional facilities; minimum length of sentence served.**

*Summary as introduced:*

**Local correctional facilities; minimum length of sentence served.** Requires that no misdemeanor be released from any local correctional facility until he has served at least 85 percent of each misdemeanor sentence ordered by the court. State-responsible prisoners, whether eligible for parole or not, shall not be eligible for or receive good conduct credits. The bill requires the Department of Corrections to report on the compliance of each local jail facility with this provision by November 30, 2003. The Commonwealth is to reimburse localities for any increased costs associated with this bill.

*Patron:* Bell

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 030752627

01/08/03 House: Referred to Committee on Militia, Police and Public Safety

### **HB 2035 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year.

The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average.

Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron:* Marshall, R.G.

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 039048824

01/08/03 House: Referred to Committee on Finance

01/13/03 House: Fiscal impact statement from TAX (HB2035)

### **HB 2148 Reduced sales; use tax for certain clothing, footwear, and computers.**

*Summary as introduced:*

**Reduced sales and use tax for certain clothing, footwear, and computers.** Establishes a state sales and use tax exemption during the period from August 16 through August 22, 2003, and every August 16 through August 22 thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 1, 2003.

*Patrons:* Rust and Reese

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 032846922

01/08/03 House: Referred to Committee on Finance

01/15/03 House: Fiscal impact statement from TAX (HB2148)

### **HB 2237 Local Taxpayer Protection Act.**

*Summary as introduced:*

**Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

*Patron:* Pollard

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031089577

01/08/03 House: Referred to Committee on Rules

01/14/03 House: Fiscal impact statement from DPB (HB2237)

### **HB 2250 Local piggyback income tax.**

*Summary as introduced:*

**Local piggyback income tax.** Allows localities to impose a local income tax at a rate of either one-half or 1 percent upon the Virginia taxable income of individuals, trusts, estates, and corporations. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. The provisions of the act will take effect January 1, 2005, if a constitutional amendment eliminating the property tax on motor vehicles is approved in a referendum to be held during the general election in November 2004.

*Patrons:* Watts and Dillard; Senators: Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034113980

01/08/03 House: Referred to Committee on Finance

### **HB 2323 Real estate tax; situs for assessment of motor vehicles.**

*Summary as introduced:*

**Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business' owner has a definite place of business provided he has sufficient evidence that he has paid the tax to such locality.

*Patrons:* Drake, Black, Bolvin and May

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030994922

01/08/03 House: Referred to Committee on Finance

01/13/03 House: Fiscal impact statement from TAX (HB2323)

### **HB 2389 Standards of Quality; apportionment of state and local share.**

*Summary as introduced:*

**Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, in any year in which general fund revenue growth is at least 3 percent greater than population and inflation growth combined for the previous year, to increase the state share by 3 percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs.

Such increases in the state share shall be granted to those school divisions whose local share is

greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2003 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

*Patrons:* Albo, Almand, Amundson, Bolvin, Callahan, Darner, Devolites, Hugo, Reese and Rust;  
*Senators:* O'Brien and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 033958604

01/08/03 House: Referred to Committee on Appropriations

### **HB 2433 Sales and use tax; rate increase.**

*Summary as introduced:*

**Sales and use tax; rate increase.** Increases the state sales and use tax 1 percent from 3.5 percent to 4.5 percent. One-half of the 1 percent increase will be appropriated (i) for salary increases for teachers in public schools, and (ii) to address the problems in public education identified in a recent study by the Joint Legislative and Review Commission. The remaining one-half percent of the increase will be distributed to localities to be used for education purposes according to the following formula (i) one-third based on point of sale; (ii) one-third based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay; and (iii) one-third in the same manner that 1 percent of the current state sales and use tax is distributed among localities.

*Patrons:* Dillard, Almand, Bloxom, Brink, Christian, Councill, Darner, Hull, Morgan, Parrish, Petersen, Phillips, Plum, Shuler, Stump and Watts; *Senators:* Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031968732

01/08/03 House: Referred to Committee on Finance

### **HB 2435 Standards of Quality; apportionment of state and local share.**

*Summary as introduced:*

**Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to annually increase the state share by 5 percent of the total costs, so that, by July 1, 2006, the local share shall not exceed 70 percent and the state share shall be equal to at least 30 percent of the total costs for those school divisions whose local share is greater than or

equal to 70 percent of the total costs in any fiscal biennium.

*Patrons:* Dillard, Albo, Almand, Amundson, Callahan, Darner, Hull, Moran, Petersen, Reese, Scott and Watts; *Senators:* Byrne, Howell, Puller and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 033943732

01/08/03 House: Referred to Committee on Appropriations

### **HJ 630 Constitutional amendment (first resolution); property exempt from taxa**

*Summary as introduced:*

**Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

*Patrons:* Watts, Albo, Amundson, Dillard, Plum and Scott; *Senator:* Cuccinelli

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030989980

01/08/03 House: Referred to Committee on Privileges and Elections

### **SB 734 Felonies and misdemeanors; penalties.**

*Summary as introduced:* **Felonies and misdemeanors; penalties.** Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

*Patron:* Reynolds

01/08/03 Senate: Presented & ordered printed, prefiled 12/19/02 036557524

01/08/03 Senate: Referred to Committee for Courts of Justice

01/15/03 Senate: Stricken at the request of Patron in C. J.

### **SB 948 Local Taxpayer Protection Act.**

*Summary as introduced:*

**Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local

government responsibilities and functions.

*Patrons:* Houck, Deeds, Puckett and Reynolds

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 031079577

01/08/03 Senate: Referred to Committee on Finance

### **SB 1033 Real estate tax; situs for assessment of motor vehicles.**

*Summary as introduced:*

**Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business' owner has a definite place of business provided he has sufficient evidence that he has paid the tax to such locality.

*Patron:* Colgan

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 032463922

01/08/03 Senate: Referred to Committee on Finance

01/12/03 Senate: Fiscal impact statement from TAX (SB1033)

### **SB 1067 Constitutional amendment(first resolution); Standards of Quality (SOQ)**

*Summary as introduced:*

**Constitutional amendment (first resolution); Standards of Quality (SOQ); State and local support of public schools.** Requires the Board of Education to determine and prescribe the Standards of Quality every 2 years and to design the SOQ to ensure an effective educational system of high quality throughout the Commonwealth. In addition, the Commonwealth and the local units of government shall be obligated to fully fund their portion of such cost by taxes or from other available funds. The current provision requires the Board to revise the SOQ "from time to time" and provides that "[e]ach unit of local government shall provide its portion of such cost by local taxes or from other available funds."

*Patrons:* Saslaw, Byrne, Colgan, Deeds, Edwards, Houck, Howell, Lambert, Lucas, Miller, Y.B., Puller, Wagner and Whipple; *Delegates:* Brink, Darner, Hull, Plum, Pollard, Van Lanningham, Van Yahres, Watts and Woodrum

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 035860577

01/08/03 Senate: Referred to Committee on Privileges and Elections

01/14/03 Senate: Stricken at request of Patron in P. & E.

### **SB 1073 Local meals and lodging taxes limitations.**

*Summary as introduced:*

**Local meals and lodging taxes limitations.** Prohibits any city or town from imposing a meals tax or increasing such a tax unless the tax or its rate increase is approved by voter referendum. No city or town may impose a lodging tax at a rate in excess of 2 percent unless used for tourism

promotion when the rate is limited to 5 percent. The limitations apply only to those cities and towns that do not have a meals or lodging tax as of January 1, 2003

*Patron:* Rerras

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 034303536

01/08/03 Senate: Referred to Committee on Finance

01/15/03 Senate: Fiscal impact statement from TAX (SB1073)

### **SB 1273 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception.

The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year.

The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average.

Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron:* O'Brien

01/14/03 Senate: Presented & ordered printed 039059510

01/14/03 Senate: Referred to Committee on Finance

## **Car Tax Bills**

### **HB 1605 Personal Property Tax Relief Act of 1998; repeal.**

*Summary as introduced:*

Personal Property Tax Relief Act of 1998; repeal. Repeals the Personal Property Tax Relief Act of 1998 effective January 1, 2004.

*Patron:* Van Yahres

01/08/03 House: Presented & ordered printed, prefiled 12/23/02 034015964

01/08/03 House: Referred to Committee on Finance

01/12/03 House: Fiscal impact statement from TAX (HB1605)

### **HB 2047 Omnibus Fiscal Emergency Recovery Act of 2003.**

*Summary as introduced:*

Omnibus Fiscal Emergency Recovery Act of 2003. Reduces car tax relief from 70 percent to 59.5 percent, increases the state cigarette tax from 2.5 cents to 7.5 cents per pack, increases the beer and beverage tax the equivalent of 1 cent per 12 ounce container, increases the motor fuel tax by 2 cents per gallon, and caps the commission/discount that dealers receive for collecting and remitting the sales and use tax to \$400 per month for each certificate of registration. The bill will be effective for 2 years from July 1, 2003, to July 1, 2005.

*Patron:* Woodrum

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 032407996

01/08/03 House: Referred to Committee on Finance

### **HB 2084 Personal Property Tax Relief Act of 1998; percentage of reimbursement.**

*Summary as introduced:*

Personal Property Tax Relief Act of 1998; percentage of reimbursement. Allows for the reduction of the percentage amount to be reimbursed in tax year 2003 to such an amount that would not cause a decrease in the amount of revenues appropriated for K-12 education and law enforcement in 2002, adjusted for inflation. The Governor and the chairmen of the House and Senate Finance Committees would determine that percentage and adjust it annually if necessary. The percentage would return to the next highest percentage no later than 2006. The bill has an emergency clause.

*Patron:* Abbitt

01/08/03 House: Pres. & ord. printed w/emg. clause pref.01/07/03 030983600

01/08/03 House: Referred to Committee on Finance

HB 2170 Personal Property Tax Relief Act of 1998; reduce reimbursement amount

*Summary as introduced:*

Personal Property Tax Relief Act of 1998; reduce reimbursement amount. Reduces the current car tax reimbursement amount from 70 percent to 27.5 percent, for tax year beginning January 1, 2003. The reimbursement amount will remain at 27.5 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patron:* Phillips

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036728884

01/08/03 House: Referred to Committee on Finance

**HB 2363 Personal Property Tax Relief Act of 1998; reduce reimbursement amount.**

*Summary as introduced:*

Personal Property Tax Relief Act of 1998; reduce reimbursement amount. Reduces the current car tax reimbursement amount from 70 percent to 50 percent, for tax years beginning on and after January 1, 2003. The reimbursement amount will remain at 50 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patrons:* Shuler and Keister

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031987936

01/08/03 House: Referred to Committee on Finance

**SB 1176 Personal Property Tax Relief Act of 1998; reduce reimbursement amount.**

*Summary as introduced:*

Personal Property Tax Relief Act of 1998; reduce reimbursement amount. Reduces the current car tax reimbursement amount from 70 percent to 47.5 percent for qualifying vehicles with a value greater than \$1,000 for tax years beginning on and after January 1, 2003. The reimbursement amount will remain at 47.5 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patron:* Puckett

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 034811516

01/08/03 Senate: Referred to Committee on Finance

**SB 1266 Personal Property Tax Relief Act of 1998.**

*Summary as introduced:*

Personal Property Tax Relief Act of 1998. Repeals the Personal Property Tax Relief Act of 1998 effective January 1, 2004.

*Patron:* Reynolds

01/13/03 Senate: Presented & ordered printed 036018524

01/13/03 Senate: Referred to Committee on Finance

## Public Safety

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### **HB 2006 Assault and battery against a family or household member.**

*Summary as introduced:*

Assault and battery against a family or household member. Provides that if an assault against a family or household member is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim, the sentence shall include a mandatory, minimum sentence of 10 days in jail.

*Patron:* Bell

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 031662627

01/08/03 House: Referred to Committee for Courts of Justice

### **HB 2007 Crimes; assault and battery against a family or household member.**

*Summary as introduced:*

Crimes; assault and battery against a family or household member. Eliminates the requirement that a third or subsequent offense must occur within 10 years of a conviction of a similar offense for such third or subsequent offense to be a felony.

*Patron:* Bell

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 031663627

01/08/03 House: Fiscal impact statement from VCSC (HB2007)

01/08/03 House: Referred to Committee for Courts of Justice

### **HB 2027 Possession of firearm by persons subject to protective orders; penalty**

*Summary as introduced:*

Possession of firearm by persons subject to protective orders; penalty. Prohibits, and punishes as a Class 1 misdemeanor, possession of a firearm by a person subject to a protective order. Currently, such a person is prohibited from transporting or purchasing a firearm or carrying a concealed handgun.

*Patron:* Petersen

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 030356882

01/08/03 House: Referred to Committee on Militia, Police and Public Safety

### **HB 2180 Jail policies.**

*Summary as introduced:*

**Jail policies.** Provides that jailers shall keep a formal written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sentence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission.

*Patrons:* Kilgore, Albo, Griffith, McDonnell, Melvin and Moran; Senators: Howell, Norment and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030452228

01/08/03 House: Referred to Committee on Militia, Police and Public Safety

### **HB 2258 Employment records.**

*Summary as introduced:*

**Employment records.** Requires a current or former employer to provide employment information to a prospective law-enforcement employer. The current or former employer is afforded the same immunity from civil liability as provided under § 8.01-46.1, and is required to provide for the confidentiality of the information. The current or former employer may charge a reasonable fee for copying and furnishing the documents.

*Patron:* Watts

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034210980

01/08/03 House: Referred to Committee on Commerce and Labor

### **HB 2276 Nondisclosure of protective orders.**

*Summary as introduced:*

**Nondisclosure of protective orders.** Provides that for the purposes of protective orders generally, if the person protected by the order requests nondisclosure, neither a law-enforcement agency, the attorney for the Commonwealth, a court or the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. Currently, the nondisclosure is automatic, without regard to request by the person protected by the order.

*Patrons:* Hurt and Marshall, D.W.

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036686778

01/08/03 House: Referred to Committee for Courts of Justice

**HB 2384 Disposition of the unrestorably incompetent defendant.**

*Summary as introduced:*

**Disposition of the unrestorably incompetent defendant.** Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after 5 years.

*Patron:* Moran

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034586852

01/08/03 House: Referred to Committee for Courts of Justice

**HB 2505 Expenses incurred in responding to DUI incident.**

*Summary as introduced:*

**Expenses incurred in responding to DUI incident.** Expands current provisions allowing reimbursement of expenses incurred in responding to DUI incidents by adding incidents related to other serious traffic offenses such as reckless driving and driving on a suspended license.

*Patron:* Griffith

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036650748

01/08/03 House: Referred to Committee on Counties, Cities and Towns

**HB 2529 Uniform Statewide Building Code; installation of comm. equipment.**

*Summary as introduced:*

**Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel.** Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code requiring the installation in all new building construction of emergency communications equipment for emergency service personnel to facilitate effective communication between emergency public safety personnel involved in emergency situations. The bill defines emergency communications equipment and emergency public safety personnel.

*Patrons:* Almand; *Senator:* Whipple

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030883608

01/08/03 House: Referred to Committee on General Laws

01/14/03 House: Assigned to General Laws sub-committee: 1

**HB 2585 Felonies and misdemeanors; penalties.**

*Summary as introduced:*

**Felonies and misdemeanors; penalties.** Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current

maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

*Patrons:* Armstrong and Hurt

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 035953612

01/08/03 House: Referred to Committee for Courts of Justice

### **HB 2623 Felony violation of protective order; penalty.**

*Summary as introduced:*

**Felony violation of protective order; penalty.** Provides that any person convicted of a third or subsequent conviction of violation of a protective order committed within a 10-year period, when each such offense occurred on a different date, and where the same is alleged in the charging document, is guilty of a Class 6 felony.

*Patrons:* Marrs and Cox

01/08/03 House: Presented & ordered printed 034459826

01/08/03 House: Referred to Committee for Courts of Justice

01/09/03 House: Fiscal impact statement from VCSC (HB2623)

### **SB 1146 Jail policies.**

*Summary as introduced:*

**Jail policies.** Provides that jailers shall keep a formal written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sentence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission.

*Patrons:* Stolle, Howell and Norment; *Delegates:* Albo, Griffith, Kilgore, McDonnell, Melvin and Moran

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 030448228

01/08/03 Senate: Referred to Committee on Rehabilitation & Social Services

### **SB 1160 Disposition of the unrestorably incompetent defendant.**

*Summary as introduced:*

**Disposition of the unrestorably incompetent defendant.** Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive

treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after 5 years.

*Patrons:* Ticer, Edwards, Lucas and Puller; *Delegates:* Albo, Amundson, Bolvin, Darner, Dillard, Petersen, Reese, Rust and Watts

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 031606548

01/08/03 Senate: Referred to Committee for Courts of Justice

**SB 1224 EMTs' authorization to possess and administer epinephrine.**

*Summary as introduced:*

**Emergency medical services technician (EMTs) authorization to possess and administer epinephrine.** Requires the Board of Health's regulations on certification of emergency medical services technicians to authorize all levels of EMTs to possess and administer intramuscular epinephrine in emergency cases of anaphylactic shock. Clarifying amendments are added to the Good Samaritan law and to the Drug Control Act to reinforce this authorization.

*Patron:* Williams

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 034101568

01/08/03 Senate: Referred to Committee on Education and Health

## Planning

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### **HB 1729 Chesapeake Bay Resource Protection Areas; density credits.**

*Summary as introduced:*

**Chesapeake Bay Resource Protection Areas; density credits.** A locality shall not grant a density credit to a developer during the zoning process or in connection with any other land use matter if the land in question is part of a Chesapeake Bay Resource Protection Area as determined by localities pursuant to Chesapeake Bay Preservation Act regulations.

*Patron:* Albo

01/08/03 House: Presented & ordered printed, prefiled 01/06/03 035832604

01/08/03 House: Referred to Committee on Counties, Cities and Towns

### **HB 1888 Civil penalties for zoning violations.**

*Summary as introduced:*

**Civil penalties for zoning violations.** Raises the maximum civil penalty for second and subsequent violations of the zoning ordinance from \$150 to \$250. The civil penalty for an initial summons remains unchanged at \$100. Also, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 5-day, rather than the current 10-day, period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000, rather than the current total of \$3,000.

*Patron:* May

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 036243828

01/08/03 House: Referred to Committee on Counties, Cities and Towns

### **HB 2215 Permanent manufactured houses.**

*Summary as introduced:*

**Permanent manufactured houses.** Defines a permanent manufactured house as a manufactured home, as defined in § 36-85.3, that meets the following criteria: (i) is new; (ii) is multi-sectioned; (iii) is owned by the owner of the lot where the house is to be placed; (iv) has a minimum width of 24 feet; (v) has a minimum 5/12 roof pitch; (vi) is on an individual lot; (vii) is on a permanent foundation of brick or block set in mortar or dry stacked masonry piers with surface bonding and with masonry skirting; and (viii) has a finished floor area that is no less than 80 percent of the average finished floor area of all single-family residential structures within a one-half mile radius of the lot on which the house is to be placed. Localities adopting and enforcing zoning ordinances shall provide that any permanent manufactured house meeting the criteria of this section shall be permitted in at least 2 residential zoning districts that are not specifically designed or designated for permanent manufactured houses and subject to the same

zoning regulatory standards applicable to a site-built, single-family dwelling within such zoning district or districts. Such regulatory standards shall not have the effect of excluding permanent manufactured housing from the locality. Local zoning ordinances adopting provisions consistent with this section shall not relieve lots or parcels from the obligations relating to permanent manufactured housing units imposed by the terms of a recorded declaration containing conditions, covenants or restrictions in any restrictive covenant. The provisions of this section shall not supersede any provisions in any historic district created pursuant to § 15.2-2306.

*Patron: Suit*

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031130946  
01/08/03 House: Referred to Committee on Counties, Cities and Towns

## Human Rights

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### **HB 2105 Medicaid; buy-in.**

*Summary as introduced:*

**Medicaid; buy-in.** Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level. This bill is a recommendation of the Disability Commission.

*Patron:* Van Landingham

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036296577

01/08/03 House: Referred to Committee on Health, Welfare and Institutions

01/14/03 House: Assigned to H. W. I. sub-committee: 1

### **HJ 635 Constitutional amendment (first resolution); restoration of civil right**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights for felons.**

Authorizes the General Assembly to provide by general law for the restoration of civil rights for felons who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

*Patrons:* Moran, Kilgore, McDonnell and Melvin; Senators: Howell, Norment and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 035035228

01/08/03 House: Referred to Committee on Privileges and Elections

## Housing

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### **HB 2362 Repair of deteriorating buildings.**

(Summary not available)

*Patrons:* Shuler; Senator: Deeds

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031142936

01/08/03 House: Referred to Committee on Counties, Cities and Towns

### **HB 2498 VA. Residential Landlord & Tenant Act; definition; rental application.**

(Summary not available)

*Patrons:* Bolvin and Rapp

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030866736

01/08/03 House: Referred to Committee for Courts of Justice

01/13/03 House: Referred from Courts of Justice

01/13/03 House: Referred to Committee on General Laws

01/15/03 House: Assigned to General Laws sub-committee: 1

### **SB 1102 Creation of Fair Housing Board at D.P.O.R.**

*Patron:* Mims

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 030877266

01/08/03 Senate: Referred to Committee on General Laws

### **SB 1103 Mortgage Lender and Broker Act; predatory practices.**

*Patrons:* Whipple and Mims

01/08/03 Senate: Referred to Committee on Commerce and Labor

01/13/03 Senate: Reported from Commerce and Labor (15-Y 0-N)

01/14/03 Senate: Fiscal impact statement from SCC (SB1103)

01/15/03 Senate: Constitutional reading dispensed (40-Y 0-N)

01/15/03 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

## Human Services

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### **HB 1714 Comprehensive Services Act; family assessment/planning team referral.**

*Summary as introduced:*

**Comprehensive Services Act; family assessment and planning team referral.** Requires Community Policy and Management Teams (CPMT) to perform utilization review of residential placements and non-Individualized Education Plan-funded services in accordance with mandatory guidelines for utilization management developed by the State Executive Council rather than for all services utilizing Comprehensive Services Act (CSA) funds, which is the current law. The family assessment and planning team standards for review shall be based upon the level of CSA-funded treatment services required. Review of nonresidential services by the family assessment and planning team may be performed as determined by the CPMT. Any CSA-funded nonresidential service may be reviewed by the family assessment and planning team for problem solving and staffing. The CPMT shall perform an expenditure review of the nonresidential services for youth on a monthly basis.

*Patron:* Hogan

01/08/03 House: Referred to Committee on General Laws

01/09/03 House: Assigned to General Laws sub-committee: 3

01/13/03 House: Fiscal impact statement from DPB (HB1714)

01/14/03 House: Referred from General Laws

01/14/03 House: Referred to Committee on Health, Welfare and Institutions

### **SB 1060 Child protection act; mandatory counseling; detention.**

*Summary as introduced:*

**Child protection act; mandatory counseling; detention.** Authorizes the court to detain a juvenile following the filing of a delinquency petition both prior to adjudication and after adjudication pending final disposition and allows the court to require counseling of both juveniles and their parents under any circumstances where the juvenile is before the court (e.g., abuse and neglect, delinquency, in need of services, in need of supervision).

*Patron:* O'Brien

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 030786253

01/08/03 Senate: Referred to Committee for Courts of Justice

## Miscellaneous

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### **HB 1651 Freedom of Information Act; record exempt.employment discrim. invest.**

*Summary as introduced:*

**Freedom of Information Act; record exemption for employment discrimination investigations conducted by certain local public bodies.** Expands the record exemption for investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management to include any such investigations conducted by the appropriate office of any local governing body, including local school boards.

*Patron:* Albo

01/08/03 House: Presented & ordered printed, prefiled 12/30/02 034161604

01/08/03 House: Referred to Committee on General Laws

01/09/03 House: Assigned to General Laws sub-committee: 2

01/13/03 House: Fiscal impact statement from DPB (HB1651)

### **HB 1964 Workers' compensation; occupational disease presumption.**

*Summary as introduced:*

**Workers' compensation; occupational disease presumption.** Provides that a person whose hypertension or heart disease is presumed to be an occupational disease is eligible for medical benefits under the Workers' Compensation Act, notwithstanding that he is not yet totally or partially disabled. The medical benefits include entitlement to an annual medical examination to measure the progress, if any, of the hypertension or heart disease, and to any other prescribed treatment for the condition.

*Patron:* Carrico

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 036248663

01/08/03 House: Referred to Committee on Commerce and Labor

### **HB 2078 November elections; mayors, councils of cities and towns; deadlines.**

*Summary as introduced:*

**November elections for mayors and councils of cities and towns; related elections and filing deadlines.** Provides that all elections for city mayors and councils will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies in May or November. Towns retain that option. City and town governing body elections may be held in November in either even-numbered or odd-numbered years.

*Patron:* Gear

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 035026742  
01/08/03 House: Referred to Committee on Counties, Cities and Towns  
01/10/03 House: Fiscal impact statement from DPB (HB2078)

### **HB 2210 Sensitive Records Protection Act; penalty.**

*Summary as introduced:*

**Sensitive Records Protection Act; penalty.** Creates the Sensitive Records Protection Act, which prohibits the release of sensitive records, a defined term in the Act, notwithstanding any other provision of law to the contrary. The bill provides a penalty for violation and provides for exceptions to the general prohibition against release.

*Patrons:* Jones, S.C., Woodrum, Melvin, Miles, O'Bannon, Petersen, Putney and Sherwood;  
*Senators:* Howell and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030857211  
01/08/03 House: Referred to Committee on General Laws  
01/14/03 House: Assigned to General Laws sub-committee: 2  
01/14/03 House: Fiscal impact statement from DPB (HB2210)

### **HB 2211 FOIA; critical infrastructure and vulnerability assessments.**

*Summary as introduced:*

**Freedom of Information Act; critical infrastructure and vulnerability assessments.**

Expands the current record exemption for engineering and architectural drawings to protect the safety of any public building or its occupants, to clarify that such records relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems, as well as vulnerability assessments. The bill applies to all buildings, whether public or private. The bill also contains a corollary open meeting exemption for the discussion of such records in a closed meeting. The bill consolidates 2 related exemptions and contains other technical amendments.

*Patrons:* Jones, S.C., Woodrum, Melvin, Miles, O'Bannon, Petersen, Putney and Sherwood;  
*Senators:* Howell and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030858211  
01/08/03 House: Referred to Committee on General Laws  
01/14/03 House: Assigned to General Laws sub-committee: 2  
01/15/03 House: Fiscal impact statement from DPB (HB2211)

### **HB 2336 Attorney General.**

*Summary as introduced:*

**Attorney General.** Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth when the legal service provided relates to financial transactions.

*Patron:* Reese

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 038876253

01/08/03 House: Referred to Committee on General Laws

01/14/03 House: Assigned to General Laws sub-committee: 4

### **HB 2337 Voter registration; indication of political party affiliation.**

*Summary as introduced:*

**Voter registration; indication of political party affiliation.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2003, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

*Patron:* Reese

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 035072903

01/08/03 House: Referred to Committee on Privileges and Elections

01/10/03 House: Fiscal impact statement from VCSC (HB2337)

### **SB 909 Workers' compensation; occupational disease presumption; mold exposure.**

*Summary as introduced:*

**Workers' compensation; occupational disease presumption; mold exposure.** Establishes a presumption that an immunologic or allergic reaction, toxic effect or infectious respiratory or pulmonary disease that results in the death or total or partial disability of a claimant shall be presumed to be an occupational disease that is covered by the Virginia Workers' Compensation Act, if the claimant establishes by a preponderance of the evidence that the condition resulted from mold exposure that occurred during the course of the claimant's employment within a building that is determined to be contaminated by the presence of mold.

*Patron:* Miller, Y.B.

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 033706480

01/08/03 Senate: Referred to Committee on Commerce and Labor

### **SB 1028 Attorney General.**

*Summary as introduced:*

**Attorney General.** Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth

when the legal service provided relates to financial transactions.

*Patron:* Chichester

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 038877253

01/08/03 Senate: Referred to Committee for Courts of Justice

**SB 967 Board of zoning appeals.**

Patron - John C. Watkins (all patrons) ..... notes

Another bill? *Summary as introduced:*

**Board of zoning appeals.** Provides that in the case of an appeal by a person aggrieved by any decision of the board of zoning appeals that upheld a decision of a zoning administrator or other administrative officer of a locality, the petitioner shall introduce evidence to prove by a preponderance of the evidence that the board of zoning appeals erred in its decision. Current case law provides that a decision of the board of zoning appeals is presumed to be correct and can be reversed or modified only if the trial court determines that the board of zoning appeals applied erroneous principles of law or was plainly wrong and in violation of the purposes and intent of the zoning ordinance. The bill further provides that in the case of an appeal by a person aggrieved by any decision of the board of zoning appeals that denied an application for a variance, there shall be a presumption that the decision of the board of zoning appeals is correct, but the petitioner may rebut that presumption by introducing evidence to prove that the board of zoning appeals applied the wrong law or was plainly wrong in its application of the law.

*Full text:*

01/08/03 Senate: Presented &amp; ordered printed, prefiled 01/07/03 031108560

*Status:*

01/08/03 Senate: Presented &amp; ordered printed, prefiled 01/07/03 031108560

01/08/03 Senate: Referred to Committee on Local Government

2003 SESSION

031108560

SENATE BILL NO. 967

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact § 15.2-2314 of the Code of Virginia, relating to board of zoning appeals.

Patron—Watkins

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2314 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2314. Certiorari to review decision of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition specifying the grounds on which aggrieved within thirty days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal by a person aggrieved by any decision of the board of zoning appeals that upheld a decision of a zoning administrator or other administrative officer of a locality, the petitioner shall introduce evidence to prove by a preponderance of the evidence that the board of zoning appeals erred in its decision. In the case of an appeal by a person aggrieved by any decision of the board of zoning appeals that denied an application for a variance, there shall be a presumption that the decision of the board of zoning appeals is correct, but the petitioner may rebut that presumption by introducing evidence to prove that the board of zoning appeals applied the wrong law or was plainly wrong in its application of the law.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the board may request that the court hear the matter on the question of whether the appeal was frivolous.

031108560

SB967

1/17/03 8:55

Official Use By Clerks	
<b>Passed By The Senate</b>	<b>Passed By The House of Delegates</b>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1301 EAST BRAD STREET  
RICHMOND, VIRGINIA 23219-2000

PHILIP A. SHUCET

January 10, 2003

Senator Ken Cuccinelli  
Post Office Box 684  
Centreville, VA. 20122

Dear Senator Cuccinelli,

Twelve years of concerted effort by the Federal Highway Administration, Virginia, Maryland, the District of Columbia, and the public have gone into the Woodrow Wilson Bridge Project. As was reported on December 20<sup>th</sup> when the updated financial plan was submitted to the Federal Highway Administration, Virginia's share of the project has remained unchanged at \$1.062 billion since the original financial plan was submitted in 2001. Of the \$1.062 billion, \$505.31 million represents "regular" federal funds apportioned to the project and the required state match. As you may recall, Virginia received additional special federal funding for the project as well.

In your letter, you asked when the updated financial plan would be released to the public. The financial plan is a joint effort of Maryland, Virginia, and the District of Columbia. While a widespread distribution will not be made until final approval by FHWA, a copy is attached. Once approved, this document will be available on the Project's website at [www.wilsonbridge.com](http://www.wilsonbridge.com). Many of the details of the project, including the superstructure, can also be found there.

Regarding the superstructure, since the original bid was submitted in December 2001, an independent review team reviewed that bid, made findings and recommendations for moving forward, and the superstructure project was divided into three logical contracts. Maryland is responsible for the design, construction, and financing of all three of these contracts. The first contract, the bascule (or moveable portion of the bridge), will begin this month while the two remaining contracts have been advertised with bids to be received in February and May of this year.

As described in both the original and updated Financial Plan, the federal government is providing \$1.6 billion (2001\$) towards the project. Maryland and Virginia will fund the proportion of the rest of the matching construction costs in their state. Any bid overruns by contract are the responsibility of the state. Virginia contracts, therefore, are not affected by the outcome of the Maryland bids and vice versa.

**RECEIVED**

JAN 09 2003

ASSISTANT COMMISSIONER  
FOR ADMINISTRATION

Your remaining questions focused on changing the project from its currently approved design. The majority of preliminary engineering work is complete on this project, right of way has been initiated and some construction has started. Through September 2002, \$435.9 million has been spent. To go back through the project planning and design processes, including a new record of decision, new environmental permits, and new design would in essence require all this expense to occur again, as well as cause a substantial delay in this most critical regional improvement. Project savings, if any, would not occur for years to come with added expense being incurred in the next several years.

I appreciate your letter and look forward to working with you on transportation issues in the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Shucet", written in a cursive style.

Philip A. Shucet

Cc: Senator John Chichester  
Senator Marty Williams