

## City of Alexandria, Virginia

## MEMORANDUM

DATE: FEBRUARY 13, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON  
LEGISLATION INTRODUCED AT THE 2006 GENERAL ASSEMBLY  
SESSION

---

**ISSUE:** Recommendations and status report (No. 2) on legislation introduced at the 2006 General Assembly Session.

**RECOMMENDATION:** That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilwoman Woodson).

**DISCUSSION:** The 2006 General Assembly Session began on January 11, and is now half over. Beginning on Wednesday (February 15), except for the budget and certain revenue bills, the House may consider only Senate bills and the Senate may consider only House bills. Each house is scheduled to propose its amendments to the proposed state budget (which then Governor Warner presented on December 16) on Sunday, February 19. During the last days of Session, which is scheduled to adjourn on March 11, the House and Senate will seek to reconcile any differences they have over the bills they have passed, including the budget bill. The issue that is sure to occupy legislators more than any other in the remaining weeks is transportation funding.

**City Package.** The following actions have been taken on bills from the City's legislative package since the last update (Attachment 2 is a status report on these bills, and Attachment 3 is an update on other bills on which the City has taken a position):

- HB 393 would have given a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation. Even though representatives of Northern Virginia realtors and commercial developers openly supported this bill, Delegate Terrie Suit (a real estate professional representing Virginia Beach) had the General Laws Committee carry the

bill over to the 2007 Session so that the General Assembly's Housing Commission, which she chairs, can study it.

- SB 233 and HB 1211 would require drivers to stop (not just yield) to pedestrians in marked cross walks. The Senate Bill was amended and passed the Senate with language that is less desirable than the House bill, but preferable to the language currently in the Code of Virginia. The House bill was approved by the House Transportation Committee (15-7) and awaits floor action.
- HB 101, HB 374, and SB 526 are identical proposals to amend the Virginia Constitution so that the State would (1) recognize "only a union between one man and one woman" as a valid marriage in the Commonwealth; and (2) prohibit the State and local governments from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage," or "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." These measures are being passed overwhelmingly in the House and the Senate. HB 389, which sought to repeal of the Affirmation of Marriage Act, was defeated in the House Courts of Justice Committee.
- A number of bills have been introduced that would prohibit state colleges and universities from admitting any alien who is unlawfully present in the United States, or would prohibit these individuals from being entitled to in-state tuition. One of these (SB677) was reported out of the Senate Committee on Education and Health unanimously and is now on the Senate floor. It was amended in Committee to include the safeguards supported in the City's 2006 Legislative Package. Should the legislation pass the General Assembly, it would authorize in-state tuition for any individuals who have:
  1. resided with their parents or guardians in Virginia during high school;
  2. graduated from a Virginia high school;
  3. resided in Virginia for at least 3 years prior to high school graduation;
  4. filed for and were pursuing permanent residency in the United States; and
  5. paid (or had a parent or guardian who paid) Virginia income taxes for at least three years prior to the date of enrollment.

The House of Delegates has passed legislation (HB 1050) that does not include these safeguards, so it is uncertain whether anything will ultimately be enacted.

- SB 64 seeks to increase, from two to four percent, the sales tax on motor fuels in Northern Virginia that is used to help pay for transit costs. It awaits action by the Senate Finance Committee.
- HB 1003, HB 1082 and SB 267 are identical bills that would impose an additional quarter percent sales and use tax in Metro jurisdictions (Arlington and Fairfax Counties, and the Cities of Alexandria, Fairfax, and Falls Church) if approved by

ordinance by the governing bodies of those localities whose population comprises at least 90 percent of the population of the five localities. The revenue from the tax would be used solely for the support of WMATA obligations. The House bills have been defeated by the House Finance Committee, and the Senate measure awaits action by the Senate Finance Committee.

- SB 269 requires the State, when it receives notice of a condominium conversion, to notify the locality where the condominium is located within five business days after receiving the notice. The bill was approved by the Senate and now awaits action by the House Committee on General Laws.
- HB 394 proposed an income tax credit for renters with a household annual income of \$35,000 or less. The bill was defeated by the House Finance Committee.
- HB 818 would allow localities with a population of 80,000 or more to undertake design-build projects without going through the State's Design-Build Review Board. The bill was defeated by the House General Laws Committee after lobbyists for engineers and architects spoke against it, but Northern Virginia localities are seeking to revive it.
- HB 539 and SB 480 sought to increase the minimum wage in Virginia by a dollar a year for each of the next three years. The legislation also proposed to adjust the minimum wage to reflect changes in the Consumer Price Index beginning in 2009. Both bills have been defeated.
- As part of its 2006 City Package, the City adopted a position in opposition to any legislation that would place additional restrictions on the ways local government deal with illegal immigrants. HB 1051, which would have prohibited public funding of employment service centers unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States, has been carried over to the 2007 Session.

**Transportation Funding.** As expected, transportation funding has become the dominant issue of the 2006 Session. Governor Kaine has made it clear that he expects the General Assembly to provide significant new resources for transportation, and he has also introduced legislation to allow localities to consider the transportation impacts of new development proposals when making land use decisions.

Governor Kaine, the Senate Finance Committee, and the House Republican Caucus are each promoting packages of bills and budget proposals to improve transportation in the Commonwealth. On Friday, February 10, the House Republican Caucus unveiled its "initiative" (Attachment 4).

Below is a table that compares the major components of these proposals.

| Issue  | Governor   | Senate Finance   | House Republicans   |
|--|--|--|---|
| Sales tax on motor vehicles (now 3 percent)  | Increase to 5 percent  | Increase to 5 percent over several years (same as sales tax on other items)  | Not addressed   |
| Sales tax on motor fuels (not now assessed)  | Not addressed  | Increase to 5 percent over several years (same as sales tax on other items)  | Not addressed   |
| Sales tax on motor vehicle repairs and maintenance (not now assessed)                                      | Not addressed  | Assess at 5 percent (same as sales tax on other items)   | Not addressed   |
| Motor fuels tax on diesel (now 16¢/gallon)   | Not addressed  | Increase to same level as the tax on gasoline (17.5¢/gallon)   | Not addressed   |
| Vehicle titling fee  | Base fee on weight of vehicle (all passenger vehicles now pay same fee)  | Not addressed  | Not addressed   |
| Vehicle registration fee (now \$23 on vehicles under 4,000 pounds, and \$28 on heavier passenger vehicles) | Base fee on weight of vehicle  | Increase by \$10 on all automobiles, and an additional \$10 on passenger vehicles over 4,000 pounds (primarily SUVs) | Not addressed   |
| Auto insurance premium tax revenues  | Dedicate 1/3 of the current revenues to transportation; and increase the tax by 2.25 percent, with new revenue also for transportation | Dedicate all revenues from this tax to transportation  | Dedicate 1/3 of the current revenues to transportation  |
| Fines for speeding and other "abusive" traffic offenses  | Increase fines and devote new revenue to transportation  | Not addressed  | Increase fines and devote new revenue to transportation                                       |
| Revenues from existing recordation tax (which go to State General Fund [GF])                               | Not addressed  | Not addressed  | Redirect \$40 million annually in existing recordation tax revenues from GF to transportation |
| One-time use of GF surplus   | Use \$339 M for transportation   | Use \$339 M for transportation   | Use \$553 M for transportation  |
| Total new money, FY 2007-2010  | \$3.7 B  | \$3.8 B  | \$2 B   |

Other issues regarding these proposals include:

- The Governor and the Senate both propose far more new funding for transit than does the House.
- The House plan provides a funding stream that it says will support \$673 M in pay-as-you-go or debt-supported transportation projects in Northern Virginia over 10 years. Neither the Governor nor the Senate propose an earmark for Northern Virginia, but the region should receive more money under either of those plans than it will under the House plan.
- The House plan takes a much larger portion of the General Fund surplus than either of the other plans. It is unclear what will suffer as a result, but Governor Warner had proposed using the surplus for transportation and other needs, such as mental health, water quality initiatives, and higher education research. Staff will know more when the House proposes its budget amendments next Sunday.

Staff will continue to update Council on transportation funding in future reports.

**Transportation Town Hall Meetings.** Governor Kaine recently announced the scheduling of a series of transportation town hall meetings to give local officials and other Virginians the opportunity to say what they think the General Assembly should do about transportation funding. Although the Governor has released his own funding plan, he has stated his willingness to work with House and Senate members on a statewide plan. He has said that he will insist that any plan incorporate a long-term, sustainable source of new funds, and not take money from essential services supported by the general fund (such as education and mental health). One of the meetings will be held in Woodbridge on Tuesday, February 21. The time and location have not yet been announced.

**Real Estate Taxes.** All the bills that would have altered the way real estate is assessed, or imposed caps on tax rate increases, have died or been carried over to the 2007 Session. This includes HB 155, which would have allowed localities to set a tax rate for residential property at a lower tax rate than that imposed on non-residential properties, and proposed constitutional amendments (HJR 135 and HJR 68) that would have allowed partial tax exemptions for an owner-occupied residence.

**State Budget.** As noted above, the House Appropriations and Senate Finance Committees are scheduled to announce their proposed budget amendments on February 19.

**Smoking in Restaurants.** As part of its 2006 legislative package, the City supports legislation to give any locality the authority to prohibit smoking in restaurants within its jurisdiction, or otherwise limit smoking in public. SB 648 (similar to legislation proposed in 2005 by then Senator Bill Mims, but defeated), would prohibit smoking in most public places throughout Virginia. The bill was approved in committee on a 10-5 vote, but was initially defeated on the

Senate floor, 20-18. The Senate agreed to reconsider this vote, and the bill will be up for a new vote on Monday or Tuesday (February 13 or 14). If the bill is ultimately approved by the Senate, it is sure to have a difficult time in the House. The City supports the bill.

**Mercury emission controls.** Legislation that was originally introduced in the House and Senate as “Clean Smokestacks Legislation” has been drastically altered. The original House and Senate bills would have established a phased schedule for all electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The current amended bills (SB 651 and HB 1055) set by law the statewide limits on electrical generating units for these pollutants, and prohibit the State Air Pollution Control Board from adopting more stringent standards for these pollutants, even when allowed under federal law. The House bill requires the state Department of Environmental Quality to assess mercury depositions in Virginia to determine whether additional steps need to be taken to control mercury emissions in the state. Both bills allow the State Air Pollution Control Board to prohibit electric generating facilities located within a nonattainment area (such as our region) from meeting their sulfur dioxide and nitrogen oxide permit limits by purchasing emissions credits from other facilities.

**Cable Franchise Legislation.** Legislation is going through both the House and the Senate that will completely rewrite cable franchising laws. VML and VACO have worked with localities around the state to get a list of local government concerns with the bills. While the patrons of the legislation have said that they want to hear our issues (this legislation was negotiated behind closed doors with representatives of Verizon, the cable industry [including Comcast and Cox], and several senior legislators) it is unclear how far they will go to address them. Among other issues for the City, the legislation could result in the loss of significant revenues for the City from Comcast. The City could also be required to operate the PEG (public, educational, and government) channels. Staff expects to know in the next week or two what amendments the patrons of the legislation are willing to accept.

**STAFF:**

Bernard Caton, Legislative Director

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, February 10, 2006

Attachment 2 - Current Status of City Package Bills, February 10, 2006

Attachment 3 - Current Status of Bills on Which the City Has Taken a Position, February 10, 2006

Attachment 4 - “House Republican Virginia Reform Initiative on Transportation,” February 10, 2006

**Attachment 1**  
**Recommended Positions on Bills of Importance to the City**  
**February 10, 2006**

**HB 132 Eminent domain; jury to determine just compensation.**

*Summary as introduced:*

**Eminent domain; determining just compensation.** Removes the option of the landowner to choose commissioners to hear an eminent domain case. Allows only jurors or the court to hear such a matter and requires all jurors in an eminent domain proceeding to be freeholders in the jurisdiction of the land in question.

*Patron:* Cosgrove

02/07/06 House: Committee substitute printed 062871276-H1

02/08/06 House: Read first time

02/09/06 House: Read second time

02/09/06 House: Committee substitute agreed to 062871276-H1

02/09/06 House: Engrossed by House - committee substitute HB132H1

**Notes:** City Position: Oppose

**HB 217 Spot blight abatement; costs for repair or disposal of property.**

*Summary as introduced:*

**Spot blight abatement; costs for repair or disposal of property.** Authorizes a locality exercising the power to acquire or repair blighted property to assess against the owner the anticipated costs of any repair or disposal of the property. The costs that are assessed will be a lien on the property.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 060960364

01/03/06 House: Referred to Committee on Counties, Cities and Towns

01/20/06 House: Referred from Counties, Cities and Towns

01/20/06 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 308 Zoning ordinance; violations thereof, penalty.**

*Summary as introduced:*

**Violations of zoning ordinance; penalties.** Raises the maximum civil penalty for an initial summons from \$100 to \$200. The maximum civil penalty for second and subsequent violations of the zoning ordinance rises from \$250 to \$500. Also, a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$10,000, rather than the current total of \$5,000.

*Patron:* Rust

02/08/06 House: Read third time and passed House (96-Y 1-N)

02/08/06 House: VOTE: PASSAGE (96-Y 1-N)

02/08/06 House: Communicated to Senate

02/09/06 Senate: Constitutional reading dispensed

02/09/06 Senate: Referred to Committee on Local Government

Notes: City Position: Support

**HB 380 Vacant buildings; increases annual registration fee.**

*Summary as introduced:*

**Vacant building registration.** Increases the vacant building annual registration fee from \$25 to \$100.

*Patron:* Dance

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 060806286

01/06/06 House: Referred to Committee on Counties, Cities and Towns

Notes: City Position: Support

**HB 874 Retail sales and use tax; exemption for telecommunication companies.**

*Summary as introduced:*

**Sales and use tax exemption; telecommunications companies.** Restores the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

*Patron:* Byron

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065134432

01/10/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/29/06 House: Fiscal impact statement from TAX (HB874)

Notes: City Position: Oppose

**HB 926 Retail Sales and Use Tax; refund on sale of goods by certain nonprofit entities.**

*Summary as introduced:*

**Sales and use tax refund on sale of goods by certain nonprofit entities.** Provides certain nonprofit entities, as reimbursement for capital construction expenditures for additional retail locations in the Commonwealth, a refund of up to 25% of the sales and use tax they have collected and remitted on their sales of donated goods provided they (i) routinely sell donated goods, (ii) provide job training and employment to individuals with workplace disadvantages and disabilities, (iii) spend at least 75% of their annual revenue on job training, job placement, or other related community services, (iv) submit a refund application to the Department of Taxation after the new retail location opens for business, including records of capital construction costs. The amount of the refund shall not exceed \$1 million for each new retail location.

*Patrons:* Landes, Armstrong, Callahan, Caputo, Carrico, Cox, Dance, Dudley, Fralin, Hamilton, Hurt, Ingram, Jones, S.C., Lingamfelter, Marshall, D.W., Marshall, R.G., Morgan, Nutter, O'Bannon, Parrish, Saxman, Sherwood, Shuler, Spruill, Ware, O., Watts, Wittman and Wright; Senators: Colgan, Edwards, Hanger, Lambert, Quayle and Reynolds

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 066574376

01/10/06 House: Referred to Committee on Appropriations

01/29/06 House: Fiscal impact statement from TAX (HB926)

Notes: City Position: Oppose

**HB 1025 Personal property; Sheriff's duty to remove pursuant to an ejectment proceeding.**

*Summary as introduced:*

**Sheriff's duty to remove property pursuant to an ejectment proceeding.** Makes it clear that a sheriff does not have to remove the property of a defendant in an ejectment proceeding, but he must oversee the removal of such property.

*Patron:* Hurt

02/01/06 House: Read third time and passed House BLOCK VOTE(99-Y 0-N)

02/01/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/01/06 House: Communicated to Senate

02/02/06 Senate: Constitutional reading dispensed

02/02/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HB 1039 Dogs; penalty when recklessly controlling or handling.**

*Summary as introduced:*

**Reckless control of a dog; penalty.** Creates a new Class 6 felony for recklessly controlling or handling a dog (or other animal) that seriously injures another person.

*Patrons:* Melvin, Albo, Bell, Eisenberg, Howell, A.T., Kilgore and Moran; Senators: Howell, Norment and Stolle

02/06/06 House: Reported from Courts of Justice with substitute (18-Y 0-N)

02/06/06 House: Referred to Committee on Appropriations

02/07/06 House: Committee substitute printed 062465416-H1

02/08/06 House: Assigned App. sub: Public Safety (Sherwood)

02/08/06 House: Fiscal impact statement from VCSC (HB1039H1)

**Notes:** City Position: Support

**HB 1047 Traffic light signals; police to use wireless telecommunications devices for enforcement.**

*Summary as introduced:*

**Traffic lights.** Allows police to use wireless telecommunications devices in enforcement of traffic light signals.

*Patron:* Reid

01/25/06 House: Read third time and passed House (98-Y 0-N)

01/25/06 House: VOTE: PASSAGE (98-Y 0-N)

01/25/06 House: Communicated to Senate

01/26/06 Senate: Constitutional reading dispensed

01/26/06 Senate: Referred to Committee on Transportation

**Notes:** City Position: Support

**HB 1052 Legislation; requires sunset date on all new state or local taxation bills.**

*Summary as introduced:*

**Tax legislation; sunset date.** Requires a sunset date on all taxation bills that add new taxes or increase tax rates.

*Patrons:* Reid, Cosgrove, Frederick, Gear, Hugo, Landes, Lingamfelter, Peace, Rapp and Ware, R.L.

01/30/06 House: VOTE: PASSAGE (64-Y 33-N)

01/30/06 House: Communicated to Senate

01/31/06 Senate: Constitutional reading dispensed

01/31/06 Senate: Referred to Committee on Rules

02/04/06 House: Fiscal impact statement from TAX (HB1052)

**Notes:** City Position: Oppose

**HB 1085 Transportation Trust Fund; increases percentage of revenues flowing to Mass Transit Fund.**

*Summary as introduced:*

**Commonwealth Mass Transit Fund.** Increases the percentage of Transportation Trust Fund revenues flowing to the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

*Patrons:* Scott, J.M., Amundson, Callahan, Moran, Plum, Rust, Sickles and Watts; Senators: Howell and Ticer

01/11/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

01/24/06 House: Referred from Transportation

01/24/06 House: Referred to Committee on Appropriations

01/27/06 House: Assigned App. sub: Transportation (May)

**Notes:** City Position: Support

**HB 1104 Highway improvements; expands present revenue-sharing fund program.**

*Summary as introduced:*

**Special funds for highway improvements in localities.** Expands the present revenue-sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$4 million per locality, and the total limit on state funds is raised to \$100 million. Any local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

*Patrons:* Athey, Albo, Cosgrove, Frederick, Gear, Jones, S.C., Kilgore, Landes, Marshall, D.W., May, McQuigg, O'Bannon, Peace, Rust, Saxman, Sherwood and Wittman

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 063786220

01/11/06 House: Referred to Committee on Appropriations

01/27/06 House: Assigned App. sub: Transportation (May)

**Notes:** City Position: Support

**HB 1105 Concealed weapons; person to inform law-enforcement officer of possession.**

*Summary as introduced:*

**Carrying concealed handguns; penalty.** Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person who may lawfully possess a

firearm to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if detained and he secures the firearm at the officer's request or allows the officer to secure the weapon.

*Patron:* Athey

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066658220

01/11/06 House: Referred to Committee on Militia, Police and Public Safety

01/12/06 House: Fiscal impact statement from VCSC (HB1105)

**Notes:** City Position: Oppose

**HB 1106 Concealed weapons; possession on owner's property and in private vehicles.**

*Summary as introduced:*

**Possession of concealed weapons; possession on owner's property and in private vehicles.**

Clarifies that the prohibition against carrying concealed weapons does not apply when a person is carrying such a weapon on his own property. The law currently specifies that the prohibition does not apply when a person is carrying such a weapon on the cutilage of his abode. In addition, the bill creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a concealed handgun in a private motor vehicle.

*Patrons:* Athey and Carrico

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066659220

01/11/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Oppose

**HB 1156 Sexual and domestic violence; confidentiality of records.**

*Summary as introduced:*

**Sexual and domestic violence; confidentiality of records.** Requires providers of sexual or domestic violence services to keep victim records confidential and requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to assure the confidentiality of victim records and records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq.

*Patrons:* Janis, Bell, Frederick, Gilbert, Iaquinto and Lohr

01/24/06 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N)

01/24/06 House: Communicated to Senate

01/25/06 Senate: Constitutional reading dispensed

01/25/06 Senate: Referred to Committee on Rehabilitation and Social Services

02/02/06 House: Fiscal impact statement from DPB (HB1156H1)

**Notes:** City Position: Support

**HB 1165 Domestic violence victims; procedures to keep personal documents confidential.**

*Summary as introduced:*

**Domestic violence victims; personal documents confidential.** Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up

procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation.

*Patrons:* Eisenberg, Bulova, Englin, Howell, A.T., McClellan, Plum, Toscano, Tyler, Ware, R.L. and Watts; *Senator:* Ticer

02/02/06 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)

02/02/06 House: Referred to Committee on General Laws

02/03/06 House: Committee substitute printed 060488301-H1

02/09/06 House: Fiscal impact statement from DPB (HB1165H1)

02/09/06 House: Incorporated by General Laws (HB1493-Miller)

**Notes:** City Position: Support

**HB 1174 Community Housing Tax Credit; replaces current low-income housing tax credit.**

*Summary as introduced:*

**Community Housing Tax Credit.** Establishes a tax credit that would replace the current low-income housing tax credit. Any developer or investor who builds or substantially rehabilitates a multifamily housing project that qualifies for the federal low-income housing tax credit would be eligible for a tax credit equal to 50% of the cost to acquire the land for the multifamily housing project. However, the credit would not exceed an amount equal to \$5,000 multiplied by the number of low-income housing units placed in service as a result of the project. The developer or investor would not be able to claim more than \$500,000 in tax credit in any taxable year. The credit would have a five-year carryover period. Any unused credit could be transferred to another taxpayer for use on a Virginia income tax return. The Board of Housing and Community Development would be required to promulgate guidelines for the credit.

*Patron:* Rapp

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 065322140

01/11/06 House: Referred to Committee on Finance

01/20/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

01/30/06 House: Continued to 2007 in Finance

**Notes:** City Position: Support

**HB 1183 Public Procurement Act; procurement of professional services.**

*Summary as introduced:*

**Virginia Public Procurement Act; procurement of professional services; multiple awards.** Provides an exception to the competitive negotiation process for the procurement of professional services where if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

*Patron:* Caputo

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 063646400

01/11/06 House: Referred to Committee on General Laws

01/18/06 House: Fiscal impact statement from DPB (HB1183)

01/23/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

02/09/06 House: Reported from General Laws (21-Y 0-N)

**Notes:** City Position: Support

**HB 1231 Real estate taxes; computation of deferral.**

*Summary as introduced:*

**Real estate taxes; computation of deferral.** Repeals the requirement that the deferral amount be calculated using a base-line amount equivalent to the real estate tax in the first full tax year of ownership by the taxpayer after the adoption of the deferral program by the locality, multiplied by 105%, or such higher percentage adopted by the locality in each tax year until the current tax year.

*Patron:* Welch

02/08/06 House: Engrossment reconsidered by House

02/08/06 House: Engrossed by House

02/09/06 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/09/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/09/06 House: Communicated to Senate

**Notes:** City Position: Support

**HB 1263 Telephone or telegraph communication; unlawful to tamper with when needed for emergency.**

*Summary as introduced:*

**Interfering with emergency use of telephone; penalty.** Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

*Patron:* Janis

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 061171348

01/11/06 House: Referred to Committee for Courts of Justice

01/27/06 House: Fiscal impact statement from DPB (HB1263)

**Notes:** City Position: Support

**HB 1290 Machinery and tools tax; method of valuation thereof for income tax purposes.**

*Summary as introduced:*

**Machinery and tools tax; method of valuation.** Requires machinery and tools to be valued at their depreciated basis for federal income tax purposes if the owner has depreciated their value pursuant to the Internal Revenue Code.

*Patron:* Saxman

02/08/06 House: Engrossment reconsidered by House

02/08/06 House: Engrossed by House - committee substitute HB1290H1

02/09/06 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/09/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/09/06 House: Communicated to Senate

**Notes:** City Position: Oppose

**HB 1336 Law-enforcement officers; training related to sexual assault cases.**

*Summary as introduced:*

**Law-enforcement officers; training related to sexual assault cases.** Requires that officers

receive training related to sexual assault and sets forth minimum guidelines for what such training must include.

*Patron:* Bell

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 063920232

01/11/06 House: Referred to Committee on Militia, Police and Public Safety

02/07/06 House: Fiscal impact statement from DPB (HB1336)

**Notes:** City Position: Support

**HB 1355 Pawnbrokers; required to keep accurate record of each resale of goods, etc. at place of business.**

*Summary as introduced:*

**Pawnbrokers; records on purchasers.** Requires a pawnbroker to keep at his place of business an accurate and legible record of each resale by him of goods, article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale. Such records shall include the full name, residence address, telephone number, and driver's license number or other form of identification of the person purchasing such goods, article or thing from the pawnbroker.

*Patron:* Bell

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 061303232

01/11/06 House: Referred to Committee on General Laws

01/23/06 House: Assigned to General Laws sub-committee: #4 Prof./Occup./Admin. (Cosgrove)

**Notes:** City Position: Support

**HB 1374 Boards of authorities; service by appointed members shall be limited to eight years.**

*Summary as introduced:*

**Maximum service on boards of authorities.** Provides that service by appointed members of the governing entity of any authority or other political subdivision of the Commonwealth, excluding counties, cities and towns, shall be limited to eight years. Current members shall not have their terms cut short.

*Patron:* Hull

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 061655336

01/11/06 House: Referred to Committee on General Laws

01/23/06 House: Assigned to General Laws sub-committee: #4 Prof./Occup./Admin. (Cosgrove)

**Notes:** City Position: Oppose

**HB 1409 Domestic Violence Victim Fund; changing name to Sexual and Domestic Violence Victim Fund.**

*Summary as introduced:*

**Domestic violence victim fund; name change; funding.** Changes the name of the fund to *Sexual & Domestic Violence Victim Fund* and provides for funding by adjusting fixed felony fees, fixed felony reduced to misdemeanor fees, fixed misdemeanor fees, and fixed drug misdemeanor fees.

*Patrons:* Crockett-Stark and Carrico

02/07/06 House: Fiscal impact statement from DPB (HB1409)  
02/08/06 House: Read first time  
02/09/06 House: Read second time  
02/09/06 House: Committee substitute agreed to 062470285-H1  
02/09/06 House: Engrossed by House - committee substitute HB1409H1  
**Notes:** City Position: Support

**HB 1416 Procurement Act, Public; design-build by certain local public bodies.**

*Summary as introduced:*

**Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies.** Provides that design-build or construction management projects undertaken by any local governing body when the contract is not expected to cost more than \$2 million shall be exempt from approval of the Design-Build Review Board. As a result, such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

*Patron:* Fralin

01/16/06 House: Presented and ordered printed 066687302  
01/16/06 House: Referred to Committee on General Laws  
01/23/06 House: Fiscal impact statement from DPB (HB1416)  
01/23/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)  
02/09/06 House: Reported from General Laws with amendment (21-Y 0-N)

**Notes:** City Position: Oppose

**HB 1454 Wetlands and stream restoration; companies to file erosion & sediment control specifications.**

*Summary as introduced:*

**Artificial wetlands and stream restoration.** Allows artificial wetland and stream restoration companies to file general erosion and sediment control specifications annually with the Virginia Soil and Water Conservation Board for its review and approval. The specifications will cover such projects as the construction of wetland or stream restoration, the construction of terraces, desilting basins, dikes, ponds, ditches, land irrigation, and the planting and cultivating of wetland plants. Currently, electric, natural gas, telephone, natural gas pipeline and railroad companies can file such specifications.

*Patron:* Scott, E.T.

01/18/06 House: Presented and ordered printed 067250380  
01/18/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources  
02/01/06 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N)  
02/01/06 House: Referred to Committee on Appropriations  
02/03/06 House: Assigned App. sub: Commerce, Agriculture, and Natural Resources

**Notes:** City Position: Oppose

**HB 1493 Address Confidentiality Program; established to protect victims of domestic**

**violence.**

*Summary as introduced:*

**Address Confidentiality Program; victims of domestic violence.** Provides that the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General shall establish the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims.

*Patrons:* Miller, Alexander, BaCote, Dance, Eisenberg, Englin, Hull, Lewis, McClellan, Shannon, Sickles, Tata, Valentine, Waddell, Ward and Watts

01/20/06 House: Presented and ordered printed 064619422

01/20/06 House: Referred to Committee on General Laws

01/24/06 House: Assigned GL sub: #2 FOIA/Procurement (Marshall, D.)

02/09/06 House: Reported from General Laws with substitute (21-Y 0-N)

02/09/06 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 1552 Fair Housing Law; includes sexual orientation as an unlawful discriminatory housing practice.**

*Summary as introduced:*

**Fair Housing Law; unlawful discrimination; sexual orientation.** Adds sexual orientation as an unlawful discriminatory housing practice.

*Patron:* Scott, J.M.

01/20/06 House: Presented and ordered printed 065339500

01/20/06 House: Referred to Committee on General Laws

01/25/06 House: Assigned GL sub: #1 Housing (Suit)

**Notes:** City Position: Support

**HB 1595 License taxes; repeals those that are local.**

*Summary as introduced:*

**Local license taxes; repeal.** Repeals local license taxes.

*Patrons:* Hugo and Welch

01/20/06 House: Unanimous consent to introduce

01/20/06 House: Presented and ordered printed 065181332

01/20/06 House: Referred to Committee on Finance

01/24/06 House: Assigned to Finance sub-committee: #2 (Purkey)

01/29/06 House: Fiscal impact statement from TAX (HB1595)

**Notes:** City Position: Oppose

**HB 1599 Cigarette tax; localities evidence of payment.**

*Summary as introduced:*

**Local cigarette tax; administration.** Requires any locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment to enter into an arrangement with the Department of Taxation to allow tobacco wholesalers to use a dual die or stamp to evidence payment of local and state taxes. Under current law entering into such an

arrangement is permitted but not required.

*Patron:* Hugo

01/20/06 House: Presented and ordered printed 065178332

01/20/06 House: Referred to Committee on Finance

01/24/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/29/06 House: Fiscal impact statement from TAX (HB1599)

02/06/06 House: Continued to 2007 in Finance

**Notes:** City Position: Oppose

**HB 1603 Multiline telephone systems; owner or operator thereof ability to identify location from 9-1-1 call.**

*Summary as introduced:*

**Multiline telephone systems.** Requires owners or operators of multiline telephone systems serving residential facilities, hotels and motels, business locations, and educational institutions to ensure that a public safety answering point is able to identify the location from which a call to 9-1-1 is placed.

*Patrons:* Rapp, O'Bannon and Orrock

01/20/06 House: Presented and ordered printed 062693480

01/20/06 House: Referred to Committee on Commerce and Labor

01/24/06 House: Assigned C & L sub: Utilities/Employment (Byron)

01/26/06 House: Fiscal impact statement from DPB (HB1603)

02/09/06 House: Continued to 2007 in Commerce and Labor

**Notes:** City Position: Support

**SB 235 Domestic violence victims; procedures to keep personal documents confidential.**

*Summary as introduced:*

**Domestic violence victims; personal documents confidential.** Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation.

*Patrons:* Ticer, Cuccinelli and Howell; *Delegates:* Amundson, Hull, Moran, Plum, Rust, Scott, J.M., Sickles and Watts

02/09/06 Senate: Committee substitute agreed to 060482828-S1

02/09/06 Senate: Reading of amendment waived

02/09/06 Senate: Committee amendment agreed to

02/09/06 Senate: Engrossed by Senate - committee substitute w/amd SB235ES1

02/09/06 Senate: Printed as engrossed 060482828-ES1

**Notes:** City Position: Support

**SB 260 Retail Sales & Use Tax; expands exemption for machinery, tools and industrial materials.**

*Summary as introduced:*

**Manufacturing technology; sales and property taxation.** Expands the sales and use tax

exemption for machinery and tools and industrial materials to include those used in recycling. The sales and use tax exemption for machinery, tools, and equipment is expanded to include those used in the integrated process of processing, manufacturing, refining, recycling, mining, or converting products for sale or resale. A definition of machinery, tools, and equipment for purposes of sales and use taxation is provided, and the definition of manufacturing, processing, refining, and conversion is expanded. The measure also provides that the classification of tangible personal property employed generally in a trade or business may be valued by means other than by a percentage of original cost, if the valuation method may reasonably be expected to determine the actual fair market value, including an independent appraisal or the average of three purchase offers. The methods for valuing machinery and tools are permitted to differ among the separate categories, as long as each method used is uniform within each category, is consistent with applicable law, and may reasonably be expected to determine actual fair market value as determined by the assessing official. Assessment ratios shall only be used with the concurrence of the local governing body. A commissioner of revenue shall, upon request, take into account the condition of the property. If a recognized pricing guide is not available, the commissioner of revenue, upon petition, shall consider an independent appraisal or the average of three written offers for the property. The provisions regarding valuing machinery and tools are stated to be declaratory of existing law. Finally, the bill declares that new investments in certified pollution control equipment and facilities used for manufacturing, mining, processing or reprocessing, and dairy shall be exempt from taxation, and that local governments shall reduce the assessments on this class of property by one-fifth in each of the next five years, with the Commonwealth reimbursing each locality for its foregone revenue from the General Fund in a transition period ending on June 30, 2010.

*Patrons:* Wagner and Williams; *Delegates:* Abbitt, Marshall, D.W., Nixon, Purkey and Saxman

02/02/06 Senate: Engrossed by Senate - com. sub. w/amd SB260ES1

02/02/06 Senate: Printed as engrossed 063964832-ES1

02/03/06 Senate: Read third time and passed Senate (39-Y 0-N)

02/03/06 Senate: VOTE: (39-Y 0-N)

02/03/06 Senate: Communicated to House

**Notes:** City Position: Oppose

### **SB 262 Virginia Energy Plan; created.**

*Summary as introduced:*

**Virginia Energy Plan.** Establishes an energy policy of the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare a comprehensive Virginia Energy Plan to implement the policy. The measure directs the Virginia Liaison Office to work with members of the State Congressional Delegation and executive agencies to obtain an exemption to the existing federal moratorium on offshore natural gas exploration and development activity, and to enable Virginia to exercise exclusive jurisdiction over offshore wind energy resources. Royalties, lease payments, and other moneys paid by the federal government to the Commonwealth that are attributable to the development of offshore energy resources are to be deposited in the State Offshore Energy

Revenue Fund and allocated among the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, clean coal technology research, funding a methane hydrates research center and other alternative energy initiatives, and grants for producing and using clean and efficient energy. The Virginia Liaison Office is also directed to work with members of the State Congressional Delegation and executive agencies to enact legislation that increases the corporate average fuel efficiency standards for motor vehicles. The Center for Coal and Energy Research is directed to encourage qualified state institutions of higher education to apply for federal grants to finance a center of excellence for advancing new clean coal technologies and will administer a clean coal technology research fund. Designs for state buildings are required to incorporate reasonable cost-effective energy conservation measures and alternative energy systems. The measure requires all localities and transportation districts that provide mass transit or public transportation through the use of diesel-fueled vehicles to use biodiesel fuel in amounts not less than 1 percent of total diesel fuel consumption by volume, effective when the annual capacity in the Commonwealth for the production of biodiesel fuel exceeds one million gallons, but in no event before July 1, 2007, as a condition for receiving state funding. A methane hydrates research center is established at Old Dominion University. The measure invalidates any restrictive covenant or similar specification that restricts or prohibits solar energy collection devices. The measure also directs the State Corporation Commission to develop a system for scoring parcels in the Commonwealth for their suitability as wind energy facilities, liquefied natural gas terminals, and nuclear energy facilities, upon recommendation by the Department of General Services for state-owned land, local governing bodies with the consent of the parcel's owner, or the owner of a parcel. Parcels that are scored as being optimal sites for such low-emission energy facilities would be eligible to use a one-stop permitting process, as may be adopted by the General Assembly. If approvals for such a facility are granted through the one-stop permitting process, the use of the parcel for the low-emission energy facility would be deemed to satisfy local zoning requirements. The existing Surry and North Anna nuclear plant sites and other sites determined through the U.S. Nuclear Regulatory Commission licensing process to be suitable for development of new nuclear generating units shall be deemed optimal sites without further proceedings. The bill also provides grant awards for producing and using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources and (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators. The grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators. The measure provides individual income tax deductions for 20 percent of the cost of certain appliances meeting energy star efficiency requirements developed by the federal government and for fuel cells, heat pumps, air conditioners, boilers, furnaces and water heaters meeting specified performance measures, and for the sales and use tax paid on motor vehicles using clean special fuel sources as a source of propulsion. Finally, the measure exempts certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas or natural gas recovered from waste from taxation.

*Patrons:* Wagner, Bell, Blevins, Devolites Davis, Hanger, Newman, Quayle, Ruff, Stosch,

Wampler, Watkins and Williams; Delegates: Marshall, D.W. and Purkey  
01/24/06 Senate: Assigned C&L sub: Special on SB262  
02/06/06 Senate: Reported from Commerce and Labor with substitute (14-Y 1-N)  
02/06/06 Senate: Rereferred to Finance  
02/07/06 Senate: Committee substitute printed 062730832-S1  
02/08/06 Senate: Fiscal impact statement from DPB (SB262S1)  
**Notes:** City Position: Oppose

**SB 417 Personal property tax; separate classifications of machinery and tools used in businesses.**

*Summary as introduced:*

**Taxation of machinery and tools and certified pollution control equipment and facilities.**

Classifies machinery and tools used in a manufacturing, mining, processing or reprocessing, or dairy business as intangible personal property, thereby excluding such property from local taxation. Effective July 1, 2006, new investments in certified pollution control equipment and facilities used for manufacturing, mining, processing or reprocessing, or in a dairy shall be exempt from taxation. Between July 1, 2006, and June 30, 2010, each local government shall reduce its assessments on existing property in this class by one-fifth per year, after which it shall be exempt from taxation. The Virginia Economic Development Partnership Authority, with other agencies, is required to prepare and execute a specific five-year plan to serve the local governments most affected by the elimination of machinery and tools tax revenue.

*Patrons:* Hanger, Wagner and Williams; Delegate: Purkey  
02/02/06 Senate: Engrossed by Senate - com. sub. w/amd SB417ES1  
02/02/06 Senate: Printed as engrossed 063965732-ES1  
02/03/06 Senate: Read third time and passed Senate (39-Y 0-N)  
02/03/06 Senate: VOTE: (39-Y 0-N)  
02/03/06 Senate: Communicated to House  
**Notes:** City Position: Oppose

**SB 626 Water Quality Improvement Fund; revenues from lodging shall be deposited therefor.**

*Summary as introduced:*

**Taxes and fees for the Virginia Water Quality Improvement Fund.** Establishes a \$1 per day lodging fee on the sale of hotel, motel, and similar rooms and provides that such revenues plus \$40 million annually in recordation tax revenues shall be deposited into the Virginia Water Quality Improvement Fund for funding of water quality.

*Patrons:* Quayle, Blevins and Wampler  
01/16/06 Senate: Presented and ordered printed 069126800  
01/16/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources  
02/06/06 Senate: Fiscal impact statement from TAX (SB626)  
02/06/06 Senate: Continued to 2007 in Agriculture, Conservation and Natural Resources (14-Y 0-N)  
**Notes:** City Position: Oppose

**SB 638 Victims of domestic violence; use of alternative contact information by health care providers.**

*Summary as introduced:*

**Victims of domestic violence; use of alternative contact information by health care providers and insurers.** Requires any health plan, health care clearinghouse, or health care provider that is a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 to use alternative contact information when requested by a victim of domestic violence.

*Patrons:* Ticer, Colgan, Howell, Potts and Whipple; *Delegates:* Amundson, Brink, Bulova, Callahan, Caputo, Eisenberg, Englin, Hull, Marsden, Plum, Poisson, Sickles and Watts  
01/17/06 Senate: Presented and ordered printed 062710828

01/17/06 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**SB 648 Indoor Clean Air Act; smoking in restaurants, penalty.**

*Summary as introduced:*

**Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas, except for the regulation of restaurants, from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. The bill continues the regulation of smoking in restaurants as currently provided in Title 15.2. Exceptions to the new smoking prohibitions are provided for (i) private homes, private residences, and private automobiles, unless used as or in the operation of any establishment or facility in which smoking is prohibited; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms clearly designated as "smoking" rooms so long as such rooms do not exceed 20% of the total accommodations within the establishment that are offered for lease or rent to the public; and (iv) specialty tobacco stores. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited after having been asked to refrain from smoking will be subject to a civil penalty of not more than \$100. Civil penalties of \$250 will be levied for subsequent offenses. Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses. Any law-enforcement officer may issue a summons regarding a violation of this law. The Board of Health will enforce the smoking restrictions and must annually report on their enforcement efforts by January 31. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted has the right to prohibit smoking and that any principal or other administrator of an educational facility may adopt smoking prohibitions that are more stringent, including restrictions on smoking in areas on the facility's campus that are not enclosed; that signs will not be required on private homes or residences or private vehicles; and that the new article must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any restaurant, establishment, building, or area or by other applicable law. Local ordinances are authorized to comply with the statewide restaurant restrictions and with the new restrictions on smoking in other public places

*Patron:* Bell

02/08/06 Senate: Reconsideration of defeated action agreed to by Senate (40-Y 0-N)

02/08/06 Senate: VOTE: (40-Y 0-N)

02/08/06 Senate: Passed by for the day

02/09/06 Senate: Passed by for the day

02/09/06 Senate: Fiscal impact statement from DPB (SB648ES1)

**Notes:** City Position: Support

**SB 651 Mercury emission controls; prohibits Air Pollution Control Board from imposing.**

*Summary as passed Senate:*

**Mercury emission controls.** Establishes a phased schedule for all electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill allows regulated facilities to participate in the EPA administered cap and trade system; however, the Board can prohibit facilities in nonattainment areas from purchasing allowances in order to meet their NO<sub>x</sub> and SO<sub>2</sub> obligations. The bill also requires the Board to adopt state-specific rules in the trading of mercury allocations. Under the state specific rule smaller electric generating units would be able to participate in the trading program. The medium size systems (American Electric Power) would not be able to demonstrate compliance by purchasing credits, but would be allowed to obtain credits from facilities within the system and within 200 km. of the Virginia border. Large systems (Virginia Dominion Power) would not be able to demonstrate compliance by purchasing credits but would be able to sell excess credits. The Board is prohibited from imposing anything more stringent than the federal Maximum Achievable Control Technology rule for non-electric generating units.

*Patrons:* Puckett and McDougle

02/08/06 Senate: Engrossed by Senate - committee substitute SB651S1

02/09/06 Senate: Fiscal impact statement from DPB (SB651S1)

02/09/06 Senate: Read third time and passed Senate (39-Y 0-N)

02/09/06 Senate: VOTE: (39-Y 0-N)

02/09/06 Senate: Communicated to House

**Notes:** City Position: Oppose

**SB 653 Secondhand dealers; adds regulation thereof to current statutes regulating pawnbrokers.**

*Summary as introduced:*

**Pawnbrokers and secondhand dealers.** Adds the regulation of secondhand dealers, secondhand shops, and consignment shops to current statutes regulating pawnbrokers. In addition, the bill also authorizes localities to enact an ordinance regulating pawnbrokers or secondhand dealers and to require pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill also (i) requires pawnbrokers to obtain thumbprints of both hands of the person pawning an item and (ii) authorizes fees to be charged for additional services provided.

*Patron:* Stolle

01/18/06 Senate: Presented and ordered printed 065295820

01/18/06 Senate: Referred to Committee on General Laws and Technology

01/25/06 Senate: Continued to 2007 in General Laws and Technology (14-Y 0-N)

**Notes:** City Position: Support

**SB 667 Carbon monoxide detectors; required in certain rental dwelling units in State.**

*Summary as introduced:*

**Carbon monoxide detectors; required in certain rental dwelling units in the**

**Commonwealth.** Amends the Virginia Residential Landlord and Tenant Act and other sections on landlord and tenant law to require landlords to install and maintain carbon monoxide detectors in all rental dwelling units that contain or are serviced by a carbon-based-fueled appliance or device that produces by-products of combustion, have an attached garage or carport, or are adjacent to a parking space. The bill also imposes an obligation on the tenant to not remove or tamper with a carbon monoxide detector.

*Patron:* Ruff

01/19/06 Senate: Presented and ordered printed 060166812

01/19/06 Senate: Referred to Committee on General Laws and Technology

01/25/06 Senate: Continued to 2007 in General Laws and Technology (14-Y 0-N)

**Notes:** City Position: Support

**Attachment 2**  
**Current Status of City Package Bills**  
**February 10, 2006**

**HB 101 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Cosgrove, Byron and Lingamfelter

01/16/06 House: VOTE: Passage (76-Y 20-N)

01/16/06 House: Communicated to Senate

01/17/06 House: Fiscal impact statement from DPB (HB101H1)

01/17/06 Senate: Constitutional reading dispensed

01/17/06 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**HB 262 Higher educational institutions; prohibiting admission of illegal aliens.**

*Summary as passed House:*

**Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for enrollment in any public institution of higher education in the Commonwealth. This bill incorporates H.B. 892.

*Patrons:* Hargrove, Albo, Athey, Byron, Carrico, Cosgrove, Crockett-Stark, Fralin, Frederick, Gear, Gilbert, Hugo, Hurt, Jones, S.C., Kilgore, Landes, Lohr, O'Bannon, Peace, Ware, R.L., Welch and Wright

02/02/06 House: Read third time and passed House (67-Y 33-N)

02/02/06 House: VOTE: PASSAGE (67-Y 33-N)

02/02/06 House: Communicated to Senate

02/03/06 Senate: Constitutional reading dispensed

02/03/06 Senate: Referred to Committee on Education and Health

**Notes:** City Position: Oppose

**HB 374 Constitutional amendment (voter referendum); marriage.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the

November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Marshall, R.G., Cosgrove and Byron

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 063185396

01/06/06 House: Referred to Committee on Privileges and Elections

01/11/06 House: Incorporated by Privileges and Elections (HB101-Cosgrove)

**Notes:** City Position: Oppose

**HB 389 Affirmation of Marriage Act; abolished.**

*Summary as introduced:*

**Domestic relations; Affirmation of Marriage Act.** Repeals the Affirmation of Marriage Act.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064256299

01/06/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Civil Law

**Notes:** City Position: Support

**HB 393 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; rights of certain elderly or disabled persons.** Gives a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064250299

01/06/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

01/18/06 House: Fiscal impact statement from DPB (HB393)

02/09/06 House: Continued to 2007 in General Laws

**Notes:** City Position: Support

**HB 394 Income tax, state; credit for low-income taxpayers.**

*Summary as introduced:*

**Income tax; tax credit for low-income renters.** Provides an income tax credit for taxable years

beginning on or after January 1, 2007, for certain low-income individuals and persons filing joint returns in an amount equal to 25% of their annual housing rental expenses up to an amount equal to 6% of the federal poverty guidelines.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064251299

01/06/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

01/26/06 House: Fiscal impact statement from TAX (HB394)

**Notes:** City Position: Support

### **HB 539 Minimum wage; increase per hour.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Callahan, Eisenberg, Brink, Ebbin, Englin, Hull, McClellan, Miller, Parrish, Plum, Scott, J.M., Sickles, Tata, Toscano, Tyler, Ward and Watts; Senators: Colgan, Howell, Puller, Ticer and Whipple

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063407260

01/09/06 House: Referred to Committee on Commerce and Labor

01/18/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment (Byron)

01/24/06 House: Fiscal impact statement from DPB (HB539)

**Notes:** City Position: Support

### **HB 818 Public Procurement Act; design-build projects by local public bodies, methods of procurement.**

*Summary as introduced:*

**Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies.** Provides that design-build or construction management projects undertaken by any local governing body with a population in excess of 80,000 or by two or more local governing bodies having a combined population in excess of 80,000 through cooperative procurement shall be exempt from approval of the Design-Build Review Board. As a result such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

*Patrons:* May, Athey, Bell, Callahan, Dudley, Gear, Hugo, Kilgore, Landes, Marshall, D.W., McQuigg, Rust, Tata, Wittman and Wright

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063644400

01/10/06 House: Referred to Committee on General Laws

01/17/06 House: Fiscal impact statement from DPB (HB818)

01/23/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

02/09/06 House: Tabled in General Laws

**Notes:** City Position: Support

**HB 892 Higher education institutions; prohibiting admission of illegal aliens.**

*Summary as introduced:*

**Prohibiting admission of illegal aliens to public institutions of higher education.** Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia. This bill has been incorporated into H.B. 262.

*Patrons:* Gear, Abbitt, Albo, Athey, Cosgrove, Crockett-Stark, Fralin, Gilbert, Hugo, Kilgore, Landes, O'Bannon, Welch and Wright

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062310304

01/10/06 House: Referred to Committee on Education

01/30/06 House: Incorporated by Education (HB262-Hargrove)

01/30/06 House: Fiscal impact statement from DPB (HB892)

**Notes:** City Position: Oppose

**HB 1003 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron:* Ebbin

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066681300

01/11/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

02/04/06 House: Fiscal impact statement from TAX (HB1003)

**Notes:** City Position: Support

**HB 1050 Tuition, in-state; alien students eligibility.**

*Summary as passed House:*

**In-state tuition for aliens.** Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope without regard to whether such citizens or nationals are Virginia residents. This bill incorporates H.B. 1135.

*Patrons:* Reid, Albo, Athey, Byron, Carrico, Cosgrove, Dudley, Fralin, Frederick, Gear, Gilbert, Hargrove, Hugo, Jones, S.C., Kilgore, Landes, Rapp, Sherwood and Wright

02/02/06 House: Read third time and passed House (76-Y 23-N)

02/02/06 House: VOTE: PASSAGE (76-Y 23-N)  
02/02/06 House: Communicated to Senate  
02/03/06 Senate: Constitutional reading dispensed  
02/03/06 Senate: Referred to Committee on Education and Health  
**Notes:** City Position: Oppose

**HB 1051 Employment service centers; prohibits public funding, exception.**

*Summary as introduced:*

**Employment service centers; penalty.** Prohibits public funding of employment services unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States. The service providers are required to maintain a database that identifies each applicant for employment services and contains confirmation of the applicant's legal eligibility for employment in the United States. The measure is subject to enforcement by the Commissioner of Labor and Industry.

*Patrons:* Reid, Albo, Athey, Cosgrove, Frederick, Gear, Gilbert, Hargrove, Kilgore and Landes

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060971488

01/11/06 House: Referred to Committee on Commerce and Labor

01/23/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment (Byron)

01/24/06 House: Continued to 2007 in Commerce and Labor

01/26/06 House: Fiscal impact statement from DPB (HB1051)

**Notes:** City Position: Oppose

**HB 1082 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patrons:* Scott, J.M., Amundson, Plum and Watts

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 065153500

01/11/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

02/04/06 House: Fiscal impact statement from TAX (HB1082)

**Notes:** City Position: Support

**HB 1135 Tuition, in-state; educational benefits for illegal aliens military personnel and their dependants.**

*Summary as introduced:*

**In-state tuition and educational benefits for illegal aliens and certain military personnel**

**and dependents.** Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents. The measure further provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled. This bill has been incorporated into H.B. 695 and H.B. 1050.

*Patrons:* Cline, Athey, Byron, Cosgrove, Crockett-Stark, Dudley, Gear, Gilbert, Kilgore, Landes, Lohr, Rapp, Sherwood and Wright

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 069323268

01/11/06 House: Referred to Committee on Education

01/30/06 House: Incorporated by Education (HB695-Suit)

**Notes:** City Position: Oppose

**HB 1211 Pedestrians; motorists to stop for those at crosswalks.**

*Summary as introduced:*

**Stopping for pedestrians.** Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

*Patrons:* Moran and Sickles

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 064194424

01/11/06 House: Referred to Committee on Transportation

01/23/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

02/09/06 House: Reported from Transportation (15-Y 7-N)

**Notes:** City Position: Support

**HB 1363 Minimum wage; increase per hour.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective January 1, 2007, to \$7.15 per hour effective January 1, 2008, and to \$8.15 per hour effective January 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron:* Toscano

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 062699525

01/11/06 House: Referred to Committee on Commerce and Labor

01/19/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment

**Notes:** City Position: Support

**SB 64 Retail Sales and Use Tax; sales tax increase on motor fuels in NOVA Transportation District.**

*Summary as introduced:*

**Sales tax on motor fuels.** Increases from 2% to 4% the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District. In the first full fiscal year of the tax increase such counties and cities would be required to reduce their real estate tax rates in order to reduce real estate tax revenues in the following fiscal year by the amount of incremental revenues generated by the sales tax increase. The reduction in real estate tax rates would be required only in the first fiscal year of the sales tax increase.

*Patron:* Whipple

01/05/06 Senate: Prefiled and ordered printed; offered 01/11/06 060839844

01/05/06 Senate: Referred to Committee on Finance

01/29/06 Senate: Fiscal impact statement from TAX (SB64)

**Notes:** City Position: Support

**SB 233 Pedestrians; motorists to stop for those at crosswalks.**

*Summary as introduced:*

**Stopping for pedestrians; penalty.** Requires the driver of any vehicle traveling at a maximum speed of 35 mph to stop for pedestrians crossing the highway or street at any clearly marked crosswalk.

*Patrons:* Ticer and Cuccinelli; Delegates: Moran, Scott, J.M. and Sickles

02/07/06 Senate: Committee substitute agreed to 068925828-S1

02/07/06 Senate: Engrossed by Senate - committee substitute SB233S1

02/08/06 Senate: Read third time and passed Senate (38-Y 1-N)

02/08/06 Senate: VOTE: (38-Y 1-N)

02/08/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 267 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 065669844

01/10/06 Senate: Referred to Committee on Finance

02/04/06 Senate: Fiscal impact statement from TAX (SB267)

**Notes:** City Position: Support

**SB 269 Condominium Act; conversion condominiums and notice to locality.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; notice to locality.** In the case of receipt of an

application for a condominium that is a conversion condominium, the agency shall, within five business days, also issue a notice of filing to the chief administrative officer of the county or city in which the proposed condominium is located, which notice shall include the name and address of the applicant and the name and address or location of the proposed condominium.

*Patrons:* Whipple, Howell and Ticer; *Delegates:* Amundson, Callahan, Moran, Plum, Rust, Scott, J.M. and Watts

01/24/06 Senate: VOTE: (39-Y 0-N)

01/24/06 Senate: Communicated to House

01/26/06 House: Placed on Calendar

01/26/06 House: Read first time

01/26/06 House: Referred to Committee on General Laws

**Notes:** City Position: Support

**SB 480 Minimum wage; increase per hour.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Colgan, Howell, Ticer and Whipple; *Delegates:* Brink, Ebbin, Englin, Hull, Plum, Scott, J.M. and Sickles

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 067011716

01/11/06 Senate: Referred to Committee on Commerce and Labor

01/30/06 Senate: Failed to report (defeated) in Commerce and Labor (5-Y 10-N)

**Notes:** City Position: Support

**SB 526 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Newman; *Delegate:* Byron

01/25/06 Senate: Read third time and passed Senate (28-Y 11-N)

01/25/06 Senate: VOTE: (28-Y 11-N)

01/25/06 Senate: Communicated to House

01/27/06 Senate: Fiscal impact statement from DPB (SB526)  
02/07/06 Senate: Fiscal impact statement from DPB (SB526E)  
**Notes:** City Position: Oppose

**SJ 15 Constitutional amendment; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. 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.

*Patron:* Miller

12/20/05 Senate: Prefiled and ordered printed; offered 01/11/06 063620768  
12/20/05 Senate: Referred to Committee on Privileges and Elections  
01/17/06 Senate: Continued to 2007 in Privileges and Elections (14-Y 0-N)

**Notes:** City Position: Support

**SJ 92 Constitutional amendment (second resolution); marriage.**

*Summary as introduced:*

**Constitutional amendment (second resolution); marriage.** Provides that "only a union between one man and one woman may be a marriage valid in or recognized by the Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Newman and Bell; Delegate: Byron

01/25/06 Senate: VOTE: (28-Y 11-N)  
01/25/06 Senate: Communicated to House  
01/30/06 House: Placed on Calendar  
01/30/06 House: Read first time  
01/30/06 House: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**Attachment 3**  
**Current Status of Bills on Which The City Has Taken a Position**  
**February 10, 2006**

**HB 11 Absentee voting and ballot applications; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patrons:* Parrish and Ebbin

11/29/05 House: Prefiled and ordered printed; offered 01/11/06 060394452

11/29/05 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

01/27/06 House: Tabled in Privileges and Elections

**Notes:** City Position: Support

**HB 25 Law-enforcement officer; may detain person for suspicious behavior.**

*Summary as passed House:*

**Temporary custodial detention of a person; penalty.** Provides that when a law-enforcement officer temporarily and lawfully detains a person, if the person gives a false name, he is guilty of a Class 1 misdemeanor.

*Patron:* Wright

01/27/06 House: Read third time and passed House (94-Y 2-N)

01/27/06 House: VOTE: PASSAGE (94-Y 2-N)

01/27/06 House: Communicated to Senate

01/30/06 Senate: Constitutional reading dispensed

01/30/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HB 37 Retirement System; benefits for emergency medical technicians.**

*Summary as introduced:*

**Retirement benefits; local emergency medical technicians.** Adds local emergency medical technicians to the list of local employees for whom localities may provide retirement benefits equivalent to those provided to State Police officers.

*Patrons:* Tata, Englin and Moran

12/08/05 House: Prefiled and ordered printed; offered 01/11/06 063375524

12/08/05 House: Referred to Committee on Appropriations

01/18/06 House: Fiscal impact statement from VRS (HB37)

01/27/06 House: Assigned App. sub: Compensation and Retirement (Putney)

**Notes:** City Position: Support

**HB 60 Law Officers' Retirement System; includes emergency medical technicians.**

*Summary as introduced:*

**Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patrons:* Albo and Moran

12/14/05 House: Prefiled and ordered printed; offered 01/11/06 063694204

12/14/05 House: Referred to Committee on Appropriations

01/18/06 House: Fiscal impact statement from VRS (HB60)

01/27/06 House: Assigned App. sub: Compensation and Retirement (Putney)

**Notes:** City Position: Support

**HB 78 Zoning ordinance; reconstruction/restoration of involuntarily damaged or destroyed nonconformities.**

*Summary as introduced:*

**Reconstruction and restoration of involuntarily damaged or destroyed nonconformities.**

Permits property owners to reconstruct or restore involuntarily damaged or destroyed nonconforming real property to its original, nonconforming condition.

*Patrons:* Suit, Dudley, Frederick and Morgan

02/08/06 House: Read third time and passed House (97-Y 0-N)

02/08/06 House: VOTE: PASSAGE (97-Y 0-N)

02/08/06 House: Communicated to Senate

02/09/06 Senate: Constitutional reading dispensed

02/09/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

**HB 92 Housing Partnership Trust Fund; name change, deposit of recordation tax revenues into Fund.**

*Summary as introduced:*

**Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patrons:* Suit, Johnson and Toscano

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

01/19/06 House: Referred from General Laws

01/19/06 House: Referred to Committee on Appropriations

01/26/06 House: Fiscal impact statement from TAX (HB92)

01/27/06 House: Assigned App. sub: Commerce, Agriculture, and Natural Resources

**Notes:** City Position: Support

**HB 98 Motor vehicle accident; law-enforcement officer allowed to investigate on private property.**

*Summary as introduced:*

**Motor vehicle accident investigations.** Provides that a law-enforcement officer who, in the course of duty, investigates a motor vehicle accident shall have the authority to go upon and remain upon private property without permission of the property owner for as long as is reasonably necessary to conduct the accident investigation and, if removal of a vehicle is requested by the driver of the vehicle or the owner of the property, to provide for removal of any vehicles involved in the accident.

*Patron:* Cosgrove

12/21/05 House: Prefiled and ordered printed; offered 01/11/06 064158276

12/21/05 House: Referred to Committee on Transportation

01/17/06 House: Referred from Transportation

01/17/06 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 101 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Cosgrove, Byron and Lingamfelter

01/16/06 House: VOTE: Passage (76-Y 20-N)

01/16/06 House: Communicated to Senate

01/17/06 House: Fiscal impact statement from DPB (HB101H1)

01/17/06 Senate: Constitutional reading dispensed

01/17/06 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**HB 109 Photo-monitoring; allows certain counties and cities to establish systems.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington

and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patrons:* Purkey and Eisenberg

12/22/05 House: Prefiled and ordered printed; offered 01/11/06 064330472

12/22/05 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 142 Zoning ordinances; certain residential facilities w/incapacitated persons single family dwellings.**

*Summary as introduced:*

**Zoning ordinances; group homes of six or fewer.** Authorizes local governments to adopt zoning ordinances considering a residential facility in which no more than six mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. Any group home licensed prior to July 1, 2006, for occupancies of greater than six will be authorized to continue to operate pursuant to the zoning ordinance in effect at the time of its establishment.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 064122272

12/28/05 House: Referred to Committee on Counties, Cities and Towns

01/27/06 House: Passed by indefinitely in Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 145 Motor vehicle fuels tax; imposition optional for localities in certain transportation districts.**

*Summary as introduced:*

**Motor vehicle fuels sales tax.** Makes the imposition of the 2% motor vehicle fuels sales tax optional for the localities in certain transportation districts. Under current law, the tax is imposed automatically in those districts.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 060791272

12/28/05 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB145)

01/18/06 House: Assigned to Finance sub-committee: #2 (Purkey)

**Notes:** City Position: Oppose

**HB 146 Concealed handguns; prohibits person who carries into restaurants from consuming alcoholic beverage.**

*Summary as introduced:*

**Concealed handguns; restaurants.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 063453272  
12/28/05 House: Referred to Committee on Militia, Police and Public Safety  
**Notes:** City Position: Oppose

**HB 155 Residential property; permits localities to tax at a lower rate.**

*Summary as introduced:*

**Classification of taxable real property.** Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes.

*Patrons:* Alexander and Lewis

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 067503208

12/28/05 House: Referred to Committee on Finance

01/14/06 House: Fiscal impact statement from TAX (HB155)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Continued to 2007 in Finance

**Notes:** City Position: Support

**HB 169 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3% over the previous year's total real property tax levies with one 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, but in no event shall the rate be set at any amount that would produce more than 6% growth.

*Patrons:* Lingamfelter and Frederick

12/29/05 House: Prefiled and ordered printed; offered 01/11/06 065110380

12/29/05 House: Referred to Committee on Finance

01/12/06 House: Fiscal impact statement from TAX (HB169)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/26/06 House: Fiscal impact statement from DHCD (HB169)

**Notes:** City Position: Oppose

**HB 185 Public Procurement Act; prohibited contract, required contract provisions.**

*Summary as introduced:*

**Public Procurement Act; prohibited contracts; required contract provisions.** Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired

to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

*Patron:* Marshall, R.G.

01/02/06 House: Prefiled and ordered printed; offered 01/11/06 064860396

01/02/06 House: Referred to Committee on General Laws

01/12/06 House: Fiscal impact statement from DPB (HB185)

01/18/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

**Notes:** City Position: Oppose

**HB 224 Courthouse security; increase in assessments.**

*Summary as introduced:*

**Courthouse security; assessment.** Increases from \$5 to \$20 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 060947364

01/03/06 House: Referred to Committee for Courts of Justice

01/12/06 House: Assigned to Courts of Justice sub-committee: Civil Law

02/02/06 House: Fiscal impact statement from DPB (HB224)

**Notes:** City Position: Support

**HB 225 Payday loans; use of Internet database for borrowers, rollovers prohibited by lenders.**

*Summary as introduced:*

**Payday lending; rollovers; database.** Requires the State Corporation Commission on or before July 1, 2007, to contract with a third party to establish and administer a database with real-time access through an Internet connection to ensure compliance with the Payday Loan Act. The measure also prohibits payday lenders from entering into a payday loan with a person who has an outstanding payday loan with that licensee or affiliate or with any other payday lender, or with a person whose previous payday loan has been terminated for less than 30 days, and from extending or continuing a payday loan where the lender continues to hold the borrower's check or substitutes a new check.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 060956364

01/03/06 House: Referred to Committee on Commerce and Labor

01/10/06 House: Fiscal impact statement from SCC (HB225)

01/18/06 House: Assigned to Commerce and Labor sub-committee: Financial Institutions (Dudley)

02/09/06 House: Incorporated by Commerce and Labor (HB912-Oder)

**Notes:** City Position: Oppose

**HB 227 Domestic violence; confidentiality of records.**

*Summary as introduced:*

**Domestic violence; confidentiality of records.** Requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to assure the confidentiality of records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 065614364

01/03/06 House: Referred to Committee on Health, Welfare and Institutions

01/17/06 House: Fiscal impact statement from DPB (HB227)

01/19/06 House: Incorporated by Health, Welfare and Institutions (HB1156-Janis)

**Notes:** City Position: Support

**HB 248 Retail Sales and Use Tax; exemptions include certain contractors.**

*Summary as introduced:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron:* Shannon

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 067873502

01/04/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Tabled in Finance

**Notes:** City Position: Oppose

**HB 255 Line of Duty Act; mandatory training required for employees covered thereby.**

*Summary as introduced:*

**Line of Duty Act; mandatory training.** Requires the Secretary of Public Safety to develop training guidelines to be distributed to agencies and localities with employees covered by the Line of Duty Act. Each agency or locality shall be required to provide a minimum of one hour of training concerning the Act to its eligible employees. The training will count towards in-service credit requirements for law-enforcement officers.

*Patron:* Cosgrove

02/01/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/01/06 House: Communicated to Senate

02/02/06 Senate: Constitutional reading dispensed

02/02/06 Senate: Referred to Committee for Courts of Justice

02/09/06 House: Fiscal impact statement from DPB (HB255E)

**Notes:** City Position: Support

**HB 262 Higher educational institutions; prohibiting admission of illegal aliens.**

*Summary as passed House:*

**Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for enrollment in any public institution of higher education in the Commonwealth. This bill incorporates H.B. 892.

*Patrons:* Hargrove, Albo, Athey, Byron, Carrico, Cosgrove, Crockett-Stark, Fralin, Frederick, Gear, Gilbert, Hugo, Hurt, Jones, S.C., Kilgore, Landes, Lohr, O'Bannon, Peace, Ware, R.L., Welch and Wright

02/02/06 House: Read third time and passed House (67-Y 33-N)

02/02/06 House: VOTE: PASSAGE (67-Y 33-N)

02/02/06 House: Communicated to Senate

02/03/06 Senate: Constitutional reading dispensed

02/03/06 Senate: Referred to Committee on Education and Health

**Notes:** City Position: Oppose

**HB 307 Zoning ordinance; raises maximum misdemeanor penalty for violation thereof.**

*Summary as introduced:*

**Zoning violations; penalties.** Raises the maximum misdemeanor penalty for a zoning violation from \$1,000 to \$2,000. The misdemeanor maximum penalty for failure to remove or abate a zoning violation within the time period established by the court also increases from \$1,000 to \$2,000. Each 10-day period during which a zoning violation continues after the conviction or court-ordered abatement period has ended shall constitute a separate offense punishable by a fine of not less than \$100 nor more than \$2,500.

*Patrons:* Rust and Sickles

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063534492

01/04/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**HB 314 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, minus the cost of collection, the funds shall be deposited into the state treasury and credited to the county, city, or town where the assessed person resides according to his address on record with the Department and, in consultation with the Commonwealth Transportation Board and the General Assembly, shall be used to pay for residential and secondary road improvements.

*Patrons:* Albo, Rust, Bell, Callahan, Carrico, Cosgrove, Frederick, Gear, Kilgore, Landes,

Lingamfelter, Marshall, D.W., McQuigg, O'Bannon, Suit and Tata; Senator: O'Brien  
01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063531204  
01/04/06 House: Referred to Committee on Transportation  
01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)  
01/30/06 House: Fiscal impact statement from DPB (HB314)  
02/02/06 House: Incorporated by Transportation (HB527-Rust)  
**Notes:** City Position: Oppose

**HB 315 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

*Patron:* Albo

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063532204  
01/04/06 House: Referred to Committee on Finance  
01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)  
01/31/06 House: Fiscal impact statement from TAX (HB315)

**Notes:** City Position: Oppose

**HB 319 Personal property tax; valuation of automobiles.**

*Summary as introduced:*

**Personal property tax; valuation of automobiles.** Requires that automobiles be valued for personal property tax purposes according to the National Automobile Dealers Association Used Car Pricing Guide or the Kelley Blue Book, whichever reports a lower value.

*Patron:* Albo

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063696204  
01/04/06 House: Referred to Committee on Finance  
01/12/06 House: Fiscal impact statement from TAX (HB319)  
01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

**HB 320 Residential Landlord and Tenant Act; noncompliance of rental agreement, landlord to recover damages.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; recovery of treble damages by landlord.** Provides that if the landlord proves by a preponderance of the evidence that the tenant has a recurrence of noncompliance with the rental agreement, the landlord shall be entitled to recover treble damages.

*Patron:* Albo

02/08/06 House: Read third time and passed House (89-Y 7-N 1-A)  
02/08/06 House: VOTE: PASSAGE (89-Y 7-N 1-A)  
02/08/06 House: Communicated to Senate

02/09/06 Senate: Constitutional reading dispensed

02/09/06 Senate: Referred to Committee on General Laws and Technology

**Notes:** City Position: Oppose

**HB 333 Retirement System; employer contribution rates.**

*Summary as introduced:*

**Virginia Retirement System; employer contribution rates.** Requires the Virginia Retirement System to perform long-term planning strategies to avoid sudden, significant increases in employer contribution rates.

*Patron:* Toscano

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 066535525

01/05/06 House: Referred to Committee on Appropriations

01/25/06 House: Fiscal impact statement from VRS (HB333)

01/27/06 House: Assigned App. sub: Compensation and Retirement (Putney)

**Notes:** City Position: Support

**HB 334 Absentee voting and ballot applications; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patron:* Toscano

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 065613525

01/05/06 House: Referred to Committee on Privileges and Elections

01/13/06 House: Incorporated by Privileges and Elections (HB11-Parrish)

01/17/06 House: Fiscal impact statement from DPB (HB334)

**Notes:** City Position: Support

**HB 336 Special use permits; none required if erecting tent intended for temporary structure.**

*Summary as introduced:*

**Uniform Statewide Building Code; certain temporary structures.** Authorizes the erection of certain tents intended to serve as temporary structures for a period of three days or less without a building permit.

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

02/08/06 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)

02/08/06 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

02/08/06 House: Communicated to Senate

02/09/06 Senate: Constitutional reading dispensed

02/09/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

**HB 342 Law-enforcement officer; circumstances under which may detain person suspected of criminal activity.**

*Summary as introduced:*

**Temporary custodial detention of a person; penalty.** Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity past, present, or future and require him to identify himself. Failure to identify oneself is a Class 1 misdemeanor.

*Patron:* Sherwood

01/06/06 House: Referred to Committee on Militia, Police and Public Safety

01/20/06 House: Referred from Militia, Police and Public Safety

01/20/06 House: Referred to Committee for Courts of Justice

01/23/06 House: Incorporated by Courts of Justice (HB25-Wright)

01/24/06 House: Fiscal impact statement from DPB (HB342)

**Notes:** City Position: Oppose

**HB 366 Mopeds, motorcycles, etc.; localities to adopt ordinances regulating noise therefrom.**

*Summary as introduced:*

**Mopeds, motorized scooters and skateboards.** Allows localities to adopt ordinances regulating noise from mopeds and motorized scooters and skateboards. The bill also revises the definitions of "electric power-assisted bicycle," "moped," and "motorcycle," and defines "motorized skateboard or scooter" and "motor-driven cycle" and limits where motorized skateboards and scooters and motor-driven cycles may lawfully be operated.

*Patron:* Carrico

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 068724264

01/06/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

02/09/06 House: Reported from Transportation with substitute (21-Y 1-N)

02/09/06 House: Committee substitute printed 068909264-H1

**Notes:** City Position: Support

**HB 368 Juveniles; mental health facility recommendations are admissible during commitment hearing.**

*Summary as introduced:*

**Hearing for involuntary commitment of a minor; admissibility of state recommendations.** States that state mental health facility recommendations are admissible during an involuntary commitment hearing of a minor. Also strikes language "or resides" throughout the statutes.

*Patron:* Carrico

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 067849264

01/06/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Civil Law

**Notes:** City Position: Support

**HB 393 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; rights of certain elderly or disabled persons.** Gives a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064250299

01/06/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

01/18/06 House: Fiscal impact statement from DPB (HB393)

02/09/06 House: Continued to 2007 in General Laws

**Notes:** City Position: Support

**HB 394 Income tax, state; credit for low-income taxpayers.**

*Summary as introduced:*

**Income tax; tax credit for low-income renters.** Provides an income tax credit for taxable years beginning on or after January 1, 2007, for certain low-income individuals and persons filing joint returns in an amount equal to 25% of their annual housing rental expenses up to an amount equal to 6% of the federal poverty guidelines.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064251299

01/06/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

01/26/06 House: Fiscal impact statement from TAX (HB394)

**Notes:** City Position: Support

**HB 398 Stalking; penalty for second conviction.**

*Summary as introduced:*

**Subsequent offenses of stalking; penalty.** Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently, there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

*Patron:* Wittman

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 066034554

01/06/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB398)

01/12/06 House: Assigned to Courts of Justice sub-committee: Criminal L.aw

**Notes:** City Position: Support

**HB 418 Human Anti-Trafficking Act; created.**

*Summary as introduced:*

**Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

*Patron:* Bulova

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 060944254

01/06/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB418)

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal Law

**Notes:** City Position: Support

**HB 450 Income tax, state; land preservation tax credit.**

*Summary as introduced:*

**Income tax; land preservation tax credits.** Removes the \$100,000 annual credit limit that a taxpayer may take for qualified donations of conservation easements and requires the filing of a statement for less-than-fee interest donations that describes how such interest meets the requirements of IRC § 170(h). It also adds as qualified donations easements on historic buildings or a complex of historic buildings or a portion of such buildings if the building is listed on the Virginia Landmarks Register, provided there are restrictions on the exterior surfaces of the building or complex of buildings. A fee of 1% of the value of the donated interest, or \$5,000, whichever is less, is imposed on any taxpayer who transfers unused tax credits.

*Patron:* Ware, R.L.

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 067346540

01/09/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

01/30/06 House: Fiscal impact statement from TAX (HB450)

**Notes:** City Position: Support

**HB 456 Private waste companies; requirements thereof.**

*Summary as introduced:*

**Displacement of private waste companies.** Adds requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; or (iv) displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

*Patron:* Rust

02/01/06 House: Read third time and passed House (93-Y 6-N)

02/01/06 House: VOTE: PASSAGE (93-Y 6-N)

02/01/06 House: Communicated to Senate  
02/02/06 Senate: Constitutional reading dispensed  
02/02/06 Senate: Referred to Committee on Local Government  
**Notes:** City Position: Oppose

**HB 458 Public Procurement Act; public body to enter into cooperative procurement for professional services.**

*Summary as introduced:*

**Virginia Public Procurement Act; cooperative procurement; professional services.** Allows a public body to enter into cooperative procurements for professional services, even though the public body did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

*Patron:* Rust

01/27/06 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)  
01/27/06 House: Communicated to Senate  
01/30/06 Senate: Constitutional reading dispensed  
01/30/06 Senate: Referred to Committee on General Laws and Technology  
01/31/06 House: Fiscal impact statement from DPB (HB458E)  
**Notes:** City Position: Support

**HB 463 Passenger cars; those owned by local governments.**

*Summary as introduced:*

**Passenger cars owned by local governments.** Requires that passenger cars that are owned by local governments and registered under subsection A of § 46.2-750 ("local government use" license plates) be conspicuously marked with the seal, symbol, emblem, or logotype of the county, city or town. Operation of a vehicle required to be marked with a local government seal, symbol, emblem, or logotype without such marking constitutes a traffic infraction.

*Patron:* Ingram

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061142344  
01/09/06 House: Referred to Committee on Transportation  
01/18/06 House: Assigned to Transportation sub-committee: #2 (Saxman)  
01/24/06 House: Tabled in Transportation  
01/25/06 House: Fiscal impact statement from DHCD (HB463)  
**Notes:** City Position: Oppose

**HB 469 Moped; clarification of definition.**

*Summary as introduced:*

**Definition of "moped" in Title 46.2.** Provides that, for the purposes of Title 46.2 ( Motor Vehicles) of the Code, "moped" will mean a federal Department of Transportation approved motorized conveyance that has a seat height not less than 21 inches from the ground, on which the operator must be seated during operation; has an engine displacement of 50 cubic centimeters or less; produces a maximum of two braking horsepower or less; is capable of a maximum speed

of 30 miles per hour or less; and has a valid Virginia state inspection pursuant to § 46.2-1157.

*Patron:* Ingram

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 068780344

01/09/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

02/09/06 House: Incorporated by Transportation (HB366-Carrico)

**Notes:** City Position: Support

**HB 484 Retail Sales and Use Tax; exemptions include school-related items, computers, etc.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a seven-day period each year beginning on the Tuesday prior to the first Monday in September, beginning in 2006. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063563303

01/09/06 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB484)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Incorporated by Finance (HB532-Parrish)

**Notes:** City Position: Support

**HB 485 Recordation tax; reduces rates to levels prior to increase imposed.**

*Summary as introduced:*

**Recordation tax.** Reduces the recordation tax rates to the levels prior to the increase imposed by Chapter 3 of the Acts of Assembly of 2004, Special Session I.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063556303

01/09/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/23/06 House: Fiscal impact statement from TAX (HB485)

02/06/06 House: Continued to 2007 in Finance

**Notes:** City Position: Oppose

**HB 509 Retail sales and use tax; exemption on clothing, school supplies, computers and sports equipment.**

*Summary as introduced:*

**Sales and use tax exemption; clothing, school supplies, computers, and sport or recreational equipment.** Provides a sales and use tax exemption for purchases made during a three-day period each year beginning the first Friday in August of the following items: (i) clothing with a sales price of \$100 or less per item; (ii) school supplies with a sales price of \$100 or less per item; (iii) computers with a sales price of \$3,500 or less per item; and (iv) sport or recreational equipment with a sales price of \$50 or less per item. The exemption does not apply to sales of items for use in a trade or business. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron:* Armstrong

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 069505216

01/09/06 House: Referred to Committee on Finance

01/17/06 House: Fiscal impact statement from TAX (HB509)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Incorporated by Finance (HB532-Parrish)

**Notes:** City Position: Support

**HB 527 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patrons:* Rust, Albo, Athey, Bell, Callahan, Gear, Kilgore, Landes, Marshall, D.W., McQuigg, Nixon, Suit and Tata

01/30/06 House: Fiscal impact statement from DPB (HB527)

02/02/06 House: Committee substitute printed 068923492-H1

02/02/06 House: Reported from Transportation with substitute (15-Y 6-N)

02/02/06 House: Referred to Committee on Appropriations

02/03/06 House: Assigned App. sub: Transportation (May)

**Notes:** City Position: Oppose

**HB 528 Retail Sales & Use Tax; exemption for clothing and computers.**

*Summary as introduced:*

**Sales and use tax holiday for clothing and computers.** Establishes a sales and use tax exemption during the period from August 23 through August 27, 2006, and each such time period 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, 2006.

*Patrons:* Rust, Cosgrove, Reid and Welch

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 064235492

01/09/06 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB528)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Incorporated by Finance (HB532-Parrish)

**Notes:** City Position: Support

**HB 532 Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

Provides a sales and use tax exemption, beginning in 2006, for certain school supplies, clothing and footwear, and computers purchased during a three-day period each year beginning on the first Friday in August. The exempt items are: each school supply item with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each computer or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* Parrish, Albo, Athey, Bell, Byron, Callahan, Caputo, Carrico, Cline, Cole, Cosgrove, Cox, Crockett-Stark, Dudley, Fralin, Frederick, Gear, Gilbert, Griffith, Hamilton, Hargrove, Hogan, Howell, W.J., Hugo, Hull, Hurt, Iaquinto, Ingram, Janis, Jones, S.C., Kilgore, Landes, Lingamfelter, Lohr, Marshall, D.W., Marshall, R.G., May, McClellan, McQuigg, Moran, Morgan, Nixon, Nutter, O'Bannon, Oder, Orrock, Peace, Purkey, Putney, Rapp, Reid, Rust, Saxman, Scott, E.T., Sherwood, Suit, Tata, Wardrup, Ware, O., Ware, R.L., Welch, Wittman and Wright

02/06/06 House: Passed House BLOCK VOTE (100-Y 0-N)

02/06/06 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/06/06 House: Communicated to Senate

02/07/06 Senate: Constitutional reading dispensed

02/07/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**HB 536 Sales and use tax; exemption for certain contractors.**

*Summary as introduced:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patrons:* Parrish; Senator: Colgan  
01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061653452  
01/09/06 House: Referred to Committee on Finance  
01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)  
01/30/06 House: Tabled in Finance  
**Notes:** City Position: Oppose

**HB 539 Minimum wage; increase per hour.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Callahan, Eisenberg, Brink, Ebbin, Englin, Hull, McClellan, Miller, Parrish, Plum, Scott, J.M., Sickles, Tata, Toscano, Tyler, Ward and Watts; Senators: Colgan, Howell, Puller, Ticer and Whipple

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063407260  
01/09/06 House: Referred to Committee on Commerce and Labor  
01/18/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment (Byron)  
01/24/06 House: Fiscal impact statement from DPB (HB539)  
**Notes:** City Position: Support

**HB 546 Concealed handgun permits; retired law-enforcement officers denied written proof of consultation.**

*Summary as introduced:*

**Concealed handgun permits; retired law-enforcement officers.** Provides an appeal process for retired local law-enforcement officials denied written proof of consultation to carry a concealed handgun. If the chief law-enforcement officer denies the proof to the retired officer, the retired officer may appeal to the attorney for the Commonwealth.

*Patron:* Griffith

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063916308  
01/09/06 House: Referred to Committee on Militia, Police and Public Safety  
**Notes:** City Position: Support

**HB 562 Absentee voting; eliminates present list of reasons entitling voter to cast absentee ballot.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patrons:* Amundson, Moran, Plum, Rust and Watts; Senators: Howell, Ticer and Whipple  
01/09/06 House: Prefiled and ordered printed; offered 01/11/06 064264212  
01/09/06 House: Referred to Committee on Privileges and Elections  
01/17/06 House: Fiscal impact statement from DPB (HB562)  
01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)  
01/27/06 House: Tabled in Privileges and Elections  
**Notes:** City Position: Support

**HB 568 Communications tax reform; revises services, report.**

*Summary as introduced:*

**Communications tax reform.** Completely revises the taxation of communications services as follows. Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5% on the following:

Local Exchange

Paging

Inter-Exchange (Both interstate and intrastate)

Cable Television

Satellite Television

Wireless

Voice over the Internet (VoIP)

A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number.

The state communications sales and use tax, and state 911 fees and taxes replace the following currently billed taxes and fees:

Local Consumer Utility Tax (LCUT)

Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5% currently billed to customers, where applicable)

Local E-911

Virginia Relay Fee

Cable Franchise Fee

A statewide rights-of-way use fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as determined annually by the Virginia Department of Transportation in accordance with § 56-468.1 of the Virginia Code.

The sales and use tax, 911 tax, and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation, which will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with subsection I of § 56-468.1. The 911 fees will be remitted directly to the Wireless 911 Board for administration.

The redistribution of taxes and fees is intended to be revenue neutral to localities and the

Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.

The provisions of the act will be effective on January 1, 2007.

*Patron:* Nixon

01/26/06 House: VOTE: PASSAGE #2 (62-Y 35-N 2-A)

01/26/06 House: Communicated to Senate

01/26/06 House: Fiscal impact review from JLARC (HB568E)

01/27/06 Senate: Constitutional reading dispensed

01/27/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**HB 578 Income tax and personal property tax; allows localities to impose.**

*Summary as introduced:*

**Local piggyback income tax and personal property tax.** Allows localities to impose a local income tax at a rate of either 0.50% or 1% upon the Virginia taxable income of individuals, trusts, estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2007.

*Patron:* Watts

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064132544

01/10/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/31/06 House: Fiscal impact statement from TAX (HB578)

**Notes:** City Position: Support

**HB 581 Motor fuel tax; rate increase.**

*Summary as introduced:*

**Motor fuel tax; rate increase.** Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.085 per gallon, increases the motor carrier road tax by an equivalent of \$0.085 per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed every two years beginning July 1, 2007, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

*Patron:* Watts

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 067881544

01/10/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #2 (Purkey)

02/02/06 House: Fiscal impact statement from DPB (HB581)

**Notes:** City Position: Support

**HB 587 Absentee voting & ballot applications; persons 65 or older & any disabled person may vote absentee.**

*Summary as introduced:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day, and any disabled person who is entitled to request assistance in voting, may vote absentee.

*Patrons:* Watts, Amundson, Callahan, Moran, Plum, Rust, Scott, J.M. and Sickles; Senators: Howell, Ticer and Whipple

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064130544

01/10/06 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

01/27/06 House: Tabled in Privileges and Elections

**Notes:** City Position: Support

**HB 598 Emergency medical services personnel; required to report child abuse or neglect.**

*Summary as introduced:*

**Emergency medical services personnel; reporting child abuse; penalty.** Adds emergency medical services personnel certified by the Board of Health to the list of those required to report suspected child abuse or neglect.

*Patrons:* Cosgrove, Athey, Callahan, Fralin, Gilbert, Landes, Lingamfelter, Marshall, D.W., O'Bannon, Suit and Welch

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062015440

01/10/06 House: Referred to Committee on Health, Welfare and Institutions

01/26/06 House: Continued to 2007 in Health, Welfare and Institutions

**Notes:** City Position: Support

**HB 610 Emergency medical services; facilitates development of quality of care initiative within system.**

*Summary as introduced:*

**Facilitating an emergency medical services quality of care initiative; civil immunity and privileged communications.** Facilitates the development of a quality of care initiative in the emergency medical services system by providing civil immunity for members of entities monitoring such care and rendering their communications privileged in the same manner as provided to other professional groups.

*Patron:* O'Bannon

01/27/06 House: Read third time and passed House (94-Y 2-N)

01/27/06 House: VOTE: PASSAGE (94-Y 2-N)

01/27/06 House: Communicated to Senate

01/30/06 Senate: Constitutional reading dispensed

01/30/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 615 Assault and battery; penalty when committed against family member.**

*Summary as introduced:*

**Domestic assault; enhanced punishment.** Clarifies that the enhanced punishment (Class 6 felony for a third conviction) provisions apply when there have been three offenses that occurred on a different date. There has been some confusion as to whether there have to be three different conviction dates or three different offense dates.

*Patrons:* O'Bannon, Athey, Cosgrove, Fralin, Gear, Jones, S.C., Landes, Morgan, Oder and Wright

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061155440

01/10/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal Law

**Notes:** City Position: Support

**HB 619 Pay day loans; repealing Act referring thereto.**

*Summary as introduced:*

**Financial Institutions; pay day lenders.** Repeals the Pay Day Loan Act.

*Patrons:* O'Bannon, Cosgrove, Ebbin, Jones, S.C. and Nutter

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062420440

01/10/06 House: Referred to Committee on Commerce and Labor

01/18/06 House: Assigned to Commerce and Labor sub-committee: Financial Institutions (Dudley)

02/09/06 House: Continued to 2007 in Commerce and Labor

**Notes:** City Position: Support

**HB 647 Solid waste management plans; units to maintain recycling and target rates.**

*Summary as passed House:*

**Solid waste management plans.** Establishes a new regimen for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25% requirement, is allowed in calculating the planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any nonmunicipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25% recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility. This bill is identical to SB 57.

*Patrons:* Scott, E.T. and Lewis

02/06/06 House: Bill text as passed House and Senate (HB647ER)

02/06/06 House: Enrolled

02/06/06 House: Signed by Speaker

02/07/06 Senate: Signed by President

02/08/06 House: Fiscal impact statement from DPB (HB647ER)

**Notes:** City Position: Oppose

**HB 683 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patron:* Rust

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 068833492

01/10/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

01/30/06 House: Fiscal impact statement from DPB (HB683)

02/02/06 House: Stricken from docket by Transportation

**Notes:** City Position: Oppose

**HB 686 Subdivision ordinances; provisions to allow locality to construct sidewalk.**

*Summary as introduced:*

**Sidewalks.** Allows localities to include in their subdivision ordinances provisions requiring the dedication for public use of a right-of-way for, and the construction of, a sidewalk on any lot that is adjacent to an existing or proposed sidewalk.

*Patron:* Brink

02/08/06 House: Read third time and passed House (93-Y 4-N)

02/08/06 House: VOTE: PASSAGE (93-Y 4-N)

02/08/06 House: Communicated to Senate

02/09/06 Senate: Constitutional reading dispensed

02/09/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

**HB 689 Farmers markets; exempt from restaurant requirements.**

*Summary as introduced:*

**Farmers markets exempt from restaurant requirements.** Exempts local retail farmers markets that have been established by any locality from the Board of Health's requirements for licensure of restaurants and other food services.

*Patrons:* Abbitt and Hogan

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062031200

01/10/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/17/06 House: Fiscal impact statement from DPB (HB689)

**Notes:** City Position: Oppose

**HB 708 Retail Sales and Use Tax; exemptions include certain school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year, beginning in 2006. The exempt items are: school supplies, footwear, and clothing when the selling price of each item is \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* Ware, O. and Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063395538

01/10/06 House: Referred to Committee on Finance

01/17/06 House: Fiscal impact statement from TAX (HB708)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Incorporated by Finance (HB532-Parrish)

**Notes:** City Position: Support

**HB 710 Abandoned buildings; localities may take action to secure those that threaten public safety.**

*Summary as introduced:*

**Buildings that significantly threaten public safety.** Provides that localities may take action to secure buildings that significantly threaten public safety within seven days of reasonable written notice.

*Patrons:* Ware, O. and Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065701538

01/10/06 House: Referred to Committee on Counties, Cities and Towns

01/27/06 House: Stricken at request of Patron in Counties, Cities and Towns

**Notes:** City Position: Support

**HB 715 Cellular telephones; prohibits use while driving.**

*Summary as introduced:*

**Use of certain wireless communication devices by operators of motor vehicles; fine.**

Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device unless the device is equipped for hands-free communication and is being used as such. A driver may not be fined more than \$50 for violating this section.

*Patron:* McQuigg

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063619412

01/10/06 House: Referred to Committee on Transportation

01/19/06 House: Referred from Transportation

01/19/06 House: Referred to Committee on Militia, Police and Public Safety

01/27/06 House: Fiscal impact statement from DPB (HB715)

**Notes:** City Position: Support

**HB 718 Traffic light signals; use of photo-monitoring systems in certain localities.**

*Summary as introduced:*

**Violation-monitoring systems to enforce traffic light signals.** Allows localities in the Commonwealth to establish violation-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron:* McQuigg

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063924412

01/10/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 748 Spot blight abatement; condemnation.**

*Summary as introduced:*

**Spot blight abatement; eminent domain.** Provides that for purposes of determining just compensation for property condemned pursuant to spot blight abatement provisions, the value of the property condemned shall be determined as follows: (i) 50% of compensation to be based on the fair market value of the property at the time of condemnation, (ii) 25% of compensation to be based on projected fair market value of the land one year after completion of the redevelopment project, and (iii) 25% of compensation to be based on projected value of the land three years after completion of the redevelopment project.

*Patron:* Purkey

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063688472

01/10/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

02/09/06 House: Incorporated by General Laws (HB699-Suit)

**Notes:** City Position: Oppose

**HB 763 Absentee voting and ballot applications; persons 65 or older may vote absentee.**

*Summary as introduced:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day may vote absentee.

*Patrons:* Sickles, Caputo and Ebbin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064279510

01/10/06 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

01/27/06 House: Tabled in Privileges and Elections

**Notes:** City Position: Support

**HB 770 Income tax, state; distribution of revenues to localities.**

*Summary as introduced:*

**Income tax; distribution of revenues to localities.** Requires the transfer of 1% of individual income tax revenues to localities in 2006, and the amount increases 1% each year until it reaches a maximum of 5% for 2010 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50% based on the relative share of the total state income tax paid by taxpayers filing

returns in each locality, (ii) 40% based on where wages are earned, and (iii) 10% divided equally among all counties and cities.

*Patron:* Sickles

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064281510

01/10/06 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 777 Law-Enforcement.**

*Summary as introduced:*

**Law-Enforcement Officers Procedural Guarantee Act.** Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

*Patrons:* Albo, Caputo, Carrico, Hugo, Marsden and Moran

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 068014204

01/10/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Oppose

**HB 781 Rights of residents and employees to contact elected officials.**

*Summary as introduced:*

**Rights of residents and employees to contact elected officials.** Provides that every local government employee has the right to express opinions to state or local elected officials on matters of public concern. Retaliation based upon a local government employee's exercise of such right is unlawful. This measure tracks the language in § 2.2-2902.1 that is applicable to state employees. In addition, the bill provides that certain local auditors shall be responsible for administering a telephone hotline, and a website, if cost-effective, through which local employees and residents may report incidences of fraud, waste, or abuse in the administration of local government. Accordingly, auditors are authorized to inform local employees of the hotline through a variety of measures. Furthermore, the auditors are required to investigate authentic allegations of fraud, waste, or abuse and to report annually findings and recommendations based on such investigation to the General Assembly.

*Patron:* Albo

02/02/06 House: Read third time and passed House (99-Y 1-N)

02/02/06 House: VOTE: PASSAGE (99-Y 1-N)

02/02/06 House: Communicated to Senate

02/03/06 Senate: Constitutional reading dispensed

02/03/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

**HB 798 Domestic violence victim fund; available to victim in case of emergency.**

*Summary as introduced:*

**Virginia domestic violence victim fund; emergency funds.** Provides that funds shall be made available for victims of domestic violence when a protective order is served on the primary

source of monetary support for the family.

*Patron:* Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063761302

01/10/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal Law

02/07/06 House: Fiscal impact statement from DPB (HB798)

**Notes:** City Position: Support

**HB 857 Green Buildings Act; created, report.**

*Summary as introduced:*

**Department of General Services; Green Buildings Act.** Requires all major facility projects of state agencies and other entities for which the project is funded with state money to be designed, constructed, and certified to meet the LEED silver standard as established by the United States Green Building Council Leadership in Energy and Environment Design. The bill defines "major facility project" as a building construction project with more than 5,000 gross square feet of occupied or conditioned space, or a building renovation project when the cost is greater than 50% of the assessed value and the project with more than 5,000 gross square feet of occupied or conditioned space. Under the bill, a major facility project may not be required to meet the standard if (i) there is no appropriate LEED silver standard for that type of building or renovation project, (ii) there is no practical way to apply the LEED silver standard to a particular building or renovation project, or (iii) the building or renovation project is an electricity transmitter building, a water pumping station, or a hospital.

*Patron:* Ebbin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065675300

01/10/06 House: Referred to Committee on General Laws

01/23/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

01/27/06 House: Fiscal impact statement from DPB (HB857)

02/09/06 House: Continued to 2007 in General Laws

**Notes:** City Position: Support

**HB 897 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 five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax rate 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 one 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 five 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:* Gear

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 069663304

01/10/06 House: Referred to Committee on Finance

01/12/06 House: Fiscal impact statement from TAX (HB897)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/26/06 House: Fiscal impact statement from DHCD (HB897)

**Notes:** City Position: Oppose

**HB 965 Human Trafficking Act; created, report.**

*Summary as introduced:*

**Human trafficking; penalties.** Establishes the crime of and punishment for human trafficking, a Class 5 felony. Provides for civil liability, business entity liability, restitution to victims, forfeiture of trafficker assets, and study by a Governor's task force.

*Patrons:* Ebbin, Albo and Hull

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061329300

01/10/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB965)

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal Law

**Notes:** City Position: Support

**HB 1206 Retail Sales and Use Tax; exemptions include certain school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies.** Provides a sales and use tax exemption for school supplies that cost \$100 or less per item and are purchased during a specific three-day period in the first part of August each year, beginning in 2006.

*Patron:* Moran

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 068211424

01/11/06 House: Referred to Committee on Finance

01/17/06 House: Fiscal impact statement from TAX (HB1206)

01/20/06 House: Assigned to Finance sub-committee: #1 (Orrock)

01/30/06 House: Incorporated by Finance (HB532-Parrish)

**Notes:** City Position: Support

**HB 1368 Home Serenity and Tranquility Act; created.**

*Summary as introduced:*

**Property; Home Serenity and Tranquility Act; civil penalty.** Creates the Home Serenity and Tranquility Act, which prohibits the operation on an athletic field owned or operated by a public or private entity of any event (i) before the hour of eight o'clock in the morning, (ii) after the hour of six o'clock in the evening, or (iii) on Sunday without the unanimous written consent of the affected homeowners. The bill defines athletic field, homeowner, and affected homeowner. The bill provides a civil penalty for violation and gives an aggrieved homeowner a cause of action for

violations.

*Patron:* Hull (by request)

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060815336

01/11/06 House: Referred to Committee for Courts of Justice

01/30/06 House: Stricken from docket by Courts of Justice

**Notes:** City Position: Oppose

**HJ 56 Constitutional amendment; assessments of real property and tax rates (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); real property assessments and tax rates.**

Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063561303

01/09/06 House: Referred to Committee on Privileges and Elections

01/27/06 House: Continued to 2007 in Privileges and Elections

**Notes:** City Position: Oppose

**SB 18 Mental health; mandatory outpatient treatment program in certain jurisdictions.**

*Summary as introduced:*

**Mental health; mandatory outpatient treatment.** Establishes a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment. The bill authorizes mandatory outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

*Patron:* Marsh

12/12/05 Senate: Prefiled and ordered printed; offered 01/11/06 062307756

12/12/05 Senate: Referred to Committee on Education and Health

01/19/06 Senate: Continued to 2007 in Education and Health (15-Y 0-N)

**Notes:** City Position: Oppose

**SB 57 Solid waste management plans; units to maintain recycling and target rates.**

*Summary as passed Senate:*

**Solid waste recycling rates.** Establishes a new regime for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25% requirement, is allowed in calculating the planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any non-municipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25% recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility. This bill is identical to HB 647.

*Patron:* Reynolds

01/19/06 Senate: Communicated to House

01/20/06 House: Placed on Calendar

01/20/06 House: Read first time

01/20/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/03/06 Senate: Fiscal impact statement from DPB (SB57S1)

**Notes:** City Position: Oppose

**SB 65 Absentee voting and ballot applications; persons 65 or older may vote absentee.**

*Summary as passed Senate:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 75 or older on the election day may vote absentee.

*Patron:* Whipple

01/27/06 Senate: Engrossed by Senate as amended SB65E

01/27/06 Senate: Printed as engrossed 063209844-E

01/30/06 Senate: Read third time and passed Senate (38-Y 0-N)

01/30/06 Senate: VOTE: (38-Y 0-N)

01/30/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 118 Landlord and tenant; not to be evicted for certain disturbances that occur on leased premises.**

*Summary as passed Senate:*

**Landlord and tenant duties and responsibilities; evictions; domestic violence.** Provides that a tenant may not be evicted because of family abuse against the tenant that occurs on the leased premises where the perpetrator has been barred from the dwelling unit or subjected to a protective order if the tenant makes certain timely notifications to the landlord.

*Patrons:* Howell, Cuccinelli, Ticer and Whipple; *Delegates:* Callahan, Plum, Scott, J.M., Sickles and Watts

02/08/06 Senate: Committee substitute agreed to 064632744-S1  
02/08/06 Senate: Engrossed by Senate - committee substitute SB118S1  
02/09/06 Senate: Read third time and passed Senate (39-Y 0-N)  
02/09/06 Senate: VOTE: (39-Y 0-N)  
02/09/06 Senate: Communicated to House  
**Notes:** City Position: Support

**SB 120 Protective orders; respondent to pay deposits to connect or restore utility services.**

*Summary as passed Senate:*

**Protective orders.** Provides that a respondent may be ordered to restore or may be enjoined from terminating a necessary utility service to the residence that the petitioner has been granted exclusive possession of. The respondent can also be ordered to pay deposits to connect or restore necessary utility services if the respondent was required to provide alternative housing for the petitioner. The bill also allows for any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

*Patrons:* Howell, Ticer and Whipple; *Delegates:* Amundson, Callahan, Plum and Scott, J.M.

01/19/06 Senate: VOTE: (39-Y 0-N)  
01/19/06 Senate: Communicated to House  
01/20/06 House: Placed on Calendar  
01/20/06 House: Read first time  
01/20/06 House: Referred to Committee for Courts of Justice  
**Notes:** City Position: Support

**SB 135 First responders; exempt from liability for rendering emergency care, etc.**

*Summary as introduced:*

**Civil procedure; persons exempt from liability.** Exempts from liability first responders who, in good faith and without compensation, render emergency care or assistance, whether or not in the locality of his employment as a first responder, to any injured or ill person, at the scene of an accident, fire, or life threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office.

*Patron:* O'Brien

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 066055784  
01/10/06 Senate: Referred to Committee for Courts of Justice  
02/01/06 Senate: Stricken at the request of Patron in Courts of Justice  
**Notes:** City Position: Support

**SB 138 Real estate valuations; fair market value therefor.**

*Summary as introduced:*

**Fair market value for real property valuations.** Provides that the fair market value of real property shall be determined with regard to the percentage increase or decrease in the average sales price of real property that is sold in the same assessment area.

*Patron:* O'Brien

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 066057784

01/10/06 Senate: Referred to Committee on Finance  
01/16/06 Senate: Fiscal impact statement from TAX (SB138)  
**Notes:** City Position: Oppose

**SB 149 Protective orders; respondent prohibited to be in alleged victim's physical presence, ext. of orders.**

*Summary as introduced:*

**Protective orders.** Requires that prohibited acts under any protective orders be specifically described in the order and that the prohibited acts include that the respondent not be in the alleged victim's or petitioner's physical presence. The bill also provides if the expiration of a protective order occurs at a time that the court is not in session, the expiration shall be extended until 5 p.m. of the next business day that the court which issued the order is in session. This is currently the law for emergency protective orders only.

*Patrons:* Deeds; Delegate: Toscano

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 064348724

01/10/06 Senate: Referred to Committee for Courts of Justice

02/06/06 Senate: Passed by indefinitely in Courts of Justice (12-Y 2-N)

**Notes:** City Position: Support

**SB 235 Domestic violence victims; procedures to keep personal documents confidential.**

*Summary as introduced:*

**Domestic violence victims; personal documents confidential.** Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation.

*Patrons:* Ticer, Cuccinelli and Howell; Delegates: Amundson, Hull, Moran, Plum, Rust, Scott, J.M., Sickles and Watts

02/09/06 Senate: Committee amendment agreed to

02/09/06 Senate: Engrossed by Senate - committee substitute w/amd SB235ES1

02/09/06 Senate: Printed as engrossed 060482828-ES1

02/10/06 Senate: Read third time and passed Senate (40-Y 0-N)

02/10/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 236 Trees; certain local government ordinances requiring preservation thereof during develop. process.**

*Summary as introduced:*

**Certain local government ordinances requiring preservation of trees during the development process.** Provides that certain Northern Virginia localities may, by ordinance, require preservation of trees on development sites to meet tree canopy requirements in proportion to predevelopment canopy. This bill also allows certain Northern Virginia localities to increase the amount of tree canopy required 20 years after development on residential sites.

*Patrons:* Ticer and Howell; Delegates: Scott, J.M., Sickles and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067510828

01/10/06 Senate: Referred to Committee on Local Government

01/24/06 Senate: Passed by indefinitely in Local Government (8-Y 6-N)

**Notes:** City Position: Support

**SB 242 Clean Smokestack Act; phased schedule for electric generating units to reduce emissions.**

*Summary as introduced:*

**Reductions of air emissions.** Establishes a phased schedule for all electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill also requires each electric generating unit that is located within 1,000 meters of an occupied dwelling or body of water to complete a modeling analysis assessing the effects of emissions from the facility on the surrounding area. This analysis is to be submitted to the Department of Environmental Quality, which shall review each report. The Department is required to implement a strategy to achieve reductions in mercury emissions. The Department also is to conduct an analysis of the issues related to development and implementation of standards and programs to control emissions of CO<sub>2</sub> from stationary sources, which is to be submitted to the legislative oversight committees and the Board by November 1, 2008. This bill has been incorporated into SB 651.

*Patrons:* Ticer, Miller, Potts and Whipple; *Delegates:* Brink, Callahan, Eisenberg, Englin and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067241828

01/10/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/24/06 Senate: Assigned ACNR sub: Emission Control

01/27/06 Senate: Fiscal impact statement from DPB (SB242)

02/06/06 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB651-Puckett) (14-Y 0-N)

**Notes:** City Position: Support

**SB 258 Machinery and tools tax; method of valuation for federal income tax purposes.**

*Summary as introduced:*

**Machinery and tools tax; method of valuation.** Requires machinery and tools that are placed in service on or after July 1, 2006, to be valued at their depreciated basis for federal income tax purposes if the owner has depreciated their value pursuant to the Internal Revenue Code. Such machinery and tools that were placed in service prior to July 1, 2006, will be valued commencing in 2010 at their depreciated basis for federal income tax purposes, and between 2006 and 2010 the valuation will be determined by a phased-in blending of the value determined by the method in effect on January 1, 2006, and by its depreciated basis for federal income tax purposes.

*Patrons:* Wagner, Watkins and Williams; *Delegates:* Nixon and Purkey

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 062605832

01/10/06 Senate: Referred to Committee on Finance

01/16/06 Senate: Fiscal impact statement from TAX (SB258)

01/31/06 Senate: Stricken at request of Patron in Finance (15-Y 0-N)

**Notes:** City Position: Oppose

**SB 270 Grants and tax refunds; awarded for producing and using clean and efficient energy.**

*Summary as introduced:*

**Grants and tax refunds and exemptions for producing and using clean and efficient energy.**

Provides tax refunds and grant awards for using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources; (ii) grants to individuals and corporations equal to 15% of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators (grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators); (iii) a sales and use tax exemption for certain energy efficient products that have been awarded the energy star certification mark based on requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; and (iv) a refund of one-half of the sales and use tax paid on motor vehicles using clean fuel sources as a source of propulsion. Refunds of the sales and use tax on motor vehicles using clean fuel sources as a source of propulsion are limited to a maximum of \$500 in tax paid per item. The tax refunds and grants programs sunset in 2011.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 062652844

01/10/06 Senate: Referred to Committee on Finance

01/24/06 Senate: Fiscal impact statement from TAX (SB270)

**Notes:** City Position: Support

**SB 271 Public Procurement Act; purchase of certain insurance in construction projects.**

*Summary as introduced:*

**Virginia Public Procurement Act; purchase of certain insurance in construction projects.**

Allows a public body to purchase an owner-controlled insurance program in connection with any public construction contract. The bill defines owner-controlled insurance program and provides that no contractor or subcontractor can be required to provide insurance coverage for a construction project if that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled.

*Patron:* Whipple

01/10/06 Senate: Referred to Committee on General Laws and Technology

01/26/06 Senate: Fiscal impact statement from DPB (SB271)

02/08/06 Senate: Reported from General Laws and Technology with substitute (15-Y 0-N)

02/09/06 Senate: Committee substitute printed 065376844-S1

02/10/06 Senate: Constitutional reading dispensed (40-Y 0-N)

**Notes:** City Position: Support

**SB 276 Income tax, state; different tax rate on income derived from sale of certain real estate.**

*Summary as introduced:*

**Income tax; different tax rate on income derived from sale of certain real estate.** Provides for the imposition of a 2.3% tax rate on the taxable proceeds from a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable years beginning on and after January 1, 2007.

*Patron:* Whipple

01/31/06 Senate: Fiscal impact statement from TAX (SB276)

02/08/06 Senate: Reported from Finance (13-Y 2-N)

02/09/06 Senate: Constitutional reading dispensed (39-Y 0-N)

02/09/06 Senate: VOTE: (39-Y 0-N)

02/10/06 Senate: Read second time and engrossed

**Notes:** City Position: Support

**SB 277 Housing Partnership Trust Fund; name change, deposit of recordation tax revenues into Fund.**

*Summary as introduced:*

**Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron:* Whipple

01/10/06 Senate: Referred to Committee on General Laws and Technology

01/26/06 Senate: Fiscal impact statement from TAX (SB277)

02/01/06 Senate: Reported from General Laws and Technology with amendment (14-Y 0-N)

02/01/06 Senate: Rereferred to Finance

02/08/06 Senate: Left in Finance (15-Y 0-N)

**Notes:** City Position: Support

**SB 278 Renewable Energy Portfolio Standards; created.**

*Summary as introduced:*

**Renewable portfolio standard.** Requires 20% of the electric energy sold by a supplier to retail customers in Virginia to be generated from renewable energy sources by the 2015/2016 reporting year. The requirement is phased in over a 10-year period. A supplier shall be excused from the requirements to the extent that renewable energy resources are not reasonably available in sufficient quantities in the marketplace for the suppliers to meet them. A supplier complies with

the requirement by self-generating the renewable energy or purchasing sufficient renewable energy credits. The credits evidence the generation of the energy from renewable sources. A distributor's costs of compliance with these requirements will be recoverable through fuel factor adjustments.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067044844

01/10/06 Senate: Referred to Committee on Commerce and Labor

01/18/06 Senate: Fiscal impact statement from SCC (SB278)

**Notes:** City Position: Support

**SB 291 Extorting money; person accused thereof will be guilty of Class 5 felony.**

*Summary as passed Senate:*

**Human trafficking; extortion; penalty.** Creates a Class 5 felony for extorting money, property or other pecuniary benefit by threatening to report a person as being illegally present in the United States. This bill incorporates SB 505.

*Patrons:* Cuccinelli, Howell, O'Brien, Ticer and Whipple; *Delegates:* Amundson, Callahan, Hull, Moran, Rust, Scott, J.M., Sickles and Watts

02/06/06 Senate: Committee substitute agreed to 064880720-S1

02/06/06 Senate: Engrossed by Senate - committee substitute SB291S1

02/07/06 Senate: Read third time and passed Senate (40-Y 0-N)

02/07/06 Senate: VOTE: (40-Y 0-N)

02/07/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 311 Spot blight abatement; interest on liens.**

*Summary as introduced:*

**Housing authority law; spot blight abatement; interest on liens.** Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

*Patrons:* Cuccinelli, Howell and Ticer; *Delegates:* Amundson, Moran, Plum, Rust, Scott, J.M., Sickles and Watts

01/24/06 Senate: VOTE: (39-Y 0-N)

01/24/06 Senate: Communicated to House

01/26/06 House: Placed on Calendar

01/26/06 House: Read first time

01/26/06 House: Referred to Committee on General Laws

**Notes:** City Position: Support

**SB 374 Single-family dwellings; deletes certain optional provisions regarding clustering thereof.**

*Summary as introduced:*

**Clustering of single-family dwellings.** Deletes certain optional provisions regarding the clustering of single-family housing and reinserts those provisions as mandatory provisions of local zoning ordinances. Localities shall be required to provide in their zoning or subdivision ordinances standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the localities may include any provisions they determine appropriate to ensure quality development, preservation of open space, and compliance with their comprehensive plans and land use ordinances.

*Patrons:* Watkins and Houck

02/09/06 Senate: VOTE: (39-Y 0-N)

02/10/06 Senate: Read second time

02/10/06 Senate: Reading of substitute waived

02/10/06 Senate: Committee substitute agreed to 065488740-S1

02/10/06 Senate: Engrossed by Senate - committee substitute SB374S1

**Notes:** City Position: Oppose

**SB 403 Land Conservation Incentives Act; tax credit.**

*Summary as introduced:*

**Land preservation tax credit.** The bill provides an aggregate limit of \$600,000 in tax credit for each parcel of land donated under the Virginia Land Conservation Incentives Act of 1999, which limit includes any transfer of unused tax credits.

The bill provides that no more than one donation can be made from the same parcel of land during a 15-year period, unless there is no affiliation between the persons or entities who already have been allowed credit with respect to the parcel and the persons or entities seeking credit.

For donations of property made on or after January 1, 2007, the bill would require that the donation be reviewed by a licensed reviewer for purposes of determining whether or not the donation is in compliance with standards promulgated by the Department of Taxation. No credit would be allowed for any donation made on or after such date unless the licensed reviewer certifies compliance, and the donation is subsequently registered with the Department. The Department would issue licenses to qualified applicants seeking to become licensed reviewers.

*Patron:* Hanger

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 069142732

01/11/06 Senate: Referred to Committee on Finance

01/30/06 Senate: Fiscal impact statement from TAX (SB403)

**Notes:** City Position: Oppose

**SB 427 Residential Landlord Tenant Act; confidentiality of tenant records.**

*Summary as introduced:*

**Virginia Residential Landlord Tenant Act; confidentiality of tenant records.** Authorizes a tenant to designate a third party to receive a duplicate copy of a summons in an unlawful detainer

action and any other written notices from the landlord.

*Patron:* Lambert

02/06/06 Senate: Engrossed by Senate as amended SB427E

02/06/06 Senate: Printed as engrossed 065310748-E

02/07/06 Senate: Read third time and passed Senate (40-Y 0-N)

02/07/06 Senate: VOTE: (40-Y 0-N)

02/07/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 453 Traffic light signals; use of photo-monitoring systems in certain localities.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron:* Devolites Davis

01/31/06 Senate: Engrossed by Senate as amended SB453E

01/31/06 Senate: Printed as engrossed 067858726-E

02/01/06 Senate: Read third time and passed Senate (30-Y 9-N)

02/01/06 Senate: VOTE: (30-Y 9-N)

02/01/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 457 Sheriff; courthouse security.**

*Summary as introduced:*

**Sheriff; courthouse security.** Increases from \$5 to \$10 the sum assessed by the locality as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. The bill also provides that such funds appropriated and any interest accumulated thereon shall only be used in connection with the provision of courthouse security.

*Patron:* Devolites Davis

02/09/06 Senate: Reading of substitute waived

02/09/06 Senate: Committee substitute agreed to 063986712-S1

02/09/06 Senate: Engrossed by Senate - committee substitute SB457S1

02/10/06 Senate: Read third time and passed Senate (39-Y 1-N)

02/10/06 Senate: Communicated to House

**Notes:** City Position: Support

**SB 491 Dogs; penalty when recklessly controlling or handling.**

*Summary as introduced:*

**Reckless control of a dog; penalty.** Creates a new Class 6 felony for recklessly controlling or handling a dog (or other animal) that seriously injures another person.

*Patrons:* Quayle, Houck, Norment and Stolle; Delegates: Kilgore, Melvin and Moran

02/01/06 Senate: Engrossed by Senate - committee substitute SB491S1  
02/02/06 Senate: Read third time and passed Senate (40-Y 0-N)  
02/02/06 Senate: VOTE: (40-Y 0-N)  
02/02/06 Senate: Communicated to House  
02/03/06 Senate: Fiscal impact statement from VCSC (SB491S1)  
**Notes:** City Position: Support

**SB 505 Human Anti-Trafficking Act; created.**

*Summary as introduced:*

**Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims. This bill has been incorporated into SB 291.

*Patron:* Devolites Davis

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 066571726  
01/11/06 Senate: Referred to Committee for Courts of Justice  
01/13/06 Senate: Fiscal impact statement from VCSC (SB505)  
02/01/06 Senate: Incorporated by Courts of Justice (SB291-Cuccinelli) (15-Y 0-N)  
**Notes:** City Position: Support

**SB 550 Law Officers' Retirement System; includes emergency medical technicians.**

*Summary as introduced:*

**Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds full-time, salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patron:* Blevins

02/01/06 Senate: VOTE: (39-Y 0-N)  
02/02/06 Senate: Read second time and engrossed  
02/03/06 Senate: Read third time and passed Senate (39-Y 0-N)  
02/03/06 Senate: VOTE: (39-Y 0-N)  
02/03/06 Senate: Communicated to House  
**Notes:** City Position: Support

**SB 571 Retail sales and use tax; exemption for school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption, beginning in 2006, for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who

absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* McDougale; Delegate: Saxman

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 065113408

01/11/06 Senate: Referred to Committee on Finance

02/06/06 Senate: Fiscal impact statement from TAX (SB571)

**Notes:** City Position: Support

**SB 575 Retail Sales and Use Tax; mixed use developments that include affordable housing.**

*Summary as introduced:*

**Sales tax exemption; mixed use developments that include affordable housing.** Entitles a locality or a local redevelopment authority to the sales tax revenues generated on the premises of a mixed-use development that incorporates residential units, provided that at least 20 percent of the residential units are used for affordable housing. The mixed-use development would have to be certified by the Department of Housing and Community Development as a qualifying project. The sales tax revenues would be used to service the payments on obligations issued by the locality or the redevelopment authority for the mixed-use development. The entitlement to the sales tax revenues would not exceed 35 years. The obligations would have to be issued by July 1, 2010.

*Patron:* Stolle

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 069145820

01/11/06 Senate: Referred to Committee on Finance

01/30/06 Senate: Fiscal impact statement from TAX (SB575)

**Notes:** City Position: Support

**SB 594 Fertilizers; regulation thereof.**

*Summary as introduced:*

**Regulation of fertilizers.** Prohibits localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizer.

*Patron:* Watkins

01/11/06 Senate: Presented and ordered printed 067244840

01/11/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/23/06 Senate: Continued to 2007 in Agriculture, Conservation and Natural Resources (15-Y 0-N)

**Notes:** City Position: Oppose

**SB 633 Courthouse security fee.**

*Summary as introduced:*

**Courthouse security fee.** Increases the fee assessed for costs in criminal and traffic cases to \$10. Additionally, the bill states that the assessment shall be used solely for the funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security.

*Patron:* Edwards

01/16/06 Senate: Referred to Committee for Courts of Justice

01/23/06 Senate: Reported from Courts of Justice (15-Y 0-N)

01/23/06 Senate: Rereferred to Finance

02/02/06 Senate: Fiscal impact statement from DPB (SB633)

02/07/06 Senate: Incorporated by Finance (SB457-Devolites Davis) (14-Y 0-N)

**Notes:** City Position: Support

Attachment 4, Page 1

**Managing, Transforming & Investing in a  
21<sup>st</sup> Century Virginia Transportation System**

***A Balanced, 3-Part Plan Integrating  
New Ideas & Traditional Common Sense***

House Republican  
Virginia Reform Initiative on Transportation

February 10, 2006

74

## New Ideas, Common Sense Progress

*Building on our past success, House Republican are:*

- Managing growth in a sensible manner
- Transforming how transportation services are organized, planned & delivered
- Investing new, dedicated and sustained revenue for targeted solutions to reduce congestion and increase mobility – without increasing transportation taxes

75

# New Ideas, Common Sense Management

*Because a connection exists btwn land use & transportation,  
House Republicans are promoting sensible  
growth management tools*

- Enact reforms so localities can better incorporate transportation into land use decisions (HB 1506, HB 1513, HB 1521, HB 1528, HB 1529)
- Improve how localities create their comprehensive plans, coordinate with VDOT
- Allow more counties, cities and towns to request cash proffers from developers to help pay for the costs of roads, schools and other services
- Allow localities to use these funds when applying for matching state funds under an expanded revenue-sharing program
- Provide more and better opportunities for localities to make transportation project planning, management, construction and maintenance decisions

76

## Attachment 4, Page 4

## New Ideas, Common Sense Transformation

*Because we must fix an outdated system for better results,  
House Republicans are promoting free-market reforms*

- Increase opportunities for partnerships with the private sector and local governments (HB 667, HB 681)
- Provide additional access to cost-effective and time saving procurement methods (HB 666, HB 671)
- Expedite deployment of new technologies to squeeze more capacity out of existing roadways and keep traffic moving (HB 677)
- Mitigate traffic-causing accidents by making most dangerous drivers who abuse transportation system pay their shared of costs (HB 527)
- Instill greater accountability and oversight of transportation agencies (HB 673, HB 676, HB 1365)

77

# New Ideas, Common Sense Investment

*Because we understand VA transportation needs not only reform but investments, House Republicans are championing innovative financing and additional funds*

- Provide greater opportunities for lease concessions and innovative means of bringing in private-sector funding (HB 1426)
- Leverage dedicated ongoing funding towards most significant regional projects (HB 1257)
- Creating new dedicated ongoing funding streams for successful programs – Local Revenue Sharing... Transit Capital Projects... and Transportation Partnership Opportunity Fund
- Create new dedicated ongoing funding for Local Congestion Mitigation Fund for "quick fix" projects to improve daily commutes and overall mobility
- Allocate significant surplus revenue to targeted, project-specific improvements throughout Commonwealth
- Supporting FRAN debt service and asset protection

87

# Funding Resources

- Provide over \$2.0 billion in additional revenues for transportation over next 2 biennia
  - On top of more than \$4.4 billion annual commitment already dedicated to transportation
- Utilize surplus revenues in FY 2007 for one-time specific capital projects
- Dedicate 1/3 insurance premium tax revenues to transportation, and fulfill commitment to repay 2003 FRANs with general funds
- Dedicates additional portion of recordation tax to transportation (building on Rt. 58 success) to areas in the most need of congestion relief -- NoVa & Hampton Roads
- Ensure most egregious abusers of roadway system contribute their fair share
  - Estimated that 25% of all traffic congestion attributable to traffic incidents

## Revenue Sources

|   | 2006-2008 Biennium |                 | 2008-2010 Biennium |                 | 4-Year Total     |
|---|--------------------|-----------------|--------------------|-----------------|------------------|
|   | FY 07              | FY 08           | FY 09              | FY 10           |                  |
| 1/3 Insurance License Tax Revenues                | \$ 138.80          | \$ 146.70       | \$ 146.70          | \$ 146.70       | \$ 578.90        |
| Redirect \$40 m/yr Recordation for Transportation | 30.00              | 40.00           | 40.00              | 40.00           | 150.00           |
| Of Commitment to 2003 FRAN Debt Service           | 37.40              | 37.40           | 37.40              | 37.40           | 149.60           |
| General Fund for Specific Projects                | 552.60             | -               | -                  | -               | 552.60           |
| Civil Penalties from "Abusers" bill               | 93.90              | 136.81          | 179.72             | 179.72          | 590.15           |
| <b>New Revenues</b>                               | <b>852.70</b>      | <b>360.91</b>   | <b>403.82</b>      | <b>403.82</b>   | <b>2,021.25</b>  |
| Existing Transportation Revenues                  | 4,426.36           | 4,469.05        | 4,603.12           | 4,741.21        | 18,239.74        |
| <b>Grand Total</b>                                | <b>5,279.06</b>    | <b>4,829.96</b> | <b>5,006.94</b>    | <b>5,145.03</b> | <b>20,260.99</b> |

# Funding Uses

- Direct one-time use of general funds to priority targeted projects already identified by the CTB and local governments
- Create new revolving bond funds in Northern Virginia & Hampton Roads
  - Modeled after successful Route 58 Corridor Development Program
- Fulfill existing commitments – 2003 FRAN debt service, expand local revenue sharing program, capitalize Transportation Partnership Opportunity Fund

|  | 2006-2008 Biennium |                  | 2008-2010 Biennium |                  | 4-Year Total       |
|--|--------------------|------------------|--------------------|------------------|--------------------|
|  | FY 07              | FY 08            | FY 09              | FY 10            |                    |
| Expedite Critical Highway & Transit Projects | \$ 552.60          | \$ -             | \$ -               | \$ -             | \$ 552.60          |
| NOVA Revolving Bond Fund                     | 57.48              | 64.61            | 64.61              | 64.61            | 251.31             |
| Hampton Roads Revolving Bond Fund            | 40.54              | 47.27            | 47.27              | 47.27            | 182.35             |
| Pay FRAN Debt Service                        | 37.40              | 37.40            | 37.40              | 37.40            | 149.60             |
| Local Revenue Sharing Program to \$50.0 m/yr | 35.00              | 35.00            | 35.00              | 35.00            | 140.00             |
| Transportation Partnership Opportunity Fund  | 25.00              | 25.00            | 25.00              | 25.00            | 100.00             |
| Local Congestion Relief Fund                 | 33.90              | 76.81            | 119.72             | 119.72           | 350.15             |
| Expand Transit Capital Program Support       | 27.50              | 29.10            | 29.10              | 29.10            | 114.80             |
| Support Assset Protection                    | 43.28              | 45.72            | 45.72              | 45.72            | 180.44             |
| <b>Total Use By Source</b>                   | <b>\$ 852.70</b>   | <b>\$ 360.91</b> | <b>\$ 403.82</b>   | <b>\$ 403.82</b> | <b>\$ 2,021.25</b> |

80

# New Ideas, Common Sense Results

## *Expedite Critical Projects Across the Commonwealth*

- Dedicates a total of \$552.6 million GF in FY 2007 to expedite previously identified critical projects
  - Commits one-time general fund revenues to one-time capital construction and improvements
  - Focuses on reducing choke-points and improving traffic flows along key corridors, such as I-66, I-81 and I-64
  - Achieves completion of key phases of projects and complements funding in SYJP
  - Addresses multimodal needs, including transit and rail solutions as well as roadway improvements
  - Includes projects identified in existing Commonwealth Transportation Board or regional plans

18

# New Ideas, Common Sense Results

## *Ongoing Funding Stream for Northern Virginia and Hampton Roads*

- Create Northern Virginia and Hampton Roads revolving bond programs and provides a new, on-going revenue stream for these two regions with the worst congestion in Commonwealth
- Modeled after the Route 58 Corridor Development Program
  - Rt. 58 Program funded w/ \$40.0 million of recordation tax revenues each year
  - Over \$700 million has been issued to support projects along corridor
- Program funded with:
  - \$30.0 million/yr in recordation tax revenues in FY07, \$40.0 million/yr thereafter
  - Share of insurance premium revenues attributable to these two regions based on their share of state's population
  - Revenues would be leveraged to establish a revolving loan program
    - Similar to higher education equipment trust fund (HEETF)

22

# New Ideas, Common Sense Results

## *Create Ongoing Funding Stream for Northern Virginia and Hampton Roads*

### • Revolving Fund

- Funds would leverage 10-year notes; tranches of debt issued each year over period
- By year 11, 1<sup>st</sup> year issuance is repaid w/ freed-up revenues used to begin process anew
- Short-term nature of debt means additional funding is available for projects each year - unlike 25-35 year debt where single project is built and you pay into the future

### • In Northern Virginia, these revenues would supplement the existing Northern Virginia Transportation District Program

- \$57.48 million in FY 2007, \$64.61 million in FY 2008
- Over 10 years, would support an estimated \$673 million in pay-as-you go and debt-financed projects

### • In Hampton Roads, these revenues would be deposited into a new Hampton Roads Transportation District Program

- \$40.54 million in FY 2007, \$47.27 million in FY 2008
- Over 10 years, would support and estimated \$492 million in pay-as-you go and debt-financed projects

83

Attachment 4, Page 11

# New Ideas, Common Sense Results

## *Meet Existing Commitments to Priority Functions*

- \$37.4 million GF each year to pay FRAN debt service attributable to sales and use tax transferred from TTF to GF in 2003
  - GA commitment through 2013
- Use Abuser Fee revenues to fund previously identified priorities
  - Local-Revenue Sharing Program: Increases \$35.0 million year to \$50.0 million year on an on-going basis
    - Successful program utilized by 93 localities last year
  - Transportation Partnership Opportunity Fund: Dedicates \$25.0 million year on an on-going basis
    - Fund used to encourage and support PPTA opportunities
    - Legislation adopted last year, no on-going funding stream provided
  - Local Congestion Mitigation Fund: Dedicates remaining abuser fee revenues to this fund -- \$34 million in FY 07, \$119 million by FY 09
    - Included in House abuser fee bill last year
    - Provides incentive for local participation in construction funding
    - Focused on spot improvements that can substantially reduce congestion
    - Targeted to high growth, high congestion areas

JP

# New Ideas, Common Sense Results

## *Address Growing Costs of Existing Highway and Transit Systems*

- Provides additional funding for highway maintenance.

- Secretary of Transportation has stressed that maintenance growth of about \$50.0 million year is draining construction program
- By addressing this inflation, additional funding is freed up for the construction program
- Would provide on-going support for growing maintenance costs from share of insurance premium revenues -- \$43.3 million in FY 07, \$45.8 million in FY 08

50

- Support transit capital program

- Provide \$27.5 million in FY 07 and \$29.1 million in FY 08, representing the share of the 1/3 insurance premium revenues not attributable to auto insurance
  - Reflects proposal in introduced executive budget
- Would increase state match for capital replacement to about 50 percent by FY 2008.
- Address decreasing state share for transit capital replacement and increased need to utilize multimodal solutions to address congestion

# Raising Taxes and 20<sup>th</sup> Century Approaches are the...

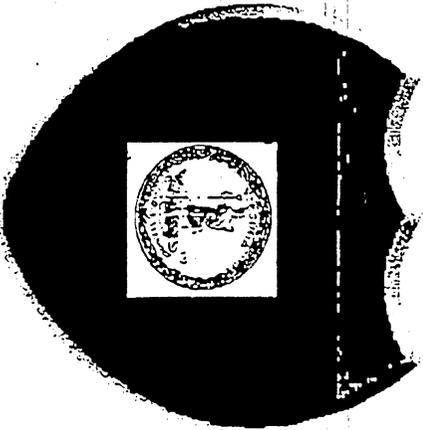


# Managing, Transforming & Investing in a 21<sup>st</sup> Century Virginia Transportation System

## *A Balanced, 3-Part Plan Integrating New Ideas & Traditional Common Sense*

House Republican  
Virginia Reform Initiative on Transportation

### *The Right Way for Virginia*



58

submitted by  
Bernie Catron

7  
2-14-06

**SB 708 (Hawkins) Substitute**

(\$ in millions)

| <b>Revenue Sources</b>                          | <b>Rate</b>    | <b>FY 07</b>   | <b>FY 08</b>   | <b>FY 09</b>     | <b>FY 10</b>     |
|---|----------------|----------------|----------------|------------------|------------------|
| Motor vehicle sales and use tax, phased         | 3% to 3.75%    | 42.40          | 98.30          | 151.20           | 158.40           |
| Auto insurance premium tax to TTF               | na             | 111.30         | 117.60         | 117.60           | 117.60           |
| Abusive driver fees                             | new            | 48.4           | 48.4           | 48.4             | 48.4             |
| Retail sales tax at rack (gross effect)         | 5.0%           | 513.30         | 533.60         | 553.30           | 569.20           |
| Refund on incremental fuels sales tax           |                | -125.1         | -259.3         | -268.2           | -275.0           |
| Equalize diesel tax to 17.5 cents               | 1.5 cents      | 20.30          | 21.30          | 22.30            | 23.20            |
| Vehicle registration fee                        | \$10 increase  | 70.30          | 71.71          | 73.14            | 74.60            |
| Liquidated Damages/overweight vehicles          | varies         | 5.60           | 5.60           | 5.60             | 5.60             |
| Increase registration fees on heavy vehicles    | Double         | <u>90.00</u>   | <u>90.00</u>   | <u>90.00</u>     | <u>90.00</u>     |
|   |                | <b>776.50</b>  | <b>727.21</b>  | <b>793.34</b>    | <b>812.00</b>    |
| Grantor Tax - Local Distribution <sup>(1)</sup> | 10 to 30 cents | <u>210.90</u>  | <u>210.90</u>  | <u>210.90</u>    | <u>210.90</u>    |
| <b>Total</b>                                    |                | <b>\$987.4</b> | <b>\$938.1</b> | <b>\$1,004.2</b> | <b>\$1,022.9</b> |

<sup>(1)</sup> Increases from 10 to 30 cents per \$100 of value; all goes to transportation; add'l 10 cent local option for transportation.

**Uses**

| <b>(Based on FY 2007)</b> | <b>Local Grantor</b> |                      |                      | <b>Total</b>         |
|---------------------------|----------------------|----------------------|----------------------|----------------------|
|                           | <b>Mass Transit</b>  | <b>Construction</b>  | <b>Tax</b>           |                      |
| Northern Virginia         | 85,059,205           | 119,991,899          | 110,808,949          | 315,860,053          |
| Hampton Roads             | 23,496,095           | 137,597,524          | 30,762,116           | 191,855,735          |
| Richmond                  | 2,803,658            | 94,877,903           | 21,229,506           | 118,911,067          |
| Bristol                   | 148,113              | 51,183,978           | 1,881,377            | 53,213,468           |
| Culpeper                  | 705,630              | 43,770,696           | 11,179,160           | 55,655,486           |
| Fredericksburg            | 385,302              | 46,353,638           | 14,037,009           | 60,775,949           |
| Lynchburg                 | 484,510              | 51,052,949           | 3,462,686            | 55,000,145           |
| Salem                     | 647,643              | 67,893,621           | 7,761,984            | 76,303,248           |
| Staunton                  | 415,344              | 49,627,792           | 9,772,755            | 59,815,891           |
| <b>Total</b>              | <b>\$114,145,500</b> | <b>\$662,350,000</b> | <b>\$210,895,542</b> | <b>\$987,391,042</b> |