

City of Alexandria, Virginia

19
3-14-06

MEMORANDUM

DATE: MARCH 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. 4) ON LEGISLATION INTRODUCED AT THE 2006 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 4) on legislation introduced at the 2006 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2006 General Assembly adjourned on March 11 without enacting a state budget. This was the second time in three years that this has happened.

Of the 2,346 bills that were introduced during the Session, 958 were enacted into law and 1,388 were defeated or carried over to the 2007 Session (most of the 302 bills that were carried over will ultimately die). In addition, nearly 1,000 resolutions, most of which commend a person or a group or memorialize someone's death, were also considered during the 2006 Session.

Just prior to the adjournment of the regular Session, the Governor called the General Assembly into Special Session to complete its work on the budget and transportation funding, beginning March 27. No one knows how long the Special Session will last, since the House and Senate appear to be far apart on their preferred plans for dealing with transportation funding.

The General Assembly will also return on April 19 to deal with any of the Governor's vetoes and amendments of bills from the regular Session.

City Package. The following actions have been taken on bills from the City's legislative package since the last update (Attachment 1 is a status report on these bills, and Attachment 2 is an update on other bills on which the City has taken a position):

- HB 1211 and SB 233, which would have required drivers to stop (not just yield) to pedestrians in marked cross walks, have been carried over to the 2007 Session in the

House Courts of Justice Committee. As noted in the last Update, Delegate Moran (patron asked Delegate David Albo, Chairman of the House Courts of Justice Committee, to initiate the Committee's study of this issue as soon as possible. Delegate Albo has not replied to that request.

- HB 101 has now passed both the House and the Senate, and been signed by the Governor. It proposes 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." The proposed amendment will be on the ballot in November.
- All bills that would have prohibited state colleges and universities from admitting any alien who is unlawfully present in the United States, or would have prohibited these individuals from being entitled to in-state tuition, have been defeated.
- SB 267, which sought to provide a dedicated funding source for Metro by imposing an additional quarter percent sales and use tax in Metro jurisdictions, was defeated, although identical language is embedded in the Senate budget.
- SB 269 will require 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 passed both the Senate and the House.
- SB 732, which has passed the Senate and House, will allow any locality with a population over 100,000 to go to the State Design-Build Review Board for a one-time determination that the locality has the personnel, procedures, and expertise to do design-build or construction management contracts. After this approval, the locality can enter into design-build contracts without any further state approvals.

Transportation Funding. Transportation funding is not only the dominant issue of the 2006 Session; it is also the issue which prevented the Session from ending on time. The Governor and the Senate continue to insist on passage of a transportation funding plan that incorporates a long-term, sustainable source of significant new funds, and does not take money from general fund programs (such as education and mental health). The Senate has proposed new taxes, fees, and fines on abusive drivers to pay for transportation improvements. The House recommends using general fund surpluses, transferring funds from general fund programs, and levying new fees on abusive drivers to fund its proposed transportation package.

Because transportation and the rest of the budget are so intertwined in the House proposal, budget conferees will be unable to agree on other portions of the budget until they agree on a transportation funding plan, since the House has proposed reducing a number of general fund

programs to free up money that can then be spent on transportation. Attachment 3 is a table comparing the House and Senate proposals.

State Budget. As noted above, there will be no agreement on the budget until the House and Senate reach a compromise on transportation funding.

After the House and Senate budget proposals were released last month, the Mayor sent letters to the City's legislative delegation and the budget conferees. The first letter listed a number of issues of importance to the City, together with a recommended position on each item. The second letter focused on one issue of critical importance: the House proposal (with a fiscal impact on the City of nearly a million dollars annually) to phase out the City's exemption from paying the State a portion of its federal jail per diem revenues, which most localities are required to do. Attachments 4 and 5 are copies of these letters.

Mercury emission controls. SB 651 and HB 1055 were originally introduced in the House and Senate as "Clean Smokestacks Legislation." Before final passage, the bills were drastically altered so that they are less protective of the environment than they were in their original form. Both bills passed the House and Senate, and await the Governor's signature.

Cable Franchise Legislation. Legislation rewriting cable franchising laws passed the General Assembly and has now been signed by the Governor. Although the legislation was amended in the legislative process to address some local government concerns, it includes a number of provisions that are far less favorable to local governments than the current law. Even though VML and VACO asked to be included in the original negotiations on the bill, local governments were left out of the process until compromise legislation had been developed. In the long term, the City is likely to see its revenue from Comcast reduced as a result of the legislation.

Other Issues of Interest. The General Assembly also took the following actions on other issues:

- It failed to pass legislation to define the public uses for which eminent domain authority could be exercised. A number of bills attempting to do this were introduced in response to last year's *Kelo* Supreme Court decision, and the concern by some that the *Kelo* decision might lead to an abuse of private property rights in Virginia. Proponents of such legislation were unable to agree on its details.
- Although amendments were proposed to the Virginia Land Conservation Incentives Act of 1999, which offers tax credits in exchange for land preservation, they failed. This law currently allows significant tax credits for donations of land to preservation entities. Concerns that the law was becoming a sizable drain on the State treasury, since there were no limits on the credits, have led the Senate to attempt regularly in recent years to cap the maximum credit at \$600,000 per parcel.
- Attempts to revive red light camera authority for localities that wish to use it failed, stymied again by the House of Delegates.

- Legislation to outlaw pay day loan businesses was defeated in the House of Delegates.
- All legislation to set limits on local real estate tax rates or assessment increases failed.
- After many years of failures, proponents of a sales tax holiday for school supplies were successful this Session. Beginning this year and continuing annually, on the first weekend in August (Friday through Sunday) there will be no sales tax on school supplies with a selling price of \$20 or less each, and articles of clothing with a selling price of \$100 or less each. In addition, any retailer who wishes to do so may pay the sales tax himself (in lieu of the customer paying it) on any other items sold during the sales tax holiday weekend.
- Telecommunications tax reform legislation was enacted. Beginning January 1, 2007, a five percent tax will be assessed on all communications services, including local and long distance telephone, wireless telephone, voice over internet telephone, cable television, satellite television, and pagers. Each land line and wireless telephone line will also be assessed a fee of 75 cents per month. Finally, cable companies will, for the first time, pay right-of-way fees. Revenues from these new taxes and fees will be placed in a special fund and distributed to localities so that they receive an amount equivalent to what they would have received under the old tax system. Local consumer utility taxes and cable franchise fees will no longer be levied.

ATTACHMENTS:

Attachment 1 - Current Status of City Package Bills, March 11, 2006

Attachment 2 - Current Status of Bills on Which the City Has Taken a Position, March 11, 2006

Attachment 3 - Transportation Funding Proposals

Attachment 4 - March 1 Letter from Mayor Euille to Budget Conferees on Federal Per Diems

Attachment 5 - March 1 Letter from Mayor Euille to City Legislative Delegation

STAFF:

Bernard Caton, Legislative Director

Attachment 1
Current Status of City Package Bills
March 11, 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

03/03/06 House: Placed on Calendar

03/06/06 House: House concurred in Governor's recommendation (98-Y 0-N)

03/06/06 House: VOTE: ADOPTION (98-Y 0-N)

03/08/06 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)

03/08/06 Senate: VOTE: (40-Y 0-N)

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: 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

02/23/06 Senate: Passed by indefinitely in Education and Health (12-Y 0-N 3-A)

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." This bill was incorporated into HB 101.

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

02/15/06 House: Left in Courts of Justice

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)

02/15/06 House: Left in Finance

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)

02/15/06 House: Left in Commerce and Labor

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)

02/15/06 House: Left in Finance

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: 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

02/23/06 Senate: Stricken at request of patron in Education and Health (15-Y 0-N)

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)02/15/06 House: Left in Finance

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, Ebbin and Sickles

02/13/06 House: Printed as engrossed 064194424-E

02/14/06 House: Motion to refer to committee agreed to (58-Y 40-N)

02/14/06 House: VOTE: (58-Y 40-N)

02/14/06 House: Referred to Committee for Courts of Justice

02/15/06 House: Left in Courts of Justice

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

02/15/06 House: Left in Commerce and Labor

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)

02/14/06 Senate: Left in Finance (15-Y 0-N)

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

02/14/06 House: Placed on Calendar

02/14/06 House: Read first time

02/14/06 House: Referred to Committee for Courts of Justice

02/16/06 House: Assigned Courts sub: Criminal Law

03/06/06 House: Left in Courts of Justice

Notes: City Position: Support

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

Summary as passed Senate:

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. This bill is contingent on matching federal funds being appropriated and distributed to the Washington Metropolitan Area Transit Authority.

Patron: Whipple

02/20/06 House: Placed on Calendar
02/20/06 House: Read first time
02/20/06 House: Referred to Committee on Finance
02/21/06 Senate: Fiscal impact statement from TAX (SB267E)
02/28/06 House: Tabled in Finance (12-Y 8-N)
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

03/01/06 House: Read second time
03/02/06 House: Read third time
03/02/06 House: Passed House BLOCK VOTE (100-Y 0-N)
03/02/06 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)
03/09/06 Senate: Bill text as passed Senate and House (SB269ER)

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

03/07/06 House: Committee amendment agreed to

03/07/06 House: Engrossed by House as amended

03/07/06 House: Passed House with amendment (85-Y 12-N)

03/07/06 House: VOTE: PASSAGE (85-Y 12-N)

03/09/06 Senate: House amendment agreed to by Senate (37-Y 0-N)

Notes: City Position: Oppose

SB 677 In-state tuition rates; prohibited for certain individuals.

Summary as passed Senate:

In-state tuition rates; prohibited for certain individuals. Prohibits the board of visitors or other governing body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, a new subsection provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person meeting certain conditions will be eligible for instate tuition, i.e., resided in Virginia while attending high school; graduated from a public or private high school in Virginia; resided in the Commonwealth for at least three years on the date of high school graduation; registered in an institution of higher education; provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

Patron: Hanger

02/15/06 House: Placed on Calendar

02/15/06 House: Read first time

02/15/06 House: Referred to Committee on Education

02/15/06 Senate: Fiscal impact statement from DPB (SB677S1)

03/06/06 House: Continued to 2007 in Education

Notes: City Position: Support

SB 732 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.

Patron: Herring

03/02/06 House: Reported from General Laws (22-Y 0-N)

03/06/06 House: Read second time

03/07/06 House: Read third time

03/07/06 House: Passed House BLOCK VOTE (98-Y 0-N)

03/07/06 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

Notes: City Position: Support

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. This proposed constitutional amendment is identical to the amendment proposed in HJR 29.

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 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 and Bell; Delegate: Byron

03/07/06 House: Agreed to by House (78-Y 19-N 1-A)

03/07/06 House: VOTE: ADOPTION (78-Y 19-N 1-A)

03/07/06 House: Reconsideration of House passage agreed to by House

03/07/06 House: Agreed to by House (76-Y 22-N)

03/07/06 House: VOTE: ADOPTION #2 (76-Y 22-N)

Notes: City Position: Oppose

Attachment 2
Current Status of bills on Which the City Has Taken a Position
March 11, 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. This bill incorporates HB 334 and is identical to HB 562.

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

03/07/06 Senate: Engrossed by Senate - committee substitute HB25S1

03/07/06 Senate: Passed Senate with substitute (40-Y 0-N)

03/07/06 Senate: VOTE: (40-Y 0-N)

03/08/06 House: Placed on Calendar

03/09/06 House: Senate substitute agreed to by House (97-Y 0-N)

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

03/09/06 House: Fiscal impact statement from DPB (HB37S3)

03/09/06 Senate: Read third time

03/09/06 Senate: Substitute by Senator Reynolds withdrawn 065249808-S2

03/09/06 Senate: Substitute #2 by Senator Stolle withdrawn 064016820-S3

03/09/06 Senate: Passed Senate (37-Y 0-N)

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)

02/15/06 House: Left in Appropriations

Notes: City Position: Support

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

Summary as passed House:

Reconstruction and restoration of certain damaged or destroyed nonconformities. Permits property owners to reconstruct or restore nonconforming real property to its original, nonconforming condition.

Patrons: Suit, Dudley, Frederick and Morgan

02/27/06 House: Placed on Calendar

02/28/06 House: Senate amendments agreed to by House (93-Y 2-N)

02/28/06 House: VOTE: ADOPTION (93-Y 2-N)

03/07/06 House: Bill text as passed House and Senate (HB78ER)

03/07/06 House: Enrolled

Notes: City Position: Oppose

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

Summary as passed House:

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 50 percent the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) that are in excess of the official estimates in the general appropriation act 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, Scott, J.M. and Toscano

02/14/06 House: Communicated to Senate

02/15/06 Senate: Constitutional reading dispensed
02/15/06 Senate: Referred to Committee on Finance
02/21/06 House: Fiscal impact statement from TAX (HB92H1)
02/28/06 Senate: Continued to 2007 in Finance (15-Y 0-N)
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
02/15/06 House: Left in 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

03/03/06 House: Placed on Calendar
03/06/06 House: House concurred in Governor's recommendation (98-Y 0-N)
03/06/06 House: VOTE: ADOPTION (98-Y 0-N)
03/08/06 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)
03/08/06 Senate: VOTE: (40-Y 0-N)

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

02/15/06 House: Left in Militia, Police and Public Safety

Notes: City Position: Support

HB 132 Eminent domain; jury to determine just compensation.

Summary as passed:

Eminent domain; determining just compensation. Removes the option of the landowner to choose commissioners to hear an eminent domain case. Only jurors or the court shall be permitted to hear such a matter. All of the jurors in an eminent domain proceeding are required to be freeholders in the jurisdiction of the land in question. Additionally, from of an original panel of 13 jurors, each party will be granted four preemptory strikes.

Patron: Cosgrove

02/28/06 House: Enrolled

03/01/06 House: Bill text as passed House and Senate (HB132ER)

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

03/07/06 House: Fiscal impact statement from DPB (HB132ER)

Notes: City Position: Oppose

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)

02/15/06 House: Left in Finance

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

02/15/06 House: Left in 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: 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)

02/15/06 House: Left in Finance

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.)

02/15/06 House: Left in General Laws

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
02/15/06 House: Left in Courts of Justice
Notes: City Position: Support

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)
02/15/06 House: Left in Courts of Justice
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 passed:

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 training concerning the Act to its eligible law-enforcement and public safety officers. The training will not count towards in-service credit requirements for law-enforcement officers.

Patron: Cosgrove

02/27/06 House: Senate amendment agreed to by House (100-Y 0-N)

02/27/06 House: VOTE: ADOPTION (100-Y 0-N)

03/06/06 House: Bill text as passed House and Senate (HB255ER)

03/07/06 House: Fiscal impact statement from DPB (HB255ER)

03/07/06 House: Enrolled

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

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

02/23/06 Senate: Passed by indefinitely in Education and Health (12-Y 0-N 3-A)

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: Referred to Committee on Counties, Cities and Towns

02/10/06 House: Continued to 2007 in Counties, Cities and Towns

Notes: City Position: Support

HB 308 Zoning ordinance; violations thereof, penalty.

Summary as passed House:

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.

Patron: Rust

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

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. This bill has been incorporated into HB 527.

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: Referred to Committee on Transportation

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: Referred to Committee on Finance

02/15/06 House: Left in Finance

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: Referred to Committee on Finance

02/15/06 House: Left in Finance

Notes: City Position: Oppose

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

Summary as passed House:

Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; recovery of treble damages by landlord. Provides that, in addition to other remedies available at law, when the tenant has, more than one time during any 12-month period of continuous residency in the dwelling unit, knowingly delivered to the landlord a check for rent drawn on an account with insufficient funds in or credit with the drawee depository and has failed to pay rent within five days after written notice is served on him of his nonpayment, the landlord may obtain a monetary penalty in an amount equal to the amount of the check refused by the drawee depository.

Patron: Albo

03/01/06 House: Senate substitute agreed to by House (95-Y 1-N)

03/07/06 House: Bill text as passed House and Senate (HB320ER)

03/07/06 House: Enrolled
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: Referred to Committee on Appropriations

02/15/06 House: Left in Appropriations

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. This bill was incorporated into HB 11 and is identical to HB 562.

Patron: Toscano

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

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

Notes: City Position: Support

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

Summary as passed House:

Special use permit; certain temporary structures. Authorizes, without requiring a special use permit, the erection of certain tents intended to serve as temporary structures for a period of three days or less and that will be used primarily for private or family-related events.

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

02/28/06 House: Senate amendment agreed to by House (97-Y 0-N)

03/07/06 House: Enrolled

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

01/20/06 House: Referred to Committee for Courts of Justice
01/23/06 House: Incorporated by Courts of Justice (HB25-Wright)
Notes: City Position: Oppose

HB 366 Mopeds, 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.

Patrons: Carrico, Alexander and Jones, D.C.

03/11/06 House and Senate: Passed

Notes: City Position: Support

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

Summary as passed:

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. The bills also amends the current law by stating that the minor's hearing is to be scheduled by the juvenile and domestic relations district court where the minor is located, as opposed to where the minor resides.

Patron: Carrico

02/27/06 Senate: VOTE: (39-Y 0-N)

03/07/06 House: Enrolled

Notes: City Position: Support

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." This bill was incorporated into HB 101.

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

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 380 Vacant buildings; increases annual registration fee.

Summary as introduced:

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

Patron: Dance

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

02/15/06 House: Left in Counties, Cities and Towns

Notes: City Position: Support

HB 393 Condominium Act; allows certain tenants in conversion 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: Referred to Committee on General Laws

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: Referred to Committee on Finance

02/15/06 House: Left in Finance

Notes: City Position: Support

HB 398 Stalking; penalty for second conviction.

Summary as introduced:

Subsequent offenses of stalking; penalty. Makes a second stalking conviction occurring within 2 years 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 5 years.

Patron: Wittman

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

02/15/06 House: Left in Courts of Justice

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: Referred to Committee for Courts of Justice

02/15/06 House: Left in Courts of Justice

Notes: City Position: Support

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

Summary as passed House:

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. It also allows the tax credits to pass at the death of the taxpayer to his estate and allows the estate to transfer unused tax credits.

Patrons: Ware, R.L., Abbitt, Albo, Athey, Barlow, Bell, Byron, Cline, Cosgrove, Cox, Crockett-Stark, Dudley, Eisenberg, Gilbert, Hall, Howell, W.J., Hugo, Hull, Johnson, Kilgore, Landes, Lingamfelter, Lohr, Marshall, D.W., Marshall, R.G., McClellan, Moran, Morgan, Nutter, Poisson, Shuler, Sickles, Toscano, Valentine and Wittman

03/11/06 Conference agreement not reached; bill died

Notes: City Position: Support

HB 456 Private waste companies; requirements thereof.

Summary as passed House:

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) adequate or sufficient 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

02/27/06 Senate: VOTE: (37-Y 2-N)

02/28/06 House: Bill text as passed House and Senate (HB456ER)

02/28/06 House: Enrolled
03/01/06 House: Signed by Speaker
03/02/06 Senate: Signed by President
Notes: City Position: Oppose

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

Summary as passed House:

Virginia Public Procurement Act; cooperative procurement; professional services. Allows a public body to enter into cooperative procurements for professional services, except for architectural or engineering 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

02/27/06 House: Bill text as passed House and Senate (HB458ER)
02/27/06 House: Enrolled
02/28/06 House: Signed by Speaker
03/01/06 Senate: Signed by President
03/03/06 House: Fiscal impact statement from DPB (HB458ER)
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. This bill has been incorporated into HB 366.

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 Highway Maintenance and Operating Fund; created.

Summary as passed House:

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 driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle. Annually, the first \$35 million of these fees, minus cost of collection, will be directed to the special matching fund established by § 33.1-23.05; the next \$25 million 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, Lohr, Marshall, D.W., Marshall, R.G., McQuigg, Nixon, Suit and Tata

02/14/06 House: Communicated to Senate

02/15/06 Senate: Constitutional reading dispensed

02/15/06 Senate: Referred to Committee on Finance

02/27/06 House: Fiscal impact statement from DPB (HB527H2)

03/07/06 Senate: Left in Finance (15-Y 0-N)

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 passed House:

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 \$100 or less, each article of clothing or footwear with a selling price of \$100 or less, each computer system with a selling price of \$1,500 or less, and each computer or related peripheral equipment with a selling price of \$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. The bill incorporates HB 121 (Jones, S.C.), HB 131 (Cosgrove), HB 484 (Frederick), HB 509 (Armstrong), HB 528 (Rust), HB 708 (Ware, O.), HB 1125 (Cline), and HB 1206 (Moran).

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

03/01/06 Senate: VOTE: (39-Y 0-N)

03/01/06 House: Senate substitute agreed to by House (89-Y 7-N 1-A)

03/01/06 House: VOTE: ADOPTION (89-Y 7-N 1-A)

03/07/06 House: Bill text as passed House and Senate (HB532ER)

03/07/06 House: Enrolled

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)

02/15/06 House: Left in Commerce and Labor

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

02/15/06 House: Left in 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. This bill is identical to HBs 11 and 334.

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

03/01/06 House: Placed on Calendar

03/01/06 House: Senate substitute with amendment agreed to by House (62-Y 30-N 1-A)

03/01/06 House: VOTE: ADOPTION (62-Y 30-N 1-A)

03/07/06 House: Bill text as passed House and Senate (HB568ER)

03/07/06 House: Enrolled

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)

02/15/06 House: Left in Finance

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)

02/15/06 House: Left in Finance

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

02/28/06 House: Bill text as passed House and Senate (HB610ER)

02/28/06 House: Fiscal impact statement from DPB (HB610ER)

02/28/06 House: Enrolled

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

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

02/15/06 House: Left in Courts of Justice

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: Signed by Speaker

02/07/06 Senate: Signed by President

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

02/14/06 Governor: Approved by Governor-Chapter 7 (effective 7/1/06)

02/20/06 Governor: Acts of Assembly Chapter text (CHAP0007)

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 passed House:

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 certain lots that are adjacent to an existing sidewalk.

Patron: Brink

02/24/06 Senate: VOTE: (40-Y 0-N)

02/28/06 House: Enrolled

03/01/06 House: Bill text as passed House and Senate (HB686ER)

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

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)

02/15/06 House: Left in Agriculture, Chesapeake and Natural Resources

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: 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)

02/15/06 House: Left in Militia, Police and Public Safety

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

02/15/06 House: Left in 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. This bill is identical to HB 80.

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

02/15/06 House: Left in 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

02/15/06 House: Left in Militia, Police and Public Safety

Notes: City Position: Oppose

HB 781 Rights of residents and employees to contact elected officials.

Summary as passed House:

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.

Patron: Albo

02/28/06 House: Enrolled

03/01/06 House: Bill text as passed House and Senate (HB781ER)

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

03/06/06 House: Fiscal impact statement from DPB (HB781ER)

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)

02/15/06 House: Left in Courts of Justice

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 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)
02/13/06 House: Continued to 2007 in Finance
Notes: City Position: Oppose

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: 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)
02/15/06 House: Left in Finance
Notes: City Position: Oppose

HB 926 Economic Development for Virginians with Disabilities Grant Program; created.

Summary as passed House:

Economic Development for Virginians with Disabilities Grant Program. Creates a grant fund to be distributed to nonprofit organizations that sell donated goods and spend at least 75% of their revenues employing or training people with disabilities or people with a workplace disadvantage. The grant funds are to assist with capital costs associated with construction of retail stores and other employment facilities. The program shall be administered by the Secretary of Health and Human Resources. The bill is contingent on funding in the appropriation act.

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

02/28/06 House: VOTE: ADOPTION (97-Y 0-N)

03/01/06 House: Fiscal impact statement from DPB (HB926S1)

03/07/06 House: Bill text as passed House and Senate (HB926ER)

03/07/06 House: Fiscal impact statement from DPB (HB926ER)

03/07/06 House: Enrolled

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

02/15/06 House: Left in Courts of Justice

Notes: City Position: Support

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. The bill also provides that the sheriff and owner of the real property do not have liability for the loss for any removed personal property.

Patron: Hurt

02/22/06 House: VOTE: ADOPTION (97-Y 0-N)

02/28/06 House: Bill text as passed House and Senate (HB1025ER)

02/28/06 House: Enrolled

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

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

03/08/06 Senate: Engrossed by Senate - committee substitute HB1039S2

03/08/06 Senate: Passed Senate with substitute (39-Y 0-N)

03/08/06 Senate: VOTE: (39-Y 0-N)

03/08/06 House: Fiscal impact statement from VCSC (HB1039S2)

03/09/06 House: Placed on Calendar

03/09/06 House: Senate substitute agreed to by House (98-Y 0-N)

03/09/06 House: VOTE: ADOPTION (98-Y 0-N)

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

03/07/06 Senate: VOTE: (37-Y 0-N)

03/07/06 Senate: Passed Senate with amendments (40-Y 0-N)

03/07/06 Senate: VOTE: (40-Y 0-N)

03/08/06 House: Placed on Calendar

03/09/06 House: Senate amendments agreed to by House (96-Y 0-N)

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: 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)

03/03/06 Senate: Passed by indefinitely in Rules (15-Y 0-N)

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

01/18/06 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)

02/15/06 House: Left in Appropriations

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)

02/15/06 House: Left in Appropriations

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)

02/15/06 House: Left in Militia, Police and Public Safety

Notes: City Position: Oppose

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

Summary as passed House:

Possession of concealed weapons; possession in private vehicles. Provides that the prohibition against carrying concealed weapons does not apply when a person is carrying such a weapon in his own personal property. 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 or boat, so long as he notifies a law-enforcement officer as soon as practicable of the possession if detained, and secures the handgun or allows the officer to secure the handgun for the duration of the contact.

Patrons: Athey, Carrico, Jones, S.C. and Welch

03/06/06 Senate: Passed Senate with amendments (23-Y 17-N)

03/06/06 Senate: VOTE: (23-Y 17-N)

03/07/06 House: Placed on Calendar

03/08/06 House: Passed by for the day

03/09/06 House: Senate amendments agreed to by House (70-Y 24-N)

03/09/06 House: VOTE: ADOPTION (70-Y 24-N)

Notes: City Position: Oppose

HB 1156 Sexual and domestic violence; confidentiality of records.

Summary as passed:

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 ensure 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

02/28/06 House: Enrolled

03/01/06 House: Bill text as passed House and Senate (HB1156ER)

03/01/06 House: Fiscal impact statement from DPB (HB1156ER)

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

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

02/27/06 Senate: Passed Senate (39-Y 0-N)

02/27/06 Senate: VOTE: (39-Y 0-N)

03/06/06 House: Bill text as passed House and Senate (HB1183ER)

03/07/06 House: Enrolled

03/08/06 House: Fiscal impact statement from DPB (HB1183ER)

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 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

03/06/06 Senate: VOTE: (40-Y 0-N)

03/06/06 Senate: Reconsideration of Sen. passage agreed to by Senate (40-Y 0-N)

03/06/06 Senate: VOTE: (40-Y 0-N)

03/06/06 Senate: Passed Senate (40-Y 0-N)

03/06/06 Senate: VOTE: (40-Y 0-N)

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

03/07/06 Senate: Passed Senate (27-Y 13-N)

03/07/06 Senate: VOTE: (27-Y 13-N)

Notes: City Position: Support

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

Summary as passed House:

Machinery and tools tax; method of valuation. Requires commissioners of the revenue, in valuing machinery and tools to consider any bona fide, independent appraisal presented by the

taxpayer. The bill also requires the Tax Commissioner to report on certain related issues.

Patron: Saxman

03/02/06 House: Senate substitute agreed to by House (83-Y 17-N)

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: Referred to Committee on Militia, Police and Public Safety

02/10/06 House: Continued to 2007 in Militia, Police and Public Safety

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: Referred to Committee on General Laws

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

02/15/06 House: Left in General Laws

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

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)

02/15/06 House: Left in General Laws

Notes: City Position: Oppose

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

Summary as passed House:

Domestic violence victim fund; name change; funding. Changes the name of the fund to *Sexual & Domestic Violence Victim Fund*.

Patrons: Crockett-Stark and Carrico

02/28/06 House: Bill text as passed House and Senate (HB1409ER)

02/28/06 House: Enrolled

03/01/06 House: Fiscal impact statement from DPB (HB1409ER)

03/01/06 House: Signed by Speaker

03/02/06 Senate: Signed by President

Notes: City Position: Support

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

Summary as passed House:

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 \$1 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

03/01/06 House: Senate substitute agreed to by House (98-Y 0-N)

03/01/06 House: VOTE: ADOPTION (98-Y 0-N)

03/08/06 House: Bill text as passed House and Senate (HB1416ER)

03/08/06 House: Enrolled

03/09/06 House: Fiscal impact statement from DPB (HB1416ER)

Notes: City Position: Oppose

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

Summary as passed House:

Wetlands mitigation banks. Allows any person who has created and operates an approved wetlands mitigation bank in multiple jurisdictions to annually file erosion and sediment control specifications for wetlands mitigation projects with the Virginia Soil and Water Conservation Board. The Board has 60 days to approve the specifications. If no action is taken within 60 days the specifications are deemed approved. Projects that are not covered by general specifications will have to comply with the local erosion and sediment control program. This bill will not become effective unless a specific appropriation has been approved in the general appropriation act to support this activity.

Patron: Scott, E.T.

03/01/06 Senate: VOTE: (40-Y 0-N)

03/02/06 Senate: Read third time

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

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

03/09/06 House: Bill text as passed House and Senate (HB1454ER)

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

01/24/06 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

02/10/06 House: Committee substitute printed 067744392-H1

02/15/06 House: Left in 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)

02/15/06 House: Left in General Laws

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: 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)

02/13/06 House: Continued to 2007 in Finance

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

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 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 HB 647.

Patron: Reynolds

02/22/06 Senate: Enrolled

02/23/06 Senate: Fiscal impact statement from DPB (SB57ER)

02/23/06 Senate: Signed by President

02/23/06 House: Signed by Speaker

03/07/06 Governor: Approved by Governor-Chapter 40 (effective 7/1/06)

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

01/30/06 Senate: Communicated to House

02/14/06 House: Placed on Calendar

02/14/06 House: Read first time

02/14/06 House: Referred to Committee on Privileges and Elections

02/17/06 House: Passed by indefinitely in Privileges and Elections

Notes: City Position: Support

SB 93 Land Conservation Incentives Act; tax credit.

Summary as passed Senate:

Land preservation tax credit. The bill provides an aggregate limit of \$600,000 or 50% of the fair market value 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.

Patron: Watkins

03/11/06 Senate: No further action taken

03/11/06 Senate: Failed to pass in Senate

Notes: City Position: Oppose

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

03/01/06 House: Reported from Courts of Justice (21-Y 0-N)

03/06/06 House: Passed House BLOCK VOTE (99-Y 0-N)

03/06/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

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.

03/01/06 House: Reported from Courts of Justice (21-Y 0-N)

03/06/06 House: Passed House BLOCK VOTE (99-Y 0-N)

03/06/06 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

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)
02/14/06 Senate: Left in Finance (15-Y 0-N)
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 Address Confidentiality Program; established to keep victims of crime personal address confidential.

Summary as passed Senate:

Domestic violence victims; personal addresses confidential. Requires the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General to establish a program to protect victims of domestic violence by authorizing the use of designated addresses for such victims. This bill is contingent upon appropriation of funds.

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

02/21/06 House: Reported from General Laws with substitute (22-Y 0-N)
02/21/06 House: Referred to Committee on Appropriations
02/21/06 House: Committee substitute printed 067751392-H1
02/24/06 House: Assigned App. sub: General Government and Technology (Wardrop)
03/06/06 House: Left in Appropriations
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 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 CO₂ 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

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

Summary as passed Senate:

Manufacturing technology; classification and taxation of property. Provides that in valuing machinery and tools for taxation, the commissioner of the revenue shall, if requested in writing, consider an independent appraisal submitted by the taxpayer. The bill also provides that, for taxable years beginning on or after January 1, 2007, certain certified pollution control equipment and facilities are exempt from state and local taxation, pursuant to Section 6 of Article X of the Constitution of Virginia. Finally, the bill requires that the Tax Commissioner convene a working group to consider several issues relating to the assessment and valuation for appraisals relating to machinery and tools, and to report by November 1, 2006.

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

03/03/06 Senate: Conference substitute printed 065240832-S2

03/06/06 Senate: Conference report agreed to by Senate (38-Y 0-N)

03/06/06 Senate: VOTE: (38-Y 0-N)

03/06/06 House: Conference report agreed to by House (84-Y 15-N)

03/06/06 House: VOTE: ADOPTION (84-Y 15-N)

Notes: City Position: Oppose

SB 262 Virginia Energy Plan; created.

Summary as passed Senate:

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, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy. The State Corporation Commission's approval of the construction of substations, appurtenant to its approval of a transmission line, that are used primarily to step down the transmission voltage to a subtransmission voltage of not less than 40 kV shall be deemed to satisfy the requirements of local land use requirements.

Patrons: Wagner, Bell, Blevins, Devoites Davis, Hanger, Newman, Quayle, Ruff, Stosch, Wampler, Watkins and Williams; *Delegates:* Marshall, D.W. and Purkey

03/08/06 House: VOTE: PASSAGE (71-Y 22-N)

03/08/06 House: Reconsideration of House passage agreed to by House

03/08/06 House: Passed House with substitute (74-Y 21-N)

03/08/06 House: VOTE: PASSAGE #2 (74-Y 21-N)

03/09/06 Senate: House substitute agreed to by Senate (36-Y 1-N 1-A)

03/09/06 Senate: VOTE: (36-Y 1-N 1-A)

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)

01/25/06 Senate: Stricken at request of Patron in Finance (15-Y 0-N)

Notes: City Position: Support

SB 271 Public Procurement Act; purchase of certain insurance in construction projects.

Summary as passed Senate:

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 where the amount of the contract or combination of contracts is more than \$100 million. 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 is that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled. The bill also provides that a contract for architectural and professional engineering services cannot be required to participate in such a program, except if public body elects to secure excess coverage.

Patron: Whipple

02/28/06 Senate: House amendment agreed to by Senate (39-Y 0-N)

02/28/06 Senate: VOTE: (39-Y 0-N)

03/06/06 Senate: Bill text as passed Senate and House (SB271ER)

03/07/06 Senate: Fiscal impact statement from DPB (SB271ER)

03/07/06 Senate: Enrolled

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

03/01/06 House: Committee substitute agreed to 067382844-H1

03/01/06 House: Amendment by Delegate Hull agreed to

03/01/06 House: Pending question ordered

03/01/06 House: Defeated by House (41-Y 57-N)

03/01/06 House: VOTE: DEFEATED (41-Y 57-N)

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: Continued to 2007 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: Referred to Committee on Commerce and Labor

02/13/06 Senate: Continued to 2007 in Commerce and Labor (15-Y 0-N)

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

03/02/06 House: Passed House BLOCK VOTE (100-Y 0-N)

03/02/06 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

03/09/06 Senate: Bill text as passed Senate and House (SB291ER)

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

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

02/16/06 House: Assigned GL sub: #1 Housing (Suit)

02/23/06 House: Referred from General Laws

02/23/06 House: Referred to Committee on Counties, Cities and Towns

03/03/06 House: Continued to 2007 in Counties, Cities and Towns

Notes: City Position: Support

SB 374 Single-family dwellings; deletes certain optional provisions regarding clustering thereof.

Summary as passed Senate:

Clustering of single-family dwellings. Deletes certain optional provisions regarding the clustering of single-family housing and reinserts those provisions as mandatory provisions of

zoning or subdivision ordinances for counties and cities that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year. Such localities shall provide in their zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, 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 plan and land use ordinances.

Patrons: Watkins and Houck

03/11/06 House and Senate: Passed House and Senate

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

03/11/06 Incorporated into SB 93, which died

Notes: City Position: Oppose

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

Summary as passed Senate:

Taxation of certified pollution control equipment and facilities; development of five-year plan. The Virginia Economic Development Partnership Authority, with other agencies, is required to prepare and execute a specific five-year plan to assist local governments that are dependent upon manufacturing facilities to diversity their economies. The bill also provides that certain certified pollution control equipment and facilities are exempt from state and local taxation, pursuant to Section 6 of Article X of the Constitution of Virginia.

Patrons: Hanger, Wagner and Williams; *Delegate:* Purkey

03/01/06 House: Engrossed by House - committee substitute SB417H1

03/01/06 House: Passed House with substitute (97-Y 1-N)

03/01/06 House: VOTE: PASSAGE (97-Y 1-N)

03/03/06 Senate: House substitute agreed to by Senate (39-Y 0-N)

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

Notes: City Position: Oppose

SB 427 Residential Landlord Tenant Act; confidentiality of tenant records.

Summary as passed Senate:

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. The bill also provides that the failure of the landlord to provide the copy to the designated third party does not affect the validity of any judgment entered against the tenant.

Patron: Lambert

03/02/06 House: Passed House with amendment (98-Y 2-N)

03/02/06 House: VOTE: PASSAGE (98-Y 2-N)

03/06/06 Senate: Passed by for the day

03/07/06 Senate: House amendment agreed to by Senate (40-Y 0-N)

03/07/06 Senate: VOTE: (40-Y 0-N)

Notes: City Position: Support

SB 453 Traffic light signals; use of photo-monitoring systems in certain localities.

Summary as passed Senate:

Photo-monitoring systems to enforce traffic light signals. Allows the Counties of Arlington, Fairfax, and Loudon, 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

02/01/06 Senate: Communicated to House

02/14/06 House: Placed on Calendar

02/14/06 House: Read first time

02/14/06 House: Referred to Committee on Militia, Police and Public Safety

02/24/06 House: Passed by indefinitely in Militia, Police and Public Safety

Notes: City Position: Support

SB 457 Sheriff; courthouse security.

Summary as passed Senate:

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 shall only be used in connection with the provision of courthouse security.

Patron: Devolites Davis

03/06/06 Senate: House amendments agreed to by Senate (40-Y 0-N)

03/06/06 Senate: VOTE: (40-Y 0-N)

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

02/14/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/22/06 House: Referred from Agriculture, Chesapeake and Natural Resources

02/22/06 House: Referred to Committee for Courts of Justice

03/03/06 House: Incorporated by Courts of Justice (SB200-Houck)

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: Referred to Committee for Courts of Justice

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

02/14/06 House: Referred to Committee on Appropriations

03/06/06 House: Left in Appropriations

Notes: City Position: Support

SB 571 Retail sales and use tax; exemption for school-related items.

Summary as passed Senate:

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 three-day period during August each year. The exempt items are (i) school supplies, where the selling price of each item is \$20 or less, and (ii) footwear and clothing where 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: McDougle; *Delegate:* Saxman

03/06/06 Senate: Conference report agreed to by House and Senate

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: Referred to Committee on Finance

02/14/06 Senate: Left in Finance (15-Y 0-N)

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: 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 626 Water Quality Improvement Fund; revenues from lodging shall be deposited thereof.

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: Referred to Committee on Agriculture, Conservation and Natural Resources

02/06/06 Senate: Continued to 2007 in Agriculture, Conservation and Natural Resources (14-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. Also 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

01/23/06 Senate: Reported from Courts of Justice (15-Y 0-N)

01/23/06 Senate: Rereferred to Finance

02/07/06 Senate: Incorporated by Finance (SB457-Devolites Davis) (14-Y 0-N)

Notes: City Position: Support

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: Referred to Committee on Commerce and Labor

02/13/06 Senate: Stricken at request of Patron in Commerce and Labor (15-Y 0-N)

Notes: City Position: Support

SB 648 Indoor Clean Air Act; smoking in public places, civil penalty.

Summary as passed Senate:

Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas 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. Exceptions to the new smoking prohibitions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (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 25% of the total accommodations within the establishment that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed; however, signs are not required on private homes, private residences, private vehicles, or home-based businesses, unless such private homes, private residences, private vehicles, or home-based businesses are used in conjunction with a licensed child care, adult day care, or health care. 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 smoking 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 conduct an education program on the health benefits of avoiding exposure to secondhand smoke. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted from the law 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; 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.

Patron: Bell

02/14/06 House: Referred to Committee on General Laws

03/06/06 House: Left in General Laws

Notes: City Position: Support

SB 651 Air emissions control; Department of Environmental Quality shall promulgate regulations.

Summary as passed Senate:

Air emission controls. Establishes a phased schedule for 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_x and SO₂ obligations. The bill also requires the Board to adopt the Federal Clean Air Mercury Rule as well as adopt a state-specific rule for mercury. 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 with the state-specific rule by purchasing credits, but would be (i) allowed to obtain credits from facilities within their system and within 200 km of the Virginia border and (ii) able to sell excess credits. Although large systems (Dominion Resources) would not be able to demonstrate compliance under the state-specific rule by purchasing credits, they would be able to sell excess credits and would be able to use credits from all Virginia facilities within their system to demonstrate compliance. The Board is prohibited from imposing anything more stringent than the federal Maximum Achievable Control Technology rule for coke ovens for air toxics and steel smelters that accept scrap metal from automobile recycling subject to the mercury switch recycling program.

Patrons: Puckett and McDougle

03/08/06 Senate: Bill text as passed Senate and House (SB651ER)

03/08/06 Senate: Enrolled

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: 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: 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 3

TRANSPORTATION FUNDING PROPOSALS

Funding Source	Senate Finance	House Republicans
Sales tax on motor vehicles (now 3 %)	Increase to 3.75 %	Not addressed
Sales tax on motor fuels (not now taxed)	Increase to 5 % (same as sales tax on other items); allow some refunds	Not addressed
Diesel fuels tax (now 16¢ per gallon)	Make equal to gasoline tax (17.5¢ per gallon)	Not addressed
Vehicle titling fee	Not addressed	Not addressed
Vehicle registration fee	Increase by \$10 on all automobiles, and an additional amount on other vehicles	Not addressed
Auto insurance premium tax revenues	Dedicate all revenues from this tax to transportation	Dedicate 1/3 of the current revenues to transportation
“Abusive” traffic offenses	Increase fines; use new revenue for transportation	Increase fines; use new revenue for transportation
Recordation taxes	Increase taxes; use new revenue for transportation	Move \$40 M/yr in recordation taxes from GF to transportation
Use portion of General Fund surplus	\$369 M	\$600 M
Total new money, FY 2007-10	\$3.95 B+	Up to \$2 B



City of Alexandria, Virginia

301 King Street, Suite 2300

Alexandria, Virginia 22314



William D. Euille

Mayor

March 1, 2006

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The Honorable Vincent F. Callahan, Jr.
The Honorable Lacey E. Putney
The Honorable Philip A. Hamilton
The Honorable M. Kirkland Cox
The Honorable Leo C. Wardrup, Jr.
The Honorable Johnny S. Joannou
The Honorable John H. Chichester
The Honorable William C. Wampler, Jr.
The Honorable Walter A. Stosch
The Honorable Charles J. Colgan
The Honorable R. Edward Houck

Dear Delegates and Senators:

I am writing to express the serious concerns of the City of Alexandria about a budget amendment under consideration by the General Assembly. The House of Delegates seeks to require the City of Alexandria to give the State \$915,587 annually from the funds it receives from the federal government for housing federal prisoners (Item 60 #2h). We ask that the General Assembly reject this amendment in the budget that is ultimately passed.

The Alexandria jail, opened in 1987, was built at an approximate cost of \$20 million. Of this, the City paid \$17.1 million, the federal government paid \$2.6 million, and the State paid \$300,000. Since the jail was opened, there have been a number of security upgrades, all of which were paid for fully by the City and the federal government, even though these upgrades also benefit the State and State-responsible prisoners who are housed in the jail. The most recent of these upgrades, at a cost of over \$5 million, was begun in 2002, and was completed in 2004. It was necessitated by the presence of a number of alleged terrorists, including Zacarias Moussaoui, the alleged 20th hijacker on September 11th, who is still being held in the jail. Mr. Moussaoui and the others are being held at the Alexandria jail at the request of the federal government, since all actions associated with their trials are taking place at the federal court house in Alexandria, located one-third of a mile from the jail. The jail has a rated operating capacity of 340 inmates. The City has a contract with the federal government to house up to 140 federal prisoners at the jail.

"Home Town of George Washington and Robert E. Lee"

March 1, 2006

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There are 134 sworn deputies at the Alexandria jail. Seventy-nine of these are funded jointly by the State (Comp Board) and the City, and 55 are fully funded by the City. Included in these 55 are nine deputies who have been hired in connection with the terrorist-related security upgrades. The City is fully funding the salaries, benefits, and other costs attributable to these nine deputies.

The City pays twice as much as the State of the Alexandria jail's operating costs – the reverse of the proportion paid by most localities. In FY 04, Alexandria paid 41 percent of the costs, one of the highest percentages in the State; the federal government paid 39 percent; and the State paid 19 percent, the second lowest percentage in the State. The remaining costs (less than 1 percent) were paid by other sources. If the House budget amendment is adopted, the State share of funding for the Alexandria jail would drop to less than 15 percent of the jail's total costs, and the City's share would rise to cover these costs that would be shifted from the State.

The City of Alexandria is providing a significant service to the nation by housing alleged terrorists. We hope that the State will not penalize the City for providing this nationally important public service.

We ask that you, the conferees, reject this House amendment.

Sincerely,



William D. Euille

Mayor

cc: The Honorable Members of City Council
The Honorable Richard L. Saslaw
The Honorable Patricia S. Ticer
The Honorable Adam P. Ebbin
The Honorable David L. Englin
The Honorable Brian Moran
James K. Hartmann, City Manager
Bernard Caton, Legislative Director



City of Alexandria, Virginia

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William D. Euille

Mayor

March 1, 2006

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- The Honorable Richard L. Saslaw
- The Honorable Patricia S. Ticer
- The Honorable Adam P. Ebbin
- The Honorable David L. Englin
- The Honorable Brian Moran

Dear Delegates and Senators:

Thank you for all you are doing to advance the City's needs in the 2006 Session. I realize you often face formidable opposition from other legislators, and I appreciate your efforts on behalf of the City.

As this year's Session draws to a close (or at least to its scheduled adjournment date), I know that much of your attention will be focused on the state budget. Listed below are the major issues for the City in the House and Senate budget proposals, together with the City's request for action on each of these issues. I would appreciate anything you can do to help the City with respect to these issues. If you have questions about any of them, please contact Bernie Caton.

1. Federal Jail Per Diems. The House, but not the Senate, has proposed phasing out the City's exemption from paying the State a portion of its federal per diem. If we had not had the exemption in FY 05, we would have been forced to pay the State \$915,587.

This issue is so important to the City that I am writing a separate letter to the House and Senate conferees, asking them to defeat the House proposal and continue the City's exemption.

2. Money proposed for Alexandria City Public Schools for FY 07:

Governor's Budget (12-16-05)	29,057,682
House Proposal	29,044,311
Senate Proposal	29,137,088

Please support the highest funding level possible for City schools.

3. Transportation. The Senate plan provides far more money for Northern Virginia and statewide than the House, including a 100 percent of match for City's federal TEA-LU

"Home Town of George Washington and Robert E. Lee"

March 1, 2006
Page 2

transportation projects. The House provides less overall funding, and only an 80 percent of the match (the City would have to provide the remaining 20 percent).

Please support a plan that ultimately provides dedicated, long-term funding for transportation at the level proposed by the Senate, without moving money from General Fund programs.

4. Historic City Properties. The Senate budget includes \$75,000 for Gadsby's Tavern, and \$37,000 for Fort Ward; the House provides no money for these historic properties.

Please support funding for both these publicly-owned historic properties.

5. Virginia Preschool Initiative. The Senate increases State per pupil share of funding for the Virginia Preschool Initiative from \$5,400 to \$5,700 for FY 07, and \$6,000 for FY 08.

Please support the Senate's proposed funding increase for this important program.

6. The House included \$1 million for Birmingham Green; the Senate provided only \$200,000.

Please support the highest funding level possible for Birmingham Green.

7. Washington Area Housing Trust Fund. The House included \$250,000 for the Washington Area Housing Trust Fund; the Senate provided no funding for this.

Please support the highest funding level possible for the Washington Area Housing Trust Fund.

8. BRAC. The Senate includes \$30 million for BRAC assistance, while the House has only \$25 million. The House earmarks half its money in the first year (\$7.5 M out of \$15 M) and all its money the second year (\$7.5M) for the Virginia Beach's Oceana Naval Base.

Please support the Senate BRAC proposal, which would give Alexandria a greater opportunity to receive State money to help with the economic development efforts that are being necessitated by the abandonment under BRAC of federal leased space in the City.

Again, thank you for your efforts.

March 1, 2006

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Sincerely,



William D. Euille

Mayor

cc: The Honorable Vincent F. Callahan, Jr.
The Honorable John H. Chichester
The Honorable Members of City Council
James K. Hartmann, City Manager
Bernard Caton, Legislative Director