

City of Alexandria

**MEMORANDUM**

DATE: FEBRUARY 26, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BCC*

SUBJECT: FINAL STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2001 GENERAL ASSEMBLY SESSION

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**ISSUE:** Status report (No. 3) on legislation introduced at the 2001 General Assembly Session.

**RECOMMENDATION:** That City Council receive this report.

**DISCUSSION:** The 2001 General Assembly Session, which began on January 10, adjourned February 24. During the Session 3,197 bills and resolutions were considered; 1,381 (or 43 percent) of these were passed, and have gone to the Governor (although the Governor takes no action on resolutions), and 1,816 (or 57 percent) failed. By March 26, the Governor must review each bill and approve it, veto it, or recommend specific amendments for the General Assembly's consideration at the reconvened (veto) Session, which will be held on April 4. Among the bills not sent to the Governor is the budget bill, which will be discussed separately in this memorandum. Attachment 1 shows the final status of legislation on which the City has taken a position.

**City Package.** The status of the following bills from the City's legislative package is indicated below:

- **HB 1633** would have given immunity from prosecution for child abandonment to parents who take their newborn children to an authorized "safe haven" area, such as a hospital. This bill was incorporated into HB 1891, which was defeated by the Senate Courts of Justice Committee.
- **HB 2165** will require any non-profit owner of an historic property that is open to the public to give notice to the local governing body, the Attorney General, and the State Department

of Historic Resources at least 90 days before the property is sold. This bill was passed by both the House and the Senate, and now awaits action by the Governor.

- **HB 2488** will extend to Community Service Boards the same peer review protection that is already provided to hospitals (they are given immunity protection from civil suits for peer review activities; and their records pertaining to peer review activities are considered privileged communications, which ordinarily may not be disclosed or obtained by legal discovery proceedings). This bill was passed by both the House and the Senate, and now awaits action by the Governor.
- **HB 2489** sought authorization for Virginia localities to increase the local recordation tax, and use the increased revenues to purchase or preserve open space. This bill was defeated by the House Finance Committee.
- **HB 2684** sought to create a refundable State Earned Income Tax Credit. This bill was defeated by the House Finance Committee.
- **HJ 672** requested the State Crime Commission to study: (1) whether to extend the time for which preliminary protective orders are valid; (2) whether to allow the service of final protective orders by mail when the respondent (i.e., alleged abuser) fails to appear at the hearing; and (3) whether to make the third or subsequent violation of a protective order a Class 6 felony. The House Rules Committee agreed to recommend that the Crime Commission conduct this study, but did not believe that passage of a formal resolution was necessary. Staff expects the Crime Commission to agree to do the study.
- **SB 1002**, which sought to require the Virginia Housing Development Authority to give loans to unrelated individuals who wish to purchase a home, and otherwise qualify for VHDA assistance, was defeated by the Senate General Laws Committee.
- **SB 1005** would have amended provisions of the State Code to increase the severity of the penalty if a person is convicted of various “hate crimes” (e.g., assault or damage to another person’s property) that are motivated by the sexual orientation of another person. This bill was defeated by the Senate Committee on Courts of Justice.
- **SB 1006** will allow localities to use spot blight abatement procedures within conservation and redevelopment areas (these procedures can currently be used anywhere except conservation and redevelopment areas). This bill was passed by both the House and the Senate, and now awaits action by the Governor.
- **SJ 356** asked the State Housing Study Commission to study ways to assist teachers to purchase homes in the communities in which they teach. This resolution was defeated by the Senate Rules Committee.

**Living Wage.** Legislation was introduced in both the House and the Senate (HB 1931, HB 2862, and SB 961) to prohibit the City from using “best value” concepts to require contractors to pay a living wage (as a result of legislation passed by the 2000 General Assembly, localities may consider the “best value,” and not solely the lowest price proposed, when awarding contracts). All three bills were defeated, so the City will be able to continue its living wage program, absent any further legislative proposals from the Governor prior to the veto Session. Staff will carefully monitor legislative amendments proposed by the Governor for the veto Session, watching for any that would affect the City’s living wage ordinance.

**Local Authority Over Weapons.** House Bill 1969 was introduced by Delegate Roger McClure to prohibit any locality (after January 1, 1987) from adopting any resolution, motion, administrative rule, or regulation governing the possession, carrying, transfer, or ownership of firearms. Localities are already prohibited from adopting ordinances for these purposes.

Alexandria has an administrative regulation adopted by the City Manager in 1995 (and later affirmed by Council), that prohibits weapons of any kind in any city workplace. The purpose of this regulation is to help ensure the safety of the City’s work force, as well as the safety of the general public. Under the City’s regulation, if someone enters an Alexandria workplace (e.g., City Hall or one of the recreation centers) with a concealed weapon, the City can ask the person to leave and stay off the property as long as he has the weapon. If the person refuses to leave, the City charges him with trespass.

The City believes that this procedure is a reasonable one to protect the safety of the work force and the public. When the regulation was challenged in Court several years ago, the City regulation was upheld. The City believes that it, like private employers, should be able to adopt reasonable policies to protect its workers. The purpose of House Bill 1969 was to overturn the City regulation, as well as similar regulations in other localities; the City strongly opposed this bill.

House Bill 1969 was narrowly defeated on the last day of Session. Because of the significant support that continues to exist for passage of such legislation, it is likely that this bill will be introduced in the 2002 Session. City staff will work with the Virginia Municipal League and other local governments on a strategy to address this legislation if it is reintroduced.

**Regional Transportation Issues.** Four major bills considered by the General Assembly sought to address Northern Virginia’s transportation needs. Two of these attempted to increase the sales tax to fund transportation or transportation and education projects, and two proposed a new regional authority to assist in meeting regional transportation needs, as described below.

**House Bill 2776** (Dillard), as introduced, would have authorized any city or county in Planning District 8 (Northern Virginia) to hold a referendum on whether to levy an additional sales tax of one cent, with the resulting revenues split evenly between transportation and public education. Because of strong opposition from delegates from outside the region (as well as some delegates from Loudoun, Prince William, and Fairfax), the House reduced the sales tax increase to one-half cent, all of which was proposed for transportation. When the bill was considered by the Senate, it was

amended to include funding for transportation (an extra half cent on the sales tax, to sunset in 2035) and education (an extra half cent on the sales tax, to sunset after ten years). Neither increase could be implemented unless approved in a regional referendum. The bill would have required that a large portion of the transportation revenues be used to fund specifically listed transportation projects, including \$200 million for Metro railcars and other Metro capital improvements, \$25 million for DASH, and \$100 million for improvements to the region's urban highway system.

Although House Bill 2776 was passed by the Senate, the House of Delegates defeated it on the last day of Session.

Senate Bill 1368 (Saslaw), which also would have authorized the levy of an additional sales tax of one cent (half for transportation, and half for education) in Planning District 8 (Northern Virginia) was withdrawn by the patron.

House Bill 2606 (McClure) will create a Northern Virginia Transportation Authority, consisting of the localities within Planning District 8. Components of the bill include the following:

- The Authority will not come into being until July 1, 2002;
- The Authority will have 15 to 17 voting members (depending on how many Commonwealth Transportation Board members serve on it): 9 from local governments (one from each locality); 2 members of the General Assembly; 3 gubernatorial appointees; and one to three members of the Commonwealth Transportation Board: the Northern Virginia representative and any of the urban at-large members who reside within Planning District 8 (there are two urban at-large members, who may or may not come from this planning district);
- The Authority will be responsible for long-range transportation planning and coordination, and will be authorized to issue bonds;
- No money is provided to the Authority;
- The administrative expenses of the Authority which exceed revenues from other sources (no revenue is provided by the legislation) will be allocated among the localities on the basis of relative population; and
- The bill states that it is "the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003," subject to additional enabling legislation.
- Further details about the Authority (duties and responsibilities, voting procedures, etc.) are to be developed by the Joint Subcommittee Studying the Creation of a Northern Virginia Regional Transportation Authority, on which Mayor Donley serves.

House Bill 2606 was passed by the House and the Senate, and now awaits action by the Governor.

Senate Bill 1355 (Mims), which also sought to create a Northern Virginia Transportation Authority, consisting of Planning District 8, was defeated by the House of Delegates.

**State Budget.** The General Assembly was unable to agree on amendments to the biennial budget. The major issue on which the House and Senate differed was the car tax. In its proposed amendments to the budget, the House agreed with the Governor's proposals on the car tax (the State would pay the tax on 70 percent of the first \$20,000 value in 2001, and 100 percent in 2002). The amendments proposed by the Senate early this month would have funded the car tax program at 50 percent in 2001 and 70 percent in 2002, and the Senate proposed that the funds thus saved be used instead to avoid many of the cuts proposed by the Governor in health, social service, education, and public safety programs.

When it became clear that both houses had reached an impasse on the budget, the Senate made a second budget proposal, the most important part of which was to raise the 2001 funding for the car tax from 50 to 55 percent. The House Speaker ruled that the deadline for the introduction of bills had passed (unless such a bill was requested by the Governor, which was not the case), and refused to allow the House to consider the Senate bill.

The day before the General Assembly adjourned, the Governor announced that he would call a Special Session in late March to further consider amendments to the State budget. Staff will carefully monitor this Special Session on the budget if it takes place.

**STAFF:**

Bernard Caton, Legislative Director  
Michele Evans, Assistant City Manager

**ATTACHMENTS:**

Attachment 1 - Final Status of Bills on Which the City Has Taken a Position, February 26, 2001

**Attachment 1**  
**Final Status of Bills on Which the City has Taken a Position**  
**February 26, 2001**

**HB1325 Income tax; different tax rate on income derived from sale of certain real estate**

Patron - Almand, James F.

**Summary:**

Income tax; different tax rate on income derived from sale of certain real estate. Provides for the imposition of a 2.3 percent tax rate on the taxable proceeds of a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable years beginning on January 1, 2002 through December 31, 2005.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB1591 Professions and occupations; pawnbrokers**

Patron - Callahan, Vincent F. Jr.

**Summary:**

Professions and occupations; pawnbrokers. Authorizes pawnbrokers to maintain required records electronically and upon request by a law-enforcement official, is required to make such electronic records available. The bill allows a pawnbroker to charge a service fee for making daily electronic reports to law-enforcement officials. The fee shall not exceed five percent of the amount loaned or three dollars, whichever is less. The bill also requires the Department of State Police to adopt regulations for the uniform reporting of required information.

**Status Change Dates:**

02/24/01 Passed House and Senate

**City Position: Support**

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**HB1630 Preservation of historical sites and architectural areas**

Patron - Callahan, Vincent F. Jr.

**Summary:**

Preservation of historical sites and architectural areas. States the policy and purpose for existing provisions that allow localities to adopt ordinances to protect historic landmarks and other areas. Adds architectural areas to those areas that may be included in such an ordinance and defines "architectural area" to include an area where the visual impact of buildings and development can be significant on the economic, cultural, or scenic attributes of the community. Localities that

adopt an architectural area district are required to adopt standards to guide decision making within the district.

**Status Change Dates:**

01/30/01 House: Tabled in Counties, Cities & Towns (22-Y 0-N)

**City Position: Support**

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**HB1633 Emergency custody of certain abandoned children**

Patron - Moran, Brian J.

**Summary:**

Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72-hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law-enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

**Status Change Dates:**

02/04/01 House: Incorporated by Courts of Justice (HB1891-Griffith) (22-Y 0-N)

**City Package Bill: Support**

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**HB1635 Distribution of general funds to localities**

Patron - Diamonstein, Alan A.

**Summary:**

Distribution of general funds to localities. Requires that two percent of the total general funds be returned to localities based equally on size of population and degree of fiscal stress.

**Status Change Dates:**

01/31/01 House: Tabled in Finance (21-Y 2-N)

**City Position: Oppose**

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**HB1673 Clustering of single-family detached dwellings**

Patron - Albo, David B.

**Summary:**

Clustering of single-family detached dwellings. Provides that subdivision and zoning ordinances shall contain reasonable provisions allowing the clustering of single-family detached dwellings so as to preserve open space. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for the clustering of single-family detached dwellings on lots that are up to 20 percent smaller than otherwise required by local ordinance. There is a delayed effective date of July 1, 2002.

**Status Change Dates:**

02/02/01 House: Passed by in Counties, Cities & Towns with letter (22-Y 0-N)

**City Position: Oppose unless modified to address City concerns about infill developments.**

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**HB1692 Religious and charitable matters; affirmation of religious freedom**

Patron - Black, Richard H.

**Summary:**

Religious and charitable matters; affirmation of religious freedom. Prohibits government entities from burdening the free exercise of religion. The bill defines "government entity" as any branch, department, agency or instrumentality of state government, or any political subdivision of the State.

**Status Change Dates:**

02/01/01 House: Stricken at request of Patron in Courts of Justice (22-Y 1-N)

**City Position: Oppose**

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**HB1697 Department of Housing and Community Development; low interest loans for teachers**

Patron - Baskerville, Viola O.

**Summary:**

Department of Housing and Community Development; low interest loans for teachers. Requires the Director of the Department of Housing and Community Development to develop and administer, with such funds as may be made available or may be used for such purposes, a mortgage loan program for teachers under contract with a Virginia school board that shall provide for interest rates below the prevailing rate of interest in Virginia for similar programs and be conditioned on the agreement by such teachers to teach in Virginia for a minimum of three years.



The program may provide for penalties for breaching the agreement to teach in Virginia for a minimum of three years that may include, but need not be limited to, increases in interest rates. The Board will advise the Department and the Director in the development of this teacher loan program.

**Status Change Dates:**

02/04/01 House: Tabled in Appropriations (23-Y 5-N)

**City Position: Support**

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**HB1767 Location of utility easements**

Patron - Woodrum, Clifton A. (Chip)

**Summary:**

Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities.

**Status Change Dates:**

02/20/01 Passed House and Senate

**City Position: Support**

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**HB1809 Cause of action for false allegation of unlawful discrimination**

Patron - McClure, Roger J.

**Summary:**

Cause of action for false allegation of unlawful discrimination. Provides that any person who is the subject of a false allegation of unlawful discrimination may, within three years from the date of the false allegation, bring an action in a court of law for compensatory damages and attorney's fees.

**Status Change Dates:**

02/04/01 House: Stricken at request of Patron in General Laws (25-Y 0-N)

**City Position: Oppose**

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**HB1817 Parking; local vehicle licenses**

Patron - Kilgore, Terry G.

**Summary:**

Parking; local vehicle licenses. Adds Scott County to the list of counties authorized to regulate parking within their boundaries.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB1829 Impact fees for residential development**

Patron - Hargrove, Frank D. Sr.

**Summary:**

Impact fees for residential development. Provides that a locality may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, emergency services, law enforcement, recreation, library or other needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

**Status Change Dates:**

02/02/01 House: Left in Counties, Cities & Towns (18-Y 4-N)

**City Position: Support**

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**HB1835 Inoperable motor vehicles**

Patron - Howell, William J.

**Summary:**

Inoperable motor vehicles. Allows certain localities to enforce violations of inoperable motor vehicle ordinances under its zoning ordinance as it would a zoning violation.

**Status Change Dates:**

01/26/01 House: Tabled in Counties, Cities & Towns (22-Y 0-N)

**City Position: Support**

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**HB1860 "Photo-red" traffic light signal enforcement programs**

Patron - McQuigg, Michele B.

**Summary:**

"Photo-red" traffic light signal enforcement programs. Authorizes implementation of "photo-red" traffic light signal enforcement programs in Manassas, Manassas Park, and Prince William County. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

**Status Change Dates:**

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

**City Position: Oppose provision that requires a law enforcement officer to affirm a notice of violation.**

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**HB1873 Voluntary remediation of contaminated properties**

Patron - Deeds, R. Creigh

**Summary:**

Voluntary remediation of contaminated properties. Expands the voluntary remediation program for properties owned by local governments. The bill eliminates the requirement that local governments pay registration fees when voluntarily remediating their properties. The bill also creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties. The bill will not become effective unless funds are appropriated in the 2001, 2002, 2003 or 2004 budgets to carry out the provisions of the bill.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB1888 ABC; refusal to grant license**

Patron - Rhodes, Anne G. (Panny)

**Summary:**

ABC; refusal to grant license. Expands the types of information that the Board must consider in deciding whether to issue an ABC license to include the effects the establishment would have on the character of the neighborhood in which it would be located and objections filed by local residents.

**Status Change Dates:**

01/29/01 House: Tabled in General Laws (23-Y 2-N)

**City Position: Support**

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**HB1898 Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees**

Patron - Johnson, Joseph P. Jr.

**Summary:**

Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees. Clarifies that at least two consumers must serve on state or local human rights committees who have received, within five years of their initial appointment, public or private mental health, mental retardation, or substance abuse treatment or habilitation services.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB1916 "Photo red" traffic light signal enforcement program**

Patron - Van Yahres, Mitchell

**Summary:**

"Photo red" traffic light signal enforcement program. Adds Charlottesville and Albemarle County to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

**Status Change Dates:**

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

**City Position: Support**

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**HB1931 Virginia Public Procurement Act; use of best value concepts**

Patron - Cox, M. Kirkland

**Summary:**

Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay wage rates established by the public body.

**Status Change Dates:**

02/14/01 Senate: Passed by indefinitely in General Laws (10-Y 5-N)

**City Position: Oppose**

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**HB1948 Clustering of dwellings**

Patron - Hull, Robert D.

**Summary:**

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

**Status Change Dates:**

02/02/01 House: Passed by in Counties, Cities & Towns with letter (22-Y 0-N)

**City Position: Oppose**

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**HB1950 Northern Virginia Transportation Development Authority**

Patron - Hull, Robert D.

**Summary:**

Northern Virginia Transportation Development Authority. Creates the Northern Virginia Transportation Development Authority. The Authority is empowered to issue bonds to finance or

assist in the financing of multi-jurisdictional transportation projects under the Public-Private Transportation Act of 1995 in Northern Virginia.

**Status Change Dates:**

02/06/01 Defeated

**City Position: Oppose**

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**HB1969 Local control of firearms**

Patron - McClure, Roger J.

**Summary:**

Local control of firearms. Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, motion, administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute.

**Status Change Dates:**

02/24/01 House: Failed to pass in House

**City Position: Oppose**

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**HB1994 Imposition and administration of income and property taxes**

Patron - Parrish, Harry J.

**Summary:**

Imposition and administration of income and property taxes. Increases the individual income tax rate by one percent at each level (from 2 percent to 3 percent, 3 percent to 4 percent, 5 percent to 6 percent, and 5 3/4 percent to 6 3/4 percent) and the corporate income tax rate from 6 percent to 7 percent, effective January 1, 2002. The bill also limits the rate localities may levy for the personal property tax to \$0.01 per \$100 of assessed value for tax years beginning on and after January 1, 2002. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of total full-time employees.

**Status Change Dates:**

02/05/01 House: Left in Finance

**City Position: Oppose**

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**HB1999 Local tax administration; warrants, tax bills and security interests**

Patron - Parrish, Harry J.

**Summary:**

Local tax administration; warrants, tax bills and security interests. Provides that (i) treasurers may deduct other charges in addition to taxes due from a party in whose favor a warrant is drawn, (ii) treasurers may transmit any local tax bill by means of facsimile transmission or e-mail, and (iii) taxes specifically assessed against goods and chattels distrained constitute a lien against the property so assessed. Incorporates HB 2124.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

**HB2012 Retirement; health insurance credits**

Patron - Jackson, Thomas M. Jr.

**Summary:**

Retirement; health insurance credits. Raises the monthly health insurance credits by \$1.00 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. Under current law such monthly credit for each year of creditable service is: (i) \$4.00 for retired state employees; (ii) \$1.50 for retired local employees, constitutional officers and their employees, and local social service employees; and (iii) \$2.50 for retired teachers.

**Status Change Dates:**

02/01/01 House: Tabled in Appropriations (26-Y 2-N)

**City Position: Oppose**

**HB2017 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund**

Patron - May, Joe T.

**Summary:**

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided

among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

**Status Change Dates:**

01/31/01 House: Tabled in Finance (22-Y 1-N)

**City Position: Support (this is the VML/VACO 50/40/10 plan supported by the City.**

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**HB2036 State and local income tax**

Patron - Rust, John H. Jr.

**Summary:**

State and local income tax. (i) Reduces the individual state income tax rates by approximately 13.75 percent; (ii) authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; (iii) exempts from taxation motor vehicles used for nonbusiness purposes; and (iv) repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

**Status Change Dates:**

01/31/01 House: Tabled in Finance (23-Y 0-N)

**City Position: Oppose**

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**HB2058 Requirements for the use of photo-monitoring system to enforce traffic light signals**

Patron - McQuigg, Michele B.

**Summary:**

Requirements for the use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After July 1, 2005, such localities must also adopt an ordinance authorizing the use of photo-red pursuant to the requirements of this bill.

**Status Change Dates:**

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

**City Position: Oppose**

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**HB2075 Fire Programs Fund**

Patron - Landes, R. Steven

**Summary:**

Fire Programs Fund. Allows localities to use funds from the Fire Programs Fund for purchasing emergency medical care and equipment for fire personnel and for payment of personnel costs related to fire and medical training for fire and rescue personnel.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2080 Retirement; health insurance credits**

Patron - Putney, Lacey E.

**Summary:**

Retirement; health insurance credits. Raises the monthly health insurance credits by \$1.00 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. Under current law such monthly credit for each year of creditable service is: (i) \$4.00 for retired state employees; (ii) \$1.50 for retired local employees, constitutional officers and their employees, and local social service employees; and (iii) \$2.50 for retired teachers.

**Status Change Dates:**

02/01/01 House: Tabled in Appropriations (26-Y 2-N)

**City Position: Oppose**

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**HB2112 Stalking; changes in proof and definitions; penalty**

Patron - Suit, Terrie L.

**Summary:**

Stalking; changes in proof and definitions; penalty. Changes the proof of knowledge of the defendant in a stalking case from actual knowledge to a standard requiring that the defendant know or reasonably should know that his stalking conduct places another person in reasonable fear of death, criminal sexual assault, or bodily injury. The bill clarifies that it is not necessary to prove that the defendant had the intent to actually carry out the threat.

**Status Change Dates:**

02/24/01 Passed House and Senate

**City Position: Support**

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**HB2124 Taxation; collection of local taxes**

Patron - Johnson, Joseph P. Jr.

**Summary:**

Taxation; collection of local taxes. (I) Provides that the statutory setoff applies to all charges collected by the treasurer; (ii) authorizes treasurers to transmit tax bills by electronic means; and (iii) clarifies that the lien for taxes due attaches to property that has been specifically assessed.

**Status Change Dates:**

01/22/01 House: Incorporated into HB1999, which was passed

**City Position: Support**

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**HB2130 Concealed handgun permit application, reciprocity, definition of explosion; penalty**

Patron - McClure, Roger J.

**Summary:**

Concealed handgun permit application, reciprocity, definition of explosion; penalty. Defines concealed handgun permit application completion, redefines reciprocity requirements for recognition in Virginia of a permit issued by another state and redefines authority to ascertain another state's permit requirements for reciprocity. The bill also redefines explosion to include the requirement that combustible material causes the explosion.

**Status Change Dates:**

02/24/01 Passed House and Senate

**City Position: Oppose**

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**HB2148 Retirement; health insurance credits for retired teachers**

Patron - Dillard, James H. II

**Summary:**

Retirement; health insurance credits for retired teachers. Reduces from 15 years to five years the amount of creditable service required for eligibility to receive monthly health insurance credits by retired teachers.

**Status Change Dates:**

02/01/01 House: Tabled in Appropriations (21-Y 7-N)

**City Position: Support**

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**HB2165 Certain historic properties; notification prior to sale**

Patron - Van Landingham, Marian

**Summary:**

Certain historic properties; notification prior to sale. Requires an owner with tax exempt status under § 501 (c) (3) of the Internal Revenue Code to provide written notice to the Department of

Historic Resources and to the applicable local governing body of the intent to sell certain historic properties at least 90 days prior to the sale or offering of such property for sale. The notification requirement is waived where (i) only a portion of the property is being sold or transferred and the portion not sold remains open to the public at least 120 days a year; (ii) the property is being transferred to another owner with tax exempt status under § 501 (c) (3) of the Internal Revenue Code and the property remains open to the public at least 120 days a year; or (iii) an easement, right-of-way, or leasehold interest in the property is being sold or transferred and the property remains open to the public at least 120 days a year. Copies of the notice must also be forwarded to the Attorney General and to the governing body and planning district for the locality where the property is located. Failure to provide the required notice will not be the basis for invalidation of the sale, but may subject the terms of the sale to special review by the Attorney General.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Package Bill—Support**

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**HB2166 Child protective services differential response system**

Patron - Nixon, Samuel A. Jr.

**Summary:**

Child protective services differential response system. Prohibits local departments who are responding to a report or complaint of child abuse or neglect by conducting a family assessment from petitioning the court for services deemed necessary, including, but not limited to, removal of the child or his siblings from their home.

**Status Change Dates:**

02/03/01 House: Passed by indefinitely in Health, Welfare & Institutions (18-Y 3-N)

**City Position: Oppose**

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**HB2170 Parking regulation**

Patron - Nixon, Samuel A. Jr.

**Summary:**

Parking regulation. Provides that violators of Chesterfield County parking ordinances shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Oppose**

---

**HB2224 Commonwealth Mass Transit Funds**

Patron - Almand, James F.

**Summary:**

Commonwealth Mass Transit Funds. Requires the allocations from the Commonwealth Mass Transit Fund be used to support 80 percent (rather than a maximum of 95 percent) of the costs borne by the localities for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation in 2002, and 95 percent in 2003 and succeeding years.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Oppose**

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**HB2242 Sales and use tax on food purchased for human consumption**

Patron - Day, Barnie K.

**Summary:**

Sales and use tax on food purchased for human consumption. Effective July 1, 2001, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent sales and use tax distributed to localities by school population.

**Status Change Dates:**

01/31/01 House: Passed by indefinitely in Finance (15-Y 8-N)

**City Position: Oppose**

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**HB2248 Local sales and use tax**

Patron - Day, Barnie K.

**Summary:**

Local sales and use tax. Authorizes any locality to levy an additional local sales and use tax at the rate of one percent. The revenue generated by the additional tax shall be used solely to build and maintain roads within the locality or within the locality's planning district.

**Status Change Dates:**

01/31/01 House: Passed by indefinitely in Finance (23-Y 0-N)

**City Position: Oppose**

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**HB2249 Individual income tax; distributions to localities**

Patron - Day, Barnie K.

**Summary:**

Individual income tax; distributions to localities. Provides for the distribution to localities of one percent of the revenues collected annually from the individual income tax based on each taxpayer's

residence, beginning January 1, 2002. It also establishes a nonreverting fund into which the revenues are to be deposited before being distributed to localities.

**Status Change Dates:**

01/31/01 House: Tabled in Finance (23-Y 0-N)

**City Position: Oppose**

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**HB2251 Sales and use tax; temporary exemption**

Patron - Day, Bernie K.

**Summary:**

Sales and use tax; temporary exemption. Provides an exemption from the state sales and use tax for tangible personal property items purchased for the period August 29 through September 7 each year.

**Status Change Dates:**

01/31/01 House: Stricken at request of Patron in Finance (22-Y 1-N)

**City Position: Oppose**

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**HB2275 BPOL tax; license fees, rates and requirements**

Patron - Shuler, James M.

**Summary:**

BPOL tax; license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2004, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2004, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2004.

**Status Change Dates:**

02/03/01 House: Tabled in Finance (19-Y 2-N)

**City Position: Oppose**

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**HB2287 Consumer utility taxes; exemption for nonprofit organizations**

Patron - Barlow, William K.

**Summary:**

Consumer utility taxes; exemption for nonprofit organizations. Allows localities' governing bodies to exempt utilities consumed on property designated or classified as exempt pursuant to Article X, Section 6 (a)(6) of the Virginia Constitution from payment of any or all of the consumer utility taxes.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2328 Assault and battery against a family or household member; penalty**

Patron - Baskerville, Viola O.

**Summary:**

Assault and battery against a family or household member; penalty. Provides that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of assault and battery against a family member and (ii) within 72 hours of that person's release from incarceration serving a sentence for such conviction, commits another such violation, such person shall be guilty of a Class 6 felony. The bill also requires trial for violation of a family protective order or family assault and battery within 45 days where practical.

**Status Change Dates:**

02/15/01 Defeated

**City Position: Support**

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**HB2347 Ballistic fingerprinting of handguns; penalty**

Patron - McEachin, A. Donald

**Summary:**

Ballistic fingerprinting of handguns; penalty. Requires that any manufacturer of firearms that ships or transports a handgun to be sold, rented, or transferred in the Commonwealth of Virginia shall include, in the box with the handgun in a separate sealed container, a shell casing of a projectile discharged from that handgun and any additional information that may be required by the Superintendent of State Police that identifies the type of handgun and shell. The bill also provides that upon receipt of a handgun from the manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer complied with the provisions of subsection B and that upon the sale or transfer of the handgun, the dealer shall forward the shell casing in the sealed container to the Department of State Police and that upon receipt of the shell casing and any required additional information, the Department of State Police shall enter the information in all pertinent databases. Violation of the section would be a Class 1 misdemeanor.

**Status Change Dates:**

02/03/01 House: Passed by indefinitely in Militia & Police (17-Y 4-N)

**City Position: Support**

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**HB2386 Religious and charitable matters; religious freedom preserved**

Patron - McClure, Roger J.

**Summary:**

Religious and charitable matters; religious freedom preserved. Provides that no government entity shall substantially burden a person's free exercise of religion except if (i) the government

entity proves that application of the restriction to the person is essential to further a compelling governmental interest and (ii) the proposed action is the least restrictive means of furthering that interest. "Government entity" as defined under the bill includes state and local governments and those officials acting under color of state law. The bill provides that a person whose exercise of religious freedom has been burdened may assert a claim of violation in a judicial proceeding and the court may grant appropriate relief, including attorneys' fees.

**Status Change Dates:**

02/04/01 House: Passed by indefinitely in General Laws (15-Y 9-N)

**City Position: Oppose**

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**HB2409 Funding of local health departments**

Patron - Bryant, L. Preston Jr.

**Summary:**

Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2002, and ending on June 30, 2006.

**Status Change Dates:**

02/02/01 House: Tabled in Appropriations (15-Y 4-N)

**City Position: Oppose**

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**HB2415 Legislative consideration of use of photo-monitoring system to enforce traffic light signals**

Patron - May, Joe T.

**Summary:**

Legislative consideration of use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any legislation authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must adopt a resolution requesting the General Assembly for such authority and explaining the need for using photo-red. Such resolution must be submitted to the committee of the General Assembly considering such legislation. The bill further provides that the localities that were authorized to use photo-red prior to July 1, 2001, and have in fact been using photo-red may continue to do so until July 1, 2005. After July 1, 2005, such localities must also be granted authority to use photo-red by legislation enacted pursuant to the requirements of this bill.

**Status Change Dates:**

01/29/01 House: Passed by indefinitely in Militia & Police (20-Y 3-N)

**City Position: Oppose**

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**HB2444 Parking fines; personal property taxes on vehicles**

Patron - Almand, James F.

**Summary:**

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

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2452 Sale price of motor vehicles subject to the motor vehicle sales and use tax**

Patron - Clement, Whittington W.

**Summary:**

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

**Status Change Dates:**

01/31/01 House: Passed by indefinitely in Finance (23-Y 0-N)

**City Position: Oppose**

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**HB2472 Electric utility restructuring; renewable energy**

Patron - Plum, Kenneth R.

**Summary:**

Electric utility restructuring; renewable energy. Defines renewable energy as energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power, and excludes energy derived from coal, oil, natural gas or nuclear power. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2488 Civil immunity and privileged communications**

Patron - Moran, Brian J.

**Summary:**

Civil immunity and privileged communications. Provides immunity from civil liability for any act, decision, omission, or utterance made by a member of a community services board or a behavioral health authority in the performance of his duties, as long as such act, decision, omission, or utterance is not done in bad faith or with malice. While providing such immunity, the bill ensures that the minutes, records, and reports of such bodies are not privileged communications.

**Status Change Dates:**

02/20/01 Passed House and Senate

**City Package Bill—Support**

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**HB2489 Taxation; local recordation tax rates**

Patron - Moran, Brian J.

**Summary:**

Taxation; local recordation tax rates. Increases the maximum local recordation tax rate from one-third of the state recordation tax rate to two-thirds of the state recordation tax rate. Any increased revenues resulting from such increase in the maximum tax rate shall be used exclusively for acquiring and preserving open-spaces.

**Status Change Dates:**

01/22/01 House: Passed by indefinitely in Finance (23-Y 0-N)

**City Package Bill—Support**

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**HB2511 Sales and use tax exemption; school-related items**

Patron - Reid, John S. (Jack)

**Summary:**

Sales and use tax exemption; school-related items. Beginning in 2002, 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. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

**Status Change Dates:**

02/21/01 Senate: Left in Finance

**City Position: Oppose**

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**HB2598 Fire emergencies**

Patron - Putney, Lacey E.

**Summary:**

Fire emergencies. Provides that the property owner or occupant shall not be denied access to his property during an emergency incident if the access does not interfere with the duties of the fire department.

**Status Change Dates:**

01/31/01 House: Tabled in General Laws (25-Y 0-N)

**City Position: Oppose**

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**HB2606 Northern Virginia Transportation Authority**

Patron - McClure, Roger J.

**Summary:**

Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority. This bill is similar to SB 1355 (Mims), but the bills conflict.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Oppose**

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**HB2653 Juvenile not guilty by reason of insanity**

Patron - Darner, L. Karen

**Summary:**

Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also Commonwealth v. Chapman, 30 Va. App, 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

**Status Change Dates:**

02/21/01 Senate: Left in Finance

**City Position: Support**

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**HB2676 Emergency protective orders; Virginia criminal information network**

Patron - Rhodes, Anne G. (Panny)

**Summary:**

Emergency protective orders; Virginia criminal information network. Allows a court entering an emergency protective order to forward the information regarding the order to the Virginia criminal information network electronically where feasible and practical. This bill does not change the information that must be forwarded, but under current law the method of transferring the information is not specified.

**Status Change Dates:**

02/20/01 Passed House and Senate

**City Position: Support**

---

**HB2790 Natural Gas Consumption Tax and local license tax on public utilities**

Patron - Rust, John H. Jr.

**Summary:**

Natural Gas Consumption Tax and local license tax on public utilities. Allows any utility that has not collected the local license tax on a current basis to pay the tax in three annual installments beginning July 1, 2001, and to recover the taxes paid on natural gas sales by amortizing the amount over three years. The bill also makes two technical corrections.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2836 Criminal background checks; adult substance abuse treatment programs**

Patron - Christian, Mary T.

**Summary:**

Criminal background checks; adult substance abuse treatment programs. Permits community services boards, behavioral health authorities, and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of certain barrier crimes, including assault and bodily wounding, robbery, burglary, felony drug possession or distribution, or abuse or neglect of children. The Department shall screen prospective applicants to assess whether such persons have been successfully rehabilitated and are not a risk to consumers based on their criminal history backgrounds and substance use, abuse or addiction histories. The Department may contract for such screening services. To be eligible for such screening, the applicant must have completed all prison or jail terms; not be under probation or parole supervision, or any suspended sentence; have no pending charges in any locality; have paid all fines, restitution, and court costs for any

prior convictions; and have been free of any suspended sentence, parole or probation for at least seven years for drug convictions and five years for all other convictions. In addition to any such additional information as the Department may require or the prospective applicant wishes to present, the prospective applicant shall provide to the state screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision, together with a copy of any pre-sentencing or post-sentencing report in connection with each felony conviction. The cost of such screening shall be paid by the prospective applicant, unless the board, authority, local department or licensed agency decides, at its option, to pay such cost.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2842 Transmittal of information to Virginia Criminal Information Network (VCIN)**

Patron - O'Bannon, John M. III

**Summary:**

Transmittal of information to Virginia Criminal Information Network (VCIN). Allows the magistrate or court issuing a warrant or capias to transfer information on a warrant or capias electronically into VCIN and requires the destruction of the electronic record if the criminal process is ordered destroyed.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HB2862 Establishment of living wage requirements**

Patron - O'Brien, James K. (Jay) Jr.

**Summary:**

Establishment of living wage requirements. Provides that localities shall not establish living requirements except with express authority from the General Assembly.

**Status Change Dates:**

02/02/01 House: Passed by indefinitely in Counties, Cities & Towns (19-Y 3-N)

**City Position: Oppose**

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**HJ609 Constitutional amendment (first resolution); taxation; exemptions**

Patron - Rust, John H. Jr.

**Summary:**

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles used for nonbusiness purposes as provided by general law. This resolution incorporates the provisions of HJR 811.

**Status Change Dates:**

02/16/01 Senate: Passed by indefinitely in Privileges & Elections (8-Y 5-N)

**City Position: Oppose**

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**HJ610 Study; Northern Virginia Regional Transportation Authority**

Patron - Rust, John H. Jr.

**Summary:**

Study; Northern Virginia Regional Transportation Authority. Continues the Northern Virginia Regional Transportation Authority in order that it may complete its objectives pursuant to Senate Joint Resolution 121 (2000), and incorporates HJR 644 (Bolvin) to require that the Authority also consider in its deliberations an examination of the desirability and feasibility of implementing the Northern Virginia Transportation Compact. The joint subcommittee is requested to recommend such administrative and legislative actions as it may deem necessary to satisfy its charge. The Joint Subcommittee Studying the Creation of a Northern Virginia Regional Transportation Authority must report its findings and recommendations by November 30, 2001 to the Governor and the 2002 Session of the General Assembly.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**HJ613 Study; transportation authority for Planning District VIII**

Patron - Marshall, Robert G.

**Summary:**

Study; transportation authority for Planning District VIII. Creates a 10-member joint subcommittee to study the creation of a transportation authority for Planning District VIII.

**Status Change Dates:**

02/04/01 House: Tabled in Rules (17-Y 0-N)

**City Position: Oppose**

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**HJ644 Study; Northern Virginia Transportation Compact**

Patron - Bolvin, Thomas M.

**Summary:**

Study; Northern Virginia Transportation Compact. Requests the Virginia Department of Transportation to study the Northern Virginia Transportation Compact developed by the

Northern Virginia business community in an effort to address the region's transportation needs and report to the Governor on the desirability and feasibility of implementing the Compact's recommendations.

**Status Change Dates:**

02/04/01 House: Incorporated into HJ610

**City Position: Oppose**

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**HJ672 Study; protective orders**

Patron - Moran, Brian J.

**Summary:**

Study; protective orders. Directs the Virginia State Crime Commission to study procedures involving protective orders.

**Status Change Dates:**

02/04/01 House: Tabled in Rules (16-Y 1-N)

**City Package Bill—Support**

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**HJ680 Study; responsibility for secondary highways and mass transit in Northern Virginia**

Patron - O'Brien, James K. (Jay) Jr.

**Summary:**

Study; responsibility for secondary highways and mass transit in Northern Virginia. Requests the Secretary of Transportation to study the desirability and feasibility of transferring responsibilities for secondary highways in Northern Virginia from the Virginia Department of Transportation to the region's counties and vesting in the Virginia Department of Rail and Public Transportation exclusive responsibility for the region's mass transit programs and facilities.

**Status Change Dates:**

02/04/01 House: Tabled in Rules (16-Y 1-N)

**City Position: Oppose**

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**HJ811 Property exempt from taxation**

Patron - Day, Bernie K.

**Summary:**

Property exempt from taxation.

**Status Change Dates:**

02/01/01 House: Incorporated into HJ609, which was defeated

**City Position: Oppose**

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**SB815 Unlawful employment practices; sexual orientation**

Patron - Whipple, Mary Margaret

**Summary:**

Unlawful employment practices; sexual orientation. Prohibits employers employing more than five but less than 15 persons from discharging an employee on the basis of sexual orientation.

**Status Change Dates:**

02/04/01 Senate: Failed to report (defeated) in Courts of Justice

**City Position: Support**

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**SB843 Virginia Retirement System; partial lump-sum payment option**

Patron - Stolle, Kenneth W.

**Summary:**

Virginia Retirement System; partial lump-sum payment option. Establishes lump-sum payment options for the payment of retirement allowances to eligible retiring members. A member who has satisfied the requirements for normal retirement or who has remained in service for at least three years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to thirty-six times the monthly amount of his service retirement allowance. A member who has remained in service for at least two years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to twenty-four times the monthly amount of his service retirement allowance. A member who has remained in service for at least one year after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution equal to twelve times the monthly amount of his service retirement allowance. If an eligible retiring member elects to receive a lump-sum distribution, his retirement allowance shall be reduced on an actuarially equivalent basis.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**SB912 Study; Permanent foster care placement**

Patron - Potts, H. Russell Jr.

**Summary:**

Study; Permanent foster care placement. Directs the Department of Social Services to study permanent foster care placement options for children. The Department is to report to the Governor and the General Assembly by October 15, 2001.

**Status Change Dates:**

02/19/01 House: Tabled in Rules (16-Y 0-N)

**City Position: Oppose**

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**SB933 Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty**

Patron - Howell, Janet D.

**Summary:**

Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty. Makes it unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun (i) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) to any person, unless the handgun is accompanied by a warning in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, warning that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so.

**Status Change Dates:**

02/06/01 Senate: Left in Finance

**City Position: Support**

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**SB947 "Photo-red" traffic light signal enforcement programs**

Patron - Colgan, Charles J.

**Summary:**

"Photo-red" traffic light signal enforcement programs. Adds Albemarle, James City, Prince William, and York Counties and the cities of Charlottesville, Hampton, Manassas, Manassas Park, and Newport News to the list of localities authorized to have "photo-red" traffic light signal enforcement programs. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

**Status Change Dates:**

02/12/01 House: Failed to report (defeated) in Militia & Police (5-Y 18-N)

**City Position: Oppose provision that requires a law enforcement officer to affirm a notice of violation**

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**SB961 Virginia Public Procurement Act; use of best value concepts**

Patron - Martin, Stephen H.

**Summary:**

Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay wage rates established by the public body.

**Status Change Dates:**

02/05/01 Defeated

**City Position: Oppose**

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**SB1002 Housing Development Authority; regulations**

Patron - Ticer, Patricia S.

**Summary:**

Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person if the persons to whom the loan is to be made are living together in the dwelling as a single, nonprofit housekeeping unit.

**Status Change Dates:**

01/17/01 Senate: Passed by indefinitely in General Laws (8-Y 5-N 1-A)

**City Package Bill–Support:**

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**SB1005 Hate crimes; penalty**

Patron - Ticer, Patricia S.

**Summary:**

Hate crimes; penalty. Adds sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a six-month sentence, 30 days of which are a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police, and the availability of specific injunctive relief for acts motivated by hate.

**Status Change Dates:**

01/17/01 Senate: Passed by indefinitely in Courts of Justice (9-Y 6-N)

**City Package Bill–Support:**

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**SB1006 Spot blight abatement**

Patron - Ticer, Patricia S.

**Summary:**

Spot blight abatement. Allows the use of the spot blight abatement procedures anywhere in a locality, whether inside or outside of a conservation or redevelopment area.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Package Bill–Support**

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**SB1008 Child day care funding for low-income families**

Patron - Ticer, Patricia S.



**Summary:**

Child day care funding for low-income families. Requires the Department to identify strategies for Virginia to obtain the maximum amount of federal funds available for child day care services for TANF recipients and families whose incomes are at or below 185 percent of the federal poverty level. The Department shall provide an annual report to the chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and Senate Committees on Finance and Rehabilitation and Social Services by December 15.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

**SB1063 Allocation of funds from the Virginia Land Conservation Fund**

Patron - Quayle, Frederick M.

**Summary:**

Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

**Status Change Dates:**

01/22/01 Senate: Stricken at request of Patron

**City Position: Support**

**SB1081 Comprehensive Services Act for At-Risk Youth and Families**

Patron - Maxwell, W. Henry

**Summary:**

Comprehensive Services Act for At-Risk Youth and Families. Provides that local governing bodies cannot be required to provide any local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services to be paid into the "Comprehensive Services Act Local Match Fund" pursuant to the budget or other state law, for Medicaid-eligible children or youth who are placed in residential treatment or care or therapeutic foster care. Local governments are still required to provide their share of special education and foster care costs.

**Status Change Dates:**

02/01/01 Senate: Left in Finance

**City Position: Support**

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**SB1108 Requirements for the use of photo-monitoring system to enforce traffic light signals**

Patron - Couric, Emily

**Summary:**

Requirements for the use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After July 1, 2005, such localities must also adopt an ordinance authorizing the use of photo-red pursuant to the requirements of this bill.

**Status Change Dates:**

02/06/01 Senate: Left in Transportation

**City Position: Oppose**

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**SB1117 Thermal Imaging Camera Advisory Board and Fund**

Patron - Edwards, John S.

**Summary:**

Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras and other related equipment. The bill also authorizes the Department of Fire Programs to establish an advisory panel to make recommendations for the use of the Fund. The members of the board consist of three members each from the following organizations: the State Fire Chief's Association, the Virginia Professional Firefighters Association, and the Virginia Firefighters Association. The bill further provides that the act shall not become effective unless an appropriation of general funds effectuating its purposes is included in the 2001 appropriations act.

**Status Change Dates:**

02/23/01 Passed House and Senate

**City Position: Support**

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**SB1123 Eminent domain; litigation expenses**

Patron - Edwards, John S.

**Summary:**

Eminent domain; litigation expenses. Entitles a condemnee to payment of reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer. The amount of the litigation expenses to be awarded is up to one-third of the amount by which the compensation awarded exceeds the condemnor's highest written offer.

**Status Change Dates:**

01/24/01 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

**City Position: Oppose**

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**SB1124 Location of utility easements**

Patron - Edwards, John S.

**Summary:**

Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**SB1171 Eminent domain; litigation expenses**

Patron - Marye, Madison E.

**Summary:**

Eminent domain; litigation expenses. Authorizes a court, in its discretion, to award reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer by 15 percent or more. In determining the amount of such fees to be awarded, the court is to consider, among such other factors as it deems relevant, the benefit provided to the condemnee by any of the professional or expert witnesses for whom the litigation expenses were incurred. In determining whether to make an award, the court may consider (i) the extent that the condemnee engaged in conduct that unduly and unreasonably protracted the final resolution of the action; (ii) whether the position of the condemnor was substantially justified; and (iii) whether special circumstances make the award of litigation expenses unjust. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

**Status Change Dates:**

01/24/01 Senate: Passed by indefinitely in Courts of Justice (9-Y 6-N)

**City Position: Oppose**

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**SB1175 Mandatory mediation in eminent domain proceedings**

Patron - Marye, Madison E.

**Summary:**

Mandatory mediation in eminent domain proceedings. Provides that in an eminent domain proceeding, if any party requests mediation, the petitioner and the parties shall be referred by the court to a dispute resolution evaluation session prior to the trial to determine just compensation. This bill refers the parties to the dispute resolution system already contained in the civil procedure section of the Code of Virginia (§ 8.01-576.4 et seq.). The Joint Subcommittee Studying Eminent Domain Issues recommended this bill.

**Status Change Dates:**

01/24/01 Senate: Passed by indefinitely in Courts of Justice (8-Y 5-N 2-A)

**City Position: Support**

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**SB1176 Public Procurement Act; public construction contract provisions for damages for unreasonable delays**

Patron - Ticer, Patricia S.

**Summary:**

Public Procurement Act; public construction contract provisions for damages for unreasonable delays. Deletes prohibition on contract provisions waiving or releasing the rights of a contractor to recover costs or damages to the extent that the delay is caused by act or omissions of a public body.

**Status Change Dates:**

01/31/01 Senate: Stricken at request of Patron in General Laws (15-Y 0-N)

**City Position: Support**

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**SB1233 Uniform Statewide Building Code; effect on local ordinances**

Patron - Williams, Martin E.

**Summary:**

Uniform Statewide Building Code; effect on local ordinances. Restricts localities from incorporating certain building design requirements in their local zoning ordinances by providing that the USBC supercedes such ordinances. The bill also specifies that the USBC does not supercede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, or land use requirements in airport or highway overlay districts, or historic districts. This bill is a recommendation of the Housing Study Commission.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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**SB1322 Freedom of Information Act; exemption for certain electronic communications**

Patron - Hawkins, Charles R.

**Summary:**

Freedom of Information Act; exemption for certain electronic communications. Clarifies that separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication is not prohibited, provided the contact is done on a basis that does not constitute a meeting as defined by FOIA. The bill also clarifies that any electronic communication generated by the separate contacts is still a "public record" under FOIA.

**Status Change Dates:**

02/21/01 Passed House and Senate

**City Position: Support**

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**SB1350 Comprehensive Services Act; family assessment and planning team**

Patron - Ticer, Patricia S.

**Summary:**

Comprehensive Services Act; family assessment and planning team. Requires the family assessment and planning team to provide for the participation of foster parents in the assessment, planning and implementation of services when a child has a program goal of permanent foster care or is in a long-term foster care placement. The case manager shall notify the foster parents of a troubled youth of the time and place of all assessment and planning meetings related to such youth. Such foster parents shall be given the opportunity to speak at the meeting, submit written testimony if the foster parents are unable to attend, or sign a form indicating that they have nothing to add to the record. The opinions of the foster parents shall be considered by the family assessment and planning team in its deliberations.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support as amended**

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**SB1353 Protective orders; firearms**

Patron - Howell, Janet D.

**Summary:**

Protective orders; firearms. Amends statute that disallows a person from purchasing or transporting a firearm if the person is subject to a protective order; to provide that protective orders issued by another state or by the United States are covered by the prohibition.

**Status Change Dates:**

02/21/01 Passed House and Senate

**City Position: Support**

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**SB1368 Sales and use tax; additional tax in Eighth Planning District to fund transportation projects**

Patron - Saslaw, Richard L.

**Summary:**

Sales and use tax; additional tax in Eighth Planning District to fund transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to a regional transportation authority created to address and act upon the transportation needs of such counties and cities. The remainder of the revenues shall be distributed to such counties and cities based on point-of-sale and may only be used for education-related purposes. The additional sales and use tax would be effective January 1, 2003, but is contingent upon (i) approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 6, 2002, and (ii) the passage of legislation by General Assembly creating a regional transportation authority for Northern Virginia.

**Status Change Dates:**

02/13/01 House: Stricken at request of Patron in Finance (23-Y 0-N)

**City Position: Support**

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**SJ307 Constitutional amendment (first resolution); restoration of right to vote for felons**

Patron - Miller, Yvonne B.

**Summary:**

Constitutional amendment (first resolution); restoration of right to vote for felons. Authorizes the General Assembly to provide by law, or establish a process by law, for the restoration of civil rights for felons who have completed service of sentence, probation, and parole and met such other conditions or limitations as may be prescribed by law.

**Status Change Dates:**

01/30/01 Senate: Passed by indefinitely in Privileges & Elections (11-Y 3-N)

**City Position: Support**

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**SJ322 Study; Van Dorn Street corridor**

Patron - Puller, Linda T. (Toddy)

**Summary:**

Study; Van Dorn Street corridor. Requests the Virginia Department of Transportation to study the Van Dorn Street corridor in Fairfax County and the City of Alexandria.

**Status Change Dates:**

02/19/01 House: Tabled in Rules (16-Y 0-N)

**City Position: Support**

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**SJ356 Study; Housing Study Commission**

Patron - Ticer, Patricia S.

**Summary:**

Study; Housing Study Commission. Requests the Housing Study Commission to study ways to assist teachers to purchase homes in the communities in which they teach.

**Status Change Dates:**

01/22/01 Senate: Failed to report (defeated) in Rules (3-Y 4-N 6-A)

**City Package Bill—Support**

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**SJ397 Study; Northern Virginia Regional Transportation Authority**

Patron - Barry, Warren E.

**Summary:**

Continues Northern Virginia Regional Transportation Authority study.

**Status Change Dates:**

02/22/01 Passed House and Senate

**City Position: Support**

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