


City of Alexandria

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2-12-02

MEMORANDUM

DATE: FEBRUARY 11, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION INTRODUCED AT THE 2002 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 2) on legislation introduced at the 2002 General Assembly Session.

RECOMMENDATION: That City Council approve the following as recommended by the City Council's legislative subcommittee (Mayor Donley and Councilman Speck):

(1) Adopt the positions on legislation that has been introduced in the 2002 General Assembly Session as noted in Attachment 1;

(2) Modify its former position regarding the allocation of any new sales tax revenue for education (on January 22, Council voted to support an allocation based only point of sale) so that the City supports an allocation formula that returns at least half of any new sales tax revenue generated within Alexandria to the City to pay for capital projects for the Alexandria City Public Schools.

DISCUSSION: The 2002 General Assembly Session began on January 9, and is scheduled to adjourn on March 9. "Crossover" takes place this week; after crossover, the House may consider only Senate bills and the Senate, only House bills. The House and Senate Finance Committees are scheduled to make their budget recommendations on February 17; between then and the end of the Session, the two houses will have to reconcile the differences between their budget proposals. Until these recommendations are made, staff has no additional information on the State budget, other than to report that general fund and transportation fund revenue projections continue to decline.

City Package. The following action was taken on bills from the City's legislative package (Attachment 3 consists of a complete status report on City Package bills):

- SB 130 was passed by the Senate, and now awaits action by the House. This would allow local departments of social services to proceed more quickly in placing a child for adoption or in permanent foster care if the court determines that reunification is inadvisable because seriously harmful behavior toward the child (e.g., abandonment, torture, chronic abuse, sexual abuse) has occurred.
- SB 210 was also passed by the Senate and awaits House action. This would authorize local law enforcement officers or child-protective services workers to perform criminal background checks on all adults who provide emergency child care.
- SB 219, also passed by the Senate and awaiting House action, would allow local law enforcement officers or child-protective services workers to perform criminal background checks on all adults living in the household prior to returning the child to his family or another relative.
- SB 220, the City's Charter bill, was amended by the Senate as described in the last General Assembly Update. It now will (1) give Council authority to reduce the size of the Board of the Alexandria Redevelopment and Housing Authority to 7 members; and (2) set the initial meeting date for a new Council on the first business day following July 1 if July 1 falls on a Saturday or Sunday. SB 220 awaits action by the House.
- SB 211, which (1) expands the membership of the Alexandria Historical Restoration and Preservation Commission, and (2) amends the definition of "Restoration Period" as it applies to the Commission's activities¹, was passed by the Senate and awaits action by the House.
- SB 685, which will allow the City to assess and tax parcels of one-quarter acre or more as open space, has passed the Senate and awaits action by the House.
- HB 130, which would allow the City to use up to six percent of its urban system construction allocation in any year for traffic calming projects or devices, has been carried over to 2003 by the House Transportation Committee, along with all other House bills pertaining to the allocation of highway construction funds. Staff members from the Virginia Department of Transportation have advised the City, however, that VDOT will not oppose the use of a portion of the City's urban construction funds for traffic calming projects.
- HB 1025, which would allow a refundable earned income tax credit against the state income tax for individuals qualifying for the federal earned income tax credit, was carried over by the House Finance Committee.
- HB 1030, which would allow cities to charge higher fines for speeding in residential areas (up to \$200) was passed by the House Transportation Committee.

¹The amendment changes "restoration period" from the period beginning with the founding of the City and ending in 1860, to anything prior to the last 50 years.

- HB 1043 has now been amended to require criminal history and central registry checks for any individual who is being considered for placement of a child on an emergency, temporary, or permanent basis, including the birth parent of a child who has been in foster care. Background checks may also be required for all adults residing in the household where the child is to be placed. This bill has passed the House and now awaits action by the Senate.
- HB 1060 requires the State Commissioner of Motor Vehicles, upon the City's request, to suspend the license of an individual convicted of driving while intoxicated (DWI), until that person has reimbursed the City for its emergency response costs related to the DWI incident. This bill was reported by the House Courts Committee and awaits action by the full House.
- HB 1061, which is identical to SB 130, above, was reported by the House Courts Committee and awaits action by the full House.

Legislation to Increase the Sales Tax for Transportation, Education, or Both. Of 12 bills that were introduced to increase the sales tax for transportation, education, or both, the following 5 are still alive. They all exempt food from the additional tax, and they all require approval in a referendum before they become effective:

- HB 1170 (Dillard) proposes to increase the sales tax by ½ cent statewide, and use the new revenues to pay for capital projects at public schools. The revenue generated would be allocated among localities based on school age population, except that no locality would receive less than half of what it would receive if the revenues were allocated based on point of sale. State projections indicate that Alexandria would receive about \$4.7 million annually under the Dillard proposal.
- HB 1296 (Rollison) would add ½ cent to the sales tax in Northern Virginia and use the new revenues to pay for transportation projects in the region. The transportation projects listed in the legislation include funding for Metro (the City's allocation would be approximately \$32 million), and urban system improvements (the City's allocation would be approximately \$54 million). There is no funding for DASH in the Rollison bill (the City is seeking \$25 million for DASH). The bill also repeals the local income tax authorized (but never implemented) for Northern Virginia.
- SB 170 (Colgan) also increases the sales tax by ½ cent tax in Northern Virginia and uses the new revenues to pay for transportation projects in the region. The bill's transportation project list is almost identical to Rollison's list (it includes funding for Metro and urban system improvements, but no money for DASH). Colgan also proposes an additional ½ cent increase in the sales tax statewide (so the total increase in Northern Virginia would be 1 cent), with the revenues from this statewide tax to be allocated to localities based on their school age population (Alexandria would receive approximately \$3.3 million), and used to pay for capital projects at public schools. This bill also repeals the local income tax authorized (but never implemented) for Northern Virginia.

- SB 667 (Williams) would increase the sales tax by one cent in all of Northern Virginia and Hampton Roads. Any revenue from the increase would be returned to the region in which it was generated, to be used to fund transportation projects. The bill includes the same project list for Northern Virginia as the Colgan bill. The Williams bill also repeals the local income tax authorized (but never implemented) for Northern Virginia.
- SB 668 (Williams) is similar to SB 667, except that it applies only to Hampton Roads (and not Northern Virginia).

The House bills are now in the House Appropriations Committee, and the Senate bills are in the Senate Finance Committee. The bills must receive final consideration by these committees no later than Tuesday, February 12.

As noted above, Council's Legislative Subcommittee recommends that the City support any allocation of sales tax revenues for education that returns at least half the tax revenue generated in the City to the City (approximately \$4.7 million annually). Although the City previously sought to have all tax revenues for education returned to the locality in which they were generated, there is not sufficient support in the General Assembly to prevail on this issue.

Tree Canopy Legislation

At the January 26 Council meeting, Councilwoman Pepper asked for the status of tree canopy legislation (legislation to protect existing trees or require the planting of new ones during the development of a site) that is under consideration this Session. Four bills have been introduced: HB 105, HB185, SB 76, and SB 484. Two of these (HB 185 and SB 76) allow localities to require a developer to meet any of the localities' tree preservation or tree planting requirements by planting or preserving trees off-site of the development. SB 76 has been approved by the Senate and awaits action by the House; HB 185 was approved by the House Committee on Counties, Cities and Towns and awaits action by the full House.

HB 105 and SB 484, which would have made the Code's current tree canopy requirements more stringent, were both carried over to the 2003 Session.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

- Attachment 1: Recommended Positions on Legislation of Importance to the City, February 8, 2002
- Attachment 2: Current Status of Bills on Which the City Has Previously Taken a Position, February 7, 2002
- Attachment 3: Status Report on the City's 2002 Legislative Package, February 10, 2002

Recommended Positions on Legislation of Importance to the City, February 8, 2002

HB 814 Labor unions; abstention requirement.

Summary as introduced:

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

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

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

Notes: City Position: Support.

HB 839 Thermal Imaging Camera Advisory Board and Fund.

Summary as introduced:

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

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

02/04/02 House: Reported from Appropriations with amds (25-Y 0-N)

02/07/02 House: Engrossed by House as amended

Notes: City Position: Support.

HB 994 Land use applications; delinquent taxes.

Summary as introduced:

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

Patron: Councill

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

02/06/02 House: Communicated to Senate

Notes: City Position: Support.

HB 996 Plat approval.

Summary as introduced:

Plat approval. Requires the planning commission to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any proposed plat within forty-five days of submittal,

rather than sixty days. The failure to act within forty-five days or to state the reasons for disapproval shall cause the plat to be deemed approved. The commission shall act on any proposed plat that it has previously disapproved within 30 days after the plat has been resubmitted for approval.

Patron: McDonnell

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

Notes: City Position: Oppose.

HB 1018 Local income tax.

Summary as introduced:

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

Patron: Scott

01/21/02 House: Assigned to Finance sub-committee: 2

Notes: City Position: Support.

HB 1023 Local housing authorities; powers.

Summary as introduced:

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

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

01/30/02 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

01/31/02 Senate: Referred to Committee on General Laws

Notes: City Position: Support.

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

Summary as introduced:

Personal property tax; refund or credit for vehicles sold. Provides that the amount of tax relieved when a vehicle is disposed of after tax day shall be (i) refunded or (ii) credited against other personal property taxes owed by the taxpayer, at the option of the locality. Under current law, the taxpayer is afforded this option.

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

02/07/02 House: VOTE: PASSAGE (88-Y 11-N)

Notes: City Position: Support.

HB 1192 Parking fines; personal property taxes on vehicles.

Summary as introduced:

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

Patron: Almand

01/29/02 House: Read third time and passed House (98-Y 0-N)

01/30/02 Senate: Referred to Committee on Transportation

Notes: City Position: Support.

HB 1237 Workers' compensation; occupational disease.

Summary as introduced:

Workers' compensation; occupational disease. Provides that medical evidence contesting the relationship between employment and disease shall not be considered substantial competent medical evidence sufficient to overcome the respiratory disease, heart disease, or cancer presumptions for the purposes of workers' compensation. The bill also includes in the definition of "firefighter" any firefighter, paramedic or emergency medical technician employed by any public or private employer or authority furnishing fire and rescue services in lieu of county, city or town salaried or volunteer firefighting or rescue services.

Patron: Jones, J.C.

01/17/02 House: Referred to Committee on Commerce and Labor

02/05/02 House: Reported from C. & L. with substitute (15-Y 7-N)

Notes: City Position: Support.

HB 1306 Housing Development Authority; regulations.

Summary as introduced:

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

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

01/25/02 House: Assigned to General Laws sub-committee: 1

Notes: City Position: Oppose

SB 485 Issuance and violation of stalking protective orders.

Summary as introduced:

Issuance and violation of stalking protective orders; penalty. Provides that any person

convicted of a second violation of a stalking protective order shall be confined in jail for at least five days and upon a third violation shall be guilty of a Class 6 felony. Additionally, the bill provides that, except when necessary for conduct of the criminal proceeding, the address and telephone number of an allegedly stalked person may not be disclosed.

Patron: Howell

02/04/02 Senate: Engrossed by Senate - committee substitute 024722448-S1

02/05/02 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: City Position: Support.

SB 518 Protective orders; penalty.

Summary as introduced:

Protective orders; penalty. Provides that the name of a person protected by a protective order shall not be disclosed, unless required by law or necessary for law-enforcement purposes and that no fee shall be charged for filing or serving an order pursuant to this article. Additionally, the bill requires law-enforcement agencies to enter certain information regarding the protective order, upon receipt, into the Virginia criminal information network system. The bill also provides that any person convicted of a second violation of a protective order shall be confined in jail for at least five days and upon a third violation shall be guilty of a Class 6 felony.

Patron: Howell

02/04/02 Senate: Engrossed by Senate - committee substitute 024723448-S1

02/05/02 Senate: Read third time and passed Senate (39-Y 0-N)

Notes: City Position: Support.

SB 576 Northern Virginia Transportation Authority.

Summary as introduced:

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

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

02/07/02 Senate: Amendment by Sen. Barry agreed to

02/07/02 Senate: Engrossed by Senate as amended

Notes: City Position: Support.

SB 593 Local control of firearms.

Summary as introduced:

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.

Patron: Hanger

01/17/02 Senate: Referred to Committee on Local Government

1/22/02 Senate: Rereferred to Courts of Justice

02/06/02 Senate: Reported from Courts of Justice w/sub (10-Y 4-N)

02/07/02 Senate: Committee substitute printed 024545432-S1

Notes: City Position: Oppose as introduced.

SB 641 Protective orders; family abuse.

Summary as introduced:

Protective orders; family abuse. Includes in the definition of "family or household member" any individual who is currently or was formerly involved in a substantive, intimate dating relationship with the person. The existence of such a relationship shall be determined based on the following considerations: (a) the length of the relationship, (b) the nature of the relationship and (c) the frequency of interaction between the persons involved in the relationship. A casual relationship or ordinary fraternization in a business or social context does not constitute a dating relationship.

Patron: Watkins

01/18/02 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Support.

SB 685 Local real estate taxes; use value assessment.

Summary as introduced:

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

Patron: Ticer

01/30/02 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

02/01/02 Senate: Read third time and passed Senate (38-Y 0-N)

Notes: City Position: Support.

Current Status of Bills on Which the City has Previously Taken a Position
February 7, 2002

HB 25 Juvenile not guilty by reason of insanity.

Summary as introduced:

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

Patrons: Darner and McDonnell; Senator: Trumbo

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

Notes: City position: Support.

HB 36 Constitutional amendment; property tax exemptions.

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment allowing local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patrons: Howell, Dudley and McQuigg

01/17/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

HB 42 Social services; auxiliary grants program.

Summary as introduced:

Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program.

Patrons: Hamilton and Brink

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

Notes: City position: Support.

HB 70 Correctional facilities, local; medical costs for prisoners.

Summary as introduced:

Corrections; medical costs. Requires the state, in its annual appropriation to local correctional facilities, to compensate localities for two-thirds of the extraordinary medical costs incurred for treatment provided to state-responsible inmates. Such costs will be determined by the excess over the average medical cost per inmate day as determined by the Compensation Board.

Patron: Jones, J.C.

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

Notes: City position: Support.

HB 86 Sales & Use Tax; definition of food.

Summary as introduced:

Sales tax reduction program on food; definition of food. Excludes from the definition of food, for purposes of the sales tax reduction program, food sold by any retailer where the gross receipts derived from the sale of food prepared by such retailer for immediate consumption on or off the premises constitutes more than 80 percent of the total gross receipts of that retail establishment.

Patron: Orrock

01/24/02 House: Passed House (99-Y, 0-N)

02/07/02 Senate: Passed Senate (39-Y 0-N)

Notes: City position: Support.

HB 110 Transportation Revenue Bond Act of 2002; created.

Summary as introduced:

Commonwealth of Virginia Transportation Revenue Bond Act of 2002. Authorizes the Commonwealth Transportation Board to issue revenue bonds in the principal amount not to exceed \$1 billion with the proceeds to be used for an electronic communication infrastructure project to aid telecommuting and ease traffic congestion and other specified transportation projects. The bill funds the bonds by dedicating one-third of the annual revenues from the insurance license tax.

Patron: Marshall, R.G.

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

1/14/02 House: Reported from Finance with amds (22-Y 0-N)

01/14/02 House: Referred to Committee on Appropriations

Notes: City position: Oppose.

HB 121 Clustering of dwellings.

Summary as introduced:

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

Patron: Hull

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

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

Notes: City position: Oppose.

HB 122 Potomac Region Transportation Development Authority; created.

Summary as introduced:

Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority.

Patron: Hull

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

Notes: City position: Oppose.

HB 175 Uniform Statewide Building Code; use of "slag."

Summary as introduced:

Uniform Statewide Building Code; use of "slag." Directs the Board of Housing and Community Development to adopt regulations prohibiting the use of slag as a fill material in construction. The bill defines "slag" as the nonmetallic byproduct from the production of iron ore.

Patron: Woodrum

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

Notes: City position: Support.

HB 180 Funding of local health departments.

Summary as introduced:

Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2003, and ending on June 30, 2007.

Patron: Bryant

01/09/02 House: Referred to Committee on Health, Welfare and Institutions

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

Notes: City position: Support.

HB 206 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Provides that in any high-growth locality, a zoning ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required under the new zoning classification. Approval of a proposed rezoning may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such zoning request.

Patrons: Cole, Howell and Orrock

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

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

Notes: City position: Support.

HB 207 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a new subdivision. Approval of a proposed subdivision may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such subdivision request.

Patrons: Cole and Howell

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

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

Notes: City position: Support.

HB 210 Stalking; penalty.

Summary as introduced:

Stalking; penalty. Conduct that is prohibited for the purposes of stalking is expanded to include repeatedly maintaining a visual or close physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at a person and also means to annoy or alarm another person, communicating by mechanical or electronic means or otherwise with that person, communicating by telephone, telegraph, mail or any other form of written communication, communicating via computer, use of computer networking, electronic mail, and utilizing the Internet to gain unauthorized access to personal, medical, financial or other identifying information.

Patron: O'Bannon

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

Notes: City position: Support.

HB 220 Assault and battery against a family or household member; penalty.

Summary as introduced:

Assault and battery against a family or household member; penalty. Allows Class 6 felony

punishment of a person convicted of three or more family assaults if the assaults involve two or more different victims. Currently, enhanced punishment is only made applicable when the assaults occur on different dates.

Patron: Carrico

01/09/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

HB 245 Residential Landlord Tenant Act; abandonment of premises.

Summary as introduced:

Virginia Residential Landlord Tenant Act; abandonment. Provides that where the rental agreement requires a tenant to give the landlord notice of an extended absence and the tenant fails to do so, the landlord may treat the premises as abandoned. The bill also establishes a process to be followed by the landlord if he is unable to determine that the tenant has abandoned the premises.

Patrons: Drake, Athey, Dudley and Purkey

02/05/02 House: Reported from General Laws with sub (16-Y 6-N)

02/07/02 House: Passed by for the day

Notes: City position: Oppose.

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

Summary as introduced:

Virginia Residential Landlord Tenant Act; disposal of property abandoned by tenants.

Allows a landlord to dispose of abandoned personal property after the rental agreement has terminated and delivery of possession has occurred provided 24 hours' written notice to the tenant at the last known address of the tenant has been given. Under current law, 10-days' notice is required.

Patrons: Drake, Athey, Dudley and Purkey

02/05/02 House: Reported from General Laws with sub (20-Y 2-N)

02/06/02 House: Read first time

02/07/02 House: Passed by for the day

Notes: City position: Oppose.

HB 271 Outdoor lighting standards and regulations; establishment.

Summary as introduced:

Local outdoor lighting standards and regulations. Grants all localities authority to establish by ordinance outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow, or for the purpose of conserving energy.

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

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

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

Notes: City position: Support.

HB 317 BPOL tax appeals.

Summary as introduced:

BPOL tax appeals. Allows a person assessed with a license tax to apply within three years, instead of 90 days, from the date of assessment to the assessor for a correction. The bill also allows any person assessed with a local license tax who has filed an application with a local assessing officer and has not received a final determination within one year of such filing, at his option at any time after such year, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. The changes in the appeals process are effective for all appeals pending or filed on or after July 1, 2001.

Patron: Howell

02/06/02 House: Committee substitute agreed to 023851772-H1

02/07/02 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/07/02 House: Communicated to Senate

Notes: City position: Oppose.

HB 318 Taxation; local business tax appeals.

Summary as introduced:

Taxation; local business tax appeals. Expands the list of local business taxes from which the taxpayer may seek relief through appeal and extends the time within which initial review shall be requested of the local assessing officer from 90 days to three years. The bill also permits a taxpayer to seek review from the Tax Commissioner without a final determination from the local assessing officer if the taxpayer's application for correction to the local assessing officer has been pending for a year or more without determination.

Patron: Howell

02/06/02 House: Committee substitute agreed to 023852772-H1

02/07/02 House: BLOCK VOTE PASSAGE (100 Y 0-N)

02/07/02 House: Communicated to Senate

Notes: City position: Oppose.

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

Summary as introduced:

Clustering of single-family dwellings so as to preserve open space. Provides that a locality may provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster

development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. In any instance where the proposed density is greater than the density permitted in the applicable land use ordinance, the locality may continue to require approval of a special exception, special use permit, conditional use permit or rezoning. Localities shall have until July 1, 2004, to comply with the provisions of this bill.

Patron: Albo

02/05/02 House: Committee substitute agreed to 023793604-H1

02/06/02 House: VOTE: PASSAGE (96-Y 4-N)

02/06/02 House: Communicated to Senate

Notes: Seek amendment to have small cluster developments exempted from the provisions of this legislation.

HB 371 Local E-911 tax; allowable exemption.

Summary as introduced:

Local E-911 tax; allowable exemption. Allows the local governing body to exempt subscribers 65 years of age and older from the local E-911 tax.

Patrons: Cole, Athey, Johnson and Lingamfelter

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

Notes: City position: Oppose.

HB 378 Municipal elections; option for November council elections.

Summary as introduced:

Municipal elections; option for November council elections. Provides that cities and towns may shift to November elections held in either odd-numbered or even-numbered years.

Patron: Van Yahres

01/23/02 House: Passed House (99-Y 0-N)

02/05/02 Senate: Reported from Privileges and Elections (14-Y 0-N)

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

Notes: Legislation was amended so that it does not apply to any localities whose Charter provides for elections in odd-numbered years (such as the City).

HB 423 "Photo-red" traffic light signal enforcement programs.

Summary as introduced:

"Photo-red" traffic light signal enforcement programs. Allows any county, city, or town to have a "photo-red" traffic light signal enforcement program. No such program shall be instituted solely to generate revenue. Certain functions hitherto authorized to be performed by technicians or employees must now be performed by law-enforcement officers. Photo-monitoring system cameras may not record the image of a vehicle proceeding legally through an intersection during the green phase of a signal, unless the image appears incidental to the recorded image of a vehicle illegally entering an intersection during the red phase of a signal. When selecting intersections for a traffic light signal violation photo-monitoring system, localities must consider factors such as the

accident rate for the intersection, the number of red light violations occurring at the intersection, the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators and the ability of law-enforcement officers to apprehend violators safely within a reasonable distance of the violation. The timing of the yellow phase of the signal at intersections being monitored must meet or exceed the minimum time recommended by the Institute of Transportation Engineers. Localities that use photo-monitoring systems must place conspicuous signs indicating this at or near the boundary of the locality on all primary highways. Prior to or coincident with implementation or expansion of a "photo-red" program, a locality must implement a public awareness program. The July 1, 2005, "sunset" on "photo-red" programs is repealed.

Patrons: McQuigg, Lingamfelter and Van Yahres

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

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

Notes: City position: Support.

HB 464 Residential Landlord and Tenant Act; terms of rental agreement.

Summary as introduced:

Virginia Residential Landlord Tenant Act; required terms and conditions of rental agreement. Requires a landlord to provide a written notice, signed by the tenant as a separate part of the rental agreement, that the landlord provides no insurance coverage for the loss of the tenant's personal property and other possessions or any relocation costs in the event of a natural or man-made disaster. "Natural disaster" is defined as any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. "Man-made disaster" is defined as any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States.

Patrons: Suit, Cosgrove and Welch

01/23/02 House: Engrossment refused by House

Notes: City position: Support.

HB 505 Suspension without pay for fighters, EMTs, etc.

Summary as introduced:

Suspension without pay. Provides that in no case shall a suspension without pay of a law-enforcement officer, firefighter or emergency medical technician continue for more than 90 days pending completion of the hearing process.

Patrons: Drake, Cosgrove, Devolites, Joannou, Purkey and Rapp

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

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

Notes: City position: Oppose.

HB 506 Investigations of law-enforcement officers and firefighters.

Summary as introduced:

Right to counsel during investigations of law-enforcement officers and firefighters. Provides that during investigation or interrogation, law-enforcement officers, firefighters and emergency

medical technicians shall have the right to be represented by counsel at all stages of the proceedings.

Patrons: Drake, Cosgrove, Devolites, Hall, Joannou, Marshall, D.W., Purkey and Rapp

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

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

Notes: City position: Oppose.

HB 529 Freedom of Information Act; record exemptions.

Summary as introduced:

Freedom of Information Act; record exemptions. Adds a records exemption for those portions of records containing identifying information of a personal, medical or financial nature provided to a public body where the release of such information would jeopardize the safety of any person. This exemption is similar to the exemption currently available to law-enforcement agencies.

Patron: Devolites

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

Notes: City position: Support.

HB 658 Criminal background check; substance abuse treatment professionals.

Summary as introduced:

Criminal background check; substance abuse treatment professionals. Permits community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who are convicted of a broader list of crimes: assault and bodily wounding; robbery; threat; burglary; any felony violation relating to the possession or distribution of drugs; or abuse and neglect of children, including failing to secure medical attention for an injured child. The hiring provider must determine that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated.

Patrons: Devolites and Christian

01/09/02 House: Referred to Committee on Health, Welfare and Institutions

02/07/02 House: Reported from H. W. I. w/substitute (22-Y 0-N)

Notes: City position: Support.

HB 700 Freedom of Information; exemptions relating to terrorism.

Summary as introduced:

Freedom of Information; exemptions relating to terrorism. Provides a record exemption from FOIA for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building or structure; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or

structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of records for his name and legal address. The bill also provides for judicial review of a decision to withhold such records. The bill contains a technical amendment.

Patron: Jones, S.C.

02/01/02 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/04/02 Senate: Referred to Committee on General Laws

Notes: City position: Support.

HB 757 Workers' compensation; infectious disease presumption.

Summary as introduced:

Workers' compensation; infectious disease presumption. Creates a presumption that hepatitis, meningococcal meningitis, tuberculosis, herpes or HIV causing the death or disability of firefighters, paramedics, emergency medical technicians, members of the State Police Officers' Retirement System, members of county, city or town police departments, sheriffs and deputy sheriffs, city sergeants or deputy city sergeants of the City of Richmond, Virginia Marine Patrol officers, certain game wardens, and Capitol Police officers who are exposed to blood or body fluids are occupational diseases for the purposes of workers' compensation.

Patrons: Amundson, Brink, Callahan, Darner, Dillard, Kilgore, McQuigg, Plum, Spruill, Van Landingham and Watts; *Senators:* Byrne, Howell and Puller

01/09/02 House: Referred to Committee on Commerce and Labor

02/05/02 House: Reported from C. & L. with substitute (19-Y 3-N)

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

HB 952 Concealed handguns; restricted in restaurants.

Summary as introduced:

Concealed handguns. Prohibits the carrier of a concealed handgun in a public place to consume alcohol or be under the influence of alcohol or illegal drugs and eliminates the restriction on licensed, concealed handguns in restaurants that serve alcohol.

Patrons: Ware, Athey, Black, Cole, Janis, Saxman and Wright

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

02/08/02 House: Stricken from docket

Notes: City position: Oppose.

HB 960 Insurance; Fire Programs Fund.

Summary as introduced:

Insurance; Fire Programs Fund. Increases from one to three percent, the amount of the annual assessment against all licensed insurance companies doing business in Virginia for the Fire Programs Fund. The bill provides that this increased assessment shall only be effective for five years. The bill also (i) provides that the Fund shall be used to provide staffing to meet national

standards for homeland defense, (ii) increases from \$10,000 to \$30,000 the minimum amount an eligible city or county may receive from the Fund, (iii) increases from \$4,000 to \$12,000 the minimum amount an eligible town may receive from the Fund, and (iv) requires that certain moneys from the Fund be used for a state fire academy, replacement of unsafe fire trucks, and administrative support services for nonfunded training to localities, to include an emergency vehicle operator's course and the development of a mandatory firefighters training curriculum. The bill also contains a technical amendment.

Patrons: Almand, Brink, Darner and Plum

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

Notes: City position: Support.

HB 1013 Grants for home ownership.

Summary as introduced:

Grants for home ownership. Allows localities to make grants of local funds up to \$3,000 to local employees for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patrons: Scott, Almand, Amundson, Bland, Brink, Christian, Crittenden, Darner, Hull, Jones, D.C., Moran, Van Lanningham and Van Yahres

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

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

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

HB 1049 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Darner, Almand, Brink, Christian, Crittenden, Spruill and Van Lanningham

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

Notes: City position: Support.

HJ 13 Constitutional amendment; property tax exemptions.

Summary as introduced:

Constitutional amendment (second resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other

purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patrons: Howell, Dudley and McQuigg

01/15/02 House: VOTE: ADOPTION (96-Y 2-N)

01/16/02 Senate: Referred to Committee on Privileges and Elections

Notes: City position: Oppose.

HJ 146 Constitutional amendment; property segregated for local taxation.

Summary as introduced:

Constitution; property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patrons: Almand, Brink and Darner

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

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

Notes: City position: Support.

HJ 156 Study; growth and economic development.

Summary as introduced:

Study; Growth and Economic Development. Continues the Commission on Growth and Economic Development for two years.

Patron: Hall

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

Notes: City position: Support (Contains provision to study local revenue needs to purchase or protect open space).

SB 3 Motor vehicle registration fees for emergency services.

Summary as introduced:

Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services.

Patrons: Reynolds, Deeds and Quayle

02/07/02 Senate: Committee amendments agreed to

Notes: City position: Support.

SB 36 Subsidized guardianship of children living with relative caregivers.

Summary as introduced:

Subsidized guardianship of children living with relative caregivers. Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural

parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person for whom the option of reunification has been eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian.

Patron: Miller, Y.B.

01/09/02 Senate: Referred to Committee on Rehabilitation & Social Services

01/18/02 Senate: Continued to 2003 in R. & S. S. (14-Y 0-N)

Notes: City position: Support.

SB 46 Carrying firearms during period of protective order.

Summary as introduced:

Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order.

Patron: Reynolds

02/06/02 Senate: Reported from Courts of Justice w/sub (14-Y 0-N)

Notes: City position: Support.

SB 83 Technology Trust Fund; extends sunset provisions.

Summary as introduced:

Technology Trust Fund. Extends the sunset from July 1, 2002, to July 1, 2004.

Patrons: Wampler, Bolling, Hawkins, Houck, Lambert, Norment, Stolle, Trumbo and Watkins;

Delegates: Abbitt, Hamilton, Ingram, Morgan, Stump and Tata

01/22/02 Senate: Passed Senate (39-Y 0-N)

Communicated to House

01/23/02 Senate: Fiscal impact statement from DPB (SB83)

01/28/02 House: Referred to Committee for Courts of Justice

Notes: City position: Support.

SB 98 Interstate Enforcement of Domestic Violence Protection Orders Act.

Summary as introduced:

Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. Furthers the "full faith and credit" provision of the Federal Violence Against Women Act of 1994 regarding protection orders issued by states to ensure that full faith and credit is effectively given to protection orders. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in August 2000. The act establishes a uniform system for the enforcement of domestic

violence protection orders across state lines. The act defines the meaning of full faith and credit as it relates to the interstate enforcement of domestic violence protection orders and establishes uniform procedures for interstate enforcement. Courts must enforce the terms of valid protection orders of other states as if they were entered by the enforcing state, until the order expires. All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state. Terms of the order made with respect to support are enforceable under the Uniform Interstate Family Support Act. A law-enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an order of the enforcing state. Law-enforcement officers, governmental agencies, attorneys for the Commonwealth, clerks of court, and other officials are protected from civil and criminal liability for enforcement of a protection order in good faith. So far the act has been adopted by California, Indiana, Montana and Texas. It has been introduced in seven other states, including West Virginia and the District of Columbia.

Patron: Howell

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

Notes: City position: Support.

SB 122 Local tax on mobile telecommunications services.

Summary as introduced:

Local tax on mobile telecommunications services. Incorporates uniform federal sourcing laws that determine which jurisdictions may impose taxes on local mobile telecommunications services. Beginning August 1, 2002, federal law provides that taxes on mobile telecommunications services may be imposed by a jurisdiction only if the customer's place of primary use is within the jurisdiction. The "place of primary use" is defined as the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the provider of the telecommunications service.

Patron: Stosch

01/18/02 Senate: VOTE: PASSAGE R (39-Y 0-N)

01/28/02 House: Referred to Committee on Commerce and Labor

Notes: City position: Support.

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

Summary as introduced:

Freedom of Information; exemptions relating to terrorism. Provides a record exemption from FOIA for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building or structure; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments,

alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of records for his name and legal address. The bill contains a technical amendment.

Patrons: Stolle and Rerras

01/29/02 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/04/02 House: Referred to Committee on General Laws

Notes: City position: Support.

SB 168 Prosecution for abuse and neglect; abandoned children.

Summary as introduced:

Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when a parent voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals, physicians' offices, local departments of health, local departments of social services, and rescue squads or fire departments that include emergency medical technicians. Acute care hospitals offering 24-hour emergency service are required to become infant-receiving facilities; becoming an infant-receiving facility is discretionary with the other entities listed. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. By delivering the child to an infant-receiving facility, the parents are presumed to have consented to termination of their parental rights. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, is required to develop guidelines for establishing and maintaining an infant-receiving facility. The Department of Social Services is required to launch a media campaign to publicize the emergency custody procedures for abandoned children. The bill has an 8 year sunset clause.

Patrons: Byrne and Ticer

01/09/02 Senate: Referred to Committee for Courts of Justice

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

Notes: City position: Support.

SB 173 Sales and use tax increase; exempts certain M.V. and boats.

Summary as introduced:

Sales and use tax increase; exemption of certain motor vehicles and boats from tangible

personal property taxation. Provides for a one and one-half percent increase in the retail sales and use tax and exempts certain motor vehicles and boats from local tangible personal property taxation, provided that a constitutional amendment exempting such motor vehicles and boats is ratified by a majority of voters voting on such measure in November 2004. The tax exemptions and the additional one and one-half percent sales and use tax are effective January 1, 2005. The revenue from the increase in the sales and use tax shall be used to make payments to localities in lieu of the current funding processes to reimburse localities under the Personal Property Tax Relief Act of 1998. The new funding mechanism will begin in calendar year 2005. In general, the amount funded to (i) a county shall be the amount funded to the county in the preceding calendar year plus 15 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; (ii) a city shall be the amount funded to the city in the preceding calendar year plus 11 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; and (iii) a town shall be the amount funded to the town in the preceding calendar year plus five percent of any increase in the state sales and use tax revenue over the preceding fiscal year. Each locality will have a base year funding amount. The base year funding amount shall equal (a) for a county, 15 percent of its total local tax revenues collected in fiscal year 1997; (b) for a city, 11 percent of its total local tax revenues collected in fiscal year 1997; and (c) for a town, five percent of its total local tax revenues collected in fiscal year 1997. The base year amount is used for purposes of determining initial funding amounts to counties, cities, and towns in calendar year 2005.

Patron: Colgan

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Oppose.

SB 178 State fuels tax; increase in tax on gasoline, diesel fuel, etc.

Summary as introduced:

State fuels tax; increase in tax on gasoline, diesel fuel, and liquid alternative fuel. Increases the fuels tax on (i) gasoline and gasohol from 17 and one-half cents to 22 and one-half cents per gallon, (ii) diesel fuel from 16 cents to 18 cents per gallon, and (iii) liquid alternative fuels used to operate a highway vehicle from 16 cents to 22 and one-half cents per gallon. The tax increases are effective January 1, 2003, and all revenues attributable to the increases shall be paid into the Transportation Trust Fund.

Patron: Miller, K.G.

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Support.

SB 189 Sales and use tax; food for human consumption.

Summary as introduced:

Sales and use tax; food for human consumption. Exempts food for human consumption from the state sales and use tax.

Patron: Deeds

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Oppose.

SB 217 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Ticer and Whipple; Delegates: Almand, Brink, Darner and Van Landingham

01/24/02 Senate: Reported from Education and Health (13-Y 1-N)

01/24/02 Senate: Rereferred to Finance

Notes: City position: Support.

SB 268 Social services; auxiliary grants.

Summary as introduced:

Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program. This is a recommendation of the Joint Commission on Health Care.

Patrons: Lambert and Puller; Delegate: Brink

01/09/02 Senate: Referred to Committee on Rehabilitation & Social Services

01/11/02 Senate: Rereferred to Finance

Notes: City position: Support.

SB 311 Uniform Statewide Building Code; inspections.

Summary as introduced:

Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties at intervals established by ordinance.

Patrons: Edwards and Byrne

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

Notes: City position: Support.

SB 380 Localities' Share of Individual Income Tax Revenue Fund.

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed

based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron: Whipple

01/09/02 Senate: Referred to Committee on Finance

Notes: City position: Support.

SB 382 VDOT pedestrian projects.

Summary as introduced:

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

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

01/30/02 Senate: VOTE: PASSAGE R (40-Y 0-N)

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

Notes: City position: Support.

SB 384 Grants for home ownership.

Summary as introduced:

Grants for home ownership. Allows localities to make grants of local funds to employees of the locality or of the school board for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron: Whipple

01/09/02 Senate: Referred to Committee on Local Government

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

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

SB 394 Law-enforcement expenditures of local governments.

Summary as introduced:

Appropriations for law enforcement expenditures of local governments. Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no affect on the percentage

change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patrons: Whipple; *Delegates:* Albo, Darner and Van Landingham

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

Notes: City position: Support.

SB 404 Assessment for courthouse security.

Summary as introduced:

Assessment for courthouse security. Allows localities to assess each criminal, civil and traffic case a fee of up to ten dollars for courthouse security.

Patrons: Rerras and Stolle

01/23/02 Senate: Reported from Courts of Justice (14-Y 1-N)

01/23/02 Senate: Rereferred to Finance

Notes: City position: Support.

SB 509 Educational opportunity programs.

Summary as introduced:

Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program on at least a half-day basis prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patrons: Newman and Williams; *Delegate:* Oder

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

01/24/02 Senate: Rereferred to Finance

Notes: City position: Support.

SJ 51 Constitutional amendment; taxation, exemptions.

Summary as introduced:

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles and boats, as provided by general law.

Patrons: Colgan and Byrne

01/09/02 Senate: Referred to Committee on Privileges and Elections

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

Notes: City position: Oppose.

SJ 70 Constitutional amendment; taxation, assessments.

Summary as introduced:

Constitutional amendment (first resolution); taxation; assessments. Provides that the General Assembly may prescribe a measure other than fair market value to be used in determining assessments of personal residences.

Patron: Miller, K.G.

01/09/02 Senate: Referred to Committee on Privileges and Elections

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

Notes: City position: Oppose.

SJ 92 Constitutional amendment; property segregated for local taxation.

Summary as introduced:

Constitution; property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patrons: Whipple; *Delegates:* Brink and Darner

01/09/02 Senate: Referred to Committee on Privileges and Elections

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

Notes: City position: Support.

Status Report on the City's 2002 Legislative Package 2/10/02

HB 130 Urban highway construction allocations.

Summary as introduced:

Urban highway construction allocations. Allows any city or town to use up to six percent of its urban system construction allocation in any year for traffic calming projects or devices.

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

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

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

HB 1025 Income tax; state earned income tax credit.

Summary as introduced:

Income tax; state earned income tax credit. Allows a refundable earned income tax credit against the state income tax for individuals qualifying for the federal earned income tax credit, for taxable years beginning on or after January 1, 2002. The amount of the state credit is 10 percent of the federal credit. The bill also repeals the income tax credit for low-income taxpayers.

Patron: Moran

02/09/02 House: Carried over by the Committee on Finance

HB 1030 Speed limits in cities.

Summary as introduced:

Speed limits in cities. Expands the provisions of § 46.2-878.2 to apply the penalties presently applicable only to speeding in residence districts (fine up to \$200) to all roads and streets in cities.

Patron: Moran

02/09/02 House: Reported by the Committee on Transportation (18-2)

HB 1043 Criminal history records information; foster care.

Summary as introduced:

Criminal history records information. Provides for the dissemination of criminal history records information to and criminal records checks of a responsible adult (and of all adult household members residing with the responsible adult) with whom a service worker of a local department of social services or board of public welfare or law-enforcement officer is considering placing a child in need of services incident to an emergency foster care situation.

Patrons: Moran and Van Landingham

02/07/02 House: Passed House (100-Y, 0-N)

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

Summary as introduced:

Suspension of operator's license and tags for failure to satisfy judgment. Provides that the

Commissioner of DMV shall suspend the driver's license and all of the registration certificates and license plates of any person who has failed for 30 days to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI unless the person has entered into and is abiding by a payment plan with the locality.

Patron: Moran

02/08/02 House: Reported from the Committee for Courts of Justice with amendments (22-0)

HB 1061 Termination of parental rights.

Summary as introduced:

Termination of parental rights. Provides that, in addition to other factors, a court may terminate parental rights if it finds based upon a preponderance of the evidence, a parent has subjected any child to abandonment, torture, chronic physical abuse, sexual abuse or any similar seriously harmful acts.

Patrons: Moran and Van Landingham

02/08/02 House: Reported from the Committee for Courts of Justice with a substitute (22-0)

SB 128 Hate crimes; penalty.

Summary as introduced:

Hate crimes; penalty. Adds gender, physical disability and sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds gender, physical disability and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patrons: Ticer, Byrne and Howell; *Delegates:* Darner, Moran, Plum, Van Landingham and Watts
01/16/02 Senate: Passed by indefinitely in C. J. (9-Y 6-N)

SB 129 Temporary Assistance to Needy Families; child care subsidies.

Summary as introduced:

Temporary Assistance to Needy Families; child care subsidies. Provides for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

Patrons: Ticer, Byrne, Howell and Puller; *Delegates:* Amundson, Plum and Watts

01/09/02 Senate: Referred to Committee on Rehabilitation & Social Services

01/18/02 Senate: Continued to 2003 in R. & S. S. (14-Y 0-N)

SB 130 Termination of parental rights.

Summary as introduced:

Termination of parental rights. Provides that the agency having custody of a child is not required to make reasonable efforts to reunite a child with a parent and parental rights may be terminated if the parent has subjected any child to aggravated circumstances. Aggravated circumstances are defined as abandonment, torture, chronic abuse, sexual abuse and similar seriously harmful acts.

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

01/23/02 Senate: VOTE: PASSAGE R (40-Y 0-N)

01/28/02 House: Referred to Committee for Courts of Justice

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

Summary as introduced:

Criminal history records information incident to an emergency placement of a child.

Permits a child-protective services worker of a local department of social services or a law-enforcement officer to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange incident to an emergency placement of a child in need of services when the worker or officer is considering placing the child with a responsible adult, other than the child's parent or legal guardian. The worker or officer shall not make the emergency placement if such responsible adult or any adult household members residing with such responsible adult have been convicted of or are the subject of pending charges for a barrier crime or the subject of a founded complaint of child abuse or neglect.

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

01/22/02 Senate: VOTE: PASSAGE (26-Y 13-N)

01/28/02 House: Referred to Committee for Courts of Justice

SB 211 Alexandria Historical Restoration and Preservation Commission.

Summary as introduced:

Alexandria Historical Restoration and Preservation Commission. Expands the membership from seven to nine members beginning July 1, 2002. In addition, the bill expands the definition of restoration period to include a period of 50 years from the date that the Commission determines to restore a facility. The bill also includes a technical amendment.

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

01/22/02 Senate: VOTE: PASSAGE R (39-Y 0-N)

01/28/02 House: Referred to Committee on General Laws

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

Summary as introduced:

Criminal history records information incident to placement of a foster child. Permits a child-protective services worker of a local department of social services or licensed child-placing agency to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange incident to the placement of a foster child when the worker or agency is considering placing the child with the child's prior family member or with a relative other than the child's prior family. The worker or agency shall not make the transfer custody if such relatives or any adult household members residing with such relatives have been convicted of or are the subject of pending charges for a barrier crime or the subject of a founded complaint of child abuse or neglect.

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

01/23/02 Senate: Communicated to House

01/28/02 House: Referred to Committee on Health, Welfare and Institutions

SB 220 Charter; City of Alexandria.

Summary:

Charter; City of Alexandria. Allows the City to alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. Additional charter amendments will (i) clarify when the organizational meeting of a newly elected council will be held, and (ii) allow the council, if approved by voters, to impose and levy a city recordation tax in an amount up to two-thirds of the amount of state recordation tax for preservation of open space.

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

01/21/02 Senate: VOTE: PASSAGE R (40-Y 0-N)

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

Notes: Amended by Senate Local Government Committee to delete provisions pertaining to the recordation tax and special taxation of parcels one-quarter acre or more preserved as open space.

SB 685 Local real estate taxes; use value assessment.

Summary as introduced:

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

Patron: Ticer

02/01/02 Senate: VOTE: PASSAGE R (38-Y 0-N)

02/01/02 Senate: Communicated to House

ROUGH DRAFT

Verbatim Transcript

City Council of the City of Alexandria
Tuesday, February 12, 2002
Docket Item No. 13

* * * * *

13. Consideration of Update Report on Items Before the 2002 General Assembly Session.

Mayor: Okay, Mr. Caton is working his way up to the front. He is going to give us an update on a number of the bills that have before the General Assembly, many of which have been in committee. They have been some significant movement on some of the major items, particularly, the tax referendum items relating to transportation. Unfortunately the House did kill, at least on the House side, the education portion, which I think is of more concern to the Council and perhaps the citizens of Alexandria. He will give us an update on our legislative package as well. And then, we also had, I guess, a tough news conference yesterday relative to the state budget outlook. The deficit is now up to at least over the next biennium up to 3.8 billion dollars, that's with a "b" is that not correct, Mr. Caton?

Caton: That's correct, Mr. Mayor.

Mayor: and that is obviously a concern for all local governments because we're either going to experience cutbacks in service from the state or we're going to experience, I think in many respects, problems in terms of intergovernmental revenue or money that comes to the City from the state which is actually the bulk of the state budget. Mr. Caton, why don't you give us an update and then we can talk about some of bills and the recommendations.

Caton: Let me start off and just a few more comments about the budget. The state budget is, as the Mayor indicated, the state revenues are down. I'm sure that we will see a decrease in revenues coming to the City. Both Houses of the General Assembly have their money committees making their reports this Sunday on what their recommendations are for budget amendments. So, shortly after that, we'll get a memo out to Council with at least some preliminary observations and then more detailed ones by the next docket update. As far as the City's package, all of the bills have now been heard in the House in which they were introduced. We only have one bill that was killed and that was the Hate Crimes Bill which died early in

the session. Three bills have been carried over, one that would allow us to use urban transportation funds for traffic calming and we've been assured by VDOT that they will let us do that administratively. The earned income tax credit bill was carried over. That bill is always a difficult one but in this atmosphere with the state revenues down the way they are there was no way that was going to pass. And then finally, the legislation we had introduced by Senator Ticer that would use Tanif money or other state money to pay for an extra year of childcare payments for people who are transitioning off Tanif was also carried over for in large part the same reason, budget problems. As I said all of the Senate bills have now passed the Senate and are being heard in the House. All the House bills have passed the House and they are on their way over to the Senate. As far as the sales tax bills for transportation, education, or both, what I wrote has been surpassed over the last twenty-four hours. So, let me go through these briefly. If you are following along in the docket memo it is on page 3 about half way down. House Bill 1170, which was the Dillard Bill to increase the sales tax to pay for education capital needs was defeated in House Appropriations Committee yesterday by a 15 to 10 vote. Senate Bill 1296 is the Rollison Bill to increase the sales tax in Northern Virginia to pay for transportation projects in this area. That passed the house today and it is on its way to the Senate. It does not include any funding for DASH. Senate Bill 170 is Colgan's Bill. That was heard in the Senate Finance Committee today and it changed quite a bit. First off there is money in the Bill the way it was redrafted for an increase in the sales tax by ½ cent, and that's to be used for transportation funding, but it's a state-wide increase, and the funds would be divvied up the same way transportation funds are allocated around the state now. What that means is we would only get about 55 million dollars for Northern Virginia. If we got the funds based on point of sale, we'd probably get a 120 million dollars for the region. The bill now contains no project list. As far as education, it also increases the sales tax by ½ cent statewide, but he changed the allocation formula. He now has one that will return the money 50 percent of it will be returned based upon point of sale, and 50 percent based on school-age population. If we had all of the money returned to us from this type of tax of which does not include a tax on food, if we had all of the money returned to us based on point of sale, we'd receive about 9.5 million dollars a year. If we had it all based on student population we would receive about 3.3 million. Under the Colgan half and half plan, we would get about 6.4 million dollars a year to be used for capital projects.

Mayor: Sixty to sixty-five percent of the funds?

Caton: Yes, of the funds that we would get if it were point of sale.

Mayor: If it were point of sale, okay.

Caton: Continuing on the next page, House Bill 667 was withdrawn today. Senate Bill 668 did pass and that was a bill similar to the Rollison bill. It is for transportation only and pertains only to the Hampton Roads area.

Mayor: That passed?

Caton: It's a penny increase for that area.

Mayor: And, then, I'm sorry, I don't think I heard you, but Senate Bill 667 which is Williams which would be Northern Virginia and Hampton Roads, what was the fate of that?

Caton: That was withdrawn. The patron asked not to have it heard. So, now the Rollison Bill covers Northern Virginia Transportation and it includes projects. The Williams Bill covers Hampton Roads and includes projects, and then the Colgan Bill covers transportation and education, no projects, and the funding in the way I described it. Okay, one thing in the recommendations you probably noticed, Council's legislative subcommittee is recommending that we change the allocation formula we're willing to support. Council went on record at an earlier meeting in favor of distributing any education money based solely on point of sale. Clearly that's not a position that will prevail in this General Assembly. Council's legislative subcommittee is recommending that we support any allocation formula that would return at least half of the money to the City based on point of sale, and that, in fact, was what was in the Dillard Bill before it died.

Mayor: But we would also under that same recommendation we would support the Colgan compromise which is half point of sale, half school-age population which would be a return of approximately 60 percent or thereabouts of our sales tax revenue.

Caton: Yes, if the Council adopts the recommendation I would assume when I go back to Richmond if anything's proposed in the future that's half or more we would support it.

Mayor: Now, I would also add that I think we should oppose any bill that has a school-age population distribution method.

Caton: Purely school-age population.

Mayor: Purely school-age population. I, you now, there's no sense in us supporting a tax increase up here if it's going to send two-thirds of the money outside of the City to other parts of the state. I mean, it just doesn't make any sense. Ms. Eberwein.

Eberwein: When I was reviewing this before the meeting tonight, I had wrote this big “no” next to Colgan, but that is because it was based upon only school-age population. But if you are talking about a 50 percent point of sale and percent school-age population, that’s according to this chart that I’ve scribbled all over it get down to the legislative session, that actually might net us almost 68 percent return, which is better than Dillard’s which had a 50 percent floor.

Mayor: That’s correct.

Eberwein: And, I really didn’t want to see Dillard’s because I just didn’t think we could get the support up here from the voters to send 50 percent of our tax dollars elsewhere particularly when it costs less for the same items we have to pay for up here. I mean it’s really so there are some nice things about the Colgan Bill compared to what we were left with earlier I think. Let me make sure this ½ cent tax in Northern Virginia, that wasn’t modified, it would only go for transportation projects in the region, it’s just that we wouldn’t get, there would be no DASH money.

Caton: The Rollison Bill?

Eberwein; No, no, Colgan.

Caton: Colgan there’s no longer any transportation project list in the bill. It’s a statewide tax now, and the money would be allocated around the state the same way the transportation money is currently allocated.

Eberwein: Okay, Colgan’s really changed. It’s not only the education portion that changed but you’re saying....

Caton: Yes, dramatically.

Mayor: On the transportation side as well.

Eberwein: so, it’s a half-cent tax, it’s a statewide tax, and it’s allocated however the legislature decides to allocate it.

Caton: It’s allocated according to the current formulas that are set out in the Code of Virginia, and would result in the City receiving, or not the City, but the Northern Virginia region receiving about 55 million dollars a year. At least that was what was reported in the meeting today. Under the Rollison Bill, if all of it was returned to Northern Virginia, we would get about 120 million a year. So, it is considerably different.

Eberwein: So, we are getting 50 percent on the dollar, roughly for transportation?

Mayor: Roughly. Yeah, I mean we're faced with sort of a situation where on the Colgan Bill it is more favorable on the education side; however, it is less favorable on the transportation side. Two reasons, number one it delivers approximately half or less than half the dollars back to the region that needs it the most in terms of transportation projects, but it also leaves us up, I'm going to surmise this, but it leaves us up to the whims of the Commonwealth Transportation Board,

Caton: That's correct.

Mayor: because the previous bills would have brought money back to the Northern Virginia with a project list but it would have been implemented by the Northern Virginia Regional Transportation Authority. Here we're going to be subject the same distribution methods and the same decision-making process that hasn't served the region fairly well. And, so, I mean this makes this bill quite frankly a little hard to support because it does not meet our transportation needs here in the region; however, it does help us on the education side. So, I'd be interested in hearing from the Members about what we might do on the Colgan Bill.

Woodson: I tell you, if I may speak, I'm a little concerned about how our constituents are going to feel, how our citizens feel about paying what effectively is a double tax. I mean it's not a half cent it's more like one whole cent for what we're going to get back for transportation. You know, I mean that's essentially what we are going to get, and I don't know if I can in good faith support that just because we're going to get something more than we have now.

Mayor: Yeah, and I do believe, unless this changed in the Colgan Bill as well, this would set it all for referendum requirements. Is that correct?

Caton: I think the Colgan Bill still has referendum requirements, but let me check while you go on and discuss it.

Mayor: But I appreciate Ms. Woodson's comments because I mean we're going to have to either in question that goes before the voters or very shortly here take a position.

Woodson: Right, and I'm uncomfortable taking this particular position. I mean I appreciate the fact that our position is really not going to have much in a way of impact on what the General Assembly does anyway, but I'm uncomfortable taking the position because the voters have put us here to make decisions, yea or nay, on, you know, what we think is in their best interest. And quite frankly, if we're looking at a half percent tax that actually and effectively is a half cent tax which is effectively a one cent tax when you consider what we actually get back. I'm uncomfortable

supporting that and quite frankly, I think our voters would be uncomfortable with us supporting that.

Mayor: Mr. Caton.

Caton: The Colgan Bill does require a referendum; however, on the ballot there's one question and that's would you support a penny increase to be divided half between transportation and half education, so you can't vote to accept one and not the other.

Woodson: But, the problem with it is that it doesn't really say that you're not going to get it, you're only going to get half of that half cent on transportation and maybe 68, if that what it is, 68 percent of the half cent on education. It's not saying that, so, it's misleading to the population unless there is a major education effort for them to understand it and it's, you know, damned if you do, and damned if you don't. I mean we don't have anything now, so do we subsidize essentially the rest of the State of Virginia, and because we got the wealth and we've got the needs and they got the votes we're a little over the barrel here...

Mayor: Welcome to the General Assembly. Mrs. Pepper.

Pepper: I guess what I'm concerned about is, I just have the feeling that the situation is so fluid that any of these bills could be changing over night while we're even deliberating. And, I wonder right now where is our delegation. Where are they in all of this?

Caton: Right now, well first off, you're right, things are very fluid. I would not be at all surprised to see as these bills go to the opposite houses all three of them get killed and they await something else. But as our delegation, Delegate VanLandingham in the Appropriations Committee voted for the transportation bill with the understanding that the Patron of the Transportation Bill and others would vote for the Education Bill. Unfortunately, they did not vote for that. When the bill was voted on the floor today, I can't, well hold on one second, all three Members of our House of Delegation, Darner, VanLandingham and Moran voted against the transportation bill. In the Senate, Senator Saslaw voted for the Colgan Bill. Keep in mind though that people are posturing and just because he voted for it doesn't necessarily mean that he likes everything in it.

Mayor: Well, let me suggest maybe a little bit of posturing on our own because it is a fluid process. Let me make the following recommendation to see if it suits the Council. Rather than take a position on the specific bills because I do think they will change particularly when we get to crossover, let me make a recommendation that **we will support a half penny increase in the sales tax, again with the referendum**

requirement for education with no less than a 50 percent floor on the distribution method. In other words, if we are going to get 9.5 million dollars based upon point of sale, we will accept not less than 50 percent if there is a distribution method identified. In other words, we will not support a distribution method based upon school-age population, and that would include, we will support a 50 percent school-age population/50 percent point of sale. That handles or that potentially would be our education provision. Relating to transportation, I think we have shown some general support for the notion of a referendum for a sales tax increase for transportation, but I believe those dollars truly need to be retained up here in Northern Virginia. In other words, we would support a 100 percent point of sale distribution back to the region to support project list that would include sufficient funding for Metro capital, sufficient funding for urban road improvements, 25 million dollars for DASH. I know there are potentially going to be some lists that are floating around out there they are going to contain project lists, but this is also the understanding that the funds would flow to the Northern Virginia Transportation Regional Authority for distribution.

Pepper: If you want a motion to that, I'll make that motion. Hold on. Ms. Pepper has got a motion on the floor, is there a second? Not hearing a second, her motion will die for the lack of a second, and we'll move to Ms. Eberwein.

Eberwein: None of these bills contain like a sunset provision or anything?

Caton: I don't believe they do any more.

Eberwein: Well,

???? Which doesn't mean that there might not be one put back in, but there's not one there right now.

Eberwein: I guess I feel a little bit differently and I wouldn't have minded supporting the Mayor's motion. Right now, I think again, we're fluid and we're probably fluid up here too. I guess I'll just put my feelings on the floor. I think 50% floor is the minimum that's acceptable. I'm personally not comfortable with it at all and I like the Colgan bill's distribution where we would get about 65 % back. I don't, so, I have no problem saying that I am generally in support of the Colgan bill. The only reason that I'm also generally in support of it, I think for transportation I'm a little hesitant on this but I don't think it's going to pass if we were to have 100 percent point of sale. I just don't think it's going to fly with the rest of the legislature. When you read the maneuvering they had on education and the fact that this heavy lobbying from down state and a lot of party pressure to do certain, I just don't think it's going to fly. So, I guess I would tentatively say that my reservations

about the Colgan bill are a lots less than my reservations about some of these other things that are out here. And, while I'd love to see all of the transportation dollars come back, I just don't think that it's reasonable to expect them to do so in a statewide body.

Caton: If I could add, I don't know that a statewide transportation tax is going to end up in any legislation. I can't say that it won't, but that was something that was just plopped down today, and I think they are going to have a lot of trouble in the House with it.

Mayor: Particularly if they go statewide.

Caton: Right. The House is okay on Northern Virginia because they did pass

Mayor: And that would keep it regional.

Caton: Yes.

Eberwein: Well, is it too late for Senator, wait a minute, Colgan is a Senate bill, isn't it, so it would crossover into the House. Is it too late for us to put up a bill that would work with that to try to make a formula more amenable to us or..

Caton: For us to introduce a bill or try to get it amended?

Eberwein: Either. Whichever works better, probably amended, I assume.

Caton: Yeah, it's too late to put a bill in. You know, we work on amendments the whole time. The difficulty now is there are so many people involved and with such strong feelings. I met with Senator Saslaw two or three times a week on this. He knows what our views are and I think his message is more or less I hear you, just hold on when the right time comes, I'll do what I can.

Eberwein: Well, what you're hearing is that we're satisfied with education, but that transportation we certainly would like to see if you could do something a little with the Colgan bill.

Caton: Okay.

Speck: Mr. Mayor.

Mayor: Mr. Speck, then Ms. Woodson.

Speck: Question of Bernie and his comment. There's been some recent effort I think by

the Roundtable to try to get the Governor and the General Assembly to agree to have a special session, and not try to resolve all of these issues during this current session. Any sense where that is at the moment?

Caton: The Roundtable also that the headlines were that the Roundtable recommended the increases in the income tax and other taxes, and I don't think there's any sentiment to that. As far as a special session, I haven't heard any sentiment for that at this point. I think when people have talked special session in the past at least up until this time, it's been more to look at restructuring for localities and their revenue sources, some restructuring for the state and there are ongoing legislative studies looking at those issues. I don't think they're going to be ready to make any recommendations this year. I think you're looking at either next session or maybe a special session in 2003.

Speck: It is interesting that you are seeing the Roundtable which is a fairly significant business group really for the first time coming in and saying in some very specific ways that this is not the issues that we're addressing are not going to be resolved whether it's a half cent or a penny and that it either has to be a very broad and true reformation of a very archaic tax structure. I mean the gas tax in Virginia has not been raised since 1986. We have the lowest gas tax I think probably then any state on the east coast and this reluctance to violate the "no tax" pledge has resulted in limiting a lot of our options, and I think that every time we think the news can't get worse it gets worse. But Joyce made a point that I think needs to be stressed and that is that for some time now we've been pushing so hard to allow the voters with the right to make the decision about whether they want to be taxed, that we until just very recently we are sort of seeing the nuances of some of these bills come out realize that we may end up getting a referendum but that the result is such a lousy proposition that we, in fact, can't support it, and that voters will respond accordingly to something that is not going to provide the benefits that we're seeking. So, it's, there's a mixed blessing in continuing to work hard for the referendum and ending up getting something that's really does not provide the kind of benefit that we're looking for or one that really results in sending way too much back down to Richmond and not getting enough back in return. At some point, maybe before we finish this particular docket item, I just need to mention a couple of things that came up at TCC on urban funds that is not unrelated to all of this also.

Donley: Well, let's try to bring some closure to the education/transportation because we got probably some other things we need to discuss regarding the General Assembly session as well. Ms. Woodson.

Woodson: Thank you, Mr. Mayor. I'm not sure how one would pose a motion here, but I'm uncomfortable supporting something that we have given hopes of ever getting

what we want. So, we're going to say, well, we are not going to get it anyway, so just support this less return. It seems to me that we don't need to support it at all. They're going to do whatever they are going to do. We can perhaps make a stronger statement by saying that we are uncomfortable and will not support these things. That's not to say we don't support what we support. And, you know, we've made that statement before. I would prefer sticking to what it is that we support and sending that forward inasmuch as that is no longer on the table in evidence, but as there is as we said the potential for fluidity, there's no telling what might come out. They certainly have no problems supporting a Senate Bill 668 which applies only to Hampton Roads. So, who knows what might come out. I'm uncomfortable supporting less than what we want and I will be voting against that. If it is appropriate to make a motion for us to stick with our guns and support what it is that we sent in our original legislative package, then I would like to make such a motion.

Mayor: Well, there's really actually no need to make that motion because we've already made that decision. The question really before us was in light of the changing circumstances do we want to modify, and, you know, the sentiment of the Council is not to modify. I mean, that's fine. I mean we'll go forward with the positions that we've taken thus far and we'll get updates from Bernie either via e-mail or person as things change.

Woodson: Okay, that was what question was on whether it's appropriate.

Caton: Could I just make sure. You want to continue to support 100% point of sale then for education? We can support that..

Mayor: I mean, you know, it's dead.

Caton: Yes, and it won't come back.

Mayor: and it's not going to come back, so, again, I'll leave that to the Council. I made my recommendation so.

Eberwein: I appreciate sticking to your guns but we don't have any ammo and you know the bottom line is firing blanks doesn't get us any where. There's no money that is going to be coming up to us from the state. This goes to the voters per referendum. We aren't taxing, we're going to have, I assume if any of this come out the other side, a vigorous public education campaign and the voters will either approve it or not. If the voters don't approve it, there'll still be no money. If they do approve, it is going to be the only money that we have for schools and transportation. And to say that we're not going to compromise or work at all

means basically we're not going to get anything, and I think we need to be honest about that. I mean you can hope that something miraculous is going to come out of this, but I think you're, we're kind of dreaming. I think the writing is on the wall right here, and I think to say we're not going to compromise is to basically take us out of the game.

Woodson: Mr. Mayor.

Mayor: Ms. Woodson.

Woodson: I agree completely with Ms. Eberwein. This is not an issue of whether I think there's going to be a change because I don't think there's going to be a change, and it's not a situation where I'm suggesting that we're not willing to compromise. I don't think we're in the game. I think we're bystanders. I think we're throwing in moot positions, you know. I don't know that anything we say and do here is going to make a whole lot of difference. So, I guess it's more a principle position than a position of any substance because I don't see us as having any ammo. I don't even see us in the game.

Mayor: Well, let me, just a small point of disagreement. I mean clearly the actions that we take, you know, potentially are not going to have impacts on whoever happens to represent Farmville, but there are nuances that come up as we can see with the legislation that is proposed for tonight where, you know, our representatives and that's really who, when we take a position we're communicating that to our representatives, but as these nuances come up, I think Bernie is asked, I'm asked when I see Patsy and Brian or Karen Darner, I'm asked what does the Council think? And so, you know when we do take a position or when we modify our position, it is being communicated to those who directly represent us. And so, to that extent, we are in the game. I'd hate to be in a situation where we have to send Mr. Caton down and he says the Council hasn't changed it's position, that doesn't provide them any guidance from us. And so, it is important that we do take and consider these positions because they do change, but we are communicating to number one, our direct representatives, and number two, the Northern Virginia Delegation which bi-partisanly meets on a fairly regular basis and to that degree our unanimity, our voice is an important voice because it does help create at least, we hope it helps create some regional cohesion regarding the stance that they take.

Woodson: Sure. Mr. Mayor, I wasn't suggesting that extreme. I'm not saying that we should tell our delegation that they must go in there and stick to something that is clearly already lost. I guess what I am trying to say is that we've got a position that we've taken and the best that our delegation can do is negotiate for the best that they can get, but for us to go in and say, well, we give up, we'll take what,

you know, the best we think we can get, you know, 50%, I don't know if I'm ready to make that kind of statement in as much as I accept that that's what's going to happen. So, you know I'm not really sure what the proper approach would be, but I think instinctively that to capitulate is not it.

Speck: Mr. Mayor.

Mayor: Mr. Speck.

Speck: I think there's a piece of both what Claire and Joyce are saying that's important. I don't think our position can ever be less than our preference for point of sale. I mean that is clearly what benefits us the most and I think we would be derelict and not indicating that that was, will be, is our preference, but I also think we have to acknowledge that ain't going to happen. And, at the very least, our minimum position should be no less than 50% point of sale, and that if that is what we end up with, if that is what is established as the reference point that we can work from, we'll have to decide whether that's something we can support, but it should certainly never be less than that. The best I can say is that I have not seen, the proposals that appear to be more active than, and everybody agrees that it's pretty fluid, have that as a baseline to work from, might be a little bit better, might be a combination of point of sale and school-age population that gives us a slightly higher percentage. But it certainly shouldn't be less than that, I mean we cannot ever back away from what is in our best interest and that's point of sale, has always been our preference. And I think we also have to establish what our baseline will be and that is certainly no less than 50%. And

Eberwein: You just talking education or transportation too?

Mayor: This is where life gets complicated.

Eberwein: All right. I can put a motion on the floor and then you can see if you can second it.

Mayor: All right, go ahead and put a motion on the floor.

Eberwein: **That we support the Colgan bill inasmuch as the formula that they have amended with regard to education which is the split between school-age population and pos, and with regard to transportation, no less than 50% floor making sure that it includes mass transit as some of the projects.** [I'm rewriting a bill on the floor, I really like doing this, but anyway just to give you some sense.]

Mayor: **All right, we got a motion by Ms. Eberwein is there a second, not hearing a second that motion dies for lack of a second.** Let's try to bring some closure here. We don't have to take positions on specific bills. We can take positions that are largely principled ones, and I agree with your sentiment. You know that's our original position and I don't think that any change is back down from that position but it really is recognition of what's the heck's going on down there. So, I'll go back to my original suggestion which was on the education no less than 50%, preference is obviously for point of sale or the 50-50 split, and the money would come back to the locality. On transportation, and then again I'm going to suggestion 100% point of sale because that was the original legislative concept. Quite frankly, I don't think the statewide sales tax for transportation is going to pass. I think it will ultimately get reduced down to something that's regional. It may be the Williams' original bill relating to Northern Virginia and Hampton Roads. And, again I fall back on the fallback on the project lists that I talked about, i.e., Metro capital, sufficient funding for Metro capital, urban systems, and 25 Million for DASH.

Pepper: And, of course, there would be for any additional tax we would ask for a referendum.

Mayor: Yes, that's understood in all of these....

Caton: You also had the money going to NV., the Transportation Authority.

Mayor: The Authority, that's correct.

Eberwein: I'll second that just because I think it's clear we want more.....

Pepper: The Mayor can't make a motion, so move it and I'll second it.

Speck: Why don't we separate this so it's clear what our position is on education, and then clear what our position is on transportation.

Mayor: All I'm doing is making suggestions. As the Mayor, I can't make a motion, I'm just making suggestions, so if someone wants to make a motion or a series of motions that is in order.

Speck: Let's make a motion. Let me do the one on education and then make the transportation separate because I think part of this that we are also trying to, I think this is the beginning of the education process and people need to understand what we are trying to say and why it is so significant. So, on the education which is the one I think is clearer as to what our objective is, **it is our clearly stated**

preference for point of sale and certainly no less then 50% of point of sale as our distribution and that's on the education part of the bill.

Mayor: Okay, motion by Mr. Speck, is there a second?

Cleveland: Seconded by Mr. Cleveland.

Mayor: Seconded by Mr. Cleveland, is there any further discussion.

Eberwein: I would like to make a friendly amendment. Since we are separating them out, I would like to have the 50% changed to 60% which gives us three options, three bills out there. I prefer 65%, but I'd like to do 60% because I don't like that 50%.

Speck: No, I'm not going to accept it. You got to keep this simple.

Eberwein: You're not going to accept this? Okay, fine.

Mayor: We've got a motion and a second, is there any further discussion? Boy, I'm glad I don't have to deal with a 140 of these folks like they do down there. All right, all those in favor of the motion say "aye": KJD, BC, DP, DS; those opposed "no". Woodson/Eberwein "no". Ms. Pepper how did you vote?

Pepper: I voted in favor.

Mayor: You voted in favor, that motion passes 4-to-2. Now, is there another motion?

Speck: **On transportation, I think that one is 100% point of sale, and you want to make it more complicated, I mean is there anything else anyone wants to add to it?**

Mayor: **100% point of sale and with project lists that we enumerated because there will be a project lists which includes DASH and urban systems. Okay, we got a motion by Mr. Speck, it's been seconded by Ms. Woodson, any further discussion, all those in favor say "aye" those opposed "no". That one passes surprisingly unanimously. All right.** Mr. Caton anything you want to discuss? We got a number of bills in here where the Council's legislative committee has recommended positions, and you've given us an update on the legislative package, any other questions?

Eberwein: I wanted to ask you a couple of questions about HB 1237, Workers' comp. I am on hand-written seven, attachment 1 page 3 type-written. This is for not just public employees, is this for all businesses in the state?

Caton: That bill has been amended now, all it really does is bring persons that are hired by private sector as firefighters and certain DMV and state police employees under this section of the code.

Eberwein: But, it only applies to emergency workers.

Caton: It only applies to firefighters. At least the new provision.

Eberwein: okay, okay, because I just thought that this applied to small businesses and I know that.

Caton: It would apply to them if they hire, if they employee someone as a firefighter.

Eberwein: but it doesn't apply to just any employee other then firefighters. Okay. I was concerned because you didn't have to have a nexus between the job and the disease and I know that could break a small business if their illness was not job-related, it would be tough to justify penalizing them for that. Okay.

Mayor: Okay. Is there a motion on the receipt of the report and to adopt these positions?

Speck: So move.

Pepper: second.

Mayor: Motion by Mr. Speck, seconded by Mrs. Pepper, is there any further discussion.

Pepper: Well, I just want to thank you for the little section here on tree canopies because that is something that I am trying to follow, and I appreciate e-mails or anything along the way. Thank you.

Mayor: All those in favor say "aye", opposed "no", that passes unanimously. Mr. Caton anything else little bite tidbits from Richmond you want to give us tonight?

Caton: I don't think so.

Speck: Mr. Mayor.

Mayor: Mr. Speck.

Speck: This doesn't fit in precisely anywhere else, I just really wanted to report very briefly on TCC last Thursday where Tom Boyd, who is the deputy commissioner, and Bob Cossatto whose the finance guy from VDOT came to sort of report on the continued bleak state of affairs getting bleaker by the minute. And, the issue

really was to essentially scrap the six-year plan and develop one that is realistic recognizing that a lot of projects that were on the six-year plan now appropriately are going to be in the 13- 14-year plan at best. But the issue for us was, and there is a memo in our boxes from the City Manager on the urban funds and what impact was going to be on us of projects that were not yet under contract or were about to be under contract or we were intending to begin construction. What was in jeopardy or what was not. The report back from VDOT staff because they were trying to finalize some of that this week actually is that they still consider the city's priorities to include the Monroe Avenue Bridge, the transit projects which are DASH land purchase and bus purchase, WMATA capital and the King Street platform and canopy extensions. The things that probably are in jeopardy are the King and Beauregard intersection, Eisenhower-to-Duke connector because they are being moved to the development program versus the construction program, and King Street improvements at Bradlee Shopping Center. We'll get the final list and the Manager's wants to try to get confirmation of as much as possible, but, I think the reality and the one that we're all speaking about on a general basis is going to begin to start applying to jurisdictions in very specific ways as we start to see projects that we thought were going to be funded or were in the plan being removed from that plan. It's a mixed blessing. On one hand we are going to see some things that are going to be off of the list, on the other hand, I think we're probably going to be getting for the first time in several years now, some realistic funding priorities and whether it's a six-year plan or whatever the schedule is, a more realistic set of priorities for the City. So, bad news, good news, and then some further bad news, I guess.

Mayor: I agree we'll have to when we get the full impact, we're going to have to sit down and make some potentially some tough decisions about what we want to keep in at least the City's priorities in terms of the six-year plan. I did have dinner with Secretary Transportation W. Clement on Sunday night. One of the lynch pins in this whole thing and it's questions is going to have to be decided by the General Assembly is to get some flexibility in terms of using proceeds under FRANs, which are federal revenue anticipation notes. Right now they were issued in various parts of the state and need to be at least changed so that they can be spent in other parts of the state. So flexibility to shift dollars around you know so that a project that might fall out of the six-year plan, let's say in southwest Virginia that had dollars attached to it, those dollars could then be transferred to Northern Virginia or vice versa. Well, it's not going to go in reverse, but just to have that flexibility because most of the projects that David was talking about that at federal revenue anticipation notes were in other parts of the state, and so to have that flexibility the General Assembly is going to have to signal that at some point, or the picture is probably going to get a little bleaker.

Pepper: Mr. Mayor. I suppose it is too early to even ask this. We know things like the mixing bowl will go forward, and we know that the Woodrow Wilson bridge will go forward, but do we know anything like about straightening of the Monroe Street Bridge for example?

Mayor: No, we don't know yet because we don't know what is going to be the Northern Virginia portion of the six-year plan. I mean we have communicated as David said, you know, VDOT understands the City's priorities to be the DASH purchase, the Monroe Avenue Bridge, and they understand that our priorities, and these are items that were that were City items in the six-year plan, things like King/Beauregard for example not as high a priority as the two I referenced before. The same could be true about HOV access at Seminary interchange, you know, I mean that's not going to be as high a priority, but I think what you're asking is really the specifics we won't know for another couple of weeks at best.

Pepper: We'll just wait for a memo then.

Mayor: And probably some discussion and some decision as well because you know, I mean they'll do a six-year plan and then we're going to have to go through the pre-allocation hearings and develop our testimony and then the negotiations that occur, not only at VDOT, but at the TCC level as well because there will be other jurisdictions in the same boat that the Northern Virginia jurisdictions are in the same boat.