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1-14-03

# City of Alexandria

## MEMORANDUM

DATE: JANUARY 13, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION INTRODUCED AT THE 2003 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 1) on legislation introduced at the 2003 General Assembly Session.

**RECOMMENDATION:** That City Council adopt the legislative positions that have been recommended by the City Council's legislative subcommittee (Mayor Donley, Councilman Speck, and Councilwoman Woodson), as noted in Attachment 1.

**DISCUSSION:** The 2003 General Assembly Session began on January 8, and is scheduled to adjourn on February 22. The deadline for introduction of legislation is Friday, January 17<sup>1</sup>. The General Assembly will also make amendments to the biennial budget that was enacted last year, including reductions that are needed as a result of revenue shortfalls. In addition to the budget, growth control and limits on real property tax rates and assessments have emerged as major legislative issues of concern to local governments this Session.

**City Package.** The following bills from the City's legislative package have been introduced:

- HB 170, which seeks to create a separate category – movie theater admissions – for which a locality may charge an admissions tax, has been introduced by Delegate Darner, and was referred to the House Finance Committee.

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<sup>1</sup>There are some exceptions to this rule (e.g., bills can be introduced at the request of the governor), but relatively few bills are introduced after the deadline.

- HB 2107, which would authorize localities to increase the local recordation tax by 5¢ (to 10¢ per \$100) and use the new revenue to finance the purchase and preservation of open space, or to support affordable housing, has been introduced by Delegate Van Landingham and referred to the House Finance Committee.
- House Joint Resolution 564, which asks the Virginia Commission on Youth to study and make recommendations on appropriate foster care rates, has been introduced by Delegate Darner and referred to the House Rules Committee.
- House Bill 2532, which would increase funding for transit by raising, from 2 percent to 4 percent, the sales tax on motor fuels in the Northern Virginia Transportation Commission (NVTC) localities, was introduced by Delegate Jim Almand (an NVTC member) on behalf of all NVTC localities.
- Although legislation which would allow the City to make a supplemental assessment on any substantially completed building that is deemed fit for occupancy at any time during the year has not yet been introduced, Senator Saslaw plans to do so some time this week.
- Budget amendments that have been introduced by Senator Ticer and Delegate Darner request the Governor to give priority to various increases in child day care funding when preparing the Commonwealth's 2005-2006 biennial budget.

**State Budget.** The issue on which most attention will be focused this year is the state budget. Because state revenues are significantly lower than had been projected, Governor Warner has proposed a series of reductions to balance the state budget. Attachment 2 shows staff's best estimates of the effects that these reductions will have on City programs. In FY 03, we project a loss of \$1.1 million to City programs, and in FY 04, we expect to lose nearly \$1.3 million of the state revenues we had anticipated. The General Assembly will now review the Governor's proposals and undoubtedly make some revisions to them. The House Appropriations and Senate Finance Committees are scheduled to make their budget recommendations on February 2. Staff will update Council regularly on the budget as the General Assembly Session proceeds.

**Growth Controls.** In recent years, many Virginia local governments – especially those experiencing high population growth – have unsuccessfully sought new legislative authority to control growth. During the 2003 Session, General Assembly support for such legislation appears to have increased. A number of bills have already been introduced, most dealing with “adequate public facilities.” These bills generally would authorize high growth localities (usually defined as one which experiences one percent or more population growth in 3 of the 5 most recent years) to postpone action on subdivision plats or site plans when there is not sufficient infrastructure to support the new development. Delegate Bob Marshall (Prince William) has introduced several such measures, which differ in the following ways:

- HB1538 would permit any high growth locality to defer, for up to 12 years, the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development; during the

deferral period, applicants are entitled to approval of subdivision plats at the lowest density permitted in the locality for any zoning district.

- HB 1539 would also allow any high growth locality to defer the approval of subdivision plats or site plans for an unlimited time when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development; this bill requires a locality's appraisal of property subject to a such a deferral to reflect the effect of the deferral on the property's fair market value.
- HB 1540 is very similar to HB 1538, except that it defines what is considered "inadequate" infrastructure: infrastructure that would cost the locality more than \$100,000 to upgrade to the level needed to serve the proposed development. This bill would also require the locality to make adequate infrastructure available to the proposed development within 12 years.

As noted in Attachment 1, Council's Legislative Subcommittee recommends that the City generally support legislation authorizing deferral of action on new developments when there are not adequate public facilities, but recommends against taking a position on the specific components of the various bills.

Staff will return to Council with additional growth control legislation in future General Assembly updates.

**Limits on Real Property Assessments, Tax Rates, and Revenues.** A number of measures, including a constitutional amendment, have been proposed to limit taxes paid by owners of real property.

HB 1519 (Delegate Black) prohibits any locality from setting a real property tax rate that will yield revenues which exceed the previous year's revenues by more than 5 percent, unless (1) the locality's rate of population growth plus inflation exceeds 5 percent, or (2) the locality holds a referendum. SB 773 (Senator Cuccinelli) is similar to HB 1519, except that it does not authorize a locality to hold a referendum if it wishes to exceed the 5 percent threshold. SJR 311 (Senator Reynolds) proposes an amendment to the Virginia Constitution that would limit increases in any real property assessment to 5 percent per year, except for years when the property is sold or improved.

As noted in Attachment 1, Council's Legislative Subcommittee recommends that the City oppose each of these bills.

**STAFF:**

Bernard Caton, Legislative Director  
Michele Evans, Assistant City Manager

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, January 13, 2003  
Attachment 2 - State Budget Reductions Affecting the City of Alexandria

## Recommended Positions on Bills of Importance to the City, January 13, 2002

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### **HB 1382 Courthouse and courtroom security; assessment.**

*Summary as introduced:*

**Courthouse and courtroom security; assessment.** Eliminates the "July 1, 2004" sunset on the provision that allows any county or city to assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted that is collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security.

*Patron:* Cosgrove

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

01/08/03 House: Reported from Courts of Justice (19-Y 1-N)

01/10/03 House: Read first time

**Notes:** City Position: Support

### **HB 1387 Local business license fees; telecommuting enhancement exemption.**

*Summary as introduced:*

**Local business license fees; telecommuting enhancement exemption.** Provides an exemption from local business license fees to any person, firm, or corporation whose annual gross receipts do not exceed \$250,000 and at least 75 percent of whose business operations are carried out through telecommuting. To qualify, the distance from the telecommuter's home to the central worksite must be at least 50 miles except in areas designated as nonattainment for one-hour ozone and severe traffic congestion pursuant to the federal Clean Air Act. In addition, an alternate worksite must be at least 50 percent closer to the individual's home than the central worksite is to his home.

*Patrons:* Lingamfelter and Dudley

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

**Notes:** City Position: Oppose

### **HB 1471 Alexandria Port Commission.**

*Summary as introduced:*

**Alexandria Port Commission.** Repeals the Act of Assembly (as amended) that created the Alexandria Port Commission. The Commission does not exist and this Act of Assembly is obsolete. This legislation is a recommendation of the Virginia Code Commission.

*Patrons:* Landes, Howell and Lingamfelter; Senators: Edwards and Mims

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

**Notes:** City Position: Support

**HB 1499 Notification to parents of certain health services to minors.**

*Summary as introduced:*

**Notification to parents of certain health services to minors.** Requires, notwithstanding other law to the contrary and unless prohibited by federal law or regulation, any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within 48 hours of delivery of such services, both parents, in the case of an intact family, or the custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to any disease or health condition or health risk posing a serious risk of harm to the health or well-being of such minor, including, but not limited to, sexually transmitted diseases, pregnancy, illegal drug use, promiscuous sexual behavior, and the contemplation of suicide. In addition, this bill requires state and local government agency employees to give parental notice at least seven days prior to providing or prescribing contraceptives to any minor.

*Patrons:* Lingamfelter, Athey, Black, Cole and Janis; Senator: Cuccinelli  
01/08/03 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** City Position: Oppose

**HB 1519 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies, with 2 exceptions. The first exception allows the locality to raise the property tax rate by the rate of population growth plus inflation in the locality for the immediately preceding year. The second exception allows the locality to raise the rate above the 5-percent limit if approved by the voters in a local referendum. Under current law, (i) the annual growth in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patrons:* Black; Senator: Cuccinelli  
01/08/03 House: Referred to Committee on Finance

**Notes:** City Position: Oppose

**HB 1526 Personal watercraft; local ordinances; penalty.**

*Summary as introduced:*

**Personal watercraft; local ordinances; penalty.** Allows localities to enact ordinances establishing minimum distances from the shoreline that personal watercraft may be operated in excess of the slowest possible speed required to maintain steerage and headway. Such distances shall be at least 50 feet and no greater than 200 feet. Penalties shall not exceed Class 4 misdemeanors.

*Patron:* Purkey

01/08/03 House: Referred to Committee on Agr., Chesapeake & Natural Res.

**Notes:** City Position: Support

### **HB 1538 Adequate public facilities.**

*Summary as introduced:*

**Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district.

*Patron:* Marshall, R.G.

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

**Notes:** City Position: Support general concept, but take no position on specific bill.

### **HB 1539 Adequate public facilities.**

*Summary as introduced:*

**Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specifies that any appraisal of property subject to a deferral under this subsection shall reflect the effect of such deferral on the fair market value of the property.

*Patron:* Marshall, R.G.

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

**Notes:** City Position: Support general concept, but take no position on specific bill.

### **HB 1540 Adequate public facilities.**

*Summary as introduced:*

**Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. This bill deems infrastructure inadequate if at the time of plat or plan submission it would cost the locality more than \$100,000 to provide the

infrastructure necessary to serve the proposed development.

*Patron:* Marshall, R.G.

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

**Notes:** City Position: Support general concept, but take no position on specific bill.

### **HB 1581 Control of firearms by localities.**

*Summary as introduced:*

**Control of firearms by localities.** Deletes provisions that allow localities to enforce certain ordinances adopted prior to 1987, related to control of firearms.

*Patron:* Cole

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

**Notes:** City Position: Oppose

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

*Summary as introduced:*

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

*Patron:* Cosgrove

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

**Notes:** City Position: Support

### **HB 1678 Uniform Statewide Building Code; inspection of rental property.**

*Summary as introduced:*

**Uniform Statewide Building Code; inspection of rental property.** States that a local governing body may only require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body, or in other areas designated as blighted, upon an affirmative finding of the need to protect the public health, safety and welfare. The bill further states that an affirmative finding of the need to protect the public health, welfare and safety shall only be valid when there is evidence of specific violations of the Building Code that have not been remedied by the owner. Finally, the bill provides that no local governing body may require registration of existing buildings or charge any fees for the issuance of certificates of compliance or for any other purpose associated with the inspection of such buildings. The bill contains technical amendments.

*Patron:* Rapp

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

**Notes:** City Position: Oppose

**HB 1708 Government Data Collection and Dissemination Practices Act; genetic**

*Summary as introduced:*

**Government Data Collection and Dissemination Practices Act; genetic information.** Amends the definition of "personal information" under the Government Data Collection and Dissemination Practices Act to include genetic information, as defined in § 38.2-508.4.

*Patron:* Purkey

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

**Notes:** City Position: Support

**HB 1758 Virginia Public School Authority; School Construction Grant Act of 2003**

*Summary as introduced:*

**Virginia Public School Authority; School Construction Grant Act of 2003.** Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

*Patron:* Amundson

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

**Notes:** City Position: Support

**HB 1760 Standards of Quality; apportionment of state and local share.**

*Summary as introduced:*

**Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, to annually increase the state share by 4 percent of the total costs, so that, by July 1, 2008, the local share shall not exceed 60 percent and the state share shall be equal to at least 40 percent of the total costs for localities whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

*Patron:* Amundson

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

**Notes:** City Position: Support



**HB 1812 Genetic characteristics; discrimination.**

*Summary as introduced:*

**Genetic characteristics; discrimination.** Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristics. Conduct that violates Virginia or federal law governing discrimination on the basis of genetic characteristics is defined to be an unlawful discriminatory practice. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants based on a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor. In addition, localities, if they enact ordinances prohibiting discrimination, must also include discrimination based on genetic characteristics.

*Patron:* Welch

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

**Notes:** City Position: Support

**HB 1822 Medicaid-Buy-In.**

*Summary as introduced:*

**Medicaid-Buy-In.** Requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision to implement an option for a Medicaid Buy-In program as soon as practicable and cost effective. Such option must be designed to provide working persons with disabilities, who, because of their higher earnings, were not eligible for medical assistance services in Virginia, with access to coverage under the Virginia medical assistance services program. The provision for a Medicaid Buy-In must provide such working persons with disabilities access to this comprehensive health care when they meet the Board's established income and resource or other eligibility criteria and upon payment of a premium to participate in the Virginia Medicaid program. The Board's Medicaid Buy-In provision may consist of a time-limited demonstration project or such other option as the Board shall determine to be appropriate for the purposes of removing barriers to work and providing comprehensive health coverage for disabled persons while assuring the fiscal integrity of the Commonwealth's medical assistance services program. The Board's Medicaid Buy-In provision must establish income eligibility, asset and resource limitations, premium payments, age eligibility, criteria for determining the level of disability required for participation, and, if feasible, criteria for providing continued participation upon medical improvement. The Board may develop a Medicaid Buy-In option during the implementation of Virginia's federal Medicaid Infrastructure Grant as awarded on January 1, 2002, for the development of infrastructure, in the form of improvements in the Commonwealth's Medicaid program, to support employment of disabled persons or at such other time as, in the Board's opinion, may be more appropriate.

*Patron:* Morgan

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

**Notes:** City Position: Support

### **HB 1883 Deed recordation fee for open-space preservation.**

*Summary as introduced:*

**Deed recordation fee for open-space preservation.** Imposes a 1-dollar fee on every deed admitted to record as of July 1, 2003. The bill requires the Comptroller to distribute on a monthly basis the revenue from such collected fees to the Virginia Outdoors Foundation. The Foundation, established to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth, shall hold and administer these funds in accordance with its statutory purpose and powers.

*Patrons:* May and Albo

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

**Notes:** City Position: Support

### **HB 2033 Pointing, holding, or brandishing firearm or object similar in appearance; penalty.**

*Summary as introduced:*

**Pointing, holding, or brandishing firearm or object similar in appearance; penalty.** Provides that if a brandishing violation occurs in a facility open to the public during a meeting of any local, state or federal governing body or commission or committee thereof, the perpetrator is guilty of a Class 6 felony.

*Patrons:* Scott, Plum and Watts; Senators: Byrne, Howell and Ticer

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

**Notes:** City Position: Support

### **HJ 588 Study; Department of Fire Programs; report.**

*Summary as introduced:*

**Study; Department of Fire Programs; report.** Directs the Virginia Department of Fire Programs to study the feasibility of adopting requirements within the Commonwealth that will ensure that buildings are constructed and equipped in such a way that will permit emergency public safety personnel to utilize effective and reliable radio communications while they are within buildings. The Department of Fire Programs shall complete its work by December 1, 2003 and shall submit an executive summary and report of its written findings and recommendations to the Governor and the 2004 Session of the General Assembly.

*Patron:* Callahan

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

**Notes:** City Position: Support

**HJ 598 Constitutional amendment (first resolution); state and local funding for public education.**

*Summary as introduced:*

**Constitutional amendment (first resolution); state and local funding for public education.**

Requires the General Assembly, in apportioning the state and local share for supporting an educational program meeting the Standards of Quality, to ensure that the state share is no less than 55 percent of the total costs.

*Patrons:* Scott, Albo, Amundson, Bolvin, Dillard, Hull, Plum, Reese, Rust and Watts; *Senators:* Byrne, Howell, Puller and Ticer

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

**Notes:** City Position: Support

**SB 704 Sales tax on motor fuels.**

*Summary as introduced:*

**Sales tax on motor fuels.** Provides for a statewide sales tax beginning July 1, 2004, on the sale of motor fuels in the Commonwealth. The tax would be imposed at the rate of 4.5% of the retail price of motor fuels sold in the Commonwealth and would be added to the per gallon or per unit price of motor fuel. All revenues generated and collected from the tax would be deposited into the Transportation Trust Fund of the state treasury and distributed in the manner currently provided for the 0.5% sales and use tax enacted by the 1986 Special Session of the General Assembly. Current law provides for a 2.0% sales tax on motor fuels in certain localities in the Commonwealth. The sales tax on motor fuels in these localities would increase to 6.5%.

*Patron:* Miller, K.G.

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

**Notes:** City Position: Support

**SB 725 Buses; local ordinances may require traffic to yield right-of-way.**

*Summary as introduced:*

**Buses; local ordinances may require traffic to yield right-of-way.** Allows localities to adopt ordinances to require motorists to yield the right-of-way to transit buses merging into traffic after having stopped to take on or discharge passengers.

*Patrons:* Deeds; *Delegate:* Van Yahres

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

01/09/03 Senate: Reported from Transportation w/amd (14-Y 0-N)

**Notes:** City Position: Support

**SB 737 Virginia Freedom of Information Act; exemptions-contract negotiations.**

*Summary as introduced:* Virginia Freedom of Information Act; exemptions for contract

**negotiations.** Adds a record exemption for records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. The bill provides that such records shall not be withheld after the public body has made a decision to award or not to award the contract and shall not apply to the release of records in connection with procurement transactions governed by the Virginia Public Procurement Act. The bill also provides an open meeting exemption for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The bill is a recommendation of the FOIA Council.

*Patron:* Houck

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

**Notes:** City Position: Support

### **SB 744 Green warning lights.**

*Summary as introduced:*

**Green warning lights.** Allows use of green warning lights on incident command vehicles.

*Patron:* O'Brien

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

01/09/03 Senate: Reported from Transportation w/amd (14-Y 0-N)

**Notes:** City Position: Support

### **SB 773 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed 5 percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron:* Cuccinelli

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

**Notes:** City Position: Oppose

**SB 777 Restriction on unfunded local mandates.**

*Summary as introduced:*

**Restriction on unfunded local mandates.** Provides that no law shall be enacted by the General Assembly that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town.

*Patron:* Blevins

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

**Notes:** City Position: Support

**SB 789 Sales and use tax; limited time exemption for school supplies and cert**

*Summary as introduced:*

**Sales and use tax; limited time exemption for school supplies and certain articles of clothing.** Provides a sales and use tax exemption for school supplies and certain clothing and footwear that are purchased during the third weekend in August beginning in 2004 and each year thereafter.

*Patron:* Deeds

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

**Notes:** City Position: Support

**SB 819 Court fees and costs.**

*Summary as introduced:*

**Court fees and costs.** Implements amendments made by the 2002 Session of the General Assembly to the fixed-fee provisions for felonies, misdemeanors, traffic infractions, and other violations in circuit and district court.

*Patron:* Norment

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

**Notes:** City Position: Support

**SB 834 Violation of protective orders.**

*Summary as introduced:*

**Violation of protective orders.** Provides that when a defendant is convicted of violating a domestic or stalking protective order, the court must extend an existing protective order for a specified period not to exceed 2 years, starting at the date of release from confinement, or if there is no confinement, from the date of conviction.

*Patron:* Howell

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

**Notes:** City Position: Support

**SB 835 Cigarette manufacturing tax.**

*Summary as introduced:*

**Cigarette manufacturing tax.** Imposes a state tax on cigarette manufacturers in the amount of twenty hundredths of a cent per cigarette manufactured or produced in Virginia on or after January 1, 2004 (the tax is 4 cents per pack of cigarettes, based on 20 cigarettes in a pack). The moneys collected from such tax, including penalties and interest, shall be credited to a special fund titled "Local Government School Construction Fund." All such moneys shall be distributed quarterly to counties and cities within 30 days after the end of each calendar quarter beginning with the calendar quarter ending March 31, 2004. Moneys in the Fund shall be distributed to counties and cities on a set per pupil amount, based on the latest actual adjusted average daily membership as determined by the Department of Education. All moneys distributed to localities shall be used solely for public school construction, public school additions and renovations, including technology infrastructure; site acquisition for public school buildings and public school facilities; or debt service payments on such projects completed after December 31, 1993.

*Patrons:* Howell, Byrne, Puller and Ticer; *Delegates:* Dillard, Plum and Scott

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

**Notes:** City Position: Support

**SB 836 Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics.**

*Summary as introduced:*

**Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics.** Provides that "unlawful discriminatory practice" under the Virginia Human Rights Act includes discrimination in employment based on genetic tests or genetic characteristics. Also authorizes a county to enact an ordinance prohibiting such discrimination and local human rights commissions to investigate alleged violations of the ordinance.

*Patron:* Howell

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

**Notes:** City Position: Support

**SB 893 Protective orders; dating violence.**

*Summary as introduced:*

**Protective orders; dating violence.** Creates a provision for issuing protective orders to persons in a dating relationship when the petitioner has been the victim of dating violence. A dating relationship is defined as a romantic relationship between individuals that exists or has existed for a reasonably continuous period of time but does not include a casual acquaintanceship or ordinary fraternization in a business or social context.

*Patron:* Watkins

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

**Notes:** City Position: Support

**SB 911 Delinquent parking citations.**

*Summary as introduced:*

**Delinquent parking citations.** Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to 2 or more unpaid parking citations that are more than 90 days delinquent.

*Patrons:* Whipple; *Delegates:* Albo, Bolvin, Callahan, Darner, Dillard, Rust, Scott and Watts  
01/08/03 Senate: Referred to Committee on Transportation

**Notes:** City Position: Support

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

*Summary as introduced:*

**Local meals and lodging taxes limitations.** Prohibits any city or town from imposing a meals tax or increasing such a tax unless the tax or its rate increase is approved by voter referendum. No city or town may impose a lodging tax at a rate in excess of 2 percent unless used for tourism promotion when the rate is limited to 5 percent. The limitations apply only to those cities and towns that do not have a meals or lodging tax as of January 1, 2003.

*Patron:* Rerras

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

**Notes:** City Position: Oppose

**SJ 283 Constitutional amend. (1st resolution); restoration of civil rights.**

*Summary as introduced:*

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

*Patron:* Miller, Y.B.

1/08/03 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

**SJ 311 Constitutional amendment (first resolution); assessment of real property.**

*Summary as introduced:*

**Constitutional amendment (first resolution); assessment of real property.** Provides that beginning with the 2006 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. Such fair market value assessment shall then be subject

to the 5 percent limitation in subsequent tax years until such time as the property is again sold or improved.

*Patron:* Reynolds

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

**Notes:** City Position: Oppose



**Attachment 2: State Budget Reductions Affecting the City of Alexandria: FY 03-04<sup>1</sup>**

Program <sup>2</sup>	Existing Appropriation 03	Estimated Reduction 03	Existing Appropriation 04	Estimated Reduction 04
1. HB 599	\$6,110,429	\$192,841	\$6,110,429	\$192,841
2. Jail prisoner per diems <sup>3</sup>	\$760,000	\$111,895	\$760,000	\$198,416
3. ABC/Wine Taxes	\$330,000	\$90,000	\$330,000	\$176,000
4. CSB	\$3,838,685	\$383,868	\$3,838,685	\$383,868
5. Commonwealth's Attorney	\$848,000	\$42,400	\$848,000	\$42,400
6. Finance	\$559,000	\$61,490	\$559,000	\$61,490
7. Clerk of Courts	\$839,000	\$92,290	\$839,000	\$92,290
8. Voter Registration	\$66,000	\$4,800	\$66,000	\$4,800
9. Aging	\$171,900	\$18,910	\$171,900	\$18,910
10. Arlandria Clinic	no reduction proposed in FY 03		\$112,500	\$16,875
11. Library	\$240,000	\$37,000	\$240,000	\$37,000
12. Litter Control	\$15,869	\$15,869	\$15,869	\$15,869
12. Project Discovery	\$70,000	\$10,500	\$70,000	\$10,500
13. SBDC State funds <sup>4</sup>	\$23,000	\$23,000	\$23,000	\$23,000
15. Lloyd House	\$28,371	\$4,256	Funds for these items were appropriated for FY 03 only.	
16. Hydrilla	\$14,185	\$2,128		
17. Fort Ward	\$28,371	\$4,256		
ESTIMATED TOTAL REDUCTION (as of 1/13/03)		\$1,095,503	N.A.	\$1,274,259

<sup>1</sup>All figures are estimates, based on information received from the State thus far; since we have received more information on FY 03 than FY 04, the FY 03 estimates are generally more accurate. Note that three items that were shown as budget reductions in earlier reports to Council no longer remain on this list: (1) the Northern Virginia Juvenile Detention Home (NVJDH) will not see its state aid reduced, since a change in the distribution formula for aid to local juvenile detention facilities resulted in increased revenue for NVJDH; (2) state fund reductions for local social service programs have been replaced with federal funds; and (3) the state no longer plans to capture revenues from taxes on rental vehicles.

Funds for Homeless Intervention programs and the Court Services Unit will also be reduced by unknown amounts. Funding for local post-release programs for prisoners is being completely eliminated.

<sup>2</sup>Funds appropriated to Alexandria City Schools are also being reduced, by approximately \$730,000 in FY 03 and \$952,000 in FY 04. This reduction has not been included in the above table, however, since it is due entirely to decreased student population and changes to sales tax revenue distributions; the Governor has proposed no reductions in state aid to education.

<sup>3</sup>In addition to the reduced revenue from per diem payments for prisoners held at the Alexandria jail (shown here), the City will see an additional, but smaller, reduction in per diems paid for prisoners at the Peumansend Creek Regional Jail.

<sup>4</sup>The Small Business Development Center also receives about \$145,000 in federal, City, and private funds; no reduction of these funds is proposed as a part of the Governor's plans.