

## City of Alexandria, Virginia

22  
1-28-03

## MEMORANDUM

DATE: JANUARY 27, 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. 2) ON LEGISLATION  
INTRODUCED AT THE 2003 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 2) 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. "Crossover" takes place over the next week; after crossover day (February 4), 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 2; between then and the end of the Session, the two houses will have to reconcile the differences between their budget proposals. Staff will report on the proposed budget amendments in the next update to Council (February 11).

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

- HB 1710, which sought to create a separate category – movie theater admissions – for which a locality may charge an admissions tax, has been defeated by the House Finance Committee. Members of the Committee complained that this legislation would lead to "family unfriendly" tax policies, since movie admissions would become more expensive. Delegate Darner (patron of the legislation) and staff disagreed with this assertion. The General Assembly appears unlikely to pass any legislation which could or would lead to any new taxes.
- HB 2107 (Delegate Van Landingham), which would have authorized localities to increase the local recordation tax by 5¢ (to 10¢ per \$100) and use the new revenue for open space or affordable housing, was also defeated by the House Finance Committee. Committee

members suggested that the City, or other localities, seek to re-prioritize City programs and expenditures rather than initiate new taxes.

- House Joint Resolution 564, which asks the Virginia Commission on Youth to study and make recommendations on appropriate foster care rates, was introduced by Delegate Darner and referred to the House Rules Committee. Since members of the Rules Committee have indicated that they plan to approve very few new studies, Delegate Darner has asked the Commission on Youth to undertake this study without the authorizing resolution. The Commission has agreed to do so, and Delegate Darner will not pursue the resolution.
- 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. As introduced, the bill would also have applied to PRTC localities (Prince William and Stafford Counties, and the Cities of Fredericksburg, Manassas, and Manassas Park). Although this bill was defeated in Subcommittee, staff is working with Delegate Almand to amend the bill so that it applies only to NVTC localities (the Cities of Alexandria, Falls Church, and Fairfax, and the Counties of Arlington, Fairfax, and Loudoun); This amendment may result in support from one or more legislators from PRTC localities, who oppose raising this tax in their localities.
- SB 1285 (Senator Saslaw), 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, will be considered by the Senate Finance Committee at one of its meetings this week. HB 1673, which was introduced by Delegate Chap Petersen to accomplish the same purpose for Fairfax City only, has not yet received sufficient votes to pass the House. It is unclear whether Delegate Petersen's legislation will be passed.
- At the request of Northern Virginia localities, legislation has been introduced (HB 1613, HB 1878, SB 912) to give this region's counties, cities and towns the authority to adopt ordinances requiring drivers to stop for pedestrians in marked crosswalks (drivers are now required only to yield). This legislation appears to be headed toward passage by the Senate, but defeat by the House.
- Legislation to extend red light camera authority to those localities that do not have it (HB 1696), and to eliminate the program's 2005 sunset provision, was approved by the House Committee on Militia, Police, and Public Safety, but not approved by the full House. The bill was returned to Committee, where it is expected to be reconsidered on January 31. Prospects for the bill are uncertain.
- A constitutional amendment (HJR 635, Delegate Moran) authorizing the General Assembly to provide by general law for the restoration of civil rights for certain felons is being

considered by the House Committee on Privileges and Elections. Similar legislation (SJR 283, Senator Yvonne Miller) is under consideration by the Senate.

- Budget amendments that were introduced by Senator Ticer and Delegate Darner, requesting the Governor to give priority to various increases in child day care funding when preparing the Commonwealth's 2005-2006 biennial budget, have not yet been acted upon.

**State Budget.** As noted above, the House Appropriations and Senate Finance Committee budget amendments will be proposed on February 2. Hundreds of amendments have been proposed by General Assembly members. Of particular interest to the City is an amendment proposed by the Governor to provide the matching funds required for localities to receive federal grants in fiscal year 2004 to support Pre-release and Post Incarceration Services (Virginia Cares). In its 2003 Package, the City supports the restoration of funding for this program. Additional information on the budget will be included in the next staff update.

**Growth Controls.** As noted in the last update, a number of bills were introduced this year to give local governments – especially those experiencing high population growth – new tools to control growth. While support for new local government authority appears to have increased this year, proponents of growth control legislation still appear to be outnumbered by opponents – at least in the House. The House Committee on Counties, Cities and Towns has considered and defeated a number of bills dealing with “adequate public facilities” and other growth management issues. The Senate Committee on Local Government has not yet taken up Senate growth management legislation (including SB 1292 and SB 1029), but if these bills are passed by the Senate, they are likely to face significant opposition in the House. At its January 14 meeting, Council agreed to generally support legislation authorizing deferral of action on new developments when there are not adequate public facilities.

**Limits on Real Property Assessments, Tax Rates, and Revenues.** Staff also noted in the last update that a number of measures, including a constitutional amendment, have been proposed to limit taxes paid by owners of real property. With one exception, these measures are being deferred by the House and Senate, and referred to the ongoing Joint Subcommittee to Study and Revise Virginia's State Tax Code. SJR 311 proposes an amendment to the Virginia Constitution that would authorize, but not require, localities to limit increases in any real property assessment to 5 percent per year, except for years when the property is sold or improved. Although the proposal is now permissive for localities (as originally drafted, it would have required localities to limit assessment increases to no more than 105 percent annually), local government representatives note that localities can already accomplish the same purpose by lowering the tax rate. SJR 311 has been approved by the Senate Committee on Privileges and Elections, and awaits action by the full Senate.

**Allocation of Transportation Funding.** A number of bills have been introduced to change the allocation formula for distributing state transportation funds. Most of these sought to shift additional funds to urban and suburban areas, especially Northern Virginia and Hampton Roads. The House and Senate Transportation Committees are referring all of these bills to the joint subcommittee

created by the 2002 General Assembly to study revisions to the state's highway allocation formulas and related matters.

**Legislation on Which the City Has Previously Taken a Position.** Attachment 2 is a status report on bills on which the City has previously taken a position.

**STAFF:**

Bernard Caton, Legislative Director

Michele Evans, Assistant City Manager

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Legislation of Importance to the City, January 25, 2003

Attachment 2 - Current Status of Bills on Which the City Has Previously Taken a Position, January 25, 2003

## **Recommended Positions on Legislation of Importance to the City**

### **January 25, 2003**

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#### **HB 1421 Duty to report childbirth.**

*Summary as introduced:*

**Duty to report childbirth.** Provides that any woman who gives birth without the assistance of a health care professional after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 12 hours of the event, to the local sheriff, police department or fire department is guilty of a Class 1 misdemeanor.

*Patrons:* Cosgrove and Rapp

01/08/03 House: Presented & ordered printed, prefiled 10/23/02 032221674

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

01/08/03 House: Fiscal impact statement from VCSC (HB1421)

01/16/03 House: Assigned to C. J. sub-committee: 1

01/23/03 House: Fiscal impact statement from DPB (HB1421)

**Notes:** City Position: Oppose

#### **HB 1507 Virginia Retirement System.**

*Summary as introduced:*

**Virginia Retirement System.** Increases the retirement allowance for state and local members of the Virginia Retirement System who retire on or after July 1, 2003, by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.75 percent for certain members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are not eligible for the supplemental allowance; (ii) from 2 percent to 2.5 percent for members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are eligible for the supplemental allowance; and (iii) from 1.7 percent to 2 percent for all others who retire with 25 or more years of creditable service.

*Patrons:* Callahan and Nutter

01/08/03 House: Presented & ordered printed, prefiled 12/16/02 031962660

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

01/16/03 House: Fiscal impact statement from VRS (HB1507)

**Notes:** City Position: Oppose

#### **HB 1568 Virginia Retirement System.**

*Summary as introduced:*

**Virginia Retirement System.** Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. The bill also gradually increases, over a 6-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

*Patron:* Hamilton

01/08/03 House: Presented & ordered printed, prefiled 12/20/02 034124760

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

01/16/03 House: Fiscal impact statement from VRS (HB1568)

**Notes:** City Position: Oppose

**HB 1651 Freedom of Information Act; record exemption for employment discrimination investigations conducted by certain local public bodies.**

*Summary as introduced:*

**Freedom of Information Act; record exemption for employment discrimination investigations conducted by certain local public bodies.** Expands the record exemption for investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management to include any such investigations conducted by the appropriate office of any local governing body, including local school boards.

*Patron:* Albo

01/24/03 House: Read third time and passed House BLOCK VOTE (96-Y 0-N)

01/24/03 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)

01/24/03 House: Communicated to Senate

01/27/03 Senate: Constitutional reading dispensed

01/27/03 Senate: Referred to Committee on General Laws

**Notes:** City Position: Support

**HB 1674 Virginia Retirement System; purchase of prior service credit.**

*Summary as introduced:*

**Virginia Retirement System; purchase of prior service credit.** Permits any member to purchase up to 4 years of prior service credit, at the rate of 5 percent of creditable compensation, for any period of time when the member was employed by a nonprofit entity that was exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.

*Patron:* Petersen

01/08/03 House: Presented & ordered printed, prefiled 01/03/03 035865882

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

01/14/03 House: Fiscal impact statement from VRS (HB1674)

**Notes:** City Position: Oppose

**HB 1766 Virginia Retirement System; age for retirement.**

*Summary as introduced:*

**Virginia Retirement System; age for retirement.** Deletes any minimum age requirement for those retiring from the Virginia Retirement System with 30 or more years of creditable service.

*Patron:* Nutter

01/08/03 House: Presented & ordered printed, prefiled 01/06/03 035962869

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

01/15/03 House: Fiscal impact statement from VRS (HB1766)

**Notes:** City Position: Support

**HB 1888 Civil penalties for zoning violations.**

*Summary as introduced:*

**Civil penalties for zoning violations.** Raises the maximum civil penalty for second and subsequent violations of the zoning ordinance from \$150 to \$250. The civil penalty for an initial summons remains unchanged at \$100. Also, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 5-day, rather than the current 10-day, period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000, rather than the current total of \$3,000.

*Patron:* May

01/22/03 House: Read third time and passed House (79-Y 20-N)

01/22/03 House: VOTE: PASSAGE (79-Y 20-N)

01/22/03 House: Communicated to Senate

01/23/03 Senate: Constitutional reading dispensed

01/23/03 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

**HB 1993 State recordation tax; additional distribution to localities.**

*Summary as introduced:*

**State recordation tax; additional distribution to localities.** Provides that 50 percent of the

amount of state recordation tax collected in excess of \$80 million shall be distributed, beginning June 30, 2004, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

*Patron:* Bloxom

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 032475644

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

01/17/03 House: Fiscal impact statement from TAX (HB1993)

**Notes:** City Position: Support

### **HB 1998 Local business taxes; appeals.**

*Patron:* Ware

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 031996823

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

01/14/03 House: Fiscal impact statement from TAX (HB1998)

**Notes:** City Position: Oppose

### **HB 2007 Crimes; assault and battery against a family or household member.**

*Summary as introduced:*

**Crimes; assault and battery against a family or household member.** Eliminates the requirement that a third or subsequent offense must occur within 10 years of a conviction of a similar offense for such third or subsequent offense to be a felony.

*Patron:* Bell

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

01/16/03 House: Assigned to C. J. sub-committee: 1

01/20/03 House: Reported from C. J. with amendment (22-Y 0-N)

01/20/03 House: Referred to Committee on Appropriations

01/21/03 House: Fiscal impact statement from DPB (HB2007)

**Notes:** City Position: Support

### **HB 2035 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:* Marshall, R.G.

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 039048824

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

01/13/03 House: Fiscal impact statement from TAX (HB2035)

01/22/03 House: Fiscal impact statement from CLG (HB2035)

**Notes:** City Position: Oppose

### **HB 2078 November elections; mayors, councils of cities and towns; deadlines.**

*Summary as introduced:*

**November elections for mayors and councils of cities and towns; related elections and filing deadlines.** Provides that all elections for city mayors and councils will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies in May or November. Towns retain that option. City and town governing body elections may be held in November in either even-numbered or odd-numbered years.

*Patron:* Gear

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 035026742

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

01/10/03 House: Fiscal impact statement from DPB (HB2078)

**Notes:** City Position: Oppose

### **HB 2105 Medicaid; buy-in.**

*Summary as introduced:*

**Medicaid; buy-in.** Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include

those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level. This bill is a recommendation of the Disability Commission.

*Patrons:* Van Landingham and Watts

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036296577

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

01/17/03 House: Fiscal impact statement from DPB (HB2105)

**Notes:** City Position: Support

### **HB 2123 Uniform Statewide Building Code; basis for regulation.**

*Summary as introduced:*

**Uniform Statewide Building Code; basis for regulation.** Requires that the Building Code specifically include provisions to prevent overcrowding, rodent or insect infestation, and garbage accumulation, in addition to other existing standards for public health and safety.

*Patron:* Reid

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030864904

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

01/14/03 House: Assigned to General Laws sub-committee: 2

01/20/03 House: Fiscal impact statement from DPB (HB2123)

**Notes:** City Position: Support

### **HB 2148 Reduced sales; use tax for certain clothing, footwear, and computers.**

*Summary as introduced:*

**Reduced sales and use tax for certain clothing, footwear, and computers.** Establishes a state sales and use tax exemption during the period from August 16 through August 22, 2003, and every August 16 through August 22 thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 1, 2003.

*Patrons:* Rust and Reese

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 032846922

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

01/15/03 House: Fiscal impact statement from TAX (HB2148)

**Notes:** City Position: Support

**HB 2210 Sensitive Records Protection Act; penalty.**

*Summary as introduced:*

**Sensitive Records Protection Act; penalty.** Creates the Sensitive Records Protection Act, which prohibits the release of sensitive records, a defined term in the Act, notwithstanding any other provision of law to the contrary. The bill provides a penalty for violation and provides for exceptions to the general prohibition against release.

*Patrons:* Jones, S.C., Woodrum, Melvin, Miles, O'Bannon, Petersen, Putney and Sherwood;  
*Senators:* Howell and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030857211

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

01/14/03 House: Assigned to General Laws sub-committee: 2

01/14/03 House: Fiscal impact statement from DPB (HB2210)

**Notes:** City Position: Support

**HB 2211 FOIA; critical infrastructure and vulnerability assessments.**

*Summary as introduced:*

**Freedom of Information Act; critical infrastructure and vulnerability assessments.** Expands the current record exemption for engineering and architectural drawings to protect the safety of any public building or its occupants, to clarify that such records relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems, as well as vulnerability assessments. The bill applies to all buildings, whether public or private. The bill also contains a corollary open meeting exemption for the discussion of such records in a closed meeting. The bill consolidates 2 related exemptions and contains other technical amendments.

*Patrons:* Jones, S.C., Woodrum, Melvin, Miles, O'Bannon, Petersen, Putney and Sherwood;  
*Senators:* Howell and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030858211

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

01/14/03 House: Assigned to General Laws sub-committee: 2

01/15/03 House: Fiscal impact statement from DPB (HB2211)

**Notes:** City Position: Support

**HB 2237 Local Taxpayer Protection Act.**

*Summary as introduced:*

**Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

*Patron:* Pollard

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031089577

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

01/14/03 House: Fiscal impact statement from DPB (HB2237)

**Notes:** City Position: Support

### **HB 2242 Restriction on number of adults residing in a dwelling unit.**

*Summary as introduced:*

**Restriction on number of adults residing in a dwelling unit.** Provides that any locality may pass an ordinance limiting the number of adults residing in a dwelling unit. Such an ordinance shall include exceptions for: (i) the temporary presence of adults who have a legal residence elsewhere; (ii) adult children, stepchildren, grandchildren, and step-grandchildren; (iii) the parents and stepparents and the grandparents and step-grandparents of adult children; and (iv) caregivers who provide assistance with 2 or more activities of daily living during more than half the year for another adult residing in the dwelling unit. The provisions of such ordinance shall not apply to certain group homes and residential facilities. Violations of such an ordinance shall be a civil offense.

*Patrons:* Watts, Albo, Parrish, Petersen and Scott; *Senators:* Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034110980

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

**Notes:** City Position: Support

### **HB 2250 Local piggyback income tax.**

*Summary as introduced:*

**Local piggyback income tax.** Allows localities to impose a local income tax at a rate of either one-half or 1 percent upon the Virginia taxable income of individuals, trusts, estates, and corporations. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. The provisions of the act will take effect January 1, 2005, if a constitutional

amendment eliminating the property tax on motor vehicles is approved in a referendum to be held during the general election in November 2004.

*Patrons:* Watts and Dillard; Senators: Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034113980

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

01/20/03 House: Fiscal impact statement from TAX (HB2250)

**Notes:** City Position: Support

### **HB 2276 Nondisclosure of protective orders.**

*Summary as introduced:*

**Nondisclosure of protective orders.** Provides that for the purposes of protective orders generally, if the person protected by the order requests nondisclosure, neither a law-enforcement agency, the attorney for the Commonwealth, a court or the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. Currently, the nondisclosure is automatic, without regard to request by the person protected by the order.

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

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036686778

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

**Notes:** City Position: Oppose

### **HB 2336 Attorney General.**

*Summary as introduced:*

**Attorney General.** Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth when the legal service provided relates to financial transactions.

*Patrons:* Reese, Bryant, Cosgrove, Drake, Landes, Louderback, O'Bannon, Saxman and Suit

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

01/14/03 House: Assigned to General Laws sub-committee: 4

01/17/03 House: Fiscal impact statement from DPB (HB2336)

01/21/03 House: Referred from General Laws (22-Y 0-N)

01/21/03 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 2337 Voter registration; indication of political party affiliation.**

*Summary as introduced:*

**Voter registration; indication of political party affiliation.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2003, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

*Patrons:* Reese and Cole

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

01/10/03 House: Fiscal impact statement from VCSC (HB2337)

01/16/03 House: Fiscal impact statement from DPB (HB2337)

01/24/03 Senate: Constitutional reading dispensed

01/24/03 Senate: Referred to Committee on Education and Health

**Notes:** City Position: Support

**HB 2341 Va. Residential Landlord and Tenant Act; confidentiality of records.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; confidentiality of tenant records.** Prohibits a landlord or managing agent from releasing information about a tenant or prospective tenant except where: (i) the tenant or prospective tenant has given prior written consent; (ii) the information is a matter of public record as defined in § 2.2-3701; (iii) the information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment; (iv) the information is a copy of a material noncompliance, termination or other notice given to the tenant under this chapter; (v) the information is requested by a local, state, or federal law-enforcement or public safety official; or (vi) the information is otherwise provided in the case of an emergency.

*Patron:* Drake

01/22/03 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

01/22/03 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

01/22/03 House: Communicated to Senate

01/23/03 Senate: Constitutional reading dispensed

01/23/03 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 2345 Deputy sheriffs; retirement allowance.**

*Summary as introduced:*

**Deputy sheriffs; retirement allowance.** Provides that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System ("VRS") shall receive the same retirement benefits as sheriffs. Under current law, any sheriff employed by a political subdivision participating in VRS shall receive retirement benefits equivalent to those provided under the State Police Officers' Retirement System ("SPORS") for state police officers. This bill would provide that deputy sheriffs, whose political subdivision participates in VRS, also receive retirement benefits equivalent to those provided under SPORS.

*Patrons:* Weatherholtz and Rapp

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034285577

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

01/17/03 House: Fiscal impact statement from VRS (HB2345)

**Notes:** City Position: Oppose

**HB 2362 Repair of deteriorating buildings.**

*Summary as introduced:*

**Repair of deteriorating buildings.** Allows localities to prescribe civil penalties for violations of ordinances related to the repair of deteriorating buildings.

*Patrons:* Shuler; Senator: Deeds

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031142936

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

01/24/03 House: Reported from C. C. T. with amendment (22-Y 0-N)

**Notes:** City Position: Support

**HB 2384 Disposition of the unrestorably incompetent defendant.**

*Summary as introduced:*

**Disposition of the unrestorably incompetent defendant.** Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after 5 years.

*Patron:* Moran

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 034586852

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

01/24/03 House: Fiscal impact statement from DPB (HB2384)

**Notes:** City Position: Support

**HB 2392 Virginia Residential Landlord and Tenant Act; award of attorneys' fees.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; award of attorneys' fees.** Provides that a landlord shall be entitled to recover reasonable attorneys' fees unless the tenant proves by a preponderance of the evidence that the failure of the tenant to pay rent or vacate the premises was reasonable. Currently, a landlord can recover attorneys' fees if the tenant's noncompliance was willful.

*Patron:* Albo

01/13/03 House: Referred from Courts of Justice  
01/13/03 House: Referred to Committee on General Laws  
01/15/03 House: Assigned to General Laws sub-committee: 1  
01/23/03 House: Reported from General Laws with sub (22-Y 0-N)  
01/24/03 House: Committee substitute printed 030923604-H1

**Notes:** City Position: Oppose

**HB 2433 Sales and use tax; rate increase.**

*Summary as introduced:*

**Sales and use tax; rate increase.** Increases the state sales and use tax 1 percent from 3.5 percent to 4.5 percent. One-half of the 1 percent increase will be appropriated (i) for salary increases for teachers in public schools, and (ii) to address the problems in public education identified in a recent study by the Joint Legislative and Review Commission. The remaining one-half percent of the increase will be distributed to localities to be used for education purposes according to the following formula (i) one-third based on point of sale; (ii) one-third based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay; and (iii) one-third in the same manner that 1 percent of the current state sales and use tax is distributed among localities.

*Patrons:* Dillard, Almand, Bloxom, Brink, Christian, Councill, Darner, Hull, Morgan, Parrish, Petersen, Phillips, Plum, Shuler, Stump and Watts; *Senators:* Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031968732  
01/08/03 House: Referred to Committee on Finance  
01/19/03 House: Fiscal impact statement from TAX (HB2433)

**Notes:** City Position: Support



## **HB 2459 Commissioners of the revenue; agents of the Commissioner of DMV.**

*Summary as introduced:*

**Commissioners of the revenue; agents of the Commissioner of the Department of Motor Vehicles.** Requires every commissioner of the revenue to enter into an agreement with the Commissioner of the Department of Motor Vehicles to act as an agent of the Commissioner to register motor vehicles that have situs in their localities and collect fees associated therewith.

*Patron:* McDougle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 031237838

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

**Notes:** City Position: Oppose

## **HB 2476 Disposal of trash or cutting of weeds.**

*Summary as introduced:*

**Disposal of trash or cutting of weeds.** Allows localities to prescribe civil penalties for violations of ordinances related to the disposal of trash and the cutting of grass and weeds.

*Patron:* Crittenden

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 032440688

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

**Notes:** City Position: Support

## **HB 2498 VA. Residential Landlord & Tenant Act; definition; rental application.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; definition of rental application.** Adds a definition of "rental application," which means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. The bill also authorizes a landlord to charge an application fee and to request a prospective tenant to provide information that will enable the landlord to make such determination. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. The landlord may require that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit.

*Patrons:* Bolvin and Rapp

01/08/03 House: Referred to Committee for Courts of Justice  
01/13/03 House: Referred from Courts of Justice  
01/13/03 House: Referred to Committee on General Laws  
01/15/03 House: Assigned to General Laws sub-committee: 1  
01/23/03 House: Reported from General Laws (22-Y 0-N)

**Notes:** City Position: Oppose

**HB 2505 Expenses incurred in responding to DUI incident.**

*Summary as introduced:*

**Expenses incurred in responding to DUI incident.** Expands current provisions allowing reimbursement of expenses incurred in responding to DUI incidents by adding incidents related to other serious traffic offenses such as reckless driving and driving on a suspended license.

*Patron:* Griffith

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036650748  
01/08/03 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**HB 2509 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. Deficiencies not identified in the initial disapproval shall be waived. The local planning commission shall act on any proposed plat within 45 days of modification, correction and submittal, rather than 60 days. The failure to act within 45 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.

*Patrons:* McDonnell and Suit

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 033387836  
01/08/03 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 2529 Uniform Statewide Building Code; installation of comm. equipment.**

*Summary as introduced:*

**Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel.** Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code requiring the installation in all new building

construction of emergency communications equipment for emergency service personnel to facilitate effective communication between emergency public safety personnel involved in emergency situations. The bill defines emergency communications equipment and emergency public safety personnel.

*Patrons:* Almand, Bloxom, Devolites and Petersen; *Senators:* Byrne, Howell, Ticer and Whipple

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 030883608

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

01/14/03 House: Assigned to General Laws sub-committee: 1

**Notes:** City Position: Support

### **HB 2672 Excess fees collected by clerks.**

*Summary as introduced:*

**Excess fees collected by clerks.** Requires the Commonwealth to disburse to any locality its share of excess clerks' fees if the budget for clerks' offices is reduced and if that locality generates excess fees.

*Patron:* Drake

01/14/03 House: Presented & ordered printed 036044736

01/14/03 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

### **HB 2677 Driver's license suspension for graffiti or other injury to property.**

*Summary as introduced:*

**Driver's license suspension for graffiti or other injury to property.** Provides for the mandatory suspension of the driver's license of any person convicted of destroying, defacing, or damaging any property not his own. If the violation is committed by a child under the age of 16 years and three months, the child's ability to apply for a driver's license shall be delayed for at least 30 days.

*Patrons:* Baskerville, Hall, Miles and O'Bannon

01/14/03 House: Presented & ordered printed 031392624

01/14/03 House: Referred to Committee for Courts of Justice

01/24/03 House: Fiscal impact statement from DMV (HB2677)

**Notes:** City Position: Support

### **HB 2701 Virginia Public Procurement Act; cooperative procurement.**

*Summary as introduced:*

**Virginia Public Procurement Act; cooperative procurement.** Clarifies that except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

*Patrons:* Reid, Jones, S.C. and Woodrum; Senators: Stosch and Watkins

01/15/03 House: Presented & ordered printed 030896904

01/15/03 House: Referred to Committee on General Laws

**Notes:** City Position: Support

**HB 2713 Business, professional and occupational license (BPOL) tax, limitation on localities.**

*Summary as introduced:*

**Business, professional and occupational license (BPOL) tax, limitations on localities.**

Prohibits any county, city or town from imposing the BPOL tax on any person, firm or corporation engaging in the business of renting real property and having more than one definite place of business in different localities, provided such person, firm or corporation can produce sufficient evidence that the license tax has been paid on such income to the county, city or town in which it conducts the majority of its business. The bill has a retroactive effective date of January 1, 1998.

*Patron:* Drake

01/16/03 House: Presented & ordered printed 032518736

01/16/03 House: Referred to Committee on Finance

01/20/03 House: Fiscal impact statement from TAX (HB2713)

**Notes:** City Position: Oppose

**HB 2714 Preservation of monuments and memorials.**

*Summary as introduced:*

**Preservation of monuments and memorials.** Provides that certain monuments or memorials that are erected on public property of the Commonwealth or any of its political subdivisions shall not be relocated, removed, disturbed or altered. However, the Commonwealth and its political subdivisions may temporarily relocate or remove a monument or memorial in order to perform necessary construction or maintenance on streets, highways or utilities. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

*Patrons:* Hargrove; Senator: Hawkins

01/16/03 House: Presented & ordered printed 036312436

01/16/03 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 2735 Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements.**

*Summary as introduced:*

**Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements.** Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2005, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2005, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2005.

*Patron:* Shuler

01/16/03 House: Presented & ordered printed 032529936

01/16/03 House: Referred to Committee on Finance

01/19/03 House: Fiscal impact statement from TAX (HB2735)

**Notes:** City Position: Oppose

**HB 2750 Commonwealth Private Investment Inducement Act of 2003.**

*Summary as introduced:*

**Commonwealth Private Investment Inducement Act of 2003.** Dedicates the insurance license tax fee to transportation projects in all localities according to the percentage of such revenues attributable to subscribers who reside in each locality. A portion of these proceeds will finance the issuance of bonds that the bill authorizes for transportation projects in 3 regions of the Commonwealth. These 3 regions are the regions encompassed by (i) Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; (iii) Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Harrisonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester. All funds paid from the revenues provided under this act for the 3 regions must be matched by equal or greater funds from private entities, localities, or both.

*Patrons:* Rollison, Marshall, R.G., Amundson, Black, Bolvin, Brink, Callahan, Darner, Devolites, Hugo, Lingamfelter, May, McQuigg, Moran, Parrish, Petersen, Plum, Reese, Rust, Scott, Suit and Watts; *Senators:* Byrne, Colgan, O'Brien, Puller and Ticer

01/17/03 House: Presented & ordered printed 032020916  
01/17/03 House: Referred to Committee on Transportation  
01/21/03 House: Referred from Transportation (22-Y 0-N)  
01/21/03 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 2779 Accident and sickness insurance; coverage for household members.**

*Summary as introduced:*

**Accident and sickness insurance; coverage for household members.** Permits an accident and sickness insurance policy to be extended to include coverage for persons (i) in whom the primary insured has an insurable interest, and (ii) who reside in the same household as the insured. Current law only permits coverage to be extended to a spouse or dependent children of the insured.

*Patrons:* Dillard, Callahan and Plum

01/17/03 House: Presented & ordered printed 030034732  
01/17/03 House: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**HB 2792 Electronic Government Services Act created.**

*Summary as introduced:*

**Electronic Government Services Act created.** Prohibits a public body from providing electronic commerce services that duplicate or compete with similar services provided by the private sector unless the public body provides notice and a hearing for the public to submit comments. The notice must include proposed findings of fact and law, costs, a statement of the public benefit and unmet need, and a statement describing the impact of such services on the private sector. The public body must sign factual and legal conclusions addressing the public comments and the factors required by the Act. Where competition exists, the public body must file an annual report. The bill also creates a cause of action for any private entity engaged in the electronic commerce business to challenge the sufficiency of the factual and legal conclusions, as well as to challenge the provision of services in general. Finally, the bill applies to state agencies, political subdivisions, and certain private/public entities that are established by an order or action of a state agency or political subdivision.

*Patrons:* Devolites and Hugo

01/17/03 House: Presented & ordered printed 034173448

01/17/03 House: Referred to Committee on General Laws  
01/27/03 House: Fiscal impact statement from DPB (HB2792)

**Notes:** City Position: Oppose

**HB 2801 VA 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 localities in the total amount of \$950 million 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. The \$950 million in grants shall be distributed to localities according to the following formula (i) one-half based on the proportion of sales and use tax revenue generated in each locality; and (ii) the remaining one-half based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay. 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.

*Patrons:* Scott, Albo, Almand, Amundson, Baskerville, Bolvin, Brink, Christian, Darner, Devolites, Hull, Moran, Petersen, Plum, Rust and Watts

01/17/03 House: Presented & ordered printed 032031928  
01/17/03 House: Referred to Committee on Finance  
01/27/03 House: Referred from Finance (22-Y 0-N)  
01/27/03 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 2831 Child protective services; standard of proof.**

*Summary as introduced:*

**Child protective services; standard of proof.** Provides that the standard of proof for a local department of social services to use in determining whether a reported case of child abuse or neglect is founded is by clear and convincing evidence. Currently, the standard of proof is preponderance of the evidence and is set by State Board of Social Services' regulation. The bill requires that any determination that a complaint or report is founded shall be based primarily on first source evidence; in no instance shall a determination that a complaint or report is founded be based solely on indirect evidence or an anonymous complaint.

*Patrons:* Sears, Devolites, Melvin, Nixon, Reid and Welch; Senators: Bolling and Cuccinelli

01/22/03 House: Unanimous consent to introduce  
01/22/03 House: Presented & ordered printed 033155868  
01/22/03 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** City Position: Oppose

**HJ 635 Constitutional amendment (first resolution); restoration of civil righ**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights for felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for felons who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

*Patrons:* Moran, Kilgore, McDonnell and Melvin; *Senators:* Howell, Norment and Stolle

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 035035228

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

01/20/03 House: Assigned to P. & E. sub-committee: 1

**Notes:** City Position: Support

**SB 720 Virginia Retirement System.**

*Summary as introduced:*

**Virginia Retirement System.** Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. The bill also gradually increases, over a 6-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

*Patrons:* Wampler, Blevins, Puckett and Reynolds

01/08/03 Senate: Presented & ordered printed, prefiled 12/18/02 038998556

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

01/16/03 Senate: Fiscal impact statement from VRS (SB720)

**Notes:** City Position: Oppose

**SB 848 Health insurance credit; retired teachers.**

*Summary as introduced:*

**Health insurance credit; retired teachers.** Increases the health insurance credit for retired teachers from \$2.50 to \$4 per month for teachers for each full year of creditable service, not to exceed a maximum monthly credit of \$120 for teachers with 30 or more years of creditable service.



*Patrons:* Howell, Blevins and Reynolds

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 038013448

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

01/16/03 Senate: Fiscal impact statement from VRS (SB848)

**Notes:** City Position: Support

**SB 909 Workers' compensation; occupational disease presumption; mold exposure.**

*Summary as introduced:*

**Workers' compensation; occupational disease presumption; mold exposure.** Establishes a presumption that an immunologic or allergic reaction, toxic effect or infectious respiratory or pulmonary disease that results in the death or total or partial disability of a claimant shall be presumed to be an occupational disease that is covered by the Virginia Workers' Compensation Act, if the claimant establishes by a preponderance of the evidence that the condition resulted from mold exposure that occurred during the course of the claimant's employment within a building that is determined to be contaminated by the presence of mold.

*Patron:* Miller, Y.B.

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 033706480

01/08/03 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Oppose

**SB 948 Local Taxpayer Protection Act.**

*Summary as introduced:*

**Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

*Patrons:* Houck, Deeds, Puckett and Reynolds

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 031079577

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

**Notes:** City Position: Support

**SB 991 Juvenile and domestic relations court expanded jurisdiction.**

*Summary as introduced:*

**Juvenile and domestic relations court expanded jurisdiction.** Expands the definition of "child in need of services" to mean a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or any other person. This legislation is in response to the beating of a three year-old girl named Hannah by two boys, ages five and six, in Loudoun County.

*Patrons:* Mims; Delegate: Black

01/08/03 Senate: Presented & ordered printed, prefiled 01/07/03 031395500

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

**Notes:** City Position: Oppose

**SB 1028 Attorney General.**

*Summary as introduced:*

**Attorney General.** Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth when the legal service provided relates to financial transactions.

*Patrons:* Chichester, Blevins, Hanger and Mims

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 038877253

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

01/17/03 Senate: Fiscal impact statement from DPB (SB1028)

**Notes:** City Position: Support

**SB 1043 Child protective services; investigation procedures.**

*Summary as introduced:*

**Child protective services; investigation procedures.** Requires the local department of social services to conduct a face-to-face interview of the person who is the subject of the complaint during the course of an investigation of child abuse or neglect. Prior to this interview, the local department shall provide written notice to such person of the charge being investigated and his right to the presence of an attorney during the interview. Upon written request of the person who is the subject of the complaint, the local department shall provide such person all information in the investigative record for his review and response.

*Patron:* Blevins

01/08/03 Senate: Referred to Committee on Rehabilitation & Social Services  
01/13/03 Senate: Fiscal impact statement from DPB (SB1043)  
01/24/03 Senate: Reported from R. & S. S. w/substitute (15-Y 0-N)  
01/24/03 Senate: Rereferred to Courts of Justice  
01/24/03 Senate: Committee substitute printed 033159402-S1

**Notes:** City Position: Oppose

### **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: Presented & ordered printed, prefiled 01/08/03 034303536  
01/08/03 Senate: Referred to Committee on Finance  
01/15/03 Senate: Fiscal impact statement from TAX (SB1073)

**Notes:** City Position: Oppose

### **SB 1103 Mortgage Lender and Broker Act; predatory practices.**

*Summary as introduced:*

**Mortgage Lender and Broker Act; predatory practices.** Contains recommendations of the Virginia Housing Study Commission to strengthen consumer protection measures in the Mortgage Lender and Broker Act. The State Corporation Commission (SCC) may suspend individuals convicted of fraud or other crimes from working in the mortgage lending industry, and registered lenders and brokers must file with the SCC a notice of the filing of bankruptcy, denial or revocation of opportunity to engage in business in another state, or felony indictments.

*Patrons:* Whipple and Mims

01/17/03 Senate: VOTE: PASSAGE R (39-Y 0-N)  
01/17/03 Senate: Communicated to House  
01/24/03 House: Placed on Calendar  
01/24/03 House: Read first time  
01/24/03 House: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**SB 1160 Disposition of the unrestorably incompetent defendant.**

*Summary as introduced:*

**Disposition of the unrestorably incompetent defendant.** Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after 5 years.

*Patrons:* Ticer, Edwards, Lucas and Puller; *Delegates:* Albo, Amundson, Bolvin, Darner, Dillard, Petersen, Reese, Rust and Watts

01/08/03 Senate: Presented & ordered printed, prefiled 01/08/03 031606548

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

01/24/03 Senate: Fiscal impact statement from DPB (SB1160)

**Notes:** City Position: Support

**SB 1224 EMTs' authorization to possess and administer epinephrine.**

*Summary as introduced:*

**Emergency medical services technician (EMTs) authorization to possess and administer epinephrine.** Requires the Board of Health's regulations on certification of emergency medical services technicians to authorize all levels of EMTs to possess and administer intramuscular epinephrine in emergency cases of anaphylactic shock. Clarifying amendments are added to the Good Samaritan law and to the Drug Control Act to reinforce this authorization.

*Patron:* Williams

01/08/03 Senate: Referred to Committee on Education and Health

01/22/03 Senate: Fiscal impact statement from DPB (SB1224)

01/23/03 Senate: Reported from Ed. & H. with amendments (14-Y 0-N)

01/24/03 Senate: Constitutional reading dispensed (38-Y 0-N)

01/24/03 Senate: VOTE: CONST. RDG. DISPENSED R (38-Y 0-N)

**Notes:** City Position: Support

**SB 1227 Local taxes; administrative fees to collect delinquent taxes/charges.**

*Summary as introduced:*

**Local taxes; administrative fees to collect delinquent taxes or other delinquent charges.** Increases the fees that may be charged by local governments for administrative costs incurred in collecting delinquent taxes or other delinquent charges. The fees are increased from \$20 to \$30 for delinquent taxes and other charges collected before judgment is taken, and from \$25 to \$35 for such taxes and charges collected subsequent to a judgment.

*Patron:* Williams

01/22/03 Senate: VOTE: CONST. RDG. DISPENSED R (38-Y 0-N)  
01/23/03 Senate: Read second time and engrossed  
01/24/03 Senate: Read third time and passed Senate (38-Y 0-N)  
01/24/03 Senate: VOTE: PASSAGE R (38-Y 0-N)  
01/24/03 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1262 Inoperable motor vehicles.**

*Summary as introduced:*

**Inoperable motor vehicles.** Requires localities to allow at least 3 inoperable motor vehicles to be kept on residential or commercial property provided they are shielded from ordinary public view.

*Patron:* Trumbo

01/13/03 Senate: Presented & ordered printed 039326548  
01/13/03 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

**SB 1273 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:* O'Brien

01/14/03 Senate: Presented & ordered printed 039059510  
01/14/03 Senate: Referred to Committee on Finance  
01/17/03 Senate: Fiscal impact statement from TAX (SB1273)

**Notes:** City Position: Oppose

**SB 1297 Northern Virginia Transportation Program Bond Act of 2003.**

*Summary as introduced:*

**Northern Virginia Transportation Program Bond Act of 2003.** Authorizes the Northern Virginia Transportation Authority to issue bonds in an aggregate principal amount not to exceed \$1 billion to complete and implement certain transportation projects included in the Northern Virginia Transportation Program Bond Act of 2003.

In general, the first \$50 million available for allocation in each fiscal year to the Northern Virginia construction district shall be credited to a special nonreverting fund in the state treasury titled the Northern Virginia Transportation Authority Fund, for use by the Authority. Moneys in the Fund shall be used solely for paying the costs to complete and implement such transportation projects including, but not limited to, the costs associated with issuing bonds and other obligations and with entering into contracts or other agreements as provided under the Act.

*Patrons:* Colgan, Byrne, Cuccinelli, Howell, Mims, O'Brien, Puller, Saslaw, Ticer and Whipple;  
*Delegates:* Hull, Parrish and Pollard

01/17/03 Senate: Presented & ordered printed 039065412

01/17/03 Senate: Referred to Committee on Finance

**Notes:** City Position: Oppose

**Current Status of Bills on Which the city has Previously Taken a Position  
January 25, 2003**

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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

01/14/03 House: Read third time and passed House (90-Y 6-N)

01/14/03 House: VOTE: PASSAGE (90-Y 6-N)

01/14/03 House: Communicated to Senate

01/15/03 Senate: Constitutional reading dispensed

01/15/03 Senate: Referred to Committee for Courts of Justice

**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: Presented & ordered printed, prefiled 09/17/02 033356822

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

01/12/03 House: Fiscal impact statement from TAX (HB1387)

01/20/03 House: Passed by in Finance with letter (21-Y 1-N)

01/24/03 House: Fiscal impact statement from CLG (HB1387)

**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, Albo, Cole, Howell, Lingamfelter, Reese and Saxman; *Senators:* Edwards and Mims

01/23/03 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

01/23/03 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

01/23/03 House: Communicated to Senate

01/24/03 Senate: Constitutional reading dispensed

01/24/03 Senate: Referred to Committee on Local Government

**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, Callahan, Cole, Cosgrove, Cox, Janis, Marrs, Marshall, R.G., McDonnell, Oder and Wright; *Senator:* Cuccinelli

01/08/03 House: Presented & ordered printed, prefiled 12/10/02 032122822

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

01/16/03 House: Fiscal impact statement from DPB (HB1499)

01/23/03 House: Failed to report (defeated) in H. W. I. (10-Y 11-N)

**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, Gear, Reid and Welch; Senator: Cuccinelli

01/08/03 House: Presented & ordered printed, prefiled 12/19/02 030973636

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

01/12/03 House: Fiscal impact statement from TAX (HB1519)

01/20/03 House: Passed by in Finance with letter (16-Y 6-N)

01/22/03 House: Fiscal impact statement from CLG (HB1519)

**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

01/22/03 House: Committee substitute printed 033394896-H1

01/23/03 House: Read first time

01/24/03 House: Read second time

01/24/03 House: Committee substitute agreed to 033394896-H1

01/24/03 House: Engrossed by House - committee substitute 033394896-H1

**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: Presented & ordered printed, prefiled 12/20/02 033375824

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

01/24/03 House: Tabled in Counties, Cities & Towns (20-Y 2-N)

**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: Presented & ordered printed, prefiled 12/20/02 033377824

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

01/24/03 House: Tabled in Counties, Cities & Towns (20-Y 2-N)

**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: Presented & ordered printed, prefiled 12/20/02 033376824

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

01/24/03 House: Tabled in Counties, Cities & Towns (20-Y 2-N)

**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.

*Patrons:* Cole and Carrico

01/08/03 House: Presented & ordered printed, prefiled 12/20/02 035950671

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

01/17/03 House: Incorporated by M., P. & P. S. (HB1516-Black) (22-Y 0-N)

**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: Presented & ordered printed, prefiled 12/27/02 038834674

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

01/16/03 House: Assigned to C. J. sub-committee: 2

01/22/03 House: Fiscal impact statement from DPB (HB1629)

01/22/03 House: Passed by indefinitely in C. J. (20-Y 1-N)

**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.** Clarifies 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 clarifies 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. The bill further 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.

*Patrons:* Rapp, Abbitt, Albo, Bolvin, Cox, Gear, Jones, S.C., Marshall, D.W., Miles, Oder, Reid, Saxman and Wright; *Senators:* O'Brien, Wagner and Williams

01/08/03 House: Presented & ordered printed, prefiled 01/03/03 030869736

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

01/09/03 House: Assigned to General Laws sub-committee: 1

**Notes:** City Position: Oppose

### **HB 1708 Government Data Collection/Dissemination Practices Act; genetic information.**

*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 (formerly the Privacy Protection Act of 1976) to include genetic information, as defined in § 38.2-508.4.

*Patron:* Purkey

01/08/03 House: Presented & ordered printed, prefiled 01/03/03 034093896

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

01/09/03 House: Assigned to General Laws sub-committee: 2

01/09/03 House: Fiscal impact statement from DPB (HB1708)

**Notes:** City Position: Support

### **HB 1758 Va. 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: Presented & ordered printed, prefiled 01/06/03 039010610  
01/08/03 House: Referred to Committee on Education  
01/20/03 House: Fiscal impact statement from DPB (HB1758)

**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: Presented & ordered printed, prefiled 01/06/03 033946610  
01/08/03 House: Referred to Committee on Appropriations  
01/20/03 House: Fiscal impact statement from DPB (HB1760)  
01/22/03 House: Tabled in Appropriations (24-Y 1-N)

**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.

*Patrons:* Welch and Reid

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 035302986

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

01/09/03 House: Assigned to General Laws sub-committee: 3

**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 one of the options for a Medicaid Buy-In program pursuant to Section 4733 of the Balanced Budget Act of 1997 or the Ticket to Work and Work Incentives Improvement Act of 1999, 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, pursuant to this subdivision, 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: Presented & ordered printed, prefiled 01/07/03 034130856

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

01/16/03 House: Fiscal impact statement from DPB (HB1822)

**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: Presented & ordered printed, prefiled 01/07/03 033363828

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

01/21/03 House: Fiscal impact statement from DPB (HB1883)

**Notes:** City Position: Support

**HB 2033 Pointing, holding; brandishing firearm; object similar; 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: Presented & ordered printed, prefiled 01/07/03 031645928

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

01/10/03 House: Fiscal impact statement from VCSC (HB2033)

01/16/03 House: Assigned to C. J. sub-committee: 1

01/20/03 House: Passed by indefinitely in C. J. (22-Y 0-N)

**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.

*Patrons:* Callahan, Devolites, Petersen and Rust; Senators: Byrne and Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/06/03 036703660

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

**Notes:** City Position: Support

**HJ 598 Constitutional amendment (first resolution); state and local funding f**

*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: Presented & ordered printed, prefiled 01/07/03 033953928

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

01/20/03 House: Assigned to P. & E. sub-committee: 1

**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: Presented & ordered printed, prefiled 11/19/02 038988476

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

01/17/03 Senate: Fiscal impact statement from TAX (SB704)

**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

01/16/03 Senate: VOTE: PASSAGE R (40-Y 0-N)

01/16/03 Senate: Communicated to House

01/23/03 House: Placed on Calendar

01/23/03 House: Read first time

01/23/03 House: Referred to Committee on Transportation

**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: Presented & ordered printed, prefiled 12/20/02 030851444

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

01/14/03 Senate: Assigned to General Laws sub-committee: 1

01/15/03 Senate: Fiscal impact statement from DPB (SB737)

**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

01/15/03 Senate: VOTE: PASSAGE R (40-Y 0-N)

01/15/03 Senate: Communicated to House  
01/23/03 House: Placed on Calendar  
01/23/03 House: Read first time  
01/23/03 House: Referred to Committee on Transportation

**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.

*Patrons:* Cuccinelli, Bolling, Hanger, Mims and Rerras; *Delegates:* Black and Hugo

01/08/03 Senate: Presented & ordered printed, prefiled 01/03/03 038976414  
01/08/03 Senate: Referred to Committee on Finance  
01/13/03 Senate: Fiscal impact statement from TAX (SB773)  
01/22/03 Senate: Fiscal impact statement from CLG (SB773)

**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: Presented & ordered printed, prefiled 01/06/03 034151402  
01/08/03 Senate: Referred to Committee on Finance  
01/14/03 Senate: Fiscal impact statement from DPB (SB777)

**Notes:** City Position: Support

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

*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: Presented & ordered printed, prefiled 01/06/03 036236418

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

01/15/03 Senate: Fiscal impact statement from TAX (SB789)

**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

01/21/03 Senate: Read third time and passed Senate (39-Y 0-N)

01/21/03 Senate: VOTE: PASSAGE R (39-Y 0-N)

01/23/03 House: Placed on Calendar

01/23/03 House: Read first time

01/23/03 House: 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: Presented & ordered printed, prefiled 01/06/03 031668448

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 retrofitting and enlarging public school buildings; public school infrastructure, including technology infrastructure; site acquisition for public school buildings and public school facilities; or debt service payments on such projects completed subsequent to December 31, 1993.

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

01/08/03 Senate: Presented & ordered printed, prefiled 01/06/03 031982448

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

01/19/03 Senate: Fiscal impact statement from TAX (SB835)

**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. The bill also authorizes a county to enact an ordinance prohibiting such discrimination and for local commissions on human rights to investigate alleged violations of the ordinance.

*Patron:* Howell

01/22/03 Senate: VOTE: PASSAGE (24-Y 13-N)

01/22/03 Senate: Communicated to House

01/24/03 House: Placed on Calendar

01/24/03 House: Read first time

01/24/03 House: 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: Presented & ordered printed, prefiled 01/07/03 031652560

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

**Notes:** City Position: Support

**SB 911 Delinquent parking citations (also HB 2483, HB 2758).**

*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: Presented & ordered printed, prefiled 01/07/03 034402660

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

01/09/03 Senate: Failed to report (defeated) in Transport. (6-Y 8-N)

**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: Presented & ordered printed, prefiled 01/08/03 034303536

01/08/03 Senate: Referred to Committee on Finance  
01/15/03 Senate: Fiscal impact statement from TAX (SB1073)

**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.

01/08/03 Senate: Presented & ordered printed, prefiled 11/27/02 035038480  
01/08/03 Senate: Referred to Committee on Privileges and Elections  
01/14/03 Senate: Assigned to P. & E. sub-committee: 2

**Notes:** City Position: Support

**SJ 311 Constitutional amendment(1st resolution); assessment of real property.**

*Summary as introduced:*

**Constitutional amendment (first resolution); assessment o 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  
01/14/03 Senate: Assigned to P. & E. sub-committee: 2  
01/21/03 Senate: Reported from P. & E. with substitute (12-Y 3-N)  
01/22/03 Senate: Committee substitute printed 039067524-S1  
01/24/03 Senate: Passed by for the day

**Notes:** City Position: Oppose