

City of Alexandria, Virginia

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2-11-03

MEMORANDUM

DATE: FEBRUARY 10, 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. 3) ON LEGISLATION  
INTRODUCED AT THE 2003 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 3) on legislation introduced at the 2003 General Assembly Session.

**RECOMMENDATION:** That City Council approve the following legislative positions as recommended by the City Council's Legislative Subcommittee:

- (1) Oppose HB 1678, which seeks to regulate local residential rental inspection programs; and
- (2) Oppose the following House and Senate budget proposals:
  - a. Requiring the City to remit to the State at least \$1.1 million of the federal payments the City receives for housing federal prisoners (House);
  - b. Decreasing HB 599 local law enforcement payments (House);
  - c. Changing the process for state funding of the Arlandria Clinic, thus making it more difficult for the Clinic to be assured of State funding in the future (House);
  - d. Eliminating funding for Project Discovery (House);
  - e. Reducing state payments for constitutional officers and their staffs (House and Senate); and
  - f. Reducing TANF (Temporary Assistance to Needy Families) funding for domestic violence, homeless assistance, and Healthy Families programs (House).

**DISCUSSION:** The 2003 General Assembly Session is nearing adjournment, which is scheduled for February 22. In the last week "Crossover" has taken place (now the House may consider only Senate bills and the Senate, only House bills), and the House and Senate have proposed a series of amendments to the Governor's budget. Over the next two weeks, the two houses will have to reconcile the differences between their budget proposals, as well as any other legislation on which they disagree.

**City Package.** The following actions have been taken on bills from the City's legislative package since the last Update (see Attachment 1 for a complete status report on City Package bills):

- House Bill 2532, which would have increased funding for transit by increasing the sales tax on motor fuels in the Northern Virginia Transportation Commission (NVTC) localities, was defeated by the House Finance Committee. As noted in the Status Report for Council's January 28 meeting, the General Assembly appears unlikely to pass any legislation which could or would lead to new taxes.
- 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, was passed by the Senate and is now under consideration by the House Finance Committee.
- Legislation to give Northern Virginia localities the authority to adopt ordinances requiring drivers to stop for pedestrians in marked crosswalks (drivers are now required only to yield) has been passed by the Senate and is now under consideration by the House. Similar legislation has already been defeated by the House, however, so the prospects for the Senate bill are not good.
- 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, has been defeated on a close vote by the House. Senate legislation to do the same thing is still alive and under consideration by the House. Proponents are hoping they can switch a few of the votes that defeated the House bill.
- Legislation proposing a constitutional amendment (HJR 635, Delegate Moran; SJR 283, Senator Yvonne Miller) authorizing the General Assembly to provide by general law for the restoration of civil rights for certain felons has been passed by both the House and the Senate. These bills are alike except for minor wording differences, and are likely to be reconciled by the end of Session. They will have to be reenacted in the 2004 Session in order to be submitted to the voters for ratification in November 2004.
- Senator Ticer and Delegate Darner introduced Budget amendments requesting the Governor to give priority to various increases in child day care funding when preparing the Commonwealth's 2005-2006 biennial budget; the Senate included this language in its

approved budget bill, but the House did not. It will be up to the budget conferees to reconcile this difference between the two measures.

**House Bill 1678: Residential Rental Inspections.** House Bill 1678 was introduced on behalf of realtors and the apartment and office building industry to significantly limit the ability of local governments to operate residential rental inspection programs. If enacted, this legislation will require the City to significantly revise its Residential Rental Permit (RRP) program, which has been in place in its current form for over a quarter century. Inspections would be allowed only for dwelling units which: (1) are located in a conservation or rehabilitation district or blighted area designated as such by the local governing body; (2) have a record of substantial building code violations that have not been remedied by the units' owners; (3) have a greater number of building code violations than other dwelling units in the locality. This legislation will eliminate the City's ability to do annual proactive inspections of dwelling units, and could lead to an increased risk of fire, deteriorations in the quality of the City's rental housing stock, and a decrease in property values. HB 1678 has passed the House and is now under consideration by the Senate. Council's legislative subcommittee has recommended that the City oppose this legislation.

**State Budget.** On February 2, the House Appropriations and Senate Finance Committee proposed their amendments to the Governor's budget. On February 6, the proposals were adopted by the respective houses. Since there are significant differences between the two sets of recommendations, a conference committee will be appointed to reconcile them. The conference committee members will likely agree to their recommendations during the last week of Session. Approval of the budget is usually one of the final actions of the General Assembly before it adjourns.

There are a number of proposals which would be detrimental to the City, primarily in the House amendments. Among them are these:

- **Federal Prisoner Payments.** The House has proposed having the City remit to the State at least \$1.1 million of the federal payments the City receives for housing federal prisoners. While the rationale for this is that the State pays a portion of the salaries of deputy sheriffs, the reality is that it pays a relatively small portion of some of the City's deputy sheriffs (the City fully funds 59 of the deputies at the City jail). Staff is working with the delegation to strongly oppose this proposal. The Senate does not have such a proposal in its budget.
- **HB 599.** The House proposes further reductions in HB 599 local law enforcement funding for FY 04. The Senate does not have such a proposal in its budget.
- **Arlandria Clinic.** While the House proposes over \$96,000 in funding for the Clinic in FY 04, it proposes to do it in such a way that this will no longer be included in the State Health Department's base budget. If this proposal is accepted, the Clinic could no longer

assume that it would receive State funding from year to year. The Senate does not have such a proposal in its budget.

- **Project Discovery.** The House proposes eliminating all funding for Project Discovery. The Senate does not have such a proposal in its budget.
- **Payments to Constitutional Officers and City Finance Department.** The House proposed further reductions in payments to the City Finance Department, and the Senate proposed additional reductions to the Commonwealth's Attorney.
- **TANF.** The House proposed reducing TANF (Temporary Assistance to Needy Families) funding by 15 percent for a number of programs, including domestic violence, homeless assistance, and Healthy Families. The Senate does not have such a proposal in its budget.

Council's Legislative Subcommittee recommends opposing the above budget reductions.

Attachment 2 is a table which describes the differences between the House and the Senate on these and other items affecting the City.

**Funding for Housing.** At the January 28 Council meeting, Councilman Euille asked staff to provide information on the Governor's proposal to sell the Virginia Department of Housing and Community Development's (VDHCD) Housing Partnership Revolving Loan Fund portfolio to the Virginia Housing Development Authority (VHDA). This Fund is used to assist low-income families by providing mortgages for single-family and multi-family housing.

Under the Governor's proposal, VHDA will issue \$56 million in bonds and use the bond proceeds to purchase the Housing Partnership Revolving Loan portfolio from VDHCD. As the loans in the portfolio are paid off, the proceeds will be used by VHDA to retire its bonds. Of the \$56 million that VDHCD receives, \$41 million will be placed in the state's general fund to help balance the State budget. The remaining \$15 million will be held in an account at VHDA to be used, at VDHCD's direction, to help provide affordable housing for low-income Virginians not currently served by VHDA programs. It will most likely be used for direct loans or to create a loan loss reserve fund.

Both the House and the Senate have agreed to the Governor's proposal, although both houses have agreed on a number of requirements that VHDA and VDHCD must meet prior to the sale of the assets. One of the requirements is that the State consult with representatives of the housing industry, including the Virginia Housing Coalition, in formulating its plans.

Staff is unaware of Housing Partnership Funds being used in the City, and does not believe that implementation of this proposal will have a direct effect on the City.

**Growth Controls.** All bills introduced this year to give local governments new tools to control growth have been killed, although some of them have been referred to the Commission on Growth and Economic Development for further study.

**Limits on Real Property Assessments, Tax Rates, and Revenues.** All legislation that was proposed to limit taxes paid by owners of real property has also been defeated, although some of them have been referred to the Joint Subcommittee to Study and Revise Virginia's State Tax Code for further study.

**Allocation of Transportation Funding.** Finally, all bills which sought to change the allocation formula for distributing state transportation funds were also defeated. A number of these measures were referred 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 3 is a status report on bills on which the City has previously taken a position.

**ATTACHMENTS:**

Attachment 1 – Current Status of Bills From the City's 2003 Legislative Package, February 7, 2003

Attachment 2 – House and Senate Budget Proposals Affecting the City of Alexandria: FY 03-04

Attachment 3 – Current Status of Bills on Which the City Has Previously Taken a Position, February 7, 2003

**STAFF:**

Bernard Caton, Legislative Director

Michele Evans, Assistant City Manager

## Attachment 1

### Current Status of Bills From the City's 2003 Legislative Package February 7, 2003

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#### **HB 1613 Pedestrians.**

*Summary as introduced:*

**Pedestrians.** Provides that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The bill also requires the drivers to stop and remain stopped to allow a pedestrian to cross the highway and prohibits drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle.

*Patron:* Darner

01/14/03 House: Stricken at request of Patron in Tra. (22-Y 0-N)

#### **HB 1696 Photo-monitoring systems to enforce traffic light signals.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

*Patrons:* McQuigg, Alexander, Almand, Barlow, Bland, Bolvin, Brink, Cosgrove, Crittenden, Kilgore, Lingamfelter, Marshall, R.G., Oder, Parrish, Petersen, Plum, Scott, Shuler, Van Landingham, Van Yahres and Watts; *Senator:* Colgan

01/31/03 House: Failed to report (defeated) in M., P. & P. S. (11-Y 11-N)

#### **HB 1710 Admissions tax; events to which admission charged.**

*Summary as introduced:*

**Admissions tax; events to which admission charged.** Adds as an additional class admissions charged for entry into motion picture theaters to the list of events to which the local admissions tax is charged.

*Patrons:* Darner and Van Landingham; *Senator:* Ticer

01/29/03 House: Passed by indefinitely in Finance (22-Y 0-N)

#### **HB 1878 Pedestrians.**

*Summary as introduced:*

**Pedestrians.** Allows Fairfax County, counties and cities adjoining Fairfax County, and towns

within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

*Patron:* Amundson

01/21/03 House: Failed to report (defeated) in Tra. (3-Y 19-N)

**HB 2107 Recordation tax increase; City of Alexandria.**

*Summary as introduced:*

**Recordation tax increase; City of Alexandria.** Permits the City of Alexandria, by local ordinance, to increase its recordation tax from an amount equal to one-third of the amount of state recordation tax to two-thirds. Moneys collected that are attributable to such increase shall be used to finance affordable housing or the acquisition or preservation of open-space land.

*Patron:* Van Lanningham

01/29/03 House: Passed by indefinitely in Finance (21-Y 1-N)

**HB 2532 Motor vehicle fuel sales tax.**

*Summary as introduced:*

**Motor vehicle fuel sales tax.** Increases the rate of the motor vehicle fuel sales tax from 2 percent to 4 percent. The tax is currently imposed only in the Northern Virginia Transportation District.

*Patron:* Almand

01/29/03 House: Passed by indefinitely in Finance (15-Y 7-N)

**HJ 564 Study; Youth Commission.**

*Summary as introduced:*

**Study; Youth Commission.** Directs the Commission on Youth to study the foster care payment rates in the Commonwealth.

*Patron:* Darner

01/28/03 House: Stricken at request of Patron in Rules (17-Y 0-N)

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

*Summary as passed House:*

**Constitutional amendment; restoration of civil rights for certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law.

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

02/03/03 House: Agreed to by House (75-Y 18-N)  
02/05/03 Senate: Referred to Committee on Privileges and Elections

**SB 912 Pedestrians.**

*Summary as introduced:*

**Pedestrians.** Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less.

*Patrons:* Whipple, Byrne, Cuccinelli, Howell and Mims; *Delegates:* Almand, Amundson, Callahan, Darner, Petersen, Plum, Reese, Rust, Scott and Watts

01/29/03 Senate: VOTE: PASSAGE R (40-Y 0-N)  
01/30/03 House: Referred to Committee on Transportation

**SB 1285 Local real estate assessments; buildings; completed or fit for use.**

*Summary as introduced:*

**Local real estate assessments; buildings substantially completed or fit for use and occupancy.** Authorizes any county or city adjacent to Fairfax County to assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness. Under current law, (i) any county, city, or town may assess real estate tax on new buildings that are substantially complete or fit for use and occupancy prior to November 1 of the tax year, and (ii) Fairfax County may assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion.

*Patron:* Saslaw

01/31/03 Senate: Communicated to House  
02/04/03 House: Referred to Committee on Finance

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

*Summary as passed Senate:*

**Constitutional amendment; restoration of civil rights for certain felons.** Authorizes the General Assembly to provide for the restoration of civil rights for persons who have been convicted of nonviolent felonies and meet other conditions or limitations prescribed by law.

*Patron:* Miller, Y.B.

02/04/03 Senate: VOTE: AGREE TO (34-Y 6-N)  
02/07/03 House: Reported from P. & E. w/amendment (11-Y 8-N)



Attachment 2

House and Senate Budget Proposals Affecting the City of Alexandria: FY 03-04

Program	Governor's Budget	House Proposal	Senate Proposal	Comments
1. Federal Prisoner Per Diem Funds	Exempts City from sharing federal per diem funds with State	Revert \$1.09M annually of City per diem receipts to the State	Proposes no sharing of federal per diems with State	House (but not Senate) is seeking \$20 per prisoner day of federal per diem payments to City. Federal per diem payments are currently \$93.92 per prisoner per day.
2. HB 599	\$6,110,429 (03) \$6,300,000 (04 est.)	\$5,935,230 (03) \$5,935,230 (04)	\$5,947,100 (03) \$6,128,000 (04 est.)	House proposes nearly \$200,000 less than Governor in HB 599 funding for City in FY 04.
3. Arlandria Clinic	\$95,625	\$95,625	\$95,625	House proposes funding the Clinic as a "special project," which means it is not built into the State budget, and will have to seek special funding each biennium.
4. Salary Increases for state-supported local employees	No increases proposed	Proposes 2.5% increase, Dec/03	Proposes 2% increase, Dec/03	
5. Salary increases for teachers	No increases proposed	No increases proposed	Proposes \$61,166 in salary increases for teachers	
6. Alexandria City Public Schools	Proposes only technical changes, due to changes in sales tax revenues and population	03: (\$17,999) 04: \$104,072	03: (\$17,999) 04: \$110,167	Changes in both House and Senate are supposed to be due entirely to decreased student population and changes to sales tax revenue distributions; it is unclear why there is a \$6,000 difference in FY04.
7. Litter Control	Eliminates state funding	Accepts Governor's recommendation to eliminate funding	restored funding	City is receiving approximately \$15,869 from the state for this program in the current fiscal year.
8. Project Discovery	Provides \$849,060	Eliminates all state funding	Accepts Governor's recommendation	
9. State-Local Hospitalization Program	No changes proposed	Increases local share from 25% to 27%	No changes proposed	Decreases state (and increases local) funding statewide by \$367,000; unable to determine precise impact on City
10. Payments to Treasurers & Commissioners of Rev. (City Finance Department)	No further reductions below October proposals	Proposes further reductions of \$4.7M in 04	Accepts Governor's recommendation	House proposal eliminates state funding for localities to assist residents in filing State tax returns.

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Program	Governor's Budget	House Proposal	Senate Proposal	Comments
11. Payments to Commonwealth's Attorneys	In October, proposed 7% reduction; in December, lowered this to 5%	Accepts Governor's December recommendation	Proposes 7% reduction in 03, and 5% in 04	The Governor and House propose a reduction of \$42,400 each year; the Senate proposes a reduction of approximately \$59,360 in 03, and \$42,400 in 04.
12. Governor to give priority to various increases in child day care funding as he prepares next biennial budget	Not in Governor's proposed budget	Language not included in House proposal	Language included in Senate proposal	City sought this amendment as part of City Package.
13. Homeless Programs	Proposes no new funding	Proposes no new funding	Recommends \$900,000 statewide in additional funding	\$383,868
14. Mental retardation waivers	Proposes no new funding	Adds funding for 150 additional waiver slots for mentally retarded persons statewide	Adds funding for 175 additional waiver slots for mentally retarded persons statewide	Unable to determine how many Alexandrians would directly benefit.
15. TANF (Temporary Assistance for Needy Families)	No significant amendments	Reduces TANF funding by 15% for a number of programs, including domestic violence, homeless assistance, and Healthy Families	No significant amendments	The City's domestic violence program will lose \$8,000 as a result of the TANF reductions. These TANF funds pay for 25% of a social worker's salary, plus half her benefits, as well as a full-time volunteer coordinator. The social worker is the primary worker for all TANF-eligible shelter clients (which make up 80% of the shelter clients).
16. Fines for speeding tickets	Does not address this issue	Directs a portion (\$2 of each \$5) of fines imposed by localities for violating a local speeding ordinance where the posted limit is 55 mph or more ( I-395 & 495) to the State Literary Fund	Does not address this issue	The purpose of the State Literary Fund is to make low-interest loans to school divisions in less affluent localities, but it is also used by the General Assembly to fund teacher retirement costs and other education costs when state revenues are down. This is expected to have minimal fiscal impact on the City, since City Police charge very few drivers with speeding on the interstate.
17. VA CARES (pre/post incarceration services)	Asked to add \$438,274	Did not add funds	Did not add funds	Governor proposed funding needed for federal match; since neither house accepted this recommendation, the match funding will not be appropriated.

**Attachment 3**

**Current Status of Bills on Which the City has Previously Taken a Position  
February 7, 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: Communicated to Senate

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

02/05/03 Senate: Reported from Courts of Justice (15-Y 0-N)

02/05/03 Senate: Rereferred to Finance

**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

01/20/03 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 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

02/03/03 House: Read second time  
02/03/03 House: Committee amendments agreed to  
02/03/03 House: Motion to rerefer to committee agreed to  
02/03/03 House: Rereferred to Courts of Justice  
02/04/03 House: Left in Courts of Justice

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

02/01/03 House: VOTE: PASSAGE (59-Y 39-N)  
02/01/03 House: Communicated to Senate  
02/04/03 Senate: Constitutional reading dispensed  
02/04/03 Senate: Referred to Committee on Education and Health  
02/05/03 Senate: Assigned to Ed. & Health sub-committee: 3

**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)  
01/27/03 House: Tabled in Appropriations (23-Y 1-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 passed House:*

**Personal watercraft; local ordinances; penalty.** Allows the city of Virginia Beach, by population bracket, 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 100 feet from the shoreline and 200 feet from swimmers in ocean waters. The bill provides for local enforcement and penalties not to exceed Class 4 misdemeanors.

*Patron:* Purkey

01/27/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

01/27/03 House: Communicated to Senate

01/28/03 Senate: Constitutional reading dispensed

01/28/03 Senate: Referred to Committee on Agriculture, Conservation & Nat.

02/06/03 House: Fiscal impact statement from DPB (HB1526H1)

**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 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)  
01/27/03 House: Tabled in Appropriations (22-Y 2-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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 such personnel of the local governing body who are authorized by law to conduct these investigations in confidence, including local school boards.

*Patron:* Albo

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  
02/03/03 Senate: Assigned to General Laws sub-committee: 1

**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)

01/27/03 House: Tabled in Appropriations (23-Y 1-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Uniform Statewide Building Code; inspection of rental property.** Authorizes a local governing body to adopt ordinances to inspect residential rental property for compliance with the Building Code. The bill specifies which residential rental property can be subject to such rental inspection program, which properties may be exempted from a rental inspection program, and authorizes the local governing body to charge a fee of not more than \$50 for the inspection. The bill also provides that any ordinance adopted before July 1, 2003 shall be brought into compliance with this bill by July 1, 2004 or such previously existing ordinances shall be void. The bill contains a technical amendment.

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

02/04/03 House: Read third time and passed House (80-Y 18-N 1-A)

02/04/03 House: VOTE: PASSAGE (80-Y 18-N 1-A)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on General Laws

**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)

01/30/03 House: Tabled in General Laws (22-Y 0-N)

**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)

01/27/03 House: Tabled in Education (21-Y 1-N)

**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 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)  
01/27/03 House: Tabled in Appropriations (23-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  
01/30/03 House: Tabled in General Laws (22-Y 0-N)

**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

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on Finance

**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)

01/29/03 House: Passed by indefinitely in Finance (22-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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, 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: Referred to Committee on Finance  
01/17/03 House: Fiscal impact statement from TAX (HB1993)  
01/29/03 House: Reported from Finance with sub (21-Y 1-N)  
01/29/03 House: Referred to Committee on Appropriations  
02/04/03 House: Left in Appropriations

**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)  
01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**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

01/16/03 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)  
01/27/03 House: Tabled in Appropriations (24-Y 0-N)

**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

**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)

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**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: Referred to Committee on Counties, Cities and Towns

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

01/28/03 House: Referred from Counties, Cities & Towns (22-Y 0-N)

01/28/03 House: Referred to Committee on Privileges and Elections

01/31/03 House: Passed by indefinitely in P. & E. (17-Y 5-N)

**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)  
01/30/03 House: Tabled in H. W. I. (22-Y 0-N)

**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.

*Patrons:* Reid and Watts

01/31/03 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)  
01/31/03 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)  
01/31/03 House: Communicated to Senate  
02/03/03 Senate: Constitutional reading dispensed  
02/03/03 Senate: Referred to Committee on General Laws

**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)  
01/29/03 House: Tabled in Finance (21-Y 1-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Emergency services and disaster law; release of records.** Provides that the Governor or agencies acting on his behalf may receive information, voluntarily submitted from both public and nonpublic entities, related to the protection of the nation's critical infrastructure sectors and components that are located in Virginia or affect the health, safety, and welfare of the citizens of Virginia. The bill provides that information submitted by any public or nonpublic entity in accordance with the procedures set forth in subdivision A 57 of § 2.2-3705 shall not be disclosed unless: (1) it is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act; (2) the agency holding the record is served with a proper judicial order; or (3) the agency holding the record has obtained the written consent to release the information from the entity voluntarily submitting it.

*Patrons:* Jones, S.C., Woodrum, Amundson, Baskerville, Brink, Darner, Keister, Melvin, Miles, Moran, O'Bannon, Petersen, Putney, Sherwood and Shuler; *Senators:* Howell and Stolle

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on General Laws

02/06/03 House: Fiscal impact statement from DPB (HB2210H1)

02/06/03 Senate: Assigned to General Laws sub-committee: 1

**Notes:** City Position: Support

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

*Summary as passed House:*

**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 requires certain procedures to be followed to protect such records. The bill also provides that nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. 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, Almand, Amundson, Baskerville, Brink, Darner, Keister, Melvin, Miles, Moran, O'Bannon, Petersen, Putney, Sherwood and Shuler; *Senators:* Howell and

Stolle

02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)  
02/04/03 House: Communicated to Senate  
02/05/03 Senate: Constitutional reading dispensed  
02/05/03 Senate: Referred to Committee on General Laws  
02/06/03 Senate: Assigned to General Laws sub-committee: 1

**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)  
01/28/03 House: Passed by indefinitely in Rules (11-Y 5-N)

**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

01/31/03 House: Tabled in Counties, Cities & Towns (20-Y 2-N)

**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)

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**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.

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Attorney General.** Requires the court or tribunal to notify the Attorney General of any proceeding raising a question as to the constitutionality of state law, and permits the Commonwealth to intervene in such suit for presentation of evidence and for argument on the issue of constitutionality. The bill provides that the Commonwealth has all the "rights of a party to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."

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

02/04/03 House: VOTE: PASSAGE (67-Y 32-N)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee for Courts of Justice

02/06/03 House: Fiscal impact statement from DPB (HB2336H1)

**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: Presented & ordered printed, prefiled 01/08/03 035072903

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)

01/31/03 House: Passed by indefinitely in P. & E. (19-Y 2-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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 notice that has not been remedied or termination notice given to the tenant under § 5-248.31 and the tenant did not remain in the premises thereafter; (v) the information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties; or (vi) the information is otherwise provided in the case of an emergency.

*Patron:* Drake

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  
02/05/03 Senate: Pursuant to S. Rule 20(j), rerefer. by C.J. (13-Y 0-N)  
02/05/03 Senate: Rereferred to General Laws

**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)  
01/27/03 House: Passed by indefinitely in App. (24-Y 0-N)

**Notes:** City Position: Oppose

**HB 2362 Repair of deteriorating buildings.**

*Summary as passed House:*

**Repair of deteriorating buildings.** Allows localities to prescribe civil penalties, not to exceed a total of \$1,000, for violations of ordinances related to the repair of deteriorating buildings.

*Patrons:* Shuler; Senator: Deeds

01/29/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
01/29/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)  
01/29/03 House: Communicated to Senate  
01/30/03 Senate: Constitutional reading dispensed  
01/30/03 Senate: Referred to Committee on Local Government

**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.

*Patrons:* Moran; Senator: Puckett

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)  
01/30/03 House: Assigned to C. J. sub-committee: 1  
01/31/03 House: Incorporated by C. J. (HB2514-McDonnell) (21-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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. The bill also allows a tenant to recover reasonable attorneys' fees unless the landlord can prove his actions were reasonable.

*Patron:* Albo

01/30/03 Senate: Constitutional reading dispensed  
01/30/03 Senate: Referred to Committee on General Laws

02/05/03 Senate: Reported from General Laws (14-Y 0-N)  
02/07/03 Senate: Const. reading disp., passed by for the day (39-Y 0-N)  
02/07/03 Senate: VOTE: CONST. RDG. DISPENSED R (39-Y 0-N)

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)  
01/29/03 House: Passed by in Finance with letter (12-Y 10-N)

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  
01/30/03 House: Stricken at request of Patron in Tra. (22-Y 0-N)

Notes: City Position: Oppose

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



*Summary as passed House:*

**Disposal of trash or cutting of weeds.** Allows localities to regulate the times and placement of waste and waste containers set out for collection.

*Patrons:* Crittenden, Christian and Hamilton; Senator: Maxwell

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

**HB 2483 Motor vehicles; failure to pay parking citations.**

*Summary as introduced:*

**Motor vehicles; failure to pay parking citations.** Extends the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations.

*Patron:* Tata

01/30/03 House: VOTE: PASSAGE (63-Y 37-N)

01/30/03 House: Communicated to Senate

01/31/03 Senate: Constitutional reading dispensed

01/31/03 Senate: Referred to Committee on Transportation

01/31/03 House: Fiscal impact statement from DPB (HB2483E)

**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

01/29/03 House: Communicated to Senate  
01/30/03 Senate: Constitutional reading dispensed  
01/30/03 Senate: Referred to Committee for Courts of Justice  
02/05/03 Senate: Pursuant to S. Rule 20(j), rerefer. by C.J. (13-Y 0-N)  
02/05/03 Senate: Rereferred to General Laws

**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

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)  
02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)  
02/04/03 House: Communicated to Senate  
02/05/03 Senate: Constitutional reading dispensed  
02/05/03 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

### **HB 2509 Plat approval.**

*Summary as passed House:*

**Plat approval.** Requires the planning commission to make a good faith effort to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any previously disapproved plat within 45 days of resubmittal. A circuit court petition pursuant to this section shall be given first priority on the docket.

*Patrons:* McDonnell and Suit

02/04/03 House: Read third time and passed House (93-Y 7-N)  
02/04/03 House: VOTE: PASSAGE (93-Y 7-N)  
02/04/03 House: Communicated to Senate  
02/05/03 Senate: Constitutional reading dispensed  
02/05/03 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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 such new commercial, industrial and multi-family buildings as determined by the Board 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

02/04/03 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/03 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on General Laws

**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

01/30/03 House: Fiscal impact statement from DPB (HB2672)

01/31/03 House: Passed by indefinitely in C. J. (21-Y 0-N)

**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)  
01/30/03 House: Assigned to C. J. sub-committee: 1  
01/31/03 House: Tabled in Courts of Justice (20-Y 1-N)

**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

01/31/03 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)  
01/31/03 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)  
01/31/03 House: Communicated to Senate  
02/03/03 Senate: Constitutional reading dispensed  
02/03/03 Senate: Referred to Committee on General Laws

**Notes:** City Position: Support

### **HB 2713 Business, professional and occupational license (BPOL) tax, limitation**

*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)

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**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

01/31/03 House: Stricken at request of Patron in C. C. T. (22-Y 0-N)

**Notes:** City Position: Oppose

### **HB 2735 Business, Professional and Occupational Licensing Tax (BPOL); license**

*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)

01/29/03 House: Passed by in Finance with letter (22-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Commonwealth Private Investment Inducement Act of 2003.** Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both, unless certain conditions exist.

*Patrons:* Rollison, Marshall, R.G., Albo, Almand, Amundson, Black, Bolvin, Brink, Callahan, Cosgrove, Darner, Devolites, Hugo, Lingamfelter, Marshall, D.W., May, McDonnell, McQuigg, Moran, Nutter, Parrish, Petersen, Plum, Purkey, Reese, Rust, Scott, Sears, Suit, Tata, Watts and Welch; *Senators:* Byrne, Colgan, O'Brien, Puller and Ticer

02/03/03 House: VOTE: PASSAGE (88-Y 11-N 1-A)  
02/03/03 House: Communicated to Senate  
02/05/03 Senate: Constitutional reading dispensed  
02/05/03 Senate: Referred to Committee on Finance  
02/06/03 House: Fiscal impact statement from DPB (HB2750EH1)

**Notes:** City Position: No Position

## **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  
01/28/03 House: Fiscal impact statement from SCC (HB2779)  
01/30/03 House: Passed by indefinitely in C. & L. (15-Y 6-N)

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)  
01/29/03 House: Assigned to General Laws sub-committee: 2  
01/30/03 House: Stricken at request of Patron in G. L. (22-Y 0-N)

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: 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  
01/29/03 House: Fiscal impact statement from DPB (HB2801)  
01/29/03 House: Passed by indefinitely in App. (25-Y 0-N)

**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  
01/30/03 House: Stricken at request of Patron in H. W. I. (22-Y 0-N)

**Notes:** City Position: Oppose

### **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

01/30/03 House: Agreed to by House BLOCK VOTE (97-Y 0-N)  
01/30/03 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)  
01/30/03 House: Communicated to Senate  
01/31/03 Senate: Constitutional reading dispensed  
01/31/03 Senate: 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

01/31/03 House: Passed by indefinitely in P. & E. (12-Y 9-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Constitutional amendment (first resolution); restoration of civil rights for certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies 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 for persons convicted of nonviolent felonies.

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

02/03/03 House: Agreed to by House (75-Y 18-N)

02/03/03 House: VOTE: ADOPTION (75-Y 18-N)

02/03/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

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

*Summary as introduced:*

**Sales tax on motor fuels.** Provides for a statewide sales tax beginning July 1, 2004, on the sale of motor fuels in the Commonwealth. The tax would be imposed at the rate of 4.5% of the retail

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

*Patron:* Miller, K.G.

01/08/03 Senate: 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)  
01/30/03 Senate: Failed to report (defeated) in Finance (2-Y 12-N)

**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)  
01/28/03 Senate: Passed by indefinitely in Finance (12-Y 1-N)

**Notes:** City Position: Oppose

### **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

02/04/03 Senate: Communicated to House  
02/05/03 House: Placed on Calendar  
02/05/03 House: Read first time  
02/05/03 House: Referred to Committee on General Laws  
02/07/03 House: Assigned to General Laws sub-committee: 2

**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

01/23/03 House: Placed on Calendar  
01/23/03 House: Read first time  
01/23/03 House: Referred to Committee on Transportation  
02/06/03 House: Reported from Tra. (22-Y 0-N)

02/07/03 House: Read second time

**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)

02/04/03 Senate: Left in Finance

**Notes:** City Position: Oppose

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

*Summary as introduced:*

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

*Patron:* Blevins

01/08/03 Senate: 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)

02/04/03 Senate: Left in Finance

**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)

02/04/03 Senate: Left in Finance

**Notes:** City Position: Support

**SB 819 Court fees and costs.**

*Summary as introduced:*

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

*Patron:* Norment

01/21/03 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 passed Senate:*

**Violation of protective orders.** Provides that when a defendant is convicted of violating a domestic or stalking protective order, the court must issue a new protective order for a specified period not to exceed 2 years from the date of conviction.

*Patron:* Howell

02/04/03 Senate: Communicated to House

02/05/03 House: Placed on Calendar

02/05/03 House: Read first time  
02/05/03 House: Referred to Committee for Courts of Justice  
02/06/03 House: Assigned to C. J. sub-committee: 1

**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)  
01/29/03 Senate: Failed to report (defeated) in Finance (3-Y 12-N)

**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 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)  
01/28/03 Senate: Passed by indefinitely in Finance (10-Y 3-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

Protective orders when warrant issued for perpetrator. Includes in the provisions that allow for the issuance of protective orders following incidents of stalking, provisions that allow for the issuance of protective orders following incidents of assault, acts of violence resulting in injury to person or property, trespass by computer and harassment by telephone. In order to obtain a protective order under these provisions an arrest warrant must have been issued for the alleged perpetrator.

*Patron:* Watkins

02/04/03 Senate: Communicated to House  
02/05/03 House: Placed on Calendar  
02/05/03 House: Read first time  
02/05/03 House: Referred to Committee for Courts of Justice  
02/06/03 House: Assigned to C. J. sub-committee: 1

**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  
01/29/03 Senate: Fiscal impact statement from DPB (SB909)  
02/03/03 Senate: Passed by in C. & L. with letter  
02/04/03 Senate: Letter sent to appropriate entity

**Notes:** City Position: Oppose

**SB 911 Delinquent parking citations.**

*Summary as introduced:*

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

*Patrons:* Whipple; *Delegates:* Albo, Bolvin, Callahan, Darner, Dillard, Rust, Scott and Watts

01/08/03 Senate: 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 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

01/28/03 Senate: Passed by indefinitely in Finance (9-Y 4-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**Juvenile and domestic relations court expanded jurisdiction.** Expands the definition of "child in need of services" to mean a child under the age of 14 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

02/04/03 Senate: VOTE: (40-Y 0-N)

02/04/03 Senate: Communicated to House

02/05/03 House: Placed on Calendar

02/05/03 House: Read first time

02/05/03 House: 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)

02/04/03 Senate: Left in Courts of Justice

Notes: City Position: Support

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

*Summary as passed Senate:*

**Child protective services; school personnel.** Requires each local department of social services and school division to adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports against school personnel. When the subject of the child abuse or neglect complaint is an employee of a local school board or employed in a school operated by the Commonwealth, the local department of social services must conduct a face-to-face interview with the employee, and must notify the employee at the onset of the interview of the general nature of the complaint, of the identity of the alleged victim and of his right to have an attorney or other representative present during any interview. The local department must give the employee a written summary of the investigation and an explanation of how the information gathered supports the disposition.

*Patron:* Blevins

02/04/03 Senate: VOTE: (40-Y 0-N)

02/04/03 Senate: Communicated to House

02/05/03 House: Placed on Calendar

02/05/03 House: Read first time

02/05/03 House: Referred to Committee on Health, Welfare and Institutions

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)

02/04/03 Senate: Left in Finance

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

02/04/03 Senate: VOTE: PASSAGE R (40-Y 0-N)  
02/04/03 Senate: Communicated to House  
02/05/03 House: Placed on Calendar  
02/05/03 House: Read first time  
02/05/03 House: Referred to Committee for Courts of Justice

**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

01/30/03 House: Placed on Calendar  
01/30/03 House: Read first time  
01/30/03 House: Referred to Committee on Health, Welfare and Institutions  
02/06/03 House: Reported from H. W. I. w/amendments (22-Y 0-N)  
02/07/03 House: Read second time

**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

01/24/03 Senate: Communicated to House  
01/29/03 House: Placed on Calendar  
01/29/03 House: Read first time  
01/29/03 House: Referred to Committee on Finance  
01/30/03 Senate: Fiscal impact statement from TAX (SB1227)

**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  
01/28/03 Senate: Passed by indefinitely in L. G. (7-Y 6-N)

**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)

02/04/03 Senate: Left in Finance

**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:* Albo, Hull, Parrish and Pollard

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

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

01/29/03 Senate: Passed by indefinitely in Finance (15-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed Senate:*

**Constitutional amendment (first resolution); restoration of civil rights for certain felons.**

Authorizes the General Assembly to provide by law for the restoration of civil rights for persons who have been convicted of nonviolent felonies and who meet such other conditions or limitations as may be prescribed by law.

*Patron:* Miller, Y.B.

02/04/03 Senate: VOTE: AGREE TO (34-Y 6-N)

02/04/03 Senate: Communicated to House

02/05/03 House: Placed on Calendar

02/05/03 House: Referred to Committee on Privileges and Elections

02/07/03 House: Reported from P. & E. w/amendment (11-Y 8-N)

**Notes:** City Position: Support

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

*Summary as introduced:*

**Constitutional amendment (first resolution); assessment of real property.** Provides that beginning with the 2006 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. Such fair market value assessment shall then be subject to the 5 percent limitation in subsequent tax years until such time as the property is again sold or improved.

*Patron:* Reynolds

01/29/03 Senate: Reading of substitute waived

01/29/03 Senate: Substitute by Sen. Newman agreed to

01/29/03 Senate: Motion to rerefer to committee agreed to

01/29/03 Senate: Rereferred to Finance

01/30/03 Senate: Passed by indefinitely in Finance (12-Y 2-N)

**Notes:** City Position: Oppose