

# Agenda

**Legislative Subcommittee  
Friday, January 16, 2004  
5 pm, Council Workroom**

1. City Package
  - Charter Bill
  - Hate Crimes
  - Affordable Housing
  - Clean Smokestacks
  - Living Wage
  - Residential Rental Inspection program
  - Photo Red
  - VHDA Loan Eligibility
  - Restoration of Voting Rights
2. Taxation, Finance & Budget
  - Tax Reform
    - VML Principles
  - Dillard proposal for at-risk funding
3. Transportation funding bills
4. Public Safety

January 16, 2004 (1:05pm)

## City Package

---

### **SB 472 Charter; City of Alexandria.**

*Summary as introduced:*

**Charter; City of Alexandria.** Makes several changes including (i) authority to provide grants or loans to employees to purchase or rent residences within the City, (ii) provisions allowing any person who suffers personal injury or property damage caused by the violation of a local human rights ordinance to bring a court action against the alleged violator for damages, (iii) authority to add a cost-of-living increase for council salaries, (iv) grandfathering of city ordinances that may not have complied with general law, so long as the action was in compliance with the then applicable local law, and (v) clarifying that certain local procedures preempt provisions of general law.

*Patrons:* Ticer, Puller and Saslaw; *Delegates:* Amundson, Ebbin, Scott, J.M. and Van Lamingham

01/14/04 Senate: Pres. & ord. printed w/emg. clause pref.01/14/04 046919828

01/14/04 Senate: Referred to Committee on Local Government

### **SB 473 Hate crimes.**

*Summary as introduced:*

**Hate crimes.** Adds sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds sexual orientation to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

*Patrons:* Ticer, Howell and Puller; *Delegates:* Amundson, Dillard, Plum and Scott, J.M.

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047539828

01/14/04 Senate: Referred to Committee for Courts of Justice

### **HB 874 Affordable housing.**

*Summary as introduced:*

**Affordable housing.** Adds the City of Alexandria to the list of localities with authority to provide for an affordable housing dwelling unit program under § 15.2-2304.

*Patrons:* Van Lamingham, Brink and Ebbin

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 047738528

01/14/04 House: Referred to Committee on Counties, Cities and Towns

### **HB 113 Electric generating facilities; emission reduction requirements.**

*Summary as introduced:*

**Severe nonattainment areas.** Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2009: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full

implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, and (ii) reduce aggregate nitrogen oxide emissions by at least 75 percent from the facility's 1997 levels. Also, this bill prohibits any electric generating facility from operating after January 1, 2009, unless it has complied with such emission reduction requirements or entered into a consent decree with the State Air Pollution Control Board, agreeing to cease operations by 2014.

*Patron:* Van Landingham

01/14/04 House: Presented & ordered printed, prefiled 12/22/03 047791528

01/14/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

### **SB 290 Living wage provisions; no local governing body may establish without approval of General Assembly.**

*Summary as introduced:*

**Local "living wage" provisions.** Provides that no local governing body may establish "living wage" provisions without approval of the General Assembly. Any "living wage" ordinance previously adopted by a local governing body that did not receive the approval of the General Assembly shall be considered void.

*Patron:* O'Brien

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047619784

01/14/04 Senate: Referred to Committee on Rules

### **SB 428 Minimum wage.**

*Summary as introduced:*

**Minimum wage.** Provides that no public body may require the payment of a minimum wage that exceeds the federal minimum wage to the employees of an employer, or his subcontractor, contracting to provide goods or services to the public body.

*Patron:* Wagner

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047731832

01/14/04 Senate: Referred to Committee on Commerce and Labor

### **HB 828 Uniform Statewide Building Code; enforcement; inspection of elevators.**

*Summary as introduced:*

**Uniform Statewide Building Code; enforcement; inspection of elevators.** Clarifies the inspection authority of local building officials for existing commercial and residential buildings or structures, including the authority of a local governing body to adopt and enforce an inspection program for residential dwelling units that are rented to tenants pursuant to the Landlord and Tenant Act (§ 55-217 et seq.) or the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.). The bill provides that inspection and enforcement shall only be in response to a complaint received, or the visual observation by the local building official or other department designated by the local governing body of the exterior of the building or structure. The real property owner has the right to refuse access to the local building official or other department designated by the local governing body subject to the authority granted in law for the building official or designated

department to obtain an inspection warrant. The local governing body shall have no right to require real property owners to register real property with the local governing body or to impose any fee relative to such a registration program. The bill also removes the ability of an agent of a building official to obtain an inspection warrant. The bill contains technical amendments.

*Patron:* Drake

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 041719296

01/14/04 House: Referred to Committee on General Laws

### **HB 19 Traffic signals; use of photo-monitoring in any locality.**

*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.

*Patron:* McQuigg

01/14/04 House: Presented & ordered printed, prefiled 11/19/03 044406412

01/14/04 House: Referred to Committee on Transportation

### **HB 370 Traffic signals; abolishes sunset on use of photo-monitoring systems.**

*Summary as introduced:*

**Photo-red.** Repeals the July 1, 2005, "sunset" on "photo-red" traffic light signal enforcement programs in Virginia.

*Patrons:* Rust, Albo, Amundson, Callahan, Dillard, Petersen, Plum and Scott, J.M.; Senators: Howell, Mims, Puller, Saslaw and Ticer

01/14/04 House: Presented & ordered printed, prefiled 01/12/04 047771260

01/14/04 House: Referred to Committee on Transportation

### **SB 92 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.

*Patron:* Devolites

01/14/04 Senate: Presented & ordered printed, prefiled 01/06/04 043938726

01/14/04 Senate: Referred to Committee on Transportation

### **SB 176 Traffic signals; operation of photo-monitoring systems.**

*Summary as introduced:*

**Use of photo-monitoring systems to enforce traffic light signals.** Provides that no locality may begin operation of a traffic light photo-monitoring system after June 30, 2005. The bill eliminates the expiration of the test program (July 1, 2005) and effectively allows those localities with it already in place at that time to continue it.

*Patron:* Stolle

01/14/04 Senate: Presented & ordered printed, prefiled 01/13/04 040009820

01/14/04 Senate: Referred to Committee on Transportation

**HB 187 Mortgage loans; regulations by Housing Development Authority.**

*Summary as introduced:*

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

*Patron:* Black

01/14/04 House: Presented & ordered printed, prefiled 01/06/04 047650236

01/14/04 House: Referred to Committee on General Laws

**HB 1104 Constitutional amendment; restoration of civil rights for felons (submitting to qualified voters).**

*Summary as introduced:*

**Constitutional amendment (voter referendum); restoration of civil rights for certain felons.**

Provides for a referendum at the November 2004 election on approval of an amendment to revise provisions concerning restoration of civil rights. The amendment 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 measure 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.

*Patron:* Moran

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 044718424

01/14/04 House: Referred to Committee on Privileges and Elections

## Taxation, Finance & Budget

---

### **HB 110 Budget, state; automatic reduction in general fund appropriations.**

*Summary as introduced:*

**Automatic reduction in general fund appropriations by Governor.** Requires the Governor, whenever general fund revenue collections for a period of six months or more show that year-to-date revenue growth is in excess of one percent below the official estimate upon which the appropriation act is based for such fiscal year, to institute an across-the-board percentage reduction in general fund appropriations to all executive branch agencies, which shall equal at least one-half of the revenue shortfall. Such action shall be communicated to the chairmen of the money committees within five days of its adoption.

*Patron:* Purkey

01/14/04 House: Presented & ordered printed, prefiled 12/22/04 047487472

01/14/04 House: Referred to Committee on Appropriations *opposed*

### **HB 174 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, 2005, 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:* Lewis

01/14/04 House: Presented & ordered printed, prefiled 01/06/04 042529378

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 1 *support*

### **HB 1013 At-Risk Student Academic Achievement Program.**

*Summary as introduced:*

**At-Risk Student Academic Achievement Program.** Creates the At-Risk Student Academic Achievement Program and Fund, to provide noncompetitive grants to public school divisions to implement programs designed to (i) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (ii) decrease the rate of dropout among at-risk public school students; and (iii) increase the number of such students obtaining the advanced studies diploma. The amount of grants and required local matching funds shall be determined as provided in the appropriation act.

Funds received through this Program shall be used to supplement, not supplant, any local funds currently provided for at-risk programs within the school division.

*Patrons:* Dillard, Albo, Amundson, Ebbin, Hull, Petersen, Plum, Reese, Rust, Scott, J.M. and Van Yahres; *Senators:* Howell, Puller, Saslaw and Ticer

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 043717292 *support*

01/14/04 House: Referred to Committee on Education

### **SB 20 School Construction Grant Act of 2004; created.**

*Summary as introduced:*

**Virginia Public School Authority; School Construction Grant Act of 2004.** 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, with the payment of debt service to be made from general funds. 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, 2003, fall membership data as a proportion of total actual September 30, 2003, 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:* Puller

01/14/04 Senate: Presented & ordered printed, prefiled 12/09/03 042914796

01/14/04 Senate: Referred to Committee on Education and Health *support*

### **SB 60 Health insurance; credits for retired teachers.**

*Summary as introduced:*

**Health insurance; credits for retired teachers.** Increases the amount of monthly health insurance credit for retired teachers from \$2.50 to \$4 per year of service. The maximum monthly credit will not exceed \$120.

*Patron:* Potts

01/14/04 Senate: Presented & ordered printed, prefiled 12/24/03 042931788

01/14/04 Senate: Referred to Committee on Finance *opposed*

### **SB 140 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 five percent increase in the total real estate tax levies for a county, city or town, with one 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 one exception. The exception would allow a locality to multiply its current rate by the sum of (i) the rate of the population growth, plus (ii) the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (a) 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 (b) there is

no cap on real property tax rates.

*Patron:* Cuccinelli

01/14/04 Senate: Presented & ordered printed, prefiled 01/12/04 042922720

01/14/04 Senate: Referred to Committee on Finance *oppose*



## **Transportation and Public Works**

---

### **HB 60 Motor fuels; tax increase.**

*Summary as introduced:*

**Motor fuel tax.** Increases the tax on gasoline, diesel fuel, and alternative fuel by six and one-half cents per gallon, increases the motor carrier road tax by an equivalent of six and one-half cents per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law.

*Patrons:* Parrish and Marshall, D.W.; Senator: Colgan

01/14/04 House: Presented & ordered printed, prefiled 12/08/03 042537452

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 2

## Public Safety

---

### **HB 66 Law-enforcement officer; penalty for impersonating.**

*Summary as introduced:*

**Impersonating an officer.** Provides that any person who commits a felony crime against a person while impersonating an officer is guilty of a separate and distinct Class 6 felony.

*Patron:* Cosgrove

01/14/04 House: Presented & ordered printed, prefiled 12/11/03 041318276

01/14/04 House: Referred to Committee for Courts of Justice

01/16/04 House: Fiscal impact statement from VCSC (HB66) *support*

### **HB 80 Family assault; emergency protective orders.**

*Summary as introduced:*

**Emergency protective orders.** Amends the section on emergency protective orders to make it consistent with §18.2-57.2, which makes assault and battery of a family or household member a crime. Section 18.2-57.2 requires that an emergency protective order be issued whenever a warrant for family assault is issued. This bill removes language that qualifies that mandate by requiring, in addition to the warrant, a finding that there will be probable danger of further acts of family abuse.

*Patron:* Cox

01/14/04 House: Presented & ordered printed, prefiled 11/21/03 041116284

01/14/04 House: Referred to Committee for Courts of Justice *support*

### **HB 87 Mobile infrared transmitters; certain prohibited.**

*Summary as introduced:*

**Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors.

*Patrons:* Lingamfelter, Cox, Griffith, Hamilton, Joannou, Morgan, Pollard, Sherwood, Tata, Ware, R.L. and Weatherholtz; *Senators:* Hanger and Potts

01/14/04 House: Presented & ordered printed, prefiled 12/16/03 042226380

01/14/04 House: Referred to Committee on Transportation *support*

### **HB 150 Driving under influence of alcohol or drugs; imposition of jail fees for those convicted.**

*Summary as introduced:*

**Jail fees paid by those convicted of DUI.** Provides that a sheriff or jail superintendent may charge an inmate convicted of DUI, for each night spent in the facility, an amount equal to the average annual cost to house an inmate for one day at that facility, or he may charge \$70 per day, whichever is less. The bill also provides that the sheriff or jail superintendent may not charge the

inmate for more than two nights, or \$140, whichever is less. The charge is based upon the 2002 average annual, statewide cost of housing a jail inmate of \$67.19. The bill also reduces the VASAP fee by \$70. The bill also imposes a mandatory minimum term of three days in jail for a first offense of DUI.

*Patron:* Albo

01/14/04 House: Presented & ordered printed, prefiled 12/30/03 040014204

01/14/04 House: Referred to Committee for Courts of Justice *opposed*

### **HB 155 Mobile infrared transmitters; certain prohibited.**

*Summary as introduced:*

**Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors.

*Patrons:* Van Yahres; Senator: Deeds

01/14/04 House: Presented & ordered printed, prefiled 01/05/04 042231532

01/14/04 House: Referred to Committee on Transportation *support*

### **HB 183 Emergency management; local emergency actions.**

*Summary as introduced:*

**Emergency management; local emergency actions.** Provides that local emergency actions shall carry the force and effect of law if determined that such force is in the interest of public safety. Violations would be punishable as a Class 1 misdemeanor.

*Patron:* Oder

01/14/04 House: Presented & ordered printed, prefiled 01/06/04 046493444

01/14/04 House: Referred to Committee on Militia, Police and Public Safety *support*

### **HB 186 Firearms; transfer by persons with a concealed handgun permit.**

*Summary as introduced:*

**Crimes and offenses generally; transfer of certain firearms.** Provides that a holder of a valid permit to carry a concealed weapon need not submit to a criminal background check to buy, rent, trade or receive a firearm from a dealer. The amendments would also allow the holder of a concealed handgun permit to purchase more than one handgun within a 30-day period.

*Patron:* Black

01/14/04 House: Presented & ordered printed, prefiled 01/06/04 047514236

01/14/04 House: Referred to Committee for Courts of Justice *oppose*

### **SB 48 Firearms; criminal history records check required to obtain from firearms show vendor.**

*Summary as introduced:*

**Transfer of firearms; criminal records check.** Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective

transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check.

*Patron:* Marsh

01/14/04 Senate: Presented & ordered printed, prefiled 12/19/03 040771756

01/14/04 Senate: Referred to Committee for Courts of Justice

01/16/04 Senate: Fiscal impact statement from VCSC (SB48) *support*