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2-24-04

City of Alexandria

MEMORANDUM

DATE: FEBRUARY 23, 2004

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 2004 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 3) on legislation introduced at the 2004 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The halfway mark for the scheduled 60 days of the 2004 General Assembly Session has now passed. Crossover, the point that marks the end of the period during which each house considers its own bills, was last week. Now the House is considering only Senate bills, and the Senate is considering only House bills. In addition, the House Appropriations and Senate Finance Committees have made their budget recommendations. These committee amendments (which are summarized briefly below) will go before the House and Senate respectively on Thursday, and few if any changes are expected. During the last two weeks of Session (assuming it ends as scheduled on March 13), the House and Senate will seek to reach agreement on their budget differences, which are significant.

The final budget will depend in large part on whatever agreements the two bodies reach on tax reform. Their differences on this issue, which are outlined below, are also significant.

City Package. The following actions have been taken on bills from the City's Legislative Package since the last report to Council (the status of these and all other City Package bills is included in Attachment 1):

- Legislation to amend the City Charter (SB 472) has been passed by the Senate and is awaiting consideration by the House Committee on Counties, Cities and Towns. In its current form, the bill will:

- (1) authorize the City to provide loans and grants to City and School employees who purchase homes within the City;
- (2) revise Charter provisions on zoning so that the Charter preempts all general law provisions governing the initiation of zoning amendments;
- (3) clarify that any written or other notice requirements in the general law that are applicable to rezonings or text amendments apply only at the rezoning or text amendment stage of the process, and do not have to be repeated prior to ordinance adoption; and
- (4) stipulate that the zoning penalty authority conferred on the City by the Charter preempts any general law limitations on zoning penalties.

Two other provisions originally in the bill (regarding private cause of action under the City's Human Rights Ordinance, and automatic annual cost-of-living increases to the salaries of the Mayor and Council) have been removed from the bill. Without their removal, the entire bill would have been defeated.

- Legislation (HB 827) to authorize any locality to provide loans of up to \$5,000 to its employees who purchase homes within the locality has passed the House and awaits consideration by the Senate Committee on Local Government.
- HB 874, which seeks to grant the City authority to increase a development project's density in exchange for the provision of affordable housing, has passed the House, and awaits action by the Senate Committee on Local Government.
- SB 665, which seeks to protect the confidentiality of communications between victims of sexual assault or domestic violence and their advocates, passed the Senate and has been referred to the House Courts of Justice Committee.
- As noted in the last report, all House bills relating to red light cameras have been defeated by the House Committee on Militia, Police and Public Safety. Senate red light camera legislation now awaits action (probably unfavorable) by the House of Delegates.
- Likewise, legislation that would require drivers to stop (rather than simply yield) for any pedestrian using a crosswalk at an intersection (HB 539) was defeated in the House. Senate bills with the same purpose (SB 451 and SB 101) will now be considered by the House Transportation Committee.
- SB 458, which seeks to increase, from two to four percent, the sales tax on motor fuels in Northern Virginia that is used to help pay for transit costs, has been passed by the Senate and is awaiting House action.
- HB 156, which will prohibit undocumented individuals from even enrolling in state colleges and universities, has passed the House and awaits action by the Senate Committee on

Education and Health (as noted in the last report, legislation to do the opposite has been defeated).

- HB 825, which will allow the Virginia Housing Development Authority (VHDA) to finance both mixed-income and mixed-use projects, was passed by the House and awaits action by the Senate.
- Legislation (HB 569 and HB 572) to expand the list of gang-related crimes that are considered predicate criminal acts, and to make recruitment into a gang a crime, have passed the House and await action by the Senate Courts of Justice Committee. SB 492 and HB 1012, which create a rebuttable presumption against bail for alleged violations of criminal street gang statutes, have passed their respective houses and been referred to the Courts of Justice Committees in the opposite houses.
- HB 187 was defeated on the House floor, 54-44; it would have prohibited the Virginia Housing Development Authority from providing single-family mortgage loans to two or more persons unless the persons were related by blood, marriage, or adoption.
- HB 1013, which would provide state grants to local school divisions based on the percentage of at-risk students (this is a VML proposal) has passed the House and is being considered by the Senate. Even if it passes the Senate, there is no guarantee that funding will be provided to implement it.
- HB 1104 and HJR 204, which proposed to amend the State Constitution to allow the General Assembly to provide for the restoration of a non-violent felon's civil rights, was defeated by the House Committee on Privileges and Elections.
- HB 828, which revises state law for residential rental inspections (it will replace any annual registration programs with one-time notification programs; it will allow inspection fees but not registration fees; frequency of inspection will be based on how well a property is maintained; and residential rental inspection districts will generally determine which properties will be included in the program), has passed the House and is before the Senate.

Tax Reform. The General Assembly has moved further on tax reform. As noted in the last report, the House Finance Committee defeated the Governor's tax reform proposal, as well as all other House proposals to increase cigarette, motor fuels, sales, and other taxes. On February 13, legislation was introduced in the House (HB 1488) to eliminate sales tax exemptions for certain purchases by electric power providers, the telecommunications industry, shipyards, airlines, and other businesses. Several days later, this legislation was passed by the House on a mostly partisan vote. Proponents of the legislation estimate that it will provide \$260 million for the state's general fund, \$115 million for local education, \$115 million for local governments (there is no way to estimate how much of this would come to the City), and \$63 million for the state's Transportation Trust Fund. When the bill was presented in Committee, the Department of Taxation said that it had

little confidence in the accuracy of these estimates. On a scale of 1 to 10, with 10 being high confidence, the Department characterized its confidence in these estimates as a 2.

The Senate has approved tax reform legislation similar to that proposed by Senator Chichester earlier this Session. This comprehensive legislation includes increases in the sales tax, the income tax, the tobacco tax, the motor fuels tax, the recordation tax and other taxes, as well as tax relief for low-income Virginians.¹ Unlike Chichester's original proposal, his revised legislation will not change the car tax phase out (he originally proposed a full phase out in 2005); it will not change the local cigarette tax (which he originally proposed to cap at 55¢); and it increases the state cigarette tax in two steps (it goes from 2.5¢ per pack now, to 20¢ on July 1, 2004, and 35¢ on July 1, 2005).

Attachment 2 is a chart comparing the original Warner and Chichester tax reform proposals with the revised Chichester proposal and the House proposal.

State Budget. The House Appropriations and Senate Finance Committees reported their recommended amendments to the Governor's budget proposal on Sunday, February 22. Although staff has not had time to thoroughly analyze the two proposals, a quick review has found the following with regard to programs important to the City:

- Education funding for Alexandria Schools was proposed by the Governor, the House, and the Senate as follows (note that the House is less generous, and the Senate more generous, than the Governor):

| | FY 05 | FY 06 |
|----------|--------------|--------------|
| Governor | \$23,202,311 | \$23,759,952 |
| House | \$23,123,370 | \$23,650,829 |
| Senate | \$25,386,137 | \$25,686,642 |

- The Senate, which has proposed increasing motor fuel and related taxes, provides an additional \$950 million for highways and \$177 million for mass transit during the biennium. The House provides no new funds for transportation, and actually reduces the transportation funding proposed by the Governor.
- The Senate provides HB 599 (local law enforcement) funding at the level recommended by the Governor (approximately \$6.3 million in FY 05, and \$6.7 million in FY 06 for Alexandria); the House proposes to keep the funding at the FY 04 level for the biennium (\$5.9 million each year for the City).
- The Senate proposes a three percent salary increase for state employees and state-supported local employees on December 1, 2004; the House proposes a three percent salary increase for these employees on December 1, 2005.

¹If the state recordation tax is ultimately increased, it will probably allow the City to increase its recordation tax from \$.05 to \$.10 per \$100. Should the City do so, it would receive approximately \$2 to 3 million in new revenues annually.

- The Senate proposes funding for 880 new participants in the Mental Retardation Waiver Program, while the House includes funding for 160 new participants.
- The Senate provides additional general fund resources to the statewide Healthy Families program.
- Both the House and Senate propose increases in funding to local programs that combat domestic violence.
- Both the House and Senate appear to increase funding for community service block grants.
- The House significantly lowers jail per diems, although staff is unable to estimate the impact on the City.
- The House reduces by \$6.9 million the “four-for-life” funds that were to be distributed among local emergency medical service providers; again, staff is unable to estimate the impact on the City.

The full Senate and House are scheduled to vote on their respective Committee recommendations on February 26, and few, if any, changes are likely to be made to the Committees’ proposals. The House and Senate will attempt, during the remaining weeks of Session, to develop compromise budget amendments (and tax reform legislation) that both houses can agree on.

Living Wage. Two anti-living wage bills were introduced this Session and sent to different committees: SB 290 was referred to the Senate Rules Committee, and SB 428 was referred to the Senate Committee on Commerce and Labor. Passage of either bill would have eliminated the City’s Living Wage Ordinance. On Friday, February 13, Senator Jay O’Brien of Fairfax, the patron of SB 290, asked the Rules Committee to carry his bill over for consideration by the 2005 Session, effectively killing it for the year.

The Senate Committee on Commerce and Labor considered SB 428 (patroned by Senator Frank Wagner of Virginia Beach) on Monday, February 16. The Committee reported the bill, 9-6. The full Senate considered the bill the next day (February 17) and, after considerable debate, defeated it, 23-17. Unless a legislator attempts to add an anti-living wage provision to an unrelated bill (staff is carefully monitoring existing bills that might be used for such a purpose), it appears that attempts to prohibit living wage ordinances are dead for this Session.

Following the defeat of SB 428, a lobbyist for the State Chamber of Commerce, which had strongly promoted the legislation, said that the Chamber intended to have a suit filed against one of the three localities that have Living Wage Ordinances (Alexandria, Arlington, and Charlottesville).

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - Current Status of City Package Bills, February 20, 2004
Attachment 2 - Comparison of Major Tax Reform Proposals, 2004 Session

Attachment 1
Current Status of Bills on Which the City has Previously Taken a Position
February 20, 2004

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

01/20/04 House: Referred from Transportation (21-Y 0-N)

01/20/04 House: Referred to Committee on Militia, Police and Public Safety

01/30/04 House: Passed by indefinitely in M., P.& P. S. (14-Y 8-N)

Notes: City Position: Support

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.

Patrons: Cosgrove and Athey

02/02/04 House: Reported from Courts of Justice (22-Y 0-N)

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

02/05/04 House: Assigned to App. sub-committee: 8

02/13/04 House: Tabled in Appropriations (24-Y 1-N)

Notes: City Position: 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.

Patrons: Cox and Dudley

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

02/06/04 House: Tabled in Courts of Justice (19-Y 1-N)

Notes: City Position: Support

HB 87 Mobile infrared transmitters; certain prohibited.

Summary as passed House:

Mobile infrared transmitters. Prohibits operation by any person of a motor vehicle on the highways of the Commonwealth when the vehicle is equipped with a mobile infrared transmitter used to preempt or change the signal given by a traffic light. The bill also makes it illegal to sell

any of these devices in the Commonwealth, except for uses permitted by the bill. The bill doesn't apply to law-enforcement, fire-fighting, life-saving, or rescue vehicles or ambulances responding to an emergency call or operating in an emergency situation, nor to any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries. The bill incorporates HB 895, HB 366, and HB155.

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

02/03/04 House: Communicated to Senate

02/04/04 Senate: Constitutional reading dispensed

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

02/19/03 Senate: Reported from Transportation (13-Y 0-N)

Notes: City Position: Support

HB 91 Business, professional and occupational license (BPOL) tax; license fees, rates and requirements.

Summary as introduced:

Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2006, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2006, 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, 2006.

Patrons: Shuler and Baskerville

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

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

02/13/04 House: Incorporated by Fin. (HB461-Drake) (22-Y 0-N)

Notes: City Position: Oppose

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: Referred to Committee on Appropriations

01/23/04 House: Assigned to App. sub-committee: 11

02/13/04 House: Continued to 2005 in Appropriations (25-Y 0-N)

Notes: City position: Oppose.

HB 113 Electric generating facilities; to meet emissions reductions in severe nonattainment areas.

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: Referred to Committee on Agr., Chesapeake & Natural Res.

01/28/04 House: Continued to 2005 in A., C. & N. R. (22-Y 0-N)

Notes: City Position: Support

HB 153 Landlord and tenant; termination of tenancies, security deposit, purchase of damage insurance.

Summary as passed House:

Landlord and tenant law; termination of tenancies; security deposit. Amends the Landlord Tenant Act to make it consistent with the Residential Landlord Tenant Act concerning termination of month-to-month tenancies. The bill clarifies that a landlord may purchase commercial insurance for damage coverage in lieu of all or part of a security deposit and grants the landlord the authority to purchase renter's insurance coverage for a tenant. The bill caps the amount of the security deposit and insurance premiums combined at two months' rent that can be collected from a tenant upfront. The bill also allows a landlord to include a liquidated damage penalty in the rental agreement and sets the cap for that penalty.

Patron: Albo

02/11/04 House: Communicated to Senate

02/12/04 Senate: Constitutional reading dispensed

02/12/04 Senate: Referred to Committee on General Laws

02/18/04 Senate: Reported from General Laws (14-Y 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

Notes: City Position: City originally opposed, but as of 2/20, City concern has been addressed

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: Referred to Committee on Transportation
01/19/04 House: Assigned to Tra. sub-committee: 3
01/27/04 House: Incorporated by Tra. (HB87-Lingamfelter) (21-Y 0-N)
Notes: City Position: Support

HB 156 Higher educational institutions; prohibits admission of illegal aliens.

Summary as introduced:

Higher education; admission of illegal aliens prohibited. Provides that public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.

In 1982, the U.S. Supreme Court ruled that undocumented alien children are ensured access to public education in grades K through 12; the Court found that the denial of public school enrollment violated the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. This case was limited to public school enrollment and did not address postsecondary education. (*Plyler v. Doe*, 457 U.S. 202 (1982)).

In September, 2003, a lawsuit was filed in U.S. District Court in Alexandria, Virginia, on behalf of anonymous high school students and recent high school graduates, challenging the denial of college admission to undocumented alien students by the College of William and Mary, George Mason University, James Madison University, Northern Virginia Community College, the University of Virginia, Virginia Commonwealth University, and Virginia Tech. (*Chronicle of Higher Education*, September 12, 2003).

Patrons: Reid, Albo and Black

02/05/04 House: Passed House (72-Y 23-N)
02/05/04 House: VOTE: PASSAGE #2 (72-Y 23-N)
02/05/04 House: Communicated to Senate
02/06/04 Senate: Constitutional reading dispensed
02/06/04 Senate: Referred to Committee on Education and Health
Notes: City Position: Oppose

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: Referred to Committee on Finance
01/15/04 House: Assigned to Finance sub-committee: 1
02/11/04 House: Continued to 2005 in Finance (19-Y 2-N)
Notes: City Position: 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: Referred to Committee on Militia, Police and Public Safety

02/06/04 House: Passed by indefinitely in M., P.& P. S. (17-Y 4-N)

Notes: City Position: 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.

Patrons: Black, Cole and Dudley

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

01/19/04 House: Referred from Courts of Justice (22-Y 0-N)

01/19/04 House: Referred to Committee on Militia, Police and Public Safety

02/06/04 House: Incorporated by M., P. & P. S. (HB404-Janis) (22-Y 0-N)

Notes: City Position: Oppose

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.

Patrons: Black and Dudley

02/16/04 House: VOTE: ENGROSSMENT REFUSED (40-Y 56-N)

02/16/04 House: Engrossment reconsidered by House (58-Y 41-N)

02/16/04 House: VOTE: RECONSIDER (58-Y 41-N)

02/16/04 House: Engrossment refused by House (44-Y 54-N)

02/16/04 House: VOTE: ENGROSSMENT REFUSED (44-Y 54-N)

Notes: City Position: Oppose

HB 193 Standards of Quality in public schools; 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, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state

share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs in each division.

Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and(ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

Patron: Black

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

01/19/04 House: Assigned to Education sub-committee: 1

01/28/04 House: Tabled in Education (22-Y 0-N)

Notes: City Position: Support

HB 298 Local taxes; effect of application for correction of assess. or appeal upon applications for local permits & licenses.

Summary as passed House:

Local taxation; effect of application for correction of assessment or appeal upon applications for local permits and licenses. Prohibits localities from denying permits and licenses to persons who have failed to pay taxes, penalties and interest pending correction of an assessment; appeal by locality of an assessment correction; application for correcting or an appeal of a local business tax; or correction or equalization of an assessment of real property. However, localities do not have to issue licenses or permits if the unpaid taxes, penalties and interest would be jeopardized by delay and the issuance of the licenses or permits would prejudice or impede collection efforts. Also, there is no requirement to issue a local vehicle license or a vehicle registration or renewal of registration that is withheld pursuant to § 46.2-752.

Patron: Ware, R.L.

02/16/04 House: Committee substitute agreed to 042614540-H1

02/16/04 House: Engrossed by House - committee substitute HB298H1

02/17/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/17/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/17/04 House: Communicated to Senate

02/18/04 Senate: Constitutional reading dispensed

02/18/04 Senate: Referred to Committee on Finance

Notes: City Position: Oppose

HB 304 Methadone clinics; licensure conditions for certain.

Summary as introduced:

Licensure conditions for certain methadone clinics; emergency. Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within a one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary.

Patrons: Fralin and Ware, O.; Senator: Bell

01/14/04 House: Referred to Committee on Health, Welfare and Institutions

01/28/04 House: Assigned to H. W. I. sub-committee: 3

01/29/04 House: Incorporated by H.W.I. (HB745-Ware, O.) (21-Y 0-N)

Notes: City Position: Oppose

HB 358 Freedom of Information Act; posting of notice of rights and responsibilities by state public bodies.

Summary as passed House:

Freedom of Information Act; posting by certain state public bodies; minutes. Requires all state public bodies created in the executive branch of state government and subject to the Freedom of Information Act (FOIA) to make available certain information to the public upon request and to post such information on the Internet, including: (i). A plain English explanation of the rights of a requester under FOIA, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with FOIA; (ii) contact information for the person designated by the public body to (a) assist a requester in making a request for records or (b) respond to requests for public records; and (iii) any policy the public body has concerning the type of public records it routinely withholds from release as permitted by FOIA. The bill requires the Freedom of Information Advisory Council to assist state public bodies in the development and implementation of this information, upon request. The bill also specifies what information must be included in minutes of open meetings.

Patron: Suit

01/30/04 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/30/04 House: Communicated to Senate

02/02/04 Senate: Constitutional reading dispensed

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

Notes: City Position: City originally opposed, but as of 2/20, City concern has been addressed

HB 365 Standards of Quality in public schools; 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, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs.

Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and(ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

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

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

01/19/04 House: Assigned to Education sub-committee: 1

01/28/04 House: Tabled in Education (22-Y 0-N)

Notes: City Position: Support

HB 368 Highway construction; allocation of urban and secondary system funds.

Summary as introduced:

Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled weighted 25 percent, and population weighted 60 percent.

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

01/22/04 House: Referred from Transportation (22-Y 0-N)

01/22/04 House: Referred to Committee on Appropriations

01/23/04 House: Assigned to App. sub-committee: 4

02/13/04 House: Passed by indefinitely in App. (20-Y 5-N)

Notes: City Position: Oppose

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: Referred to Committee on Transportation

01/20/04 House: Referred from Transportation (21-Y 0-N)

01/20/04 House: Referred to Committee on Militia, Police and Public Safety

02/06/04 House: Continued to 2005 in M.,P. & P. S. (15-Y 6-N)

Notes: City Position: Support

HB 373 Referenda; local distribution of information.

Summary as passed House:

Distribution of information on local referenda. Authorizes local governing bodies of counties and cities to disseminate neutral explanations of pending local referenda at polling places and by publication one or more times before the election. The explanation is limited to 500 or fewer words. In addition, the bill provides that this authorization shall not be construed as a limitation on the dissemination of other neutral materials or advertisements on issues of public concern that are the subject of a referendum and that do not advocate passage or defeat of the referendum.

This bill is identical to SB 359.

Patron: Lingamfelter

02/12/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/12/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

02/13/04 Senate: Read third time

02/13/04 Senate: Passed Senate (39-Y 0-N)

02/13/04 Senate: VOTE: PASSAGE R (39-Y 0-N)

Notes: City Position: Support

HB 381 Medical or health services to minors; notification to parents.

Summary as introduced:

Notification of 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 two business days of delivery of such services, a 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 sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if such attempts to notify are unsuccessful, by certified mail to the authorized person; however, notification will not be required when the employee has knowledge that such notification may result in future physical or mental abuse.

Patron: Lingamfelter

01/14/04 House: Referred to Committee on Health, Welfare and Institutions

01/28/04 House: Assigned to H. W. I. sub-committee: 1

02/03/04 House: Passed by indefinitely in H. W. I. (16-Y 6-N)

Notes: City Position: Oppose

HB 385 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 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 five 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: Lingamfelter, Black and Frederick

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

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

01/26/04 House: Tabled in Finance (16-Y 5-N)

Notes: City Position: Oppose

HB 395 Public School Authority; grants for school construction.

Summary as introduced:

Virginia Public School Authority; grants for school construction. 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. 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.

Patrons: Amundson, Alexander, BaCote, Baskerville, Bland, Brink, Hall, Hull, Johnson, Jones, D.C., Miles, Moran, Plum, Rust, Van Landingham, Van Yahres, Ward and Watts; Senator: Mims

01/21/04 House: Reported from Education (15-Y 7-N)

01/21/04 House: Referred to Committee on Appropriations

01/23/04 House: Assigned to App. sub-committee: 9

02/09/04 House: Tabled in Appropriations (23-Y 2-N)

Notes: City Position: Support

HB 407 Highways, roads and streets; standards for repairs and utilities.

Summary as introduced:

Local highways, roads and streets; repairs and utilities. Requires all repairs and utility work done on any local highway, road or street that is not part of the state highway system to comply with established Virginia Department of Transportation standards.

Patron: Welch

01/16/04 House: Assigned to C. C. T. sub-committee: 2

01/23/04 House: Referred from Counties, Cities & Towns (21-Y 0-N)

01/23/04 House: Referred to Committee on Transportation

01/26/04 House: Assigned to Tra. sub-committee: 1

02/03/04 House: Stricken from docket by Tra. (22-Y 0-N)

Notes: City Position: Oppose

HB 408 Highway repairs; use of steel plates.

Summary as passed House:

Use of steel plates in connection with highway repairs. Provides that, prior to July 15 2005, anyone using steel plates in connection with a temporary or permanent repair to the roadway of any highway must apply a reflective substance to the plate in order to improve visibility to oncoming traffic. The provisions of the bill do not apply to any portion of a roadway that is closed to vehicular traffic. The bill also requires that, prior to July 1, 2005, the Virginia Transportation Research Council will undertake an examination of best practices regarding the improved visibility of steel plates and report its findings to the Chairman of the House Committee on Transportation.

Patron: Welch

02/09/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/09/04 House: Communicated to Senate

02/10/04 Senate: Constitutional reading dispensed

02/10/04 Senate: Referred to Committee on Transportation

02/19/04 Senate: Reported from Transportation (13-Y 0-N)

Notes: City Position: Support

HB 412 Meals and lodging taxes; local increase by voter referendum.

Summary as introduced:

Meals tax and transient occupancy tax; cities and towns. Restricts the imposition in any city or town of (i) a new (i.e., not in effect on January 1, 2004) meals tax or an increase in the rate as of January 1, 2004, without approval by referendum, and (ii) transient occupancy taxes in excess of two percent, (or five percent when the excess over two percent is spent on tourism promotion under certain conditions), unless the city or town had a higher rate as of January 1, 2004.

Patron: Welch

02/16/04 House: Amendment No. 3 by Del. Petersen withdrawn

02/16/04 House: Engrossed by House as amended HB412E

02/16/04 House: Printed as engrossed 047596552-E

02/17/04 House: Read third time and defeated by House (47-Y 50-N)

02/17/04 House: VOTE: DEFEATED (47-Y 50-N)

Notes: City Position: Oppose

HB 464 Taxes, local; appeal for correction of assessment.

Summary as passed House:

Local taxes; appeals. Permits any taxpayer who is aggrieved by the assessment of any tangible personal property tax on airplanes, boats, campers, recreational vehicles or trailers to appeal such assessment to the Tax Commissioner for a determination of the issue. Either party may appeal the determination of the Tax Commissioner to the circuit court, and the locality must suspend all collection activity on the tax as long as the court has jurisdiction of the matter, unless the locality shows to the satisfaction of the court that: collection would be seriously jeopardized by delay; or that the locality is likely to prevail on the merits of the case because the taxpayer's application is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the collection of the revenue, or to create needless cost to the locality from the litigation; or (iv) otherwise frivolous.

Patron: Drake

02/16/04 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/16/04 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

02/16/04 House: Communicated to Senate

02/17/04 Senate: Constitutional reading dispensed

02/17/04 Senate: Referred to Committee on Finance

Notes: City position: Oppose

HB 483 Firearms; control by localities.

Summary as introduced:

Control of firearms by localities. Deletes provisions that allow localities to enforce certain ordinances related to control of firearms adopted prior to 1987, and affirmatively declares that such ordinances are invalid.

Patron: Cole

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

01/30/04 House: Incorporated by M., P. & P. S. (HB530-Hogan) (22-Y 0-N)

Notes: City Position: Oppose

HB 484 Firearms; permit to sell or purchase in certain counties.

Summary as introduced:

Reporting of gun sales. Repeals provisions that require a permit to sell or purchase guns in counties having a density of more than 1,000 persons per square mile. Also repealed are provisions that allow counties to require sellers of guns to furnish the names and addresses of gun purchasers to the circuit court clerk.

Patrons: Cole and Black

02/13/04 Senate: Passed Senate with amendments (29-Y 10-N)

02/13/04 Senate: VOTE: PASSAGE (29-Y 10-N)

02/16/04 House: Placed on Calendar

02/17/04 House: Senate amendments agreed to by House (99-Y 1-N)

02/17/04 House: VOTE: ADOPTION (99-Y 1-N)

Notes: City Position: Oppose

HB 507 Protective orders; penalty for violations.

Summary as introduced:

Violation of provisions of protective orders; penalty. Provides that the respondent to a protective order who violates the protective order by furtively entering the home of any protected party while the party is present or by entering and remaining in the home of the protected party until the protected party arrives is guilty of a Class 6 felony. The bill also provides that if the respondent to a protective order commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party, he is guilty of a Class 6 felony. The bill also provides that, upon conviction of a third or subsequent violation of a protective order punishable as a Class 1 misdemeanor offense, the person is guilty of a Class 6 felony.

Patrons: Marrs and Albo

01/30/04 House: Reported from C. J. with substitute (21-Y 0-N)

01/30/04 House: Referred to Committee on Appropriations

02/03/04 House: Assigned to App. sub-committee: 8

02/13/04 House: Incorporated by App. (HB1233-Griffith) (25-Y 0-N)

Notes: City Position: Support

HB 530 Firearms; control by localities.

Summary as passed House:

Control of firearms; applicability to authorities and local governmental agencies. Removes the grandfather clause that allows localities to enforce ordinances governing firearms that were passed before January 1, 1987, and affirmatively declares that any local ordinances adopted prior to January 1, 1987 are invalid. The bill also removes language relating to the purchase of handguns that would allow a more stringent local ordinance relating to purchase or transfer of firearms adopted prior to January 1, 1987 to supercede state law relating to purchase or transfer. This change is necessary because the bill would invalidate any such local ordinance. This bill incorporates HB 483.

Patrons: Hogan, McDonnell and Cole

02/04/04 House: Passed House (82-Y 15-N)

02/04/04 House: VOTE: PASSAGE #2 (82-Y 15-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Oppose

HB 531 Retail Sales and Use Tax; increased for education and transportation.

Summary as introduced:

Sales and use tax; increase for education and transportation. Increases the state portion of the sales and use tax from 3.5 percent to 5.5 percent with (i) one-half of the additional revenues

generated to be used solely to fund the Standards of Quality for public education, and (ii) the remaining one-half of such revenues to be deposited into the Transportation Trust Fund and used solely for transportation purposes.

Patrons: Stump; Senator: Puckett

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

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

02/04/04 House: Passed by indefinitely in Finance (20-Y 1-N)

Notes: City Position: Support

HB 539 Pedestrians; provisions when crossing a highway.

Summary as introduced:

Pedestrians. Requires motorists to stop for pedestrians crossing highways under certain circumstances.

Patrons: May and Ebbin

02/05/04 House: Passed by for the day

02/06/04 House: Read second time

02/06/04 House: Motion to rerefer to committee agreed to

02/06/04 House: Rereferred to Tra.

02/12/04 House: Tabled in Transportation (22-Y 0-N)

Notes: City Position: Support

HB 569 Gangs; penalty for recruitment of juveniles for criminal street activity.

Summary as passed House:

Recruitment of juveniles for criminal street gang; penalty. Creates a Class 1 misdemeanor to recruit an adult into a criminal street gang and increases the penalty for recruiting a juvenile to a Class 6 felony. The bill also creates a Class 6 felony for forcing a person to become a gang member through the use or threat of force against that person or another person.

Patrons: Albo and Baskerville

02/12/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/12/04 House: Communicated to Senate

02/13/04 Senate: Constitutional reading dispensed

02/13/04 Senate: Referred to Committee for Courts of Justice

02/18/04 Senate: Reported from Courts of Justice w/sub (15-Y 0-N)

02/19/04 Senate: Committee substitute printed 041182820-S1

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

Notes: City Position: Support

HB 572 Gangs; expands list of predicate criminal acts that define a pattern of criminal activity.

Summary as passed House:

Crimes by gangs; definitions. Includes within the definition of "criminal street gang" the current definition of "pattern of criminal gang activity."

Patrons: Albo and O'Bannon

02/05/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)
02/05/04 House: Communicated to Senate
02/06/04 Senate: Constitutional reading dispensed
02/06/04 Senate: Referred to Committee for Courts of Justice
02/18/04 Senate: Incorporated by C.J. (HB569-Albo) (15-Y 0-N)
Notes: City Position: Support

HB 656 Assault and battery; penalty when committed against a family or household member.

Summary as passed House:

Assault and battery against a family or household member; penalty. Revises the time period from 10 to 20 years in which three convictions for assault and battery against a family or household member must occur in order that the third one be a felony.

Patrons: Bell, Albo and Byron

02/05/04 House: VOTE: PASSAGE (92-Y 8-N)
02/05/04 House: Communicated to Senate
02/06/04 Senate: Constitutional reading dispensed
02/06/04 Senate: Referred to Committee for Courts of Justice
Notes: City Position: Oppose

HB 720 Retail Sales and Use Tax; exemptions for certain contractors.

Summary as introduced:

Sales and use tax; exemption for certain contractors. Exempts from paying the sales and use tax any person who contracts to perform services for and provides tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

Patron: Shannon

01/14/04 House: Referred to Committee on Finance
01/15/04 House: Assigned to Finance sub-committee: 1
02/02/04 House: Continued to 2005 in Finance (21-Y 1-N)
Notes: City Position: Oppose

HB 730 Business, professional and occupational license (BPOL) tax; license fees, rates and requirements.

Summary as introduced:

Local license fees and taxes. Requires localities to impose the flat license fees now authorized by current law on all businesses or no businesses, and if such fees are imposed then, in calculating any license tax that is imposed on gross receipts the locality must deduct from such gross receipts the threshold amount of gross receipts on which it imposes the tax.

Patron: Joannou

01/14/04 House: Referred to Committee on Finance
01/15/04 House: Assigned to Finance sub-committee: 2

02/13/04 House: Incorporated by Fin. (HB461-Drake) (22-Y 0-N)

Notes: City Position: Oppose

HB 745 Methadone clinics; licensure notice requirements for provider who treats persons w/opiate addiction.

Summary as passed House:

Notice of proposals or initial applications for methadone clinics required. Requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body of the jurisdiction in which a provider of treatment for persons with opiate addiction is proposed within 15 days of receiving notice of a proposal or an application to obtain initial licensure to operate such facility. Local governing bodies may submit to the Commissioner comments on the proposals or applications within 30 days from the date of the notice, including the suitability of the proposed location of the clinic and its conformance with the locality's comprehensive plan and its compliance with relevant local ordinances. This bill incorporates HB 304 (Fralin).

Patrons: Ware, O.; Senator: Edwards

02/19/04 Senate: Reported from Ed. & H. with substitute (14-Y 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

02/20/04 Senate: Motion to recommit to committee agreed to

02/20/04 Senate: Recommitted to Education and Health

Notes: City Position: Oppose

HB 749 Procurement Act, Public; cooperative procurement with U.S. General Services Administration.

Summary as passed House:

Public Procurement Act; cooperative procurement U.S. General Services Administration.

Authorizes public bodies to enter into cooperative procurement agreements with or utilize contracts procured by the U. S. General Services Administration (GSA) for the purchase of goods and services. Except for contracts for professional services, the bill authorizes public body to purchase from a cooperative procurement agreement established by the GSA even if the solicitation did not specify that the procurement was being conducted on behalf of other public bodies.

Patron: Marshall, R.G.

02/06/04 House: Communicated to Senate

02/09/04 Senate: Constitutional reading dispensed

02/09/04 Senate: Referred to Committee on General Laws

02/18/04 Senate: Reported from General Laws with sub (14-Y 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

Notes: City Position: Support

HB 820 Eminent domain; condemnation of lands within adopted conservation or redevelopment plans.

Summary as introduced:

Rezoning of property that is subject to condemnation proceedings. Provides that once condemnation proceedings have been initiated by a locality, a locality shall not rezone the subject property without the consent of the property owner. If the subject property has been the object of a downzoning, without the consent of the property owner, within the five years previous to the initiation of the condemnation proceeding, the value of the subject property, for purposes of determining just compensation, shall be based on the previous zoning designation.

Patron: Drake

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

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Oppose

HB 825 Housing Development Authority; financing of certain mixed-income & mixed-use housing developments.

Summary as introduced:

Virginia Housing Development Authority; financing of certain mixed-income and mixed-use housing developments. Authorizes the Virginia Housing Development Authority (Authority) to finance mixed-income and mixed-use housing developments in revitalization areas designated by local governments if (i) the surrounding area is predominantly of lower income or (ii) the Authority's ability to provide the low and moderate income housing will be enhanced by having a portion of the units occupied by persons and families who are not of low or moderate income. The bill limits the percentage of persons or families who are not of low and moderate income in any economically mixed project to 80 percent and provides that nonhousing buildings may not be financed by the Authority unless a certification is provided by the housing sponsor that a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions.

Patrons: Drake, Oder and Suit; Senator: Whipple

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on General Laws

02/18/04 Senate: Reported from General Laws (14-Y 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

Notes: City Position: Support

HB 827 Home ownership; grants by localities for assistance to school board employees.

Summary as introduced:

Home-ownership assistance. Allows that a locality may by ordinance provide for the use of funds, other than state funds, for grants and small, low-interest loans to assist employees of the locality or the school board to purchase residences in such locality. The residences shall be the primary residence of any employee receiving such grants or loans.

Patrons: Drake, Shannon, Marrs, Oder, Stump and Suit; Senator: Whipple

02/06/04 House: VOTE: PASSAGE (98-Y 2-N)

02/06/04 House: Communicated to Senate
02/09/04 Senate: Constitutional reading dispensed
02/09/04 Senate: Referred to Committee on Local Government
Notes: City Position: Support

HB 828 Building Code; inspection of rental property, including elevators.

Summary as passed House:

Uniform Statewide Building Code; enforcement; rental inspections. 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 sets out the procedures for localities to conduct rental inspections and the fees therefore. The bill contains technical amendments.

Patrons: Drake and Rapp

02/16/04 House: Committee substitute agreed to 048908296-H1
02/16/04 House: Engrossed by House - committee substitute HB828H1
02/17/04 House: Read third time and passed House (91-Y 8-N 1-A)
02/17/04 House: VOTE: PASSAGE (91-Y 8-N 1-A)
02/17/04 House: Communicated to Senate
02/18/04 Senate: Constitutional reading dispenses
02/18/04 Senate: Referred to Committee on General Laws
Notes: City Position: Support compromise legislation

HB 830 Housing authorities; authorized to carry out work in areas designated as conservation districts.

Summary as introduced:

Housing authority law; conservation districts. Authorizes any local governing body or its designated agency to carry out work in deteriorated areas designated as conservation districts upon the adoption of an ordinance by the local governing body, which ordinance includes a conservation plan. The bill also authorizes local governing bodies to identify residential dwelling units that are rented to assist local building officials in enforcing any rental property inspection program adopted by the local governing body. The bill contains technical amendments.

Patron: Drake

01/14/04 House: Referred to Committee on General Laws
01/19/04 House: Assigned to General Laws sub-committee: 1
02/12/04 House: Stricken from docket by General Laws (22-Y 0-N)
Notes: City Position: Oppose

HB 838 Tuition, in-state; alien student eligibility.

Summary as introduced:

In-state tuition for certain alien students. Provides eligibility for in-state tuition, but not classification as a Virginia resident, upon a showing of clear and convincing evidence that such

individual (i) resided in the Commonwealth for five or more years; (ii) received a high school diploma or a general educational development certificate from a public or private high school in the Commonwealth; (iii) registers as an entering student in a public institution of higher education in the Commonwealth not earlier than the 2004-2005 academic year; (iv) submits evidence that he, or in the case of a dependent student at least one parent or person standing in loco parentis, has paid Virginia income taxes for at least one year prior to the date of enrollment; and (v) files an affidavit with the enrolling public institution of higher education in the Commonwealth stating that the individual will file an application to become a permanent resident within 90 days of the date such individual becomes eligible to do so.

The measure addresses "individuals" rather than a specific class of immigrant or alien students, as the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1623 (a)) provides that an alien "who is not lawfully present in the United States shall not be eligible for ... any post-secondary benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident."

This measure is similar to legislation enacted in Texas, New York, California, and Utah.

Section 23-7.4 is cross-referenced throughout the Code of Virginia for purposes of defining "domicile," "domiciliary status," "bona fide resident," and other similar terms. The grant of eligibility for in-state tuition provided by this measure does not confer domicile on the alien student; the only other provision referencing students who are granted in-state tuition under this section is § 23-7.4:2, which permits a community college to charge in-state tuition to "[a]ny student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution."

A special subcommittee of the House Committee on Education and a special subcommittee of the Senate Committee on Education and Health met three times in 2003 to examine the issues raised by measures addressing in-state tuition for undocumented alien students.

Patrons: Ebbin, Brink, Dillard, Eisenberg and Van Landingham; *Senators:* Ticer and Whipple
01/14/04 House: Referred to Committee on Education

02/02/04 House: Tabled in Education (22-Y 0-N)

Notes: City Position: Support

HB 840 Unemployment compensation; provision for victims of domestic violence or sexual assault.

Summary as introduced:

Unemployment compensation for victims of domestic violence or sexual assault. Modifies the unemployment compensation insurance program to facilitate provision of benefits to claimants who are forced to leave employment due to domestic violence or sexual assault by providing that voluntary departure from work as a direct result of domestic violence or sexual assault constitutes "good cause" for leaving employment. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer.

Patron: Baskerville

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

01/29/04 House: Tabled in Commerce and Labor (22-Y 0-N)

Notes: City Position: Support

HB 863 Assault and battery; penalty when committed against a family or household member.

Summary as introduced:

Third offense assault and battery against a family or household member. Provides that upon a conviction for assault and battery against a family or household member, when the person has been previously convicted of two offenses of (i) assault and battery against a family or household member, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense similar to any of the above under the law of any other jurisdiction, in any combination, all of which occurred within a period of 10 years, and each of which occurred on a different date, the person is guilty of a Class 6 felony. Currently, the Class 6 felony applies only if the prior convictions were for assault and battery against a family or household member.

Patrons: Byron and Albo

02/17/04 House: Read third time and passed House (96-Y 4-N)

02/17/04 House: VOTE: PASSAGE (96-Y 4-N)

02/17/04 House: Communicated to Senate

02/19/04 Senate: Constitutional reading dispensed

02/19/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Support

HB 873 Alert and warning system; localities to establish in event of emergency or disaster.

Summary as passed House:

Municipalities; alert and warning system. Requires all localities with a population greater than 50,000 to establish an alert and warning system that may include outdoor warning sirens, Emergency Alert Systems, NOAA Weather Radios, amateur radio operators, or other personal notification systems that are capable of disseminating adequate and timely warning to the public in the event of an emergency or threatened disaster. The system must be established by July 1, 2005.

Patrons: Van Landingham, Brink and Ebbin; Senator: Ticer

02/04/04 House: VOTE: PASSAGE (92-Y 7-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on General Laws

02/18/04 Senate: Reported from General Laws with amd (14-Y 0-N)

Notes: City Position: Support

HB 874 Affordable housing; applicable in Alexandria City.

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 Landingham, Brink and Ebbin

01/28/04 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/28/04 House: Communicated to Senate
01/29/04 Senate: Constitutional reading dispensed
01/29/04 Senate: Referred to Committee on Local Government
Notes: City Position: Support

HB 886 Cigarettes; tax increased, use for Medicaid Program.

Summary as introduced:

Cigarette tax. Increases the state cigarette tax rate from two and one-half cents per pack to 50 cents per pack, and caps local cigarette taxes at the rates in effect on January 1, 2004. The additional revenue generated by the increase in the state tax rate is to be used solely to fund the Virginia Medicaid Program.

Patron: Plum

01/14/04 House: Referred to Committee on Finance
01/15/04 House: Assigned to Finance sub-committee: 2
02/04/04 House: Passed by indefinitely in Finance (21-Y 1-N)
Notes: City Position: Support

HB 892 Income tax, state; distribution of individual revenues to localities.

Summary as introduced:

Income tax; distribution of revenues to localities. Requires the transfer of one percent of individual income tax revenues to localities in 2004, and the amount increases one percent each year until it reaches a maximum of five percent for 2008 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50 percent based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40 percent based on where wages are earned, and (iii) 10 percent divided equally among all counties and cities.

Patron: Sickles

01/14/04 House: Referred to Committee on Finance
01/15/04 House: Assigned to Finance sub-committee: 2
01/28/04 House: Continued to 2005 in Finance (19-Y 2-N)
Notes: City Position: Support

HB 928 Real estate tax; alternative payment schedules for elderly and handicapped.

Summary as passed House:

State recordation taxes; exemptions. Exempts the recordation of leases of real estate to the same extent as deeds are exempt, and exempts conveyances from the United States from the grantor's tax.

Patrons: Frederick, Lingamfelter, McQuigg and Parrish

02/16/04 House: Engrossed by House - committee substitute HB928H1
02/17/04 House: Read third time and passed House (95-Y 5-N)
02/17/04 House: Communicated to Senate
02/18/04 Senate: Constitutional reading dispensed
02/18/04 Senate: Referred to Committee on Finance

Notes: City Position: Support

HB 1002 Motor vehicles; registration fees, changes formula for distribution of "four for life" fund.

Summary as passed House:

Distribution of the "four for life" fund. Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles.

Patron: Orrock

02/10/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/10/04 House: Communicated to Senate

02/11/04 Senate: Constitutional reading dispensed

02/11/04 Senate: Referred to Committee on Transportation

02/19/04 Senate: Reported from Transportation (13-Y 0-N)

Notes: City Position: Support

HB 1003 Motor vehicles; registration fees, changes formula for distribution of "four for life" fund.

Summary as introduced:

Distribution of the "four for life" fund. Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles by shifting the funds as follows: a reduction of the amount distributed to the Virginia Association of Volunteer Rescue Squads from two and one-half percent to one and one-half percent; an increase of the amount distributed to the State Department of Health to support various programs, training, and other activities from 13 and one-half percent to 30 percent; an increase in the amount distributed to the Rescue Squad Assistance Fund from 31 and three quarters percent to 32 percent; a reduction of the amount available to the State Department of Health for use in emergency medical services from 27 and one-quarter percent to 10 percent; and an increase of the amount returned by the Comptroller to localities from 25 percent to 26 and one-half percent. The State Department of Health's support activities are expanded to include emergency medical services system development initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; local, regional, and statewide performance contracts for emergency medical services to meet certain objectives set out in statutory law; technology and radio communication enhancements; and improved emergency preparedness and response.

Patron: Orrock

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

01/19/04 House: Assigned to Tra. sub-committee: 1

02/05/04 House: Stricken from docket by Tra. (22-Y 0-N)

Notes: City Position: Support

HB 1012 Gangs; presumption against bail, presentence report due to criminal participation.

Summary as introduced:

Criminal procedure; admission to bail. Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the

participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be included in the presentence report.

Patron: Rust

02/13/04 House: Communicated to Senate

02/16/04 Senate: Constitutional reading dispensed

02/16/04 Senate: Referred to Committee for Courts of Justice

02/18/04 Senate: Reported from Courts of Justice (15-Y 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-Y 0-N 1-A)

Notes: City Position: Support

HB 1013 At-Risk Student Academic Achievement Program and Fund; created.

Summary as passed House:

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 research-based programs or programs identified as best practices that are 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, BaCote, Baskerville, Black, Bland, Brink, Bryant, Carrico, Ebbin, Hamilton, Howell, A.T., Hull, Jones, D.C., Landes, May, Nutter, Petersen, Plum, Reese, Rust, Scott, J.M., Van Landingham, Van Yahres, Ward and Watts; *Senators:* Blevins, Howell, Locke, Puller, Reynolds, Saslaw and Ticer

02/16/04 House: Printed as engrossed 043717292-E

02/17/04 House: Read third time and passed House (73-Y 26-N)

2/17/04 House: Communicated to Senate

02/18/04 Senate: Constitutional reading dispensed

02/28/04 Senate: Referred to Committee on Education and Health

Notes: City position: Support

HB 1016 Health insurance; coverage for certain persons.

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 permits coverage to be extended only to a spouse or dependent children of the insured.

Patrons: Dillard, Baskerville, Brink, Callahan, Ebbin, Moran, Plum, Shannon, Suit, Tata and Watts; *Senator:* Ticer

02/16/04 House: Passed House (50-Y 49-N)

02/16/04 House: VOTE: PASSAGE #2 (50-Y 49-N)
02/16/04 House: Communicated to Senate
02/17/04 Senate: Constitutional reading dispensed
02/17/04 Senate: Referred to Committee on Commerce and Labor
Notes: City Position: Support

HB 1052 Retail sales and use tax; increased for education.

Summary as introduced:

Sales and use tax; increase for education. Increases the state portion of the sales and use tax from 3.5 percent to four percent and requires that the additional revenue generated thereby be used solely (i) to increase public school teachers' salaries to the 2003 national average, (ii) to fully fund the total cost of all preschool programs for at-risk four-year-olds, and (iii) to fund full-time instructional positions in the areas of art, music, and physical education.

Patron: Hamilton

01/14/04 House: Referred to Committee on Finance
01/20/04 House: Assigned to Finance sub-committee: 1
02/04/04 House: Passed by indefinitely in Finance (21-Y 0-N)
Notes: City Position: Support

HB 1104 Constitutional amendment; restoration of civil rights for certain felons.

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. This bill is identical to SB 17.

Patron: Moran

01/14/04 House: Referred to Committee on Privileges and Elections
02/06/04 House: Passed by indefinitely in P. & E. (11-Y 10-N)
Notes: City Position: Support

HB 1113 Transportation operators; limitation on recovery in actions for injury or death.

Summary as introduced:

Limitation on recovery from public transportation operators. Limits damages in suits for personal injuries to, or death of, a person caused by a Virginia public transportation operator, that are not otherwise barred by the doctrine of immunity, to \$2 million. The bill defines "public transportation operator" as a political subdivision pursuant to § 15.2-2701 or any other entity, which also (i) provides transportation services to the general public on Virginia's roads; and (ii) is funded in whole or in part by public funds. The bill does not affect any defense of immunity applicable to a public transportation operator.

Patron: Weatherholtz

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

02/02/04 House: Continued to 2005 in Courts of Justice (22-Y 0-N)

Notes: City Position: Support

HB 1122 Business taxes; appeal of local assessments.

Summary as passed House:

Local business taxes; appeals to court. Provides that when any taxpayer appeals to court an adverse decision of the Tax Commission regarding the assessment of a local business, the assessing official suspend collection activity while the court retains jurisdiction unless the court determines that collection would be jeopardized by delay, or that suspension of collection would cause substantial economic hardship.

Patrons: Lingamfelter; Senator: Colgan

02/16/04 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/16/04 House: Communicated to Senate

02/17/04 Senate: Constitutional reading dispensed

02/17/04 Senate: Referred to Committee on Finance

Notes: City Position: Oppose

HB 1149 Gangs; expands list of predicate criminal acts that define a pattern of criminal activity.

Summary as introduced:

Predicate crimes by criminal street gangs; penalty. Expands the list of predicate criminal acts that define a pattern of criminal activity and a criminal street gang to include certain drug sale, distribution, transportation, possession and manufacturing crimes, and brandishing a firearm and recruitment of a juvenile into a street gang.

Patrons: McDonnell, Albo and Cosgrove

02/16/04 House: Engrossed by House - committee substitute HB1149H1

02/17/04 House: Read third time and passed House (99-Y 1-N)

02/17/04 House: VOTE: PASSAGE (99-Y 1-N)

02/17/04 House: Communicated to Senate

02/18/04 Senate: Constitutional reading dispensed

02/18/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Support

HB 1150 Firearms; control by localities.

Summary as introduced:

Local government; control of firearms and ammunition. Prohibits a local government from adopting an ordinance governing the storage of firearms or ammunition. Currently, a local government is prohibited from adopting an ordinance governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms or ammunition.

Patron: McDonnell

02/04/04 House: Read third time and passed House (89-Y 11-N)

02/04/04 House: Communicated to Senate
02/05/04 Senate: Constitutional reading dispensed
02/05/04 Senate: Referred to Committee on Local Government
Notes: City Position: Oppose

HB 1188 Retail Sales & Use Tax; exemptions include tangible personal property or service acquired through Internet.

Summary as introduced:

Sales and use tax; Internet. Exempts from the sales and use tax any tangible personal property or service acquired through the use of the Internet.

Patron: Frederick

01/14/04 House: Referred to Committee on Finance
01/20/04 House: Assigned to Finance sub-committee: 1
02/04/04 House: Passed by indefinitely in Finance (21-Y 1-N)
Notes: City Position: Oppose

HB 1195 Emergency management; local emergency operations plans.

Summary as introduced:

Local emergency operations plans. Requires localities and interjurisdictional emergency management agencies to include written agreements with relevant public or private entities in their emergency operations plan in order to facilitate the effective, safe and efficient coordination of efforts during governor-declared states of emergency. Such agreements shall be made with, but are not limited to, the Virginia Department of Transportation, and owners or operators of electricity, gas, sewer and water facilities serving the locality or interjurisdictional area. The agreements shall include, but are not limited to, the designation of a contact person available on a 24-hour basis, specified times when the public or private entity must have an employee or agent at the local or interjurisdictional emergency operations center, mutual arrangements regarding work to be done in close proximity to high voltage power lines, and other duties and responsibilities of all parties to such agreements. The bill also requires all political subdivisions to annually update their emergency operations plan.

Patrons: Scott, J.M., Callahan and Hull; Senators: Ticer and Whipple

01/14/04 House: Referred to Committee on Militia, Police and Public Safety
02/13/04 House: Continued to 2005 in M.,P. & P. S. (22-Y 0-N)
Notes: City Position: Support

HB 1198 Public water supplies; emergency plans for safe handling during any extended power outage.

Summary as introduced:

Emergency plans for the safe handling of community public water supplies during any extended power outage. Authorizes the Board of Health to promulgate requirements and criteria for the development and maintenance of an emergency management plan for each community public water supply for the provision of pure water during any extended power outage.

Patron: Jones, D.C.

01/30/04 House: Read third time and passed House (90-Y 8-N)

01/30/04 House: Communicated to Senate

02/02/04 Senate: Constitutional reading dispensed

02/02/04 Senate: Referred to Committee on Education and Health

02/19/04 Senate: Reported from Education and Health (14-A 0-N)

02/20/04 Senate: Constitutional reading dispensed (36-A 0-N 1-A)

Notes: City Position: Support

HB 1201 Procurement from commercial vendors; regulations for outsourcing.

Summary as passed House:

Division of Purchases and Supply; regulations related to outsourcing. Requires the Division of Purchases and Supply to adopt regulations that require that purchasing agents within all departments, divisions, offices, or agencies of the Commonwealth purchase services from commercial vendors if such service is listed as a commercial activity on the commercial activities list developed by the Commonwealth Competition Council established pursuant to § 2.2-2621. The purchasing agent may obtain the service from a noncommercial source if prior written notice is provided by the agent to the head of the department, division or agency.

Patrons: Cline, Albo, Cosgrove, Frederick, Lingamfelter, Saxman, Sickles, Weatherholtz and Wright

02/13/04 House: Read third time and passed House (94-Y 6-N)

02/13/04 House: Communicated to Senate

02/16/04 Senate: Constitutional reading dispensed

02/16/04 Senate: Referred to Committee on General Laws

Notes: City Position: Oppose

HB 1211 Community development authorities; issuance of revenue bonds.

Summary as introduced:

Community development authorities. Provides that the revenue bonds issued by a development authority shall not be deemed to constitute a debt, liability, or obligation of a political subdivision and shall not impact upon the debt capacity of any other political subdivision.

Patron: Hall

02/14/04 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/14/04 House: Communicated to Senate

02/16/04 Senate: Constitutional reading dispensed

02/16/04 Senate: Referred to Committee on Local Government

Notes: City Position: Oppose

HB 1232 Protective orders; penalty for violations.

Summary as introduced:

Enticement to violate protective order. Provides that any person, including any party protected under the protective order, who entices another to violate a protective order, is guilty of a Class 1 misdemeanor.

Patron: Griffith

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

01/23/04 House: Fiscal impact statement from DPB (HB1232)

02/09/04 House: Continued to 2005 in Courts of Justice (22-Y 0-N)

Notes: City Position: Oppose

HB 1233 Domestic violence, sexual assault, stalking & violation of protective order; training of personnel to handle.

Summary as introduced:

Domestic violence; sexual assault. Requires the Department of Criminal Justice Services to establish training standards and a model policy for law-enforcement personnel in handling sexual assault and stalking cases and to establish training standards and model policy and protocols for local and regional sexual assault response teams. Provides that temporary (no more than 90 days) child support may be one of the conditions imposed on a respondent in a family abuse protective order. The bill requires that as of January 1, 2005, the treatment or education program that a court may refer the defendant to in a family abuse criminal case must be one approved by the Department of Criminal Justice Services. The bill requires the state police and local law-enforcement agencies to have policies that provide guidance to officers on domestic violence incidents involving law-enforcement officers and repeat offenders. The Department of Social Services is required to establish minimum training requirements on family abuse and domestic violence for child protective services workers and supervisors.

The bill also provides that a respondent to a protective order who violates the protective order by furtively entering the home of any protected party while the party is present or entering and remaining in the home of the protected party until the protected party arrives is guilty of a Class 6 felony. In addition, if the respondent to a protective order commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party, he is guilty of a Class 6 felony. Upon conviction of a third or subsequent offense of violation of a protective order the person is guilty of a Class 6 felony.

Patrons: Griffith, Albo and O'Bannon

02/16/04 House: Engrossed by House - committee substitute HB1233H1

02/17/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/17/04 House: Communicated to Senate

02/18/04 Senate: Constitutional reading dispensed

02/18/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: Support

HB 1234 Domestic Violence Victim Fund; created.

Summary as passed House:

Virginia Domestic Violence Victim Fund. Creates the Virginia Domestic Violence Victim Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution of domestic violence cases and victim services. The bill creates a set-aside of \$10 from the \$20 tax on marriage licenses directed to DCJS for providing services to domestic violence victims.

Patron: Griffith

02/13/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/13/04 House: Communicated to Senate

02/16/04 Senate: Constitutional reading dispensed

02/16/04 Senate: Referred to Committee for Courts of Justice

Notes: City Position: City originally opposed, but as of 2/20, City concern has been addressed

HB 1270 Retail Sales and Use Tax; increase for education, creates At-Risk Student Academic Achievement Fund.

Summary as introduced:

Sales and use tax; increase for education. Increases the state portion of the sales and use tax from 3.5 percent to four percent for public school education, with one-half of the additional revenues generated thereby deposited into the At-Risk Student Academic Achievement Fund created by the bill, and the remaining one-half distributed to localities based on a set per pupil amount, based on the latest actual adjusted average daily membership, and used solely for public school capital projects. The At-Risk Student Academic Achievement Fund is to be used 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.

Patron: Dillard

01/16/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/04/04 House: Passed by indefinitely in Finance (20-Y 1-N)

Notes: City Position: Support

HB 1286 Retail Sales and Use Tax; increased for education.

Summary as introduced:

Sales and use tax; increase for education. Increases the state portion of the sales and use tax from 3.5 percent to 4.5 percent with (i) one-half of the additional revenues generated to be distributed among all counties and cities based upon point of sale and used solely for public school purposes and (ii) the remaining one-half of such revenues to be appropriated by the General Assembly for higher education.

Patron: Shuler

01/19/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/04/04 House: Passed by indefinitely in Finance (19-Y 2-N)

Notes: City Position: Support

HB 1317 Protective orders; when hearing held following issuance.

Summary as introduced:

Hearing on preliminary protective orders. Provides that the hearing following issuance of a preliminary protective order shall be held within five days of the issuance of the preliminary order

rather than the current 15 days.

Patron: Louderback

01/20/04 House: Referred to Committee for Courts of Justice

02/09/04 House: Continued to 2005 in Courts of Justice (22-Y 0-N)

Notes: City Position: Oppose

HB 1329 Electric generating facilities; to meet emissions reductions in severe nonattainment areas.

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, 2007: (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, 2007. The bill exempts any electric generating plant that has entered into a settlement agreement or consent degree with the Environmental Protection Agency prior to January 1, 2004, for the reduction of certain emissions.

Patrons: Reese and Marshall, R.G.

01/21/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

02/11/04 House: Tabled in Agri., Chesapeake and Natural Res. (21-Y 0-N)

Notes: City Position: Support

HB 1421 Tort claims; notice to cities and towns.

Summary as introduced:

Tort claims; notice to cities and towns. Repeals the specific requirements for notifying cities and towns of tort claims against them.

Patrons: Stump and Armstrong

01/23/04 House: Referred to Committee for Courts of Justice

02/13/04 House: Continued to 2005 in Courts of Justice (22-Y 0-N)

Notes: City Position: Oppose

HB 1472 Clean Smokestack Act; created to reduce emissions, report.

Summary as introduced:

Air emissions reductions. Establishes a schedule by which investor-owned public utilities that own or operate coal-fired generating units are required to reduce by specific amounts their emissions of oxides of nitrogen, sulfur dioxide and mercury. The utilities are to determine what technologies will be used to achieve the emission limits established by the bill. Any permit issued by the Air Pollution Control Board for a coal-fired generating unit, which is subject to this new law, will have to provide for testing, monitoring, recordkeeping and reporting to assure compliance with the reduction requirements. The bill also authorizes the Governor to enter into agreements with the utilities to transfer to the state any emissions allowance that may be acquired by the utilities under federal law. The Department of Environmental Quality and the State

Corporation Commission (SCC) are to report annually to the status of the emissions reduction and cost recovery efforts to the committees having jurisdiction over the subject matter. In addition, the Department of Environmental Quality is required to conduct an ongoing analysis of the issues related to the development and implementation of standards and plans to control carbon dioxide (CO₂) from coal-fired generating units. The Department is also to evaluate available control technologies and perform a cost-benefit analysis of alternative strategies to reduce emissions of CO₂, and report its findings to the committees with jurisdiction over the subject matter. Finally, the bill authorizes the SCC to adjust the rate caps established by the Electric Utility Restructuring Act to account for the environmental compliance costs incurred by the utilities in carrying out the provisions of the Clean Smokestack Act.

Patrons: Reid, Brink, Eisenberg, Hamilton, Janis, Jones, S.C., Landes, May, Morgan, O'Bannon, Plum, Pollard, Reese, Sickles and Van Landingham; *Senator:* Ticer

01/23/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

02/11/04 House: Continued to 2005 in A., C. & N. R. (21-Y 0-N)

Notes: City Position: Support

HJ 204 Constitutional amendment ; restoration of civil rights for nonviolent felons (second reference).

Summary as introduced:

Constitutional amendment (second 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.

Patron: Moran

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

02/06/04 House: Passed by indefinitely in P. & E. (12-Y 10-N)

Notes: City Position: Support

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

02/05/04 Senate: Committee substitute printed 041461796-S1

02/05/04 Senate: Reported from Ed. & H. with substitute (15-Y 0-N)

02/05/04 Senate: Rereferred to Finance

02/11/04 Senate: Passed by indefinitely in Finance (14-Y 1-N)

Notes: City Position: Support

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

02/09/04 Senate: VOTE: RECONSIDER (38-Y 0-N)

02/09/04 Senate: Passed by for the day

02/10/04 Senate: Passed by for the day

02/11/04 Senate: Read third time and defeated by Senate (15-Y 24-N)

Notes: City Position: Support

SB 92 Traffic signals; use of photo-monitoring systems in any locality.

Summary as passed Senate:

Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities. Several additional provisions specify where, when, and how these systems are to be used.

Patron: Devolites

01/30/04 House: Placed on Calendar

01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Transportation

02/19/04 House: Referred from Transportation (21-Y 0-N)

02/19/04 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Support

SB 101 Pedestrians; provisions when crossing a highway.

Summary as passed Senate:

Pedestrians. Requires motorists to yield the right-of-way to or stop for pedestrians crossing highways under certain circumstances.

Patron: Devolites

02/11/04 Senate: Communicated to House

02/12/04 House: Placed on Calendar

02/12/04 House: Read first time

02/12/04 House: Referred to Committee on Transportation

02/16/04 House: Assigned to Tra. sub-committee: 3

Notes: City Position: Support

SB 134 Methadone clinics; licensure notice requirements for provider who treats persons w/opiate addiction.

Summary as passed Senate:

Notice of proposals or initial applications for methadone clinics required. Requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body of and the community services board serving the jurisdiction in which a methadone clinic is proposed within 15 days of receiving notice of a proposal or an application to obtain initial licensure to operate such facility. Local governing bodies and community services boards must submit to the Commissioner comments on the proposals or applications within 30 days from the date of the notice, including its compliance with relevant local ordinances.

Patrons: Edwards; Delegates: Fralin and Ware, O.

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

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Health, Welfare and Institutions

Notes: City position: Oppose

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.

Patrons: Cuccinelli and Bolling

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

02/12/04 Senate: Stricken at request of Patron in Finance

Notes: City Position: Oppose

SB 176 Traffic signals; abolishes sunset on use of photo-monitoring systems.

Summary as passed Senate:

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. The bill also prohibits payment to private entities based on the number of violations detected.

Patron: Stolle

01/28/04 Senate: VOTE: PASSAGE (28-Y 10-N)

01/28/04 Senate: Communicated to House

01/30/04 House: Placed on Calendar

01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Militia, Police and Public Safety

Notes: City Position: Support

SB 236 Domestic violence, sexual assault and stalking; training of personnel to handle.

Summary as passed Senate:

Domestic violence; sexual assault. Requires the Department of Criminal Justice Services to establish training standards and a model policy for law-enforcement personnel in handling sexual assault and stalking cases and to establish training standards and model policy and protocols for local and regional sexual assault response teams. Provides that temporary child support may be one of the conditions imposed on a respondent in a family abuse protective order. The bill requires the state police and local law-enforcement agencies to have policies that provide guidance to officers on domestic violence incidents involving law-enforcement officers and repeat offenders. The Department of Social Services is required to establish minimum training requirements on family abuse and domestic violence for child protective services workers and supervisors. The Office of the Executive Secretary of the Supreme Court is required to determine appropriate standards for the approval of education and treatment programs for persons accused of assault and battery against a family or household member and arrange for such programs to be approved by an appropriate entity.

Patron: Norment

02/09/04 Senate: Communicated to House

02/11/04 House: Placed on Calendar

02/11/04 House: Read first time

02/11/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 237 Domestic Violence Victim Fund; created.

Summary as passed Senate:

Virginia Domestic Violence Victim Fund. Creates the Virginia Domestic Violence Victim Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution of domestic violence cases and victim services. The Fund shall be supported by dedication of a portion of court fees. The bill provides that \$10 of the \$20 tax on marriage licenses goes to the Department of Social Services for providing services to

victims of domestic violence. The Department of Criminal Justice Services, in cooperation with the Statewide Facilitator for Victims of Domestic Violence within the Office of the Attorney General is required to make all reasonable efforts to secure federal funds or other grant monies for domestic violence prosecution and services.

Patron: Norment

02/09/04 Senate: Communicated to House

02/11/04 House: Placed on Calendar

02/11/04 House: Read first time

02/11/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Oppose

SB 284 Line of Duty Act; funding of continued health insurance and death payment benefits thereunder.

Summary as introduced:

Relating to the Line of Duty Act. Transfers responsibility for financing benefits from the state to localities.

Patron: Wampler

02/17/04 Senate: Passed Senate (40-Y 0-N)

02/17/04 Senate: Communicated to House

02/19/04 House: Placed on Calendar

02/19/04 House: Read first time

02/19/04 House: Referred to Committee on Appropriations

Notes: City Position: Oppose

SB 290 Living wage provisions; no local governing body may establish without approval of Gen. 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.

Patrons: O'Brien and Bolling

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

02/13/04 Senate: Continued to 2005 in Rules (16-Y 0-N)

Notes: City Position: Oppose

SB 302 Procurement Act, Public; cooperative procurement with U.S. General Services Administration.

Summary as passed Senate:

Public Procurement Act; cooperative procurement. Authorizes state and local entities to enter into a cooperative procurement agreement to purchase from any contract of the United States General Services Administration (GSA) or the contract of any other federal agency. Regarding such contracts, the bill specifically authorizes (i) localities to purchase goods and nonprofessional

services, (ii) state entities, with the approval of the Director of the Division Purchases and Supply, to purchase nontelecommunications and information technology goods and nonprofessional services, and (iii) state entities, with the approval of the Chief Information Officer, to purchase telecommunications and information technology goods.

Patron: O'Brien

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on General Laws

02/18/04 House: Assigned to General Laws sub-committee: 2

Notes: City Position: Support

SB 312 Methadone clinics; licensure conditions for certain.

Summary as introduced:

Licensure conditions for certain methadone clinics. Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary.

Patron: Bell

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

01/29/04 Senate: Incorporated by E. H. (SB607-Wampler) (12-Y 2-N)

Notes: City Position: Oppose

SB 359 Referenda; local distribution of information.

Summary as passed Senate:

Distribution of information on local referenda. Authorizes local governing bodies of counties and cities to disseminate neutral explanations of pending local referenda at polling places and by publication one or more times before the election. The explanation is limited to 500 or fewer words. In addition, the bill provides that this authorization shall not be construed as a limitation on the dissemination of other neutral materials or advertisements on issues of public concern that are the subject of a referendum and that do not advocate passage or defeat of the referendum.

This bill is identical to HB 373.

Patrons: Colgan and Puller; *Delegates:* Marshall, R.G., McQuigg and Parrish

02/02/04 Senate: VOTE: PASSAGE R (40-Y 0-N)
02/02/04 Senate: Communicated to House
02/03/04 House: Placed on Calendar
02/03/04 House: Read first time
02/03/04 House: Referred to Committee on Privileges and Elections
Notes: City Position: Support

SB 361 Real estate tax; allows No. Va. increase amount of income for elderly or disabled prior reduced imp.

Summary as introduced:

Real property tax; exemptions for elderly and handicapped. Permits northern Virginia localities to increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax.

Patrons: Colgan, O'Brien and Puller; *Delegates:* Frederick, Lingamfelter, Marshall, R.G., McQuigg and Parrish

01/30/04 Senate: Communicated to House
02/03/04 House: Placed on Calendar
02/03/04 House: Read first time
02/03/04 House: Referred to Committee on Finance
Notes: City Position: Support

SB 428 Minimum wage; public bodies prohibited from requiring payment that exceeds minimum standards.

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.

Patrons: Wagner; *Delegate:* Nixon

02/17/04 Senate: Constitutional reading dispensed (40-Y 0-N)
02/17/04 Senate: VOTE: CONST. RDG. DISPENSED (40-Y 0-N)
02/17/04 Senate: Defeated by Senate(17-Y 23-N)
02/17/04 Senate: VOTE: PASSAGE (17-Y 23-N)
02/17/04 Senate: Printed as engrossed 047731832-E
Notes: City Position: Oppose

SB 451 Pedestrians; provisions when crossing a highway.

Summary as passed Senate:

Pedestrians. Requires motorists to stop for or yield the right-of-way to pedestrians crossing highways under certain circumstances.

Patron: Whipple

01/28/04 Senate: Communicated to House
01/30/04 House: Placed on Calendar
01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Transportation

02/16/04 House: Assigned to Tra. sub-committee: 3

Notes: City Position: Support

SB 458 Motor fuels tax; additional imposition in Northern Virginia transportation district.

Summary as introduced:

Sales tax on motor fuels. Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.

Patrons: Whipple, Colgan, Howell, Puller and Ticer; *Delegates:* Ebbin, Eisenberg, Hull, Plum, Van Lanningham and Watts

02/17/04 Senate: VOTE: PASSAGE (27-Y 12-N 1-A)

02/17/04 Senate: Communicated to House

02/17/04 Senate: Printed as engrossed 042960844-E

02/19/04 House: Placed on Calendar

02/19/04 House: Read first time

01/29/04 House: Referred to Committee on Finance

Notes: City Position: Support

SB 472 Charter; City of Alexandria.

Summary as passed Senate:

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) 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, (iii) clarifying that certain local procedures preempt provisions of general law, and (iv) clarifying certain notice provisions.

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

02/04/04 Senate: VOTE: PASSAGE (33-Y 7-N)

02/04/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Counties, Cities and Towns

Notes: City Position: Support

SB 473 Hate crimes; includes sexual orientation in list that a person may seek injunctive relief.

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: Referred to Committee for Courts of Justice

01/21/04 Senate: Passed by indefinitely in C. J. (8-Y 7-N)

Notes: City Position: Support

SB 479 Standards of Quality in public schools; changes in provisions.

Summary as passed Senate:

Standards of Quality. Reorganizes the Standards of Quality and makes substantive amendments that would (i) increase from one half-time to one full-time principal in elementary schools with fewer than 300 students; (ii) provide one full-time assistant principal for each 400 students in each school, regardless of grade level; (iii) require five elementary resource positions per 1,000 students in kindergarten through grade five for art, music, and physical education; (iv) lower the pupil-teacher ratio from 25:1 to 21:1 in middle and high schools, to ensure the provision of scheduled teacher planning time; (v) reduce the required speech pathologist caseload from 68 to 60 students; (vi) require one full-time reading specialist for each 1,000 students in average daily membership; (vii) require two technology support positions per 1,000 students in kindergarten through grade 12 divisionwide; and (viii) modify the current funding mechanism for remediation. A second enactment clause provides that any provision that is not required on June 30, 2004, and does require state funding will not take effect unless the state's share of the funding for the provision is included in the general appropriation act for the period July 1, 2004, through June 30, 2006, passed during the 2004 Session of the General Assembly and signed into law by the Governor.

The Board of Education proposed and approved these changes on June 25, 2003. Because the Virginia Constitution grants the General Assembly "ultimate authority" over educational policy and provides that the Standards are to be "prescribed from time to time by the Board of Education" but are subject to revision "only by the General Assembly," legislation is necessary to enact the Board's proposals.

The measure also includes a number of technical and editorial changes.

Patron: Potts

02/16/04 Senate: Communicated to House

02/19/04 House: Placed on Calendar

01/29/04 House: Read first time

01/29.04 House: Referred to Committee on Education

Notes: City Position: Support

SB 492 Gangs; presumption against bail, presentence report due to criminal participation.

Summary as introduced:

Criminal procedure; admission to bail. Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be

included in the presentence report.

Patron: Mims

02/09/04 Senate: VOTE: PASSAGE R (38-Y 0-N)

02/09/04 Senate: Communicated to House

02/11/04 House: Placed on Calendar

02/11/04 House: Read first time

02/11/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 525 Procurement Act, Public; raises limit on design-build construction management contracts.

Summary as passed Senate:

Virginia Public Procurement Act; design-build construction management contracts. Raises the limit on design-build construction contracts from \$500,000 to \$1 million.

Patrons: Hanger and Reynolds

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

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on General Laws

02/17/04 House: Assigned to General Laws sub-committee: 2

Notes: City Position: Support

SB 550 Family abuse; determination of predominate physical aggressor.

Summary as introduced:

Family abuse. Changes the term primary physical aggressor to predominate physical aggressor in section that requires arrest in most family abuse cases when the law-enforcement officer has probable cause to believe that family assault or violation of a protective order occurred. The officer is required to arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the primary (now predominant) physical aggressor (unless there are special circumstances that would dictate a course of action other than an arrest). The bill sets standards for determining who is the predominate physical aggressor. This bill is a recommendation of the Family Violence Subcommittee of the Virginia State Crime Commission.

Patrons: Howell, Norment and Stolle; Delegates: Albo, Kilgore, McDonnell and Moran

02/03/04 Senate: VOTE: PASSAGE (39-Y 1-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 551 Protective orders; distribution of information by intake officer.

Summary as passed Senate:

Juvenile courts; distribution of protective order information. Requires juvenile court intake

officers to provide to a person seeking a protective order a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders for family and household members. The Virginia State Crime Commission, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Department of Juvenile Justice, is required to develop the written explanation and the Executive Secretary must make the explanation available to law enforcement and to each court service unit for distribution.

Patrons: Howell, Norment and Stolle; *Delegates:* Albo, Kilgore, McDonnell and Moran

02/10/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/10/04 Senate: Communicated to House

02/12/04 House: Placed on Calendar

02/12/04 House: Read first time

02/12/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 562 Freedom of Information Act; exempts certain information furnished to local internal auditors.

Summary as introduced:

Freedom of Information Act; record exemption; investigations of local auditors. Expands the current record exemption for investigative notes, correspondence and information furnished in confidence to certain state auditors to the same records of designated internal auditors of any school board or local governing body, including committees established pursuant to § 15.2-825, responsible for auditing or examining the financial transactions of any officer, department or program of such body.

Patrons: Lambert, Marsh, Stosch and Watkins; *Delegates:* Baskerville, Hall, Jones, D.C., Miles and O'Bannon

02/10/04 Senate: Communicated to House

02/12/04 House: Placed on Calendar

02/12/04 House: Read first time

02/12/04 House: Referred to Committee on General Laws

02/17/04 House: Assigned to General Laws sub-committee: 2

Notes: City Position: Support

SB 607 Methadone clinics; conditions for licensure certain designed for treatment of persons w/opiate addiction.

Summary as passed Senate:

Licensure conditions for certain methadone clinics; emergency. Prohibits the granting of an initial license to a provider of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, if such provider is to be located within a one-half mile of a public or private day care center or public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner of the Department of Mental Health, Mental retardation or Substance Abuse Services or owned or operated by an agency of the Commonwealth. Upon receiving a notice of a proposal for or an application to obtain initial licensure from a provider of treatment for persons

with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, the Commissioner must, within 15 days of such receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of such proposal or application and its proposed location. The local governing body and the community services board must submit comments to the Commissioner on the proposal or applications within 30 days of the date of the notice. The local governing body must notify the Commissioner of compliance with the location restrictions and any relevant local ordinances. Existing providers who have made application for licensure and obtained a certificate of occupancy or received a license in accordance with the law and regulations in effect on January 1, 2004, will not be required to comply with the provisions of this bill. Further, this law will not apply to the jurisdictions located in Planning District 8. Two enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the provider is in compliance with this act.

Patrons: Wampler and Bell; *Delegates:* Johnson and Kilgore

02/03/04 Senate: VOTE: PASSAGE (39-Y 1-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Health, Welfare and Institutions

Notes: City Position: Oppose

SB 655 Business license tax; phase-out in all localities.

Summary as introduced:

Business license tax phase-out. Requires localities that impose the business license tax to eliminate it in 25 percent increments annually beginning no later than July 1, 2005. It also repeals the business license tax provisions effective July 1, 2008.

Patron: Norment

01/23/04 Senate: Referred to Committee on Finance

02/12/04 Senate: Continued to 2005 in Finance

Notes: City Position: Oppose

SB 665 Domestic violence or sexual assault; privileged communications between victims and advocates.

Summary as passed Senate:

Communications privilege. Provides that in both civil and criminal proceedings persons defined as domestic violence or sexual assault advocates and persons translating the communications between advocates and victims may not disclose oral or written communications between advocate and victim or be compelled to testify or provide any evidence regarding any such oral or written communications. The privilege does not extend to testimony or reporting requirements in matters relating to child or adult abuse and neglect, nor does it extend to potentially exculpatory information or materials that an attorney for the Commonwealth is required to disclose in a

criminal case.

Patrons: Mims, Cuccinelli, Howell, Ticer and Whipple

02/10/04 Senate: VOTE: PASSAGE (33-Y 7-N)

02/10/04 Senate: Communicated to House

02/12/04 House: Placed on Calendar

02/12/04 House: Read first time

02/12/04 House: Referred to Committee for Courts of Justice

Notes: City Position: Support

SB 688 Public-Private Education Facilities & Infrastructure Act; provisions for performance & payment bond.

Summary as introduced:

Public-Private Education Facilities and Infrastructure Act of 2002. Amends the Public-Private Education Facilities and Infrastructure Act of 2002 by requiring the comprehensive agreement to include provisions for performance and payment bonds as provided in the Virginia Public Procurement Act and a bid bond in the amount of five percent of the total cost of the project. In addition, the bill requires local governing bodies proceeding under the Act to have the comprehensive agreement approved by the Design/Build Construction Management Review Board and analyzed by the Auditor of Public Accounts prior to final approval. The bill also requires the local governing body to hold a public hearing regarding the nature, costs and other facts relating to the project.

Patron: Edwards

02/13/04 Senate: VOTE: RECONSIDER (39-Y 0-N)

02/13/04 Senate: Defeated by Senate (15-Y 22-N)

02/13/04 Senate: VOTE: PASSAGE (15-Y 22-N)

Notes: City Position: Oppose

SJ 69 Washington Metropolitan Area Transit Authority; Congress to undertake new comtmt. for funding.

Summary as introduced:

Memorializing Congress on financial needs of WMATA. Memorializes Congress to make a renewed commitment to adequately fund the Washington Metropolitan Area Transit Authority.

Patrons: Whipple, Colgan, Howell, Puller and Ticer; *Delegates:* Brink, Ebbin, Eisenberg, Van Lamingham and Watts

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

02/02/04 Senate: Assigned to Rules sub-committee: 3

02/17/04 Senate: Failed to report (defeated) in Rules

Notes: City Position: Support

SJ 84 Constitutional amendment; exempts certain motor vehi. from state & local taxation (first reference).

Summary as introduced:

Constitutional amendment (first resolution); property exempt from taxation. Amends the

Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation. If this resolution is enacted by either the 2004 or 2005 General Assembly a second resolution must be introduced and enacted by the 2006 General Assembly in order for this amendment to be on the November 2006 general election ballot.

Patron: Hanger

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

02/03/04 Senate: Continued to 2005 in P. & E. (15-Y 0-N)

Notes: City Position: Oppose

SJ 85 Constitutional amendment; assessment of real property (first reference).

Summary as introduced:

Constitutional amendment (first resolution); assessment of real property. Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.

Patron: Hanger

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

02/03/04 Senate: Continued to 2005 in P. & E. (15-Y 0-N)

Notes: City Position: Oppose

Attachment 2 - Comparison of Major Tax Reform Proposals, 2004 Session

| ISSUE | Warner (no longer alive) | Chichester as Introduced | Chichester as Passed Senate | House Tax Reform |
|--|---|---|--|---|
| Income Tax | 6.25% rate on income over \$100,000 | 6.25% rate on income over \$100,000; 6.5% on income over \$150,000 | 6.25% rate on income over \$100,000; 6.5% on income over \$150,000 | Does not address |
| Sales Tax | Increases to 5.5% on July 1, 2004 | Increases to 5.5% on July 1, 2004 | Increases to 5.5% on July 1, 2004 | Does not address |
| Sales Tax on Food | Decreases to 2.5% on July 1, 2004 | Decreases to 2% | Decreases to 2% | Does not address |
| 62 Deduction | Eliminates for those not already eligible | Eliminates | Means test for most not yet 62 | Does not address |
| 65 Deduction | Means test for those born after 1939 | Eliminates | Means test for most not yet 62 | Does not address |
| State Tobacco Tax | Increases state tax to 25¢/pack | Increases state tax to 30¢/pack | Increases state tax to 20¢/pack in 04, 35¢ in 05 | Does not address |
| Local Tobacco Tax | Limits local tax to 50¢/pack | Limits local tax to 55¢/pack | Does not address (no change) | Does not address |
| Estate Tax | Eliminates for most | Eliminates for all | Eliminates for most | Does not address |
| Low Income | Lowers income taxes | Lowers income taxes | Lowers income taxes | Does not address |
| Fuel Tax | Does not address | Increases by 3¢ | Increases by 3¢ | Does not address |
| Sales Tax on Fuel | Does not address | Applies the 5.5% sales tax | Applies the 5.5% sales tax | Does not address |
| Car Tax | Eliminates by 2008 | Eliminates by 2005 | Does not change current law | Does not address |
| Car Titling Tax | Does not address | Increases to 5.5% (from 3%) | Increases to 4.5% (from 3%) | Does not address |
| Car Registration | Does not address | Increases by \$10 | Increases by \$10 | Does not address |
| Recordation Tax | Does not address | Increases to \$.45/\$100 (from \$.15) | Increases to \$.30/\$100 (from \$.15) | Does not address |
| Sales Tax Exemptions | Does not change | Does not change | Does not change | Eliminates for certain categories |
| Approximate annual revenues raised (05) | \$0.52 B annually | \$1.66 B annually | \$1.8 B (FY 05) \$2.0 B (FY 06) | \$300 M to state; \$115 M to localities ; \$115 M to local schools (extremely rough estimates) annually |
| Resulting revenue increase to City | Unknown, but certain funds (e.g., HB 599 and public schools) are in jeopardy if new revenues are not approved | \$1.5M/yr in new SOQ funds | \$1.5M/yr in new SOQ funds; ability to increase local recordation tax; otherwise unknown | Unknown, but likely minimal |

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