

*City of Alexandria*

**MEMORANDUM**

DATE: FEBRUARY 7, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION INTRODUCED AT THE 2005 GENERAL ASSEMBLY SESSION

**ISSUE:** Recommendations and status report (No. 2) on legislation introduced at the 2005 General Assembly Session.

**RECOMMENDATION:** That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City) as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilwoman Woodson).

**DISCUSSION:** The 2005 General Assembly Session began on January 12, and has reached its halfway point. Beginning on Wednesday (February 9), except for the budget, the House may consider only Senate bills and the Senate may consider only House bills. Each house is scheduled to approve its proposed amendments to the state budget on Thursday, February 10. During the last days of Session, which is scheduled to adjourn on February 26, the House and Senate will seek to reconcile any differences they have over the bills they have passed, including the budget bill.

**City Package.** The following actions have been taken on bills from the City's legislative package (Attachment 2 is a summary status report on these bills):

- HB 578, which seeks to grant localities the authority to allow video or audio commitment hearings for involuntary psychiatric patients who have been detained at facilities outside the City, passed the House unanimously and is now awaiting action by the Senate Courts of Justice Committee.
- HB 2546 would have required coal-fired electric generating facilities in severe non-attainment areas like Northern Virginia to either (1) establish a schedule by which they will significantly reduce by specific amounts their emissions of oxides of nitrogen, sulfur

dioxide, and particulates; or (2) cease operation by a given date in lieu of reducing their emissions. It was introduced by Delegate Van Landingham on behalf of the City, but was carried by Delegate Moran in Delegate Van Landingham's absence. The House Committee on Agriculture, Chesapeake and Natural Resources defeated this bill. Among the arguments that were made against it were the following:

- the federal government (EPA) should enact air quality regulations of this type, so that these regulations do not vary from state to state or region to region;
- this legislation would create air quality regulations that would affect only one region of the state, but regulations should be the same statewide;
- this legislation is aimed unfairly at only one power plant;
- the power plant that this would affect has already agreed to reduce its emissions significantly through a consent decree with EPA and the State; and
- closing down this power plant would be detrimental to Virginia coal, which is used at the plant.

Delegate Jack Reid's Clean Smokestacks legislation (HB 2742), which would have applied statewide but included less stringent emission requirements than Delegate Van Landingham's HB 2546, was also overwhelmingly defeated by the House Committee on Agriculture, Chesapeake, and Natural Resources. It was strongly opposed by Dominion Virginia Power and other electric power companies.

- An amended version of HB 2802, which seeks to protect the confidentiality of communications between victims of sexual assault or domestic violence and their advocates, was approved by the House Courts Committee on a very close (8-7) vote. While the amended legislation does not offer the same degree of protection as the bill that was originally introduced (confidentiality protections are more limited under the revised bill), staff believes that it is an improvement over current law. This bill now awaits action by the full House.
- SB 1079 seeks to amend the Virginia Code to toll (or suspend) the statute of limitations on private rights of action under Virginia law until a local human rights commission has acted on a case. This will allow victims of unlawful discrimination to file suit raising state law claims in state court once it is clear that there is no federal jurisdiction in the matter, and avoid unknowingly missing statutory filing deadlines. This bill was approved unanimously by the Senate and now awaits action in the House.
- House Bill 2675 would authorize localities that can charge admissions taxes to limit these taxes to movie theater admissions. This bill was defeated by the House Finance Committee. Legislators opposing it believed it would make it easier for localities to enact a new tax (those like Alexandria that would rather not tax all admissions could limit the tax to movies). One Committee member also observed that a tax only on movies would have a greater effect on lower income residents, who are more likely to attend movies than

concerts, symphony performances, and other more expensive entertainment events. A representative of the Alexandria Chamber of Commerce spoke against the legislation.

- House Bill 2638, as introduced, would have made an employer guilty of embezzlement if he refused to pay an employee for labor the employee provided in accordance with a compensation agreement. The City asked for this legislation primarily to address the issue of non-payment of day laborers. It has been amended to raise non-payment of \$250 or more to an employee a felony (it is currently only a misdemeanor). Staff believes that this approach, while different from what was originally proposed in the bill, will help address this problem. This legislation has received committee approval and now awaits action by the full House.
- All the bills that were introduced to allow for early voting have been defeated. Among the reasons that were given by the legislation's opponents (which included several registrars from other localities) were that the bills could lead to voter fraud, and they would cost significant amounts in new staff funding to implement. One opponent also said that states that have early voting have actually seen decreases in numbers who vote.
- All the Senate bills that would change or eliminate the July 1 sunset provision in the state's red light camera law have passed the Senate and await House action. On February 4, the House Committee on Militia, Police and Public Safety defeated all the House bills that would have eliminated the sunset provision. As staff has reported in the past, there is hope that the House Committee may approve one of the Senate measures and extend the sunset for two years during the last days of Session.
- SB 1099 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. It was approved by the Senate Finance Committee and awaits action by the full Senate.
- SJR 440 seeks to have the General Assembly express its support for the recommendations of the Panel on the Analysis of the Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority (the Blue Ribbon Panel). The resolution has been approved by the Senate Rules Committee and awaits floor action in the Senate.
- SJR 259 proposes to amend the Virginia Constitution to authorize the General Assembly to provide by statute for the restoration of a felon's voting and other civil rights. Similar legislation was passed in 2003 but defeated in 2004 (constitutional amendments must be approved in two separate General Assembly sessions, with a legislative election taking place between the sessions). This legislation was approved by the Senate Committee on Privileges and Elections and awaits action by the full Senate.

- A number of resolutions were introduced that proposed Constitutional amendments to permit the Governor to serve two successive terms. All of these have been defeated by the House and Senate Privileges and Elections Committees.
- HB 1633 would have repealed the Affirmation of Marriage Act, which was passed last Session and prohibits a “civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage” as well as any related contractual rights. It was defeated by the House Courts of Justice Committee. HB 2490 attempted to amend the Affirmation of Marriage Act by adding language specifying that the Act “shall not abridge the right of any person to enter into a lawful contract that pertains to the ownership or devising of joint property, the maintenance of personal health, or the protection of private assets.” It was defeated 12-6 by the House Courts of Justice Committee.
- Senate Bill 1139, which the City opposes, would limit to \$600,000 per parcel the state tax credit that can be taken by those who donate land to public or private conservation agencies for preservation or conservation purposes. If enacted, this legislation could significantly limit future donations of land for open space or preservation in localities with high land values, such as Alexandria. The bill has been approved by the Senate Finance Committee and awaits action on the Senate floor. Last Session the Senate approved similar legislation, but it was defeated in the House.

**Transportation Funding.** Budget amendments proposed by the Senate Finance and House Appropriations Committees will result in increased funding for Virginia’s transportation programs.

In his budget, the Governor proposed \$824 million in new transportation funding, including additional state urban funds, a portion of which the City receives; \$10 million for statewide bus purchases; and \$40 million for Metrorail cars.

The Senate Finance Committee increased Metro funding proposed by the Governor by \$5 million to \$45 million. It also increased the Governor’s proposed allotment for bus purchases statewide by \$5 million, to \$15 million.

The House Appropriations Committee’s transportation proposals would earmark one-third of all insurance license tax revenues to be deposited into a new fund which will be used to pay off revenue bonds for new transportation projects. Proceeds from these bonds would be allocated by the Commonwealth Transportation Board, using the formula that is used for allocating highway funds; there would be no set-aside for transit, which normally gets 14.7 percent of all transportation funds. Instead, transit would have to fight for a share of these funds.

**Affordable Housing.** Bad affordable housing legislation has been approved by both the Senate Local Government Committee (SB 1206 was approved 8-7) and the House Committee on

Counties, Cities and Towns (HB 2167 was approved 18-4). These identical bills prohibit any locality from accepting affordable housing contributions as a condition of a special use permit from January 1, 2005 to June 30, 2006, while the Virginia Housing Commission studies the issue. Localities that receive these contributions as a part of a rezoning—counties and cities that are not built out—are not affected by the legislation. Alexandria, Arlington, and Falls Church are impacted, and are working to defeat this legislation. Council members who attended VML Day also met with legislators to seek their support in defeating the bills.

**Telecommunications Taxes.** Legislation to restructure telecommunications taxes has been withdrawn by its House and Senate patrons. When considered by the Senate Committee on Commerce and Labor, the bill came under attack from legislators who represent rural constituencies that are heavily dependent on satellite TV. As proposed, the bill would have taxed satellite TV for the first time. Without the satellite TV tax, revenues from the restructured tax system would have been insufficient to make the proposal revenue neutral. In place of the introduced legislation, its proponents substituted a provision requiring the state Auditor of Public Accounts to collect information showing the amount of revenues received by localities during FY 2005 from the following taxes and fees at the rates that were in effect on July 1, 2003: the gross receipts tax in excess of 0.5 percent, the local consumer utility tax, the video program excise tax (Alexandria does not assess this tax), the cable franchise fee, and 911 taxes and fees. Proponents of the legislation plan to use this information to redraft the tax restructuring bill for consideration by the 2006 Session.

**Cable Television Franchise Legislation.** Verizon's proposal for changes to Virginia's cable television franchise laws has changed significantly since it was first unveiled nearly a month ago. Verizon originally sought to allow entities with existing telephone franchises to provide cable television without having to negotiate its own cable television franchise when there was an existing cable television franchise (e.g., Comcast) in a locality. Instead, Verizon would have to meet a number of requirements that would be set out in the State Code.

Verizon's latest proposal, which is expected to surface in the Senate on Monday, seeks a much less significant change in state law. Current law prohibits any locality from issuing a cable television franchise to a second provider (e.g., Verizon) unless that provider meets all of the conditions of the franchise issued to the first provider (the terms of the second franchise cannot be "more favorable or less burdensome" than those in the existing franchise). Verizon is asking to amend this law so that a locality is prohibited from issuing a franchise to a second provider only if it finds that the second franchise "will unreasonably prejudice or disadvantage any class of cable service customers or cable television systems, including the new entrant and any existing cable television systems."

**Assisted Living.** Bills to reform the regulation of assisted living facilities are making their way through the General Assembly, as advocates for assisted living reform continue their efforts to improve the legislation. The House is nearing its approval of HB 2512, and the Senate is expected to take final action on SB 1183 on Monday or Tuesday. During the remainder of

Session, advocates will work to conform and improve the measures. As noted in staff's last update, this legislation will address four areas of major concern: providing accurate and complete information to prospective residents of assisted living facilities; requiring sufficient training of administrators and direct care staff, strengthening enforcement; and increasing state funding for assisted living.

A preliminary review of the budget indicates that both the House and Senate have proposed small increases to auxiliary grants, which are the state funds used to support many persons in assisted living facilities.

**“Flush Tax” Alternative.** As noted in staff's last update, several alternatives were proposed at the beginning of Session to provide funding to remove nutrients, especially nitrogen, from the Chesapeake Bay and its tributaries. The Chesapeake Bay Foundation, which has taken the lead on this issue, suggested that a “flush tax” be added to the wastewater treatment bills of all Virginia residents, or that a portion of state general funds be earmarked for nutrient removal programs.

The House of Delegates is now proposing that the General Assembly provide \$50 million annually in general funds for ten years to address nutrient problems. These funds are to be used as grants to local governments for wastewater treatment plant upgrades, with distribution based on severity of the nutrient problem and financial need of the locality which the wastewater treatment plant serves. A portion of the funds would also be used to reduce nonpoint source nutrient pollution.

The Senate is considering legislation similar to the House bill (SB 1235); both bills are expected to be reconciled by the end of Session.

Both the House and Senate have included at least \$50 million in additional funds for nutrient removal in their budget proposals.

**State Budget.** On February 6, the Senate Finance and House Appropriations Committees released their proposed amendments to the current biennial budget. Transportation funding initiatives are described above.

- Both the House and Senate lower the sales tax on food to 2.5 percent. Of this 2.5 percent, one percent will go to education and ½ percent transportation; one percent will continue to go to the locality in which the sale was made.
- The Senate proposed \$250,000 to help with the capital costs associated with construction at Birmingham Green Adult Care Residence, a Manassas adult care facility jointly owned by Alexandria, Fairfax County, Fauquier, Loudoun, and Prince William. The House does not appear to have included any funding for the facility.

- Except for increases in teachers' salaries, the House and Senate left funding for the Alexandria Public Schools virtually unchanged from the budget adopted last Session.
- Both the House and the Senate included funding to establish six crisis stabilization programs in areas of the State which are experiencing severe shortages of in-patient psychiatric beds for persons detained on a Temporary Detention Order. The House proposal identifies Northern Virginia as the location for one of the programs; information from the Senate thus far is silent on the locations of the programs.
- The Senate has proposed a four percent salary increase for state-supported local employees, effective December 1, 2005; the House appears to have provided a three percent increase effective November 25, 2005.
- The Senate proposed a three percent salary increase for teachers effective January 1, 2006; the House recommended a 2.5 percent increase beginning December 1, 2005.
- The House has earmarked \$50,000 for exterior repairs to the Campagna Center, and \$50,000 for repairs to the Lee-Fendall House.

On February 10, the House and Senate will vote on the amendments proposed by their committees. Both houses will spend the remainder of Session reconciling the differences in their budget proposals.

**Shortage of Psychiatric Beds.** The Community Services Boards in Northern Virginia prepared a letter that was sent to all Northern Virginia legislators describing the impending crisis in finding psychiatric beds in the region (Attachment 3). The letter asks the General Assembly to provide state funding to help ease this problem. Council's Legislative Subcommittee authorized the Alexandria Community Services Board to co-sign the letter so that this issue could be considered during the General Assembly's development of amendments to the biennial budget. As noted above, both House and Senate budget proposals include money to address this issue.

**Status Report on Legislation on Previously Considered by Council.** Attachment 4 is a status report on legislation on which the City has taken a position.

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, February 5, 2005

Attachment 2 - Current Status of City Package Bills, February 5, 2005

Attachment 3 - CSB Letter on the Impending Crisis in Finding Psychiatric Beds in Northern Virginia

Attachment 4 - Current Status of Bills on Which the City Has Taken a Position, February 5, 2005

**STAFF:**

Bernard Caton, Legislative Director

Michele Evans, Assistant City Manager

**Attachment 1**  
Recommended Positions on Bills of Importance to the City  
February 5, 2005

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**HB 2051 Procurement Act, Public; purchase of technology, etc. to be approved by Chief Info. Officer of State.**

*Summary as introduced:*

**Virginia Public Procurement Act; methods of procurement.** Requires approval of the Chief Information Officer of the Commonwealth for the purchase of information technology and telecommunications goods and services from a public auction or off of another public body's contract.

*Patron:* Nixon

02/04/05 House: Passed House (96-Y 0-N)

**Notes:** City Position: Oppose

**HB 2078 Antiquities Act; creation of position of State Archaeologist, penalty.**

*Summary as introduced:*

**Virginia Antiquities Act; penalties.** Authorizes the creation of the position of State Archaeologist, who shall assist the Director of the Department of Historic Resources in carrying out the agency's responsibilities. The bill also clarifies that it is a felony for anyone who does not have a permit from the Department or a court order to remove human remains or objects associated with a Native American or other historic burial. The bill imposes a penalty of a Class 1 misdemeanor on anyone who explores or excavates an archaeological site without the written consent of the landowner, or who, during the conduct of such activities, destroys or damages the archaeological site, or the property, crops, houses, or improvements located on the property. In addition, persons are subject to a penalty of a Class 1 misdemeanor if they sell, offer to sell, purchase, or offer to purchase any object of antiquity from state-controlled lands or archaeological sites, except as allowed by law or with the permission of the landowner.

*Patrons:* Van Landingham and Plum

02/02/05 House: Reported from C. J. with substitute (21-Y 0-N)

02/02/05 House: Referred to Committee on Appropriations

02/03/05 House: Reported from Appropriations with sub (20-Y 0-N)-H1

**Notes:** City Position: Support

**HB 2151 Procurement Act, Public; preference for contractor firms.**

*Summary as introduced:*

**Virginia Public Procurement Act; preference for Virginia firms.** Provides that whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to the lowest responsible bidder who is a resident of Virginia. Currently, a preference for Virginia resident may be given.

*Patron:* Amundson

02/03/05 House: Reported from General Laws with sub (21-Y 0-N)

**Notes:** City Position: Oppose



**HB 2386 Conveyance of easements; eliminates public hearing requirement for localities.**

*Summary as introduced:*

**Conveyance of easements.** Eliminates the public hearing requirement for localities that convey easements for utilities and similar matters of public interest.

*Patron:* Barlow

02/02/05 House: Communicated to Senate

02/03/05 Senate: Constitutional reading dispensed

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

**Notes:** City Position: Support

**HB 2679 Business license tax, local; appeals to court.**

*Summary as introduced:*

**Local business taxes; appeals to court.** Provides that when any taxpayer appeals to court from an adverse decision of the State Tax Commissioner regarding the assessment of a local business tax, and pays any amount of tax not in dispute, the treasurer or other official responsible for collecting the tax shall suspend collection activity with respect to the amount of tax placed at issue by the appeal, while the court retains jurisdiction. Such suspension of collection shall not be required if the court determines that (i) the appeal is not well-grounded in fact or in law, (ii) collection would be jeopardized by delay, or (iii) suspension of collection would cause substantial economic hardship on the locality.

*Patrons:* Lingamfelter, Albo, Byron, Cole, Fralin, Hull, Janis, Landes, Lewis, Louderback, McDonnell, McQuigg, O'Bannon, Parrish, Saxman, Ware, R.L., Watts and Welch; *Senators:* Colgan, Hanger and Wagner

02/02/05 House: Reported from Finance with sub (22-Y 0-N)-H1

**Notes:** City Position: Oppose

**HB 2734 Gangs; reporting organized criminal activity and membership.**

*Summary as introduced:*

**Organized criminal gang reporting.** Repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Network Center maintained by the Federal Bureau of Investigation. The bill also contains technical amendments.

*Patrons:* McQuigg and Shannon

01/12/05 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 2839 Boards of zoning appeals.**

*Summary as introduced:*

**Boards of zoning appeals.** Rewrites the criteria for instances in which the boards of zoning appeals may grant a variance to the zoning ordinance by changing the requirement of an "undue hardship" to a "clearly demonstrable" hardship.

*Patron:* Keister

01/20/05 House: Presented & ordered printed 056344368  
01/20/05 House: Referred to Committee on Counties, Cities and Towns  
02/04/05 House: Incorporated into HB2159-Reese (22-Y 0-N)  
**Notes:** City Position: Support

**HB 2854 Hepatitis C; testing of persons convicted of certain crimes.**

*Summary as introduced:*

**Testing of persons convicted of certain crimes for hepatitis C.** Requires that any person convicted under statutes prohibiting prostitution and crimes against nature be tested for hepatitis C and treated if necessary.

*Patron:* Amundson

02/03/05 House: Read third time and passed House (90-Y 5-N)

02/03/05 House: Communicated to Senate

**Notes:** City Position: Support

**HB 2910 Higher education; prohibits admission of illegal aliens to any public institutions in State.**

*Summary as introduced:*

**Prohibiting admission of illegal aliens to public institutions of higher education.** Provides that persons who are not citizens or nationals of the United States, are unlawfully present in the country, or do not have a valid nonimmigrant student visa to study in the United States may not be admitted to any public institution of higher education in Virginia.

*Patrons:* Gear, Albo, Byron, Carrico, Cole, Cosgrove, Griffith, Hogan, Janis, Jones, S.C., Landes, Marshall, R.G., Reid, Sherwood, Weatherholtz and Welch-E

02/03/05 House: Read third time and passed House (67-Y 28-N)

02/03/05 House: Communicated to Senate

**Notes:** City Position: Oppose

**HB 2921 Adoption; prohibited if homosexual.**

*Summary as introduced:*

**Prohibits adoptions by homosexuals.** Would prohibit adoption by any person who is homosexual.

*Patrons:* Black and Marshall, R.G.

02/03/05 House: Reported from H. W. I. w/substitute (18-Y 4-N)

**Notes:** City Position: Oppose

**SB 878 Line of Duty Act; funding of continued health insurance and death payment of benefits thereunder.**

*Summary as introduced:*

**Line of Duty Act.** Provides for funding of continued health insurance and death payment benefits under the Line of Duty Act from employer contributions to a Line of Duty Act Fund administered by the Virginia Retirement System. The Retirement System shall set the rate of annual employer contributions. All payments for continued health insurance and death benefit

payments shall be made from the Fund. In general, health insurance coverage under the Line of Duty Act shall be the basic health insurance plan for state employees. Persons electing to receive coverage under the health insurance plan in effect at the time of the law-enforcement officer's death or disability shall be reimbursed only up to the amount that would have been paid in the respective year to provide coverage under the basic health insurance plan for state employees. In general, persons disabled on or before July 1, 2000, and their spouses and dependents shall receive continued health insurance coverage beginning in 2006 under the basic health insurance plan. The bill authorizes local governments to provide health insurance coverage comparable to that provided under the Line of Duty Act if the health insurance is approved as comparable by the Board of the Virginia Retirement System.

*Patron:* Wampler

02/04/05 Senate: Committee substitute agreed to 052976836-S1

**Notes:** City Position: Oppose in present form. (VML working on proposal)

**SB 1086 Zoning appeals, boards of; changes in provisions.**

*Summary as introduced*

**Boards of zoning appeals.** Rewrites the criteria for instances in which the board of zoning appeals may grant a variance to the zoning ordinance in order the grant the board additional flexibility.

*Patron:* Ticer

02/04/05 Senate: Committee substitute agreed to 051761828-S1

**Notes:** City Position: Support

**Attachment 2**  
Current Status of City Package Bills  
February 5, 2005

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**HB 578 Electronic communication; use for certain proceedings and witness testimony.**

*Summary as introduced:*

**Temporary detention petitions.** Allows parties and witnesses to appear by way of two-way audio or video systems in temporary detention hearings for involuntary psychiatric patients.

*Patron:* Hamilton

01/19/05 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 1558 Traffic signals; use of photo-monitoring in certain localities.**

*Summary as introduced:*

**"Photo-red" traffic light signal enforcement.** Eliminates the July 1, 2005, "sunset" on local "photo-red" traffic light signal enforcement programs, but limits such programs to named localities wherein "photo-red" programs are already in effect.

*Patrons:* Tata, Eisenberg and Petersen

02/04/04 House: Defeated by Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 1633 Affirmation of Marriage Act; abolished.**

*Summary as introduced:*

**Domestic relations; Affirmation of Marriage Act.** Repeals the statute that states: that a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited; that such an arrangement entered into in another state or jurisdiction is void in Virginia; and that any contractual rights created thereby are void and unenforceable.

*Patrons:* Van Yahres, Bell, Brink, Ebbin and Plum

01/21/05 House: Passed by indefinitely in C. J. (17-Y 3-N)

**Notes:** City Position: Support

**HB 1868 Traffic signals; extends sunset on use of photo-monitoring systems, report.**

*Summary as introduced:*

**Photo-red traffic light signal enforcement.** Extends the July 1, 2005, sunset on local photo-red programs until July 1 2006. The bill also asks VCU's Transportation Safety Training Center Interdisciplinary Crash Investigation Team to report to the 2006 Session as to the impact of photo-red programs on safety and the degree to which objections to such programs in other states apply to those in Virginia as well.

*Patron:* Brink

02/04/05 House: Defeated by Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 1909 Absentee ballots; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision.

*Patron:* Baskerville

01/28/05 House: Passed by indefinitely in P. & E. (16-Y 4-N)

**Notes:** City Position: Support

**HB 2095 Traffic signals; extends sunset on use of photo-monitoring systems.**

*Summary as introduced:*

**"Photo-red" programs.** Postpones the 2005 "sunset" on local "photo-red" programs to 2007.

*Patrons:* Hugo and Rust

02/04/05 House: Defeated by Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 2153 Absentee ballots; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision.

*Patron:* Amundson

01/28/05 House: Passed by indefinitely in P. & E. (16-Y 4-N)

**Notes:** City Position: Support

**HB 2490 Domestic relations; lawful contracts.**

*Summary as introduced:*

**Domestic relations; lawful contracts.** Provides that the prohibition against a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage shall not abridge the right of any person to enter into a lawful contract that pertains to the ownership or devising of joint property, the maintenance of personal health, or the protection of private assets.

*Patrons:* Petersen and Albo

01/12/05 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 2546 Electric generating facilities; to meet emissions reductions in severe nonattainment area.**

*Summary as introduced:*

**Severe nonattainment areas.** Directs coal electric generating facilities in severe nonattainment areas 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, (ii) limit annual nitrogen oxide emissions to an amount no greater than 25 percent of the facility's 1997 nitrogen oxide emissions, and (iii) remove 99 percent of particulate matter PM10 and smaller from emissions as compared to the unit's emissions without environmental controls. Also prohibits any electric generating facility from operating after January 1, 2009, unless it has complied with the above emission reduction requirements or entered into a consent decree with the State Air Pollution Control Board, agreeing to cease operations by January 1, 2014.

*Patron:* Van Landingham

01/26/05 House: Tabled in Agriculture, Chesapeake and Natural Resources (21-Y 1-N)

**Notes:** City Position: Support

**HB 2636 Absentee ballots; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision.

*Patrons:* Ebbin, Albo, Amundson, Bland, Brink, Callahan, Dillard, Eisenberg, Petersen, Reese, Rust, Scott, J.M., Sickles, Van Landingham and Watts; *Senators:* Puckett, Puller, Reynolds, Ticer and Whipple

01/28/05 House: Passed by indefinitely in P. & E. (15-Y 5-N)

**Notes:** City position: Support

**HB 2638 Wages; employer who fails or refuses to pay wages is guilty of embezzlement.**

*Summary as introduced:*

**Failure or refusal to pay wages; penalty.** Provides that an employer who fails or refuses to pay wages is guilty of embezzlement. Failure to pay wages payable immediately upon rendering of the services (e.g., such as wages paid to day laborers) gives rise to a presumption that the employer acted with wrong and fraudulent intent.

*Patrons:* Ebbin, Brink, Callahan, Eisenberg, Moran, Petersen, Plum and Van Landingham; *Senators:* Lucas, Ticer and Whipple

02/03/05 House: Reported from Appropriations with substitute (20-Y 0-N)

**Notes:** City Position: Support

**HB 2675 Admissions tax; includes motion picture theatres.**

*Summary as introduced:*

**Admissions taxes; classification.** Designates motion pictures played in theatres as a separate class of events for purposes of imposing the local admissions tax.

*Patrons:* Ebbin; *Senator:* Ticer

01/31/05 House: Tabled in Finance (22-Y 0-N)

**Notes:** City Position: Support

**HB 2758 Early voting; provides that any qualified registered voter may vote at specified times and places.**

*Summary as introduced:*

**Early voting.** Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superceded by the early voting process for the early voting period. The bill takes effect January 1, 2006.

*Patrons:* Ebbin, Brink and Eisenberg; Senator: Whipple

01/28/05 House: Passed by indefinitely in P. & E. (16-Y 4-N)

**Notes:** City Position: Support

**HB 2802 Domestic violence or sexual assault; privileged communications between victims and advocates.**

*Summary as introduced:*

**Confidential communications.** Provides that all written and oral communications between a victim and a domestic violence or sexual assault advocate, serving in the capacity of an advocate, or an interpreter for an advocate or a victim, shall be confidential and shall not be subject to disclosure in any judicial or administrative proceeding, without the written consent of the victim.

*Patron:* Moran

01/18/05 House: Substitute Reported by Committee for Courts of Justice, 8-7

**Notes:** City Position: Support

**HJ 555 Constitutional amendments; Governor's term of office, appt. of Board of Education (first reference).**

*Summary as introduced:*

**Constitutional amendments (first resolution); Governor's term of office; Board of Education.** One amendment permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, by the Governor; and three members appointed by the House of Delegates and two members appointed by the Senate, in accordance with the rules of each house. Presently, the Constitution provides that all nine members are appointed by the Governor.

*Patron:* Purkey

01/28/05 House: Tabled in Privileges & Elections (20-Y 0-N)

**Notes:** City Position: Support

**HJ 557 Constitutional amendment; Governor's term of office (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors

elected in 2005 and thereafter to serve two successive terms.

*Patrons:* Purkey, Amundson, Bland, Brink, Councill, Eisenberg, Landes, May, Parrish, Rust, Scott, J.M., Van Yahres and Ware, O.

01/28/05 House: Tabled in Privileges & Elections (20-Y 0-N)

**Notes:** City Position: Support

**HJ 652 Constitutional amendment; Governor's term of office (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. This resolution is a recommendation of the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth (HJR 13, 2004).

*Patrons:* Purkey and Brink

01/28/05 House: Passed by indefinitely in P. & E. (15-Y 5-N)

**Notes:** City Position: Support

**SB 732 Traffic signals; use of photo-monitoring systems 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:* Colgan

01/19/05 Senate: Read third time and passed Senate (30-Y 10-N)

01/19/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 780 Traffic signals; extends sunset on use of photo-monitoring systems.**

*Summary as introduced:*

**"Photo-red" programs.** Postpones the 2005 "sunset" on local "photo-red" programs to 2007.

*Patrons:* Mims; *Delegates:* May and Rust

01/19/05 Senate: Read third time and passed Senate (32-Y 8-N)

01/19/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1079 Employment discrimination; causes of action in cases alleging.**

*Summary as introduced:*

**Employment discrimination; causes of action in cases alleging employment discrimination.**

Provides that the current limitation of 180 days from the discharge for bringing a court action alleging employment discrimination is extended in instances where the employee has filed a discrimination complaint with the Virginia Human Rights Council or a local human rights or human relations agency. In such instances the time for bringing the court action is 90 days from



the date that the Council or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

*Patron:* Ticer

01/25/05 Senate: Read third time and passed Senate (38-Y 0-N)

01/25/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1099 Motor fuels tax; additional imposition in Northern Virginia.**

*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 and Ticer; *Delegates:* Brink, Ebbin and Eisenberg

02/02/05 Senate: Reported from Finance (13-Y 0-N 2-A)

02/04/05 Senate: Read second time and engrossed

**Notes:** City Position: Support

**SB 1139 Income tax, state and corporate; limits land preservation tax credits.**

*Summary as introduced:*

**Land preservation tax credit.** Provides an aggregate limit of \$600,000 in tax credit for each parcel of land donated under the Virginia Land Conservation Incentives Act of 1999. Also caps the amount of unused tax credit that may be transferred by the land donor to the maximum amount of credit that may be taken by a person. The bill does not apply to certain conveyances of property with a state or global rare ecosystem ranking as determined by the Virginia Division of Natural Heritage. The bill applies to conveyances made on or after January 1, 2005.

*Patron:* Hanger

02/02/05 Senate: Reported from Finance (15-Y 0-N)

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

**Notes:** City Position: Oppose

**SB 1226 Absentee ballots; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision.

*Patron:* Ticer

01/12/05 Senate: Referred to Committee on Privileges and Elections

02/01/05 Senate: Passed by indefinitely in P. & E. (12-Y 3-N)

**Notes:** City Position: Support

**SJ 259 Constitutional amendment; restoration of civil rights for nonviolent felons (first reference).**

*Summary as introduced:*

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

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

*Patron:* Miller

02/01/05 Senate: Reported from Privileges and Elections (9-Y 5-N)

02/04/05 Senate: Read second time and engrossed

**Notes:** City Position: Support

**SJ 440 Analysis of Potential for Alternate Ded. Revenue Serv. Washington Metro Area Transit Authority.**

*Summary as introduced:*

**Resolution; supporting recommendations on a dedicated funding source for the Washington Metropolitan Area Transit Authority.** Expresses the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority.

*Patrons:* Whipple, Colgan, Howell, Puller, Saslaw and Ticer; *Delegates:* Callahan, Moran, Plum and Sickles

02/04/05 Senate: Approved by Committee on Rules

**Notes:** City Position: Support

Attachment 3, Page 1

**NORTHERN VIRGINIA ASSOCIATION OF COMMUNITY SERVICES BOARDS**  
720 North Saint Asaph Street, Fourth Floor  
Alexandria, Virginia 22314-1960

January 31, 2005

The Honorable Vincent F. Callahan, Jr., District 34  
General Assembly Building  
P.O. Box 406  
Richmond, Virginia 23218

Dear Delegate Callahan:

We, the undersigned chairs of the Northern Virginia Community Services Boards (CSB), are growing deeply concerned over the continued disappearance of psychiatric beds in our region. We are writing to request that the Virginia General Assembly provide necessary state funding to help ease this crisis from growing any further.

The crisis to which we are referring is the closing of psychiatric units by local private hospitals. In the last year, two hospitals have closed their units (Potomac and Inova Alexandria) and a third closing (Northern Virginia Community Hospital) has just been announced. The cumulative loss of beds from these closings will be 51. The only increase occurred when Inova Mt. Vernon hospital increased the size of its unit by seven beds. Thus, there will be a net loss of 44 beds. In addition, the 127 beds at the Northern Virginia Mental Health Institute (NVMHI) are almost always filled.

Currently, Northern Virginia mental health emergency personnel are making dozens of phone calls throughout the state to locate a hospital bed for a person in need of hospitalization under a temporary detention order (TDO). When a bed is finally found it may be located several hours away. This separates families from their loved ones which makes recovery more difficult, longer and more costly than necessary. Meanwhile, the person is kept in police custody, often in handcuffs. This whole process impacts local public safety personnel in terms of lost time on the streets. Transporting people farther from their home community is not only detrimental to the individual with mental illness but also to public safety personnel who must transport them to and from a facility in another region of the State.

This issue was highlighted during a recent survey conducted by the State during the months of September and October, 2004. The survey revealed that in the Northern Virginia region alone, fifteen people were recommended for a TDO who then could not be hospitalized within the four hour statutory period of evaluation and emergency custody because a bed could not be found. The survey further found that two individuals were recommended for a TDO, but were later released from police custody because no facility could be found to admit them. The serious impact of releasing people in critical need of psychiatric hospitalization is obvious.

It is important to note that some vacant beds in the region may not always be available due to such factors as insufficient inpatient staff, particular psychiatric unit conditions such as no quiet room, challenging behaviors that preclude admission or no available placement after discharge.

As you know, the closing of private sector psychiatric beds is also a statewide issue and is one of the reasons why the Commissioner of the Virginia Department of Mental Health, Mental

Retardation and Substance Abuse Services, Dr. James Reinhard, announced his Restructuring Initiative about two years ago. This innovative plan was designed to evolve upward from the stakeholders of each region toward a statewide perspective which will be contained in the Commissioner's new Integrated Strategic Plan. The strength of this approach was its emphasis on beginning at the grassroots level in order to accommodate the unique needs of each region of the Commonwealth. As an elected representative from our region, you can easily recognize the validity of this method.

Since we began this process, our planning consortium – known as the Northern Virginia Strategic Planning Partnership – has produced two interim reports which focused on the need for mental health services for adults. (We would be happy to provide you with these reports or they can be accessed on the web at [www.fairfaxcounty.gov/service/csb/region/partnershipmain.htm](http://www.fairfaxcounty.gov/service/csb/region/partnershipmain.htm).) As we proceed with our planning through the Spring of 2005, we expect to develop some very specific proposals. These preliminary recommendations will be widely circulated and we hope to receive additional feedback that will further strengthen the proposals. However, a crisis exists today that requires your attention prior to the completion of the long term plans.

When we combine the loss of psychiatric beds with the continuing population growth of our area, we have a perfect storm that affects all areas of Northern Virginia. In the 21<sup>st</sup> century our system of psychiatric care has evolved to the point that it truly works at a regional level. Thus, a bed shortage in one jurisdiction is felt by all of the jurisdictions of our region.

We assure you that the staffs of the CSBs, the public and private psychiatric hospitals, the courts and the law enforcement agencies are working diligently to use every existing resource as efficiently as possible. However, it is clear that simply trying to work more efficiently is not sufficient to meet this growing community problem. We will also need help from the State.

Since the General Assembly will soon take action on the FY 2006 State budget, we are asking you to support requests for funding several specific projects that are critical in solving this community crisis. The specific projects we need in Northern Virginia are listed below.

- Local Inpatient/Specialized Purchase of Service - \$1 million to purchase inpatient psychiatric care from private hospitals
- Crisis Stabilization program - \$1.5 million to establish an 8 bed crisis care facility
- Restructuring Community Options - \$1.5 million to develop or expand an array of intensive community services that will facilitate the discharge of patients from NVMHI
- PACT Team for Northern Virginia - \$900,000

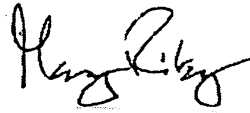
While partial funding is included in the Governor's Budget, it is not sufficient to solve this problem. Budget amendments have been introduced on all of these items. However, if we are to succeed, it is essential that Northern Virginia receive its fair share of any new funding. Please ensure that Northern Virginians receive appropriate care and treatment.

While the short term costs for averting this crisis are high, the long term costs of doing nothing are even higher. We are very aware of the limitations of projected revenues; however, these requests are necessary to ensure that your constituents receive ready access to the critical services they need. We ask you to appropriate the necessary funding to avert this growing psychiatric bed crisis from getting any worse.

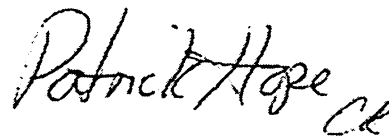
We bring this to you at this time because we believe that this is a very serious issue that can only be solved by joint action. Please feel free to contact any of us for additional information. You may also contact the co-chairs of our Regional Strategic Planning Partnership, Jim Thur (703-324-7015) or Lynn DeLacy (703-207-7337).

Thank you for your consideration of this request.

Respectfully yours,



Mary Riley, Chair  
Alexandria Community Services Board



Patrick Hope, Chair  
Arlington Community Services Board



Dave Redman, Chair  
Fairfax-Falls Church Community Services  
Board



Edward Peters, Chair  
Loudoun County Community Services Board



Arthur Johnson, Chairman  
Prince William Community Services Board

**Attachment 4**  
Current Status of Bills on Which the City has Previously Taken a Position  
February 5, 2005

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**HB 1517 Assault and battery; anger management for persons charged with first offense against family member.**

*Summary as introduced:*

**Anger management for persons accused of family violence.** Allows a court to require a person who is accused of family violence to enter, along with the victim who agrees to such a course of action, an education or treatment program focused upon anger management and designed to retrain the parties on how to disagree effectively and peacefully, if such a program is available. The court, when such a program is not available, may require education or treatment services such as, in the opinion of the court, may be best suited to the needs of the accused.

*Patrons:* Reese and Eisenberg

01/21/05 House: Stricken from docket by C. J. (20-Y 0-N)

**Notes:** City Position: Oppose

**HB 1534 Retail Sales and Use Tax; exemptions include school supplies, clothing, footwear and computers.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a four-day period each year beginning on the Friday before the first Monday in September. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* Frederick, Athey and Sherwood

02/02/05 House: Incorporated by Fin. (HB1878-McDougle) (22-Y 0-N)

**Notes:** City Position: Support

**HB 1563 DMV; assessment of additional fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than six net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.

*Patrons:* Rust, Albo, Frederick, Lingamfelter, Marshall, D.W., Nutter and Oder; *Senators:* Mims and O'Brien

02/02/05 House: Reported from Appropriations with sub (15-Y 9-N)

02/03/05 House: Committee substitute printed 053133204-H1

**Notes:** City Position: Oppose

**HB 1564 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the posted speed, \$250 for driving while his driver's license was suspended or revoked, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.

The bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1 - 9 mph carries three points, 10 - 14 mph carries four points, 15 - 19 mph carries five points, and 20 mph or more carries six points.

*Patrons:* Albo, Rust, Athey, Frederick, Lingamfelter, Marshall, D.W., O'Bannon, Oder and Sherwood; *Senators:* Mims and O'Brien

12/07/04 House: Referred to Committee on Transportation

02/01/05 House: Incorporated by Tra. (HB1563-Rust) (21-Y 0-N)

**Notes:** City Position: Oppose

**HB 1618 Telephone or telegraph communications; interfering with emergency use thereof, penalty.**

*Summary as introduced:*

**Interfering with emergency use of telephone; penalty.** Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from reporting an emergency situation or summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

*Patron:* Janis

01/24/05 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 1635 Retail Sales and Use Tax exemptions: food purchased for human consumption.**

*Summary as introduced:*

**Sales and use tax exemption; food for human consumption.** Exempts food for human consumption from the state sales and use tax.

*Patron:* Welch

01/12/05 House: Assigned to Finance sub-committee: #2

01/24/05 House: Incorporated by Fin. (HB1638-Callahan) (22-Y 0-N)

**Notes:** City Position: Support if it eliminates only 2.5% of the tax

**HB 1636 Motor Vehicle Sales & Use Tax; revenue from rental taxes deposited into Transportation Trust Fund.**

*Summary as introduced:*

**Motor vehicle rental taxes.** Requires that all revenue from the state motor vehicle rental taxes be deposited into the Transportation Trust Fund and used solely for transportation purposes.

*Patron:* Cole

01/31/05 House: Tabled in Appropriations (24-Y 0-N)

**Notes:** City Position: Oppose

**HB 1733 Freedom of Information Act; exempts certain email addresses.**

*Summary as introduced:*

**Freedom of Information Act; record exemption for certain email addresses.** Revises a current exemption for personal information, including electronic mail addresses to allow the withholding of such information unless the subject of the record waives the protections afforded by the exemption. Currently, the presumption is that the record is open unless the subject of the record indicates that the record should not be released.

*Patron:* Cosgrove

02/01/05 House: Passed by in General Laws with letter (14-Y 3-N)

**Notes:** City Position: Support

**HB 1821 Eminent domain; procedure for acquisition of property by State.**

*Summary as introduced:*

**Eminent domain procedures.** Makes the general provisions for the conduct of proceedings to acquire property by exercise of the power of eminent domain mandatory. Currently, the provisions create no rights or liabilities. The measure requires condemnors to pay the landowner's reasonable costs and experts' fees, excluding attorneys' fees, if the award at trial exceeds the condemnor's initial offer by more than 15 percent, and requires courts to give preference to eminent domain proceedings over other civil actions when setting cases for trial. Condemnors that are authorized to use the quick-take process will be required to comply with these general provisions.

*Patrons:* Suit, Cline, Hurt, Landes, Marshall, D.W. and McDonnell

01/14/05 House: Approved by Courts of Justice (18-1)

**Notes:** City Position: Oppose

**HB 1830 Cell phones; prohibits use while driving.**

*Summary as introduced:*

**Use of certain wireless communication devices by operators of motor vehicles.** Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

*Patron:* Parrish

02/01/05 House: Passed by in Committee on Science and Technology with letter (15-Y 0-N)

**Notes:** City Position: Support



**HB 1869 Fingerprints; increases fees for noncriminal prints.**

*Summary as introduced:*

**Criminal procedure; fee for fingerprints.** Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card.

*Patron:* Brink

01/06/05 House: Defeated by Committee for Courts of Justice (18-0)

**Notes:** City Position: Support

**HB 1875 Retail Sales and Use Tax; exemptions include food for human consumption.**

*Summary as introduced:*

**Sales and use tax exemption; food for human consumption.** Exempts food for human consumption from the state sales and use tax.

*Patrons:* McDougle and Athey

01/24/05 House: Incorporated by Fin. (HB1638-Callahan) (22-Y 0-N)

**Notes:** City Position: Support

**HB 1931 Recreational access funding; limitations.**

*Summary as introduced:*

**Recreational access funding limits.** Clarifies that limitations on expenditures for recreation access projects are annual limits.

*Patron:* Shannon

02/03/05 House: Reported from Tra. w/sub (20-Y 0-N)

02/03/05 House: Committee substitute printed 053553502-H1

**Notes:** City Position: Support

**HB 2023 Food and beverage tax; restrict new imposition in any city or town without approval by referendum.**

*Summary as introduced:*

**Meals tax; cities and towns.** Restricts the imposition in any city or town of any new meals tax without approval by referendum.

*Patrons:* Welch, Black, Frederick and Marshall, R.G.

01/27/05 House: Read third time and defeated (63-Y 34-N); requires 67 votes for passage

**Notes:** City Position: Oppose

**HB 2066 Income tax, state; repeals car tax reimbursement program.**

*Summary as introduced:*

**Car tax; dedication of income taxes to localities.** Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November, 2006 exempting from taxation all motor vehicles used for nonbusiness purposes.

*Patrons:* Rust, Black, Albo and Lingamfelter

02/02/05 House: Tabled in Finance (22-Y 0-N)

**Notes:** City Position: Support

**HB 2079 Historic Preservation and Museum Assistance Grant Program and Fund; created..**

*Summary as introduced:*

**Virginia Historic Preservation and Museum Assistance Grant Program and Fund.** Creates the Virginia Historic Preservation and Museum Assistance Grant Program and Fund within the Department of Historic Resources. The source of funding for the Fund will be from gifts, donations, grants, bequests, and other funds as may be appropriated. The Program will administer the Fund in order to provide grants to nonprofit organizations, localities, business entities, and individuals for the purpose of: (i) acquiring, rehabilitating, restoring, or interpreting historic properties; (ii) financing costs directly related to a rehabilitation or restoration project, which may include the costs of studies, surveys, plans and specifications, and architectural, engineering or other special services; or (iii) funding historic preservation education and promotion, including the research, survey, and evaluation of historic properties and the preparation of historic preservation planning documents and educational materials.

*Patrons:* Van Landingham and Plum

02/04/05 House: Read third time and passed House (91-Y 1-N)

**Notes:** City Position: Support

**HB 2080 Historic preservation; appropriation of state funds therefor.**

*Summary as introduced:*

**Appropriation of state funds for historic preservation.** Sets July 1 of even-numbered years as the cutoff date for requests for state aid, or amendments to requests, to be submitted to the Department of Historic Preservation for consideration. This bill also establishes new requirements for organizations that apply for state aid, such as: (i) applicants must certify that they have read and acknowledged all information on how the grants will be administered and how funds will be disbursed, (ii) any change in scope of a project must be approved by the Department prior to implementation of any changes, (iii) expenditures of grant funds are subject to state procurement and accounting requirements, (iv) state funds must be matched, and (v) the Department may require progress reports from each grant recipient. This bill also requires that for renovation grants or grants for reconstruction of historic sites, the Appropriation Act shall include the name of the recipient organizations and the purposes of their grants.

*Patron:* Plum

01/28/05 House: VOTE: PASSAGE (96-Y 0-N)

01/31/05 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**HB 2092 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:* Hugo

02/03/05 House: Read third time and passed House BLOCK VOTE (96-Y 0-N)

02/03/05 House: Communicated to Senate

**Notes:** City Position: Oppose

**HB 2164 Residential Landlord & Tenant Act; termination of rental agreement for fire or casualty damage.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; fire or casualty damage; termination of rental agreement.** Provides for the termination of the rental agreement by either the landlord or the tenant in cases where the dwelling unit is damaged by fire or casualty and repairs to at least 50 percent of the dwelling unit are required, or required repairs can only be accomplished if the tenant vacates the dwelling unit. The bill provides for required notice of an intent to terminate the rental agreement and specifies the date of termination. The bill also requires upon termination, that the landlord return all security and prepaid rent, plus accrued interest, recoverable by law unless the landlord reasonably believes that the tenant, tenant's guests, or those occupying the dwelling unit with the tenant's permission were the cause of the damage or casualty, in which case the landlord must account to the tenant for the security and prepaid rent, plus accrued interest based upon the damage or casualty.

*Patron:* Reese

02/04/05 House: Passed House (96-Y 0-N)

**Notes:** City Position: Oppose

**HB 2165 Residential Landlord and Tenant Act; noncompliance with rental agreement.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement.** Provides that if the rental agreement provides for the payment of reasonable attorneys' fees in the event of a breach of the agreement or noncompliance by the tenant, the landlord shall be entitled to recover reasonable attorneys' fees in any action based upon the tenancy, including but not limited to actions for damages to the dwelling unit or premises, or additional rent, regardless of any previous action to obtain possession or rent. Currently, where the rental agreement provides for the payment of attorneys' fees, they can be awarded to the landlord only where the tenant fails to prove by a preponderance of the evidence that the failure to pay rent or vacate the premises was due to (i) the breach of the lease by the landlord or (ii) unlawful actions on the part of the landlord.

*Patron:* Reese

02/04/05 House: Passed House (96-Y 0-N)

**Notes:** City Position: Oppose

**HB 2167 Affordable housing; localities prohibited from requesting or receiving contributions.**

*Summary as introduced:*

**Affordable housing.** Prohibits a locality from receiving contributions for affordable housing in

conjunction with a special use permit.

*Patron:* Reese

02/04/05 House: Reported by Committee on Counties, Cities and Towns (18-4)

**Notes:** City Position: Oppose

**HB 2168 Garbage, trash, or refuse collection; additional requirements for localities.**

*Summary as introduced:*

**Displacement of private waste companies.** Adds requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include providing at least 45 days' written notice of the hearing to all business establishments that are serviced by such private companies, and making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are incapable of providing needed services in an efficient and cost-effective manner; (iv) or displacement is necessary to provide for the development of a regional system of refuse collection and disposal for two or more localities.

*Patron:* Reese

02/04/05 House: Reported with amendments by Committee on Counties, Cities & Towns (22-0)

**Notes:** City Position: Oppose

**HB 2226 Urban and secondary highway systems; allocates funds among affected jurisdictions on certain basis.**

*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.

*Patron:* Rust

01/11/05 House: Referred to Committee on Transportation

02/03/05 House: Tabled in Transportation (20-Y 0-N)

**Notes:** City Position: Oppose

**HB 2257 Personal Property Tax Relief Act of 1998; changes in provisions.**

*Summary as introduced:*

**Tangible personal property tax relief.** Amends the personal property tax relief program effective January 1, 2006, by establishing a reimbursement ratio to determine each locality's share of the \$950 million of total car tax relief. The reimbursement ratio is a fraction (i) the numerator of which is the value of all qualifying vehicles in a locality, up to the first \$20,000 of value, multiplied by the effective tax rate in effect in the locality on July 1, 1997, or August 1, 1997, whichever is greater; and (ii) the denominator of which is the aggregate amount of the calculation in (i) for all localities. The bill also provides that reimbursements to localities will be paid in 12 equal monthly installments beginning with the month of May each year, and requires

localities to provide, in an equitable manner, personal property tax relief on qualifying vehicles.

*Patron:* Bell

01/18/05 House: Assigned to Appropriations sub-committee: Budget Review

**Notes:** City Position: Oppose

**HB 2269 Retail Sales and Use Tax; exemptions include certain school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school-related items.** Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less.

*Patrons:* Bell and Lingamfelter

02/02/05 House: Incorporated by Fin. (HB1878-McDougle) (22-Y 0-N)

**Notes:** City Position: Support

**HB 2276 Retail petroleum products sales facility; required to remove and restore site.**

*Summary as introduced:*

**Local ordinance requiring removal of petroleum facility improvements; penalty.** Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.

*Patron:* Oder

01/11/05 House: Defeated by Committee on Counties, Cities and Towns (22-0)

**Notes:** City Position: Support; try to change 3-year requirement to 1 year.

**HB 2330 Highway improvement funds; revenue sharing fund program to include cities and towns.**

*Summary as introduced:*

**Special funds for highway improvements in localities.** Expands the present revenue sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$5 million per locality, and the total limit on state funds is raised to \$100 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

*Patrons:* Athey and Scott, E.T.

02/04/05 House: Passed House (96-Y 0-N)

**Notes:** City Position: Support

**HB 2339 Retail Sales & Use Tax; reduction of rate on food purchased for human**

**consumption, effective date.**

*Summary as introduced:*

**Sales and use taxes, reduction of rate on food purchased for human consumption.** Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief.

*Patrons:* Athey, Cole, Lingamfelter and Petersen

01/24/05 House: Incorporated by Fin. (HB1638-Callahan) (22-Y 0-N)

**Notes:** City Position: Support

**HB 2359 Income tax, state; localities may impose local tax if personal property rate does not exceed limit.**

*Summary as introduced:*

**Local piggyback income tax and personal property tax.** Allows localities to impose a local income tax at a rate of either one-half or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations; provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2006.

*Patrons:* Watts, Ebbin and Plum; Senator: Ticer

02/02/05 House: Tabled in Finance (19-Y 3-N)

**Notes:** City Position: Support

**HB 2369 Prisoners; individual court orders permitting work not required.**

*Summary as introduced:*

**Court orders permitting prisoners to work on certain property.** Removes the requirement that court orders allowing prisoners to work on state, county, city, town, and certain private property or nonprofit organization property be written specifically for individual prisoners.

*Patrons:* Bryant; Senator: Newman

01/27/05 Senate: Referred to Committee on Rehabilitation & Social Services

**Notes:** City Position: Support

**HB 2377 Inoperable motor vehicles; conforms civil penalty provisions for violations of ordinances.**

*Summary as introduced:*

**Inoperable motor vehicles; civil penalties.** Conforms civil penalty provisions for violations of inoperable motor vehicle ordinances to those currently existing for zoning violations. Penalties are increased from \$50 to \$100 for an initial violation and from \$200 to \$250 for subsequent violations.

*Patrons:* Rapp; Senator: Norment

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

**Notes:** City Position: Support

**HB 2421 Sales and use taxes, reduction of rate on food purchased for human consumption.**

*Summary as introduced:*

**Sales and use taxes, reduction of rate on food purchased for human consumption.** Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief.

*Patrons:* Parrish, Callahan, Frederick, Jones, S.C., Melvin, Petersen, Shannon and Sickles  
01/24/05 House: Incorporated by Fin. (HB1638-Callahan) (22-Y 0-N)

**Notes:** City Position: Support

**HB 2444 Income tax, state; extends sunset provision for tax credit rent reductions.**

*Summary as introduced:*

**Income tax; rent reductions tax credit.** Extends the sunset date from 2005 to 2010, and limits the credit between January 1, 2006, and January 1, 2011, to those individuals or corporations that reduced rents and validly claimed a credit for the dwelling unit for all or part of December, 1999, and the tenant occupied the dwelling unit on December 31, 2005.

*Patron:* Suit

02/02/05 House: Reported from Finance (22-Y 0-N)

**Notes:** City Position: Support

**HB 2448 Landlord & tenant; installation of new lock after entry of certain court orders.**

*Summary as introduced:*

**Landlord and tenant law; access after entry of certain court orders.** Provides that a tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so. A landlord who has received a copy of a court order in accordance with subsection A is prohibited from providing copies of any keys to the dwelling unit to any person excluded from the premises by such order. The bill provides that it shall not apply when the court order excluding a person was issued ex parte. The goal of the bill is to protect victims of domestic abuse.

*Patron:* Suit

02/03/05 House: Reported from General Laws (21-Y 0-N)

**Notes:** City Position: Support

**HB 2453 Real estate assessments; consideration of federal or state restrictions.**

*Summary as introduced:*

**Real property assessments** Provides that (i) certain federal or state restrictions on real property be considered in determining the fair market value and the capitalization rate for the real property, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property.

*Patron:* Suit

02/02/05 House: Tabled in Finance (22-Y 0-N)

**Notes:** City Position: Oppose

**HB 2599 Retail Sales and Use Tax; exemptions include public transportation services.**

*Summary as introduced:*

**Sales and use tax exemption; public transportation.** Restores a sales and use tax exemption for tangible personal property sold or leased to any entity owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004.

*Patrons:* Ware, O., Bryant, Cline, Fralin and O'Bannon; Senators: Edwards and Lambert

02/02/05 House: Reported from Finance with amds (21-Y 1-N)

**Notes:** City Position: Support (applies to DASH)

**HB 2625 Cigarette and tobacco products; discount.**

*Summary as introduced:*

**Cigarette and other tobacco products taxes; discount allowed.** Changes the discount allowed on the purchase of cigarette tax stamps from 2.5 cents per carton to 2% of the total charged by the Department of Taxation for the purchase of the tax stamps. Also provides a discount to dealers of other tobacco products equal to 2% of the total tax due from the dealer.

*Patron:* Byron

02/04/05 House: Read third time and passed House (92-Y 2-N)

**Notes:** City Position: Oppose

**HB 2635 Deferred real estate tax; allows locality to establish interest rate.**

*Summary as introduced:*

**Deferred real estate tax; interest rate.** Allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest is set as the rate established by the IRS.

*Patrons:* Ebbin, Brink, Eisenberg, Janis, Lewis, Miller, Moran, Nixon, Orrock, Parrish, Plum, Rust, Scott, J.M., Sickles, Van Landingham and Watts; Senators: Cuccinelli, Hanger, Houck, Ticer and Whipple

01/27/05 House: Communicated to Senate

01/28/05 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**HB 2644 Child abuse or neglect; definition.**



*Summary as introduced:*

**Juvenile and domestic relations district courts; definitions.** Eliminates from the definition of "family or household member" language that includes certain in-laws who reside within the same home and replaces that language with "relatives, whether by blood or marriage," who reside within the same home. This definition is also used in sections that: prohibit recruitment of gang members by threats or force; criminalize assault and battery against a family member; criminalize stalking; allow an arrest without a warrant in certain instances when there is an assault and battery against a family member; authorize a court to exclude family members from a dwelling when a order is pending for divorce; and in the unfair insurance trade practices provisions.

*Patron:* Hurt

01/12/05 House: Reported by Committee for Courts of Justice (17-0)

**Notes:** City Position: Support

**HB 2674 Bad checks; payment of wages, penalty.**

*Summary as introduced:*

**Payment of wages with bad checks; penalty.** Provides that an employer who pays wages with a bad check having a face value of \$200 or more shall be guilty of a Class 6 felony.

*Patrons:* Ebbin, Brink, Callahan, Eisenberg, Moran, Plum and Van Landingham; Senators: Lucas, Ticer and Whipple

02/03/05 House: Reported from Appropriations (20-Y 0-N)

**Notes:** City Position: Support

**HB 2688 Stalking; increase in penalty if occurs within two year period.**

*Summary as introduced:*

**Subsequent offenses of stalking.** Makes a second stalking conviction occurring within two years a Class 6 felony rather than a Class 1 misdemeanor. Now there is no increased penalty.

*Patron:* Pollard

02/03/05 House: Reported from Appropriations (20-Y 0-N)

**Notes:** City Position: Support

**HJ 525 Constitutional amendment; limit on growth in appropriations & revenues.**

*Summary as introduced:*

**Constitutional amendment; limit on growth in state general fund appropriations and revenues.** Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year plus a factor for population increases. The General Assembly may exceed this limitation with a two-thirds vote of the members elected in each house. The amendment also provides that 50 percent of general fund revenues in excess of the limitation is to be returned to the citizens of Virginia and 50 percent goes into the Revenue Stabilization Fund.

*Patrons:* Ware, R.L. and Lingamfelter

08/16/04 House: Substitute reported from Committee on Privileges and Elections (16-4)

**Notes:** City Position: Oppose

**HJ 547 Constitutional amendment; votes required for increase in taxes (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); enactment of tax laws.** Requires that any law that imposes, continues, increases, or revives a tax must be approved either: (i) by a four-fifths vote of the members voting in each house of the General Assembly; or (ii) by a majority vote of all members voting in each house of the General Assembly and by a majority of the people voting in a referendum on the question of whether the law shall take effect

*Patron:* Frederick

11/23/04 House: Reported from Committee on Privileges and Elections (13-4)

**Notes:** City Position: Oppose

**HJ 616 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 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment shall then be subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.

*Patron:* Carrico

01/07/05 House: Defeated by Committee on Privileges and Elections (18-2)

**Notes:** City Position: Oppose

**HJ 620 Constitutional amendment; exclude privately owned motor vehicles from taxation.**

*Summary as introduced:*

**Constitutional amendment; exclude privately owned motor vehicles from property taxation.** Exempts privately owned motor vehicles used for nonbusiness purposes from property taxes.

*Patron:* Cole

01/10/05 House: Reported from Committee on Privileges and Elections (16-3)

**Notes:** City Position: Oppose

**SB 764 Residue parcels of land; Transportation Commissioner to offer parcels to local governing bodies.**

*Summary as introduced:*

**Residue parcels of land.** Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

*Patrons:* Locke; Delegate: BaCote

1/24/05 Senate: Rereferred to Transportation

**Notes:** City Position: Support

**SB 766 Mutual aid arrangements; allows director of emergency management to reciprocate.**

*Summary as introduced:*

**Mutual aid arrangements.** Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth.

*Patrons:* Locke; Delegate: BaCote

01/18/05 Senate: VOTE: PASSAGE (39-Y 0-N)

01/18/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 812 Residue parcels of land; Transportation Commissioner to offer parcels to local governing bodies.**

*Summary as introduced:*

**Residue parcels of land.** Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

*Patron:* Williams

01/10/05 Senate: Referred to Committee on Transportation

**Notes:** City Position: Support

**SB 850 Firearms; carrying on public property.**

*Summary as introduced:*

**Firearms; carrying on public property.** Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law.

*Patron:* Cuccinelli

01/10/05 Senate: Referred to Committee for Courts of Justice

01/31/05 Senate: Rereferred from C.J. (14-Y 0-N)

01/31/05 Senate: Rereferred to Rules

**Notes:** City Position: Oppose

**SB 918 Law Officers' Retirement System; includes emergency medical technicians.**

*Summary as introduced:*

**Law-enforcement officers retirement system; emergency medical technicians.** Adds full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patrons:* Blevins; Delegate: Suit

01/11/05 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 959 Telecommunications and cable television; release of information.**

*Summary as introduced:*

**Telecommunications and cable television service by localities; release of information.**

Exempts from disclosure under the Freedom of Information Act any public record of a local government that contains confidential financial or proprietary information pertaining to its provision of telecommunications or cable television service.

*Patron:* Wampler

01/11/05 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**SB 967 DMV; assessment of additional fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than six net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. These fees will be used to support issuance of bonds whose proceeds are to be used for transportation projects.

*Patrons:* O'Brien and Devolites Davis

02/02/05 Senate: Stricken at request of Patron

**Notes:** City Position: Oppose

**SB 970 Consumer Affairs, Department of; created.**

*Summary as introduced:*

**Department of Consumer Affairs.** Removes the Office of Consumer Affairs from the Department of Agriculture and Consumer Services and establishes it as the Department of Consumer Affairs (DCA). The DCA will serve as the central coordinating agency and clearinghouse for receiving and investigating complaints by Virginia consumers of illegal, fraudulent, deceptive or dangerous practices.

*Patron:* O'Brien

02/01/05 Senate: Read third time and passed Senate (40-Y 0-N)

02/01/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1046 Business license tax, local; requires localities to impose flat license fees.**

*Summary as introduced:*

**Local business license fees and taxes.** Requires localities to impose the flat license fees now authorized by current law on all businesses or no businesses. 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:* Wagner

01/12/05 Senate: Referred to Committee on Finance

**Notes:** City Position: Oppose

**SB 1051 Real estate tax; changes in local relief programs.**

*Summary as introduced:*

**Local real estate tax relief programs.** Changes local real estate tax relief programs by (i) changing the eligibility age from 65 years old to a person's eligibility age for full retirement benefits under Social Security, (ii) authorizing localities to use the median adjusted gross income of its married residents as a total income limit for eligibility, and (iii) authorizing counties, cities, and towns to adjust the current net financial worth limit for inflation.

*Patrons:* Wagner and Puller

01/21/05 Senate: Read third time and passed Senate (39-Y 0-N)

01/21/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1084 Fingerprints; increases fees for noncriminal prints.**

*Summary as introduced:*

**Criminal procedure; fee for fingerprints.** Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card.

*Patron:* Ticer

02/03/05 Senate: Read third time and passed Senate (39-Y 0-N)

02/03/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1087 Deferred real estate tax; allows locality to establish interest rate.**

*Summary as introduced:*

**Deferred real estate tax; interest rate.** Allows a local governing body to establish the interest rate for deferred real estate tax payments, up to the rate established by the Internal Revenue Service. Currently, interest for the deferred payment is set as the rate established by the IRS.

*Patrons:* Whipple and Ticer

01/21/05 Senate: Read third time and passed Senate (39-Y 0-N)

01/21/05 Senate: Communicated to House

**Notes:** City Position: Support

**SB 1144 Domestic Violence and Prevention Services Unit; established.**

*Summary as introduced:*

**Domestic violence and prevention services.** Establishes the Domestic Violence and Prevention Services Unit in the Department of Social Services. In coordination with the Adult and Child Protective Services Units, the Domestic Violence and Prevention Services Units shall (i) support, strengthen, evaluate, and monitor community-based domestic violence programs funded by the Department and act as the administrator for state grant funds and the disbursement of federal funds, (ii) collaborate with the Statewide Domestic Violence Coalition in developing and implementing community-based programs to respond to and prevent domestic violence, (iii) establish minimum standards of training and provide educational programs to train workers in the fields of child and adult protective services in local departments and community-based domestic violence programs funded by the Department to identify domestic violence and provide effective referrals for

appropriate services, (iv) work with the Statewide Domestic Violence Coalition to implement methods to preserve the confidentiality of all domestic violence services records (v) work collaboratively with the Statewide Domestic Violence Coalition to operate the Virginia Family Violence and Sexual Assault 24-hour toll-free hotline and the Statewide Domestic Violence Database (Vadata), and (vi) promote interagency collaboration and cooperation to facilitate the appropriate response to victims of domestic violence.

*Patron:* Deeds

02/02/05 Senate: Read third time and passed Senate (40-Y 0-N)

**Notes:** City Position: Support

**SB 1191 Indoor Clean Air Act; smoking restrictions, civil penalty.**

*Summary as introduced:*

**Virginia Indoor Clean Air Act; civil penalties.** Prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions to the smoking prohibition are provided for (i) private homes, private residences, and private automobiles, unless used as or in the operation of any establishment or facility in which smoking is prohibited; (ii) private functions; hotel, or motel rooms clearly designated as "smoking" rooms; (iii) hotel or motel rooms clearly designated as "smoking" rooms so long as such rooms do not exceed 25 percent of the total accommodations within the establishment that are offered for lease or rent to the public; (iv) bar or lounge areas separately enclosed from any establishment in which smoking is prohibited; (v) specialty tobacco stores; and (vi) private separately enclosed office or work areas that are not entered by the general public in the normal course of business or use of the premises unless a person who works in such private separately enclosed office or work area objects to smoking in such area. Any person who continues to smoke in an area in which smoking is prohibited after having been asked to refrain from smoking will be subject to a civil penalty of not more than \$100. Civil penalties of \$250 will be levied for subsequent offenses. Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses. Any law enforcement officer may issue a summons regarding a violation of this law.

*Patrons:* Mims, Edwards and Ticer

02/03/05 Senate: Reported from Education & Health with amendment (8-Y 7-N)

**Notes:** City Position: Support

**SB 1195 Retail Sales and Use Tax; exemptions include public transportation services.**

*Summary as introduced:*

**Sales and use tax exemption; public transportation.** Restores a sales and use tax exemption for tangible personal property sold or leased to any entity owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004.

*Patrons:* Lambert and Saslaw; Delegate: Miles

01/24/05 Senate: VOTE: PASSAGE (39-Y 0-N)

01/26/05 House: Referred to Committee on Finance

**Notes:** City Position: Support (applies to DASH)

**SB 1199 Retail petroleum products sales facility; required to remove and restore site.**

*Summary as introduced:*

**Local ordinance requiring removal of petroleum facility improvements; penalty.**

Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.

*Patron:* Williams

02/01/05 Senate: Left in Local Government

**Notes:** City Position: Support; try to change 3-year requirement to 1 year.

**SB 1206 Affordable housing; localities prohibited from receiving contributions.**

*Summary as introduced:*

**Affordable housing.** Prohibits a locality from receiving contributions for affordable housing in conjunction with a special use permit.

*Patron:* Mims

02/01/05 Senate: Reported from the Committee for Local Government (8-7)

**Notes:** City Position: Oppose

**SB 1214 Early childhood education; availability in all school divisions for four- and five-year olds.**

*Summary as introduced:*

**Early childhood education.** Requires all school divisions to offer early childhood education programs for four and five-year-olds not eligible to attend kindergarten or at-risk early childhood education programs, beginning in 2010. These programs must be coordinated with the current at-risk early childhood programs, consistent with the existing guidelines for early childhood education, and meet the Board of Education's standards. The Board of Education is required to promulgate regulations to implement the orderly phase-in of these programs with the current voluntary programs for at-risk four and five-year-olds who are not eligible to attend kindergarten.

*Patron:* Edwards

01/27/05 Senate: Reported from Education and Health (9-Y 4-N)

01/27/05 Senate: Rereferred to Finance

**Notes:** City Position: Support only if fully funded by the State.

**SJ 275 Constitutional amendment; exempts certain property from taxation.**

*Summary as introduced:*

**Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas.

*Patron:* Edwards

02/03/05 Senate: Reported from Finance (14-Y 0-N)

**Notes:** City Position: Support

**SJ 324 JLARC to study needs of patients found not guilty by reason of insanity.**

*Summary as introduced:*

**Study; report.** Directs the Joint Legislative Audit and Review Commission to study the needs of patients found not guilty of a misdemeanor by reason of insanity. The objectives of the study include (i) determining the appropriate treatment of acquittees; (ii) reviewing and revising diagnostic categories that are amenable to treatment and therefore eligible for inclusion as a possible NGRI defense; (iii) examining discharge alternatives that will expedite return to the community as well as free up acute care psychiatric beds; and (iv) exploring the advisability and feasibility of coordination between the Department of Mental Health, Mental Retardation and Substance Abuse Services, local community services boards and the criminal justice system when an acquittee violates conditions of release that are not appropriate for rehospitalization.

*Patron:* Puller

01/11/05 Senate: Reported from Committee on Rules with a Substitute

**Notes:** City Position: Support

**SJ 340 Constitutional amendment; property exempt from taxation.**

*Summary as introduced:*

**Constitutional amendment; property exempt from taxation.** Amends the Constitution to exempt privately owned motor vehicles used for nonbusiness purposes from taxation.

*Patron:* Hanger

02/01/05 Senate: Referred to Finance

**Notes:** City Position: Oppose

**SJ 362 Constitutional amendment; tax relief for persons 65 or older.**

*Summary as introduced:*

**Local real estate tax relief.** Allows localities to exempt, defer, or freeze the real estate taxes of persons 65 or older or permanently and totally disabled regardless of income or financial worth. The current real estate tax relief provisions in the Constitution require that such programs be limited to persons 65 or older or permanently and totally disabled who bear an extraordinary real estate tax burden in relationship to their income and financial worth.

*Patrons:* Wagner and Puller

02/01/05 Senate: Referred to Finance

**Notes:** City Position: Oppose

**SJ 384 Constitutional amendment; assessment of real property.**

*Summary as introduced:*

**Constitutional amendment; assessment of real property.** Prohibits, beginning in 2008, any reassessment that exceeds 102 percent of the assessed value of the property in the preceding tax year. If real property is sold, improved, or rezoned at the owner's request, it will be assessed at fair market value for that tax year, but be subject to the 2% limit until it is again sold, etc.

*Patron:* Hanger

02/01/05 Senate: Referred to Finance

**Notes:** City Position: Oppose