

*City of Alexandria***MEMORANDUM**

DATE: FEBRUARY 20, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 3) ON LEGISLATION INTRODUCED AT THE 2005 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 3) on legislation introduced at the 2005 General Assembly Session.

**RECOMMENDATION:** That City Council receive this report.

**DISCUSSION:** The 2005 General Assembly Session is scheduled to end Saturday, February 26. All bills must be out of committee by the end of the day on February 21. Beginning on Tuesday (February 22), only floor action (votes by the full House or Senate) will be taken on legislation. Bills which pass the House and Senate in different forms will have to be modified by conference committees, and subsequently agreed to by both bodies. One of the last bills expected to be acted on is the state budget bill.

**City Package.** Since the last Update, the following actions have been taken on bills from the City's legislative package (Attachment 1 is a status report on all City 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, has passed the House and the Senate, and will become effective on July 1.
- HB 2802 sought to protect the confidentiality of communications between victims of sexual assault or domestic violence and their advocates. It was approved by the House Courts Committee on a very close (8-7) vote, but defeated on the House floor.
- 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 House General Laws Committee and now awaits action on the House floor.

- 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 make non-payment of \$1000 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 will be considered by the Senate Commerce and Labor Committee on Monday afternoon (February 21).
- The House Committee on Militia, Police and Public Safety defeated all bills that would change or eliminate the July 1 sunset provision in the state's red light camera law. Barring a reversal of this action in the closing days of Session (a possibility, but one that does not look likely), red light camera authorization will end on June 30.
- SB 1099 attempted 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, but killed by the House Finance Committee, which does not look favorably on any new or increased taxes, even if they are geographically limited and supported by the localities involved. Some opponents also questioned why motorists should have to pay to subsidize transit riders.
- SJR 440 sought the General Assembly's 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), and asked Governor Warner to work with his Maryland and District of Columbia counterparts to develop an implementation plan for the Panel's recommendations. The House Rules Committee defeated the measure, in part because of concern that supporting it would signal a willingness to consider a new tax. The Committee noted, however, that the Governor does not need General Assembly authorization to work with his counterparts on an implementation plan for the Panel's recommendations.
- SJR 259, which proposed 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 was defeated (11-8) by the House Committee on Privileges and Elections.
- Senate Bill 1139, which the City opposed, proposed a tax credit limit of \$600,000 per parcel for those who donate land to public or private conservation agencies for

preservation or conservation purposes. This was approved by the Senate, but rejected by the House. The House, in addition to removing the \$600,000 limit, added language to help ensure that donors accurately substantiate the “fair market value” of donated land. The Senate has rejected the House changes, and the bill is now going to a conference committee.

**Transportation Funding.** As noted in the last Update, the House and Senate have developed different plans for new transportation funding. In its proposal, the Senate earmarked funds for the Metro system and statewide bus purchases; the House has not. The House did not provide these earmarks, but has proposed a larger total appropriation (a portion of which would go to transit) than the Senate. Differences between the two proposals are likely to be resolved in the amendments to the state budget, which must be agreed upon this week.

**Affordable Housing.** Affordable housing legislation opposed by the City (SB 1206 and HB 2167) has been withdrawn by the patrons, Senator Mims and Delegate Reese. In return, the City sent a letter to Mims and Reese, advising them that the City will abide by state laws on affordable housing, will accept only voluntary affordable housing donations from developers, and will participate in a Housing Study Commission review of affordable housing laws prior to the 2006 Session. Attachment 2 is a copy of this letter.

**Assisted Living.** Bills to reform the regulation of assisted living facilities have now been approved by both the House and the Senate, and are on their way to the Governor for approval. They will (1) ensure that prospective assisted living facility residents are given better information on facilities under consideration; (2) require better staff training; and (3) strengthen enforcement. We will not know how much additional funding will be provided for these facilities until the General Assembly agrees on amendments to the State Budget.

**“Flush Tax” Alternative; Funding for Nutrient Removal.** Funding will almost surely be provided for nutrient removal in the final budget adopted by the General Assembly. As explained before, both the House and the Senate have proposed general fund appropriations to help pay for sewage plant upgrades needed to reduce nitrogen discharges. The amount earmarked is expected to be at least \$50 million.

**State Budget.** As noted in the last Update, the Senate Finance and House Appropriations Committees have proposed different sets of amendments to the current biennial budget. Both sets have been approved by their respective houses. Conferees from the House and Senate have been appointed to develop a compromise set of amendments that can be approved by both bodies later this week.

**Status Report on Legislation on Previously Considered by Council.** Attachment 3 is a status report on legislation on which the City has taken a position.

**STAFF:**

Bernard Caton, Legislative Director  
Michele Evans, Assistant City Manager

**ATTACHMENTS:**

Attachment 1 - Current Status of City Package Bills, February 5, 2005

Attachment 2 - Letter from Mayor Euille to Senator Mims and Delegate Reese on affordable housing legislation

Attachment 3 - Current Status of Bills on Which the City Has Taken a Position, February 18, 2005

**Attachment 1**  
Current Status of City Package Bills  
February 18, 2005

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

*Summary as passed House:*

**Use of electronic communication for certain filings; parties and witnesses.** Provides that petitions and orders for emergency custody, temporary detention and involuntary commitment of minors may be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill also provides petitions and orders for emergency custody of adults, temporary detention of adults, emergency custody and temporary detention of adults in judicial authorization of treatment proceedings, and emergency custody of conditionally released persons to be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill provides for party and witness testimony through two-way electronic video and audio communication in such proceedings. Finally, the bill allows a witness to testify using a telephonic communication system when his testimony would be helpful to the conduct of such proceedings and he is not able to be physically present.

*Patron:* Hamilton

02/14/05 Senate: Passed Senate (40-Y 0-N)

**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

02/04/05 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 Privileges and Elections (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 July 1, 2005, "sunset" on local "photo-red" programs to July 1, 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 Privileges and Elections (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

02/04/05 House: Passed by indefinitely in C. J. (12-Y 6-N)

**Notes:** City Position: Support

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

*Summary as introduced:*

**Severe nonattainment areas.** Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2009: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, (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, this bill 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 or its designee, 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 Privileges and Elections (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 passed House:*

**Failure or refusal to pay wages; penalty.** Provides that an employer who fraudulently fails or refuses to pay wages is guilty of a Class 1 misdemeanor and is guilty of a Class 6 felony if the amount is \$1,000 or more.

*Patrons:* Ebbin, Brink, Callahan, Eisenberg, Hull, Moran, Petersen, Plum and Van Landingham;

Senators: Lucas, Ticer and Whipple  
02/09/05 Senate: Referred to Committee on Commerce and Labor  
**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 Privileges and Elections (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

02/07/05 House: Committee substitute agreed to 058035424-H1

02/07/05 House: Engrossment refused by House, defeating the bill

**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. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms.



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. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

*Patron:* Purkey

01/28/05 House: Tabled in Privileges and 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 and 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 Privileges and Elections (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

02/18/05 House: Defeated by Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

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

*Summary as introduced:*

**"Photo-red" programs.** Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.

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

02/18/05 House: Defeated by Committee on Militia, Police and Public Safety

**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

02/17/05 House: Referred from Committee on General Laws (21-Y 0-N)

**Notes:** City Position: Support

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

*Summary as introduced:*

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

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

02/14/05 House: Tabled in Finance (17-Y 4-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**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, which includes the sale of unused credits. The bill applies to conveyances made on or after July 1, 2005.

*Patron:* Hanger

02/15/05 House: Committee substitute addresses City's concerns

02/17/05 House: Read second time

**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

02/01/05 Senate: Passed by indefinitely in Privileges and Elections (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

02/18/05 House: Defeated by Committee on Privileges and Elections

**Notes:** City Position: Support

**SJ 440 Analysis of Potential for Alternate Dedicated Revenue Source for the Washington Metro Area Transit Authority.**

*Summary as passed Senate:*

**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. The resolution also urges the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.

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

02/16/05 House: Tabled in Rules (15-Y 0-N)

**Notes:** City Position: Support

**Attachment 2**  
**Letter from Mayor Euille to Senator Mims and Delegate Reese**

February 15, 2005

Senator Bill Mims  
Senate of Virginia  
P.O. Box 396  
Richmond, VA 23218

Delegate Gary Reese  
General Assembly Building  
P.O. Box 406  
Richmond, Virginia 23218

Dear Senator Mims & Delegate Reese:

The City of Alexandria understands that you are considering the withdrawal of your bills (Senate Bill 1206 and House Bill 2167) that would restrict affordable housing contributions in Alexandria and several other localities, and have asked about the City's intent with regard to its affordable housing policies if these bills are withdrawn.

In establishing and implementing its affordable housing policies, the City would comply with Virginia law, as interpreted recently by the Arlington Circuit Court decision in *Kansas-Lincoln, LC v. County Board of Arlington, Virginia, et al.* Thus, except for cases in which bonus density (above that permitted by right or by special use permit under the applicable zone) has been requested under §15.2-2304 and the corresponding provisions of the Alexandria Zoning Ordinance, the City will not require developers to make affordable housing contributions, but will only accept them if they are *voluntarily* offered.

The City also understands that the Virginia Housing Commission will be reviewing the State's affordable housing laws prior to the 2006 Session. The City will participate in this study and work with other participants hopefully to reach a consensus on any modifications that should be made to improve these laws.

Sincerely,

William D. Euille

cc: The Honorable Members of City Council  
The Honorable Members of the Alexandria Legislative Delegation

**Attachment 3**  
Current Status of Bills on Which the City has Previously Taken a Position  
February 18, 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 passed House:*

**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 four 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. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. The bill

incorporates HB1564.

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

02/16/05 Senate: Failed to report (defeated) in Finance

**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. Incorporated in HB 1563 (Rust).

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

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

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Interfering with emergency use of telephone; penalty.** Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from 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 include 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

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

**Notes:** City Position: Support if takes off 2 1/2%

**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 1797 Recreation facilities; fees.**

*Summary as introduced:*

**Recreation facilities; fees.** Provides that localities shall not charge user fees that exceed an amount calculated to cover the costs of construction and maintenance of recreation facilities and the labor costs associated with the scheduling of activities.

*Patron:* Albo

02/04/05 House: Tabled in Counties, Cities & Towns (22-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Eminent domain; acquisition of property.** Modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer, the court shall award the owner reasonable appraisal and engineering fees, and reasonable expert witness fees and travel costs. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.

*Patrons:* Suit, Cline, Hurt, Landes, Marshall, D.W., McDonnell and Petersen  
02/09/05 Senate: Referred to Committee for Courts of Justice  
02/14/05 Senate: Assigned to C. J. sub-committee: Eminent Domain  
**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

02/02/05 House: Passed by in 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

02/04/05 House: Passed by for the day (defeated) in C. J. (18-Y 0-N)

**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:* McDougale 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 passed House:*

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

*Patron:* Shannon

02/17/05 Senate: Reported from Transportation (13-Y 0-N)

**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 having a population of



100,000 or more of any new meals tax or tax rate increase without approval by referendum.

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

01/27/05 House: VOTE: DEFEATED (63-Y 34-N); requires 67 affirmative votes for passage

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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. The bill further provides that the provisions of this act shall not in any way amend or affect the Commonwealth's institutions of higher education as such institutions may be delegated the authority for the purchase of information technology facilities and services pursuant to any appropriation act adopted by the General Assembly.

*Patron:* Nixon

02/16/05 Senate: Reported from General Laws with amendment; bill now applies only to State purchases

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

*Summary as passed House:*

**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.

*Patrons:* Van Landingham and Plum

02/16/05 Senate: Reported from Finance with amendment (15-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**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. The bill further provides that should no funds from any source be received in the fund by July 1, 2007, that the provisions of the bill shall expire.

*Patrons:* Van Landingham and Plum

02/16/05 Senate: Reported from General Laws (15-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Appropriation of state funds for historic preservation.** Sets July 1 of even-numbered years as the cutoff date for requests and completed applications for state aid, or amendments to requests, to be submitted to the Department of Historic Preservation for consideration. This bill adds "interpretation" of sites and facilities as a funding priority along with the maintenance and operation of such sites owned by historical organizations

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) the purpose of the grant must be stated in the application and any change in scope of a project must be approved by the Department prior to implementation of any changes, (iii) documentation of matched funding and approved expenditures must be submitted with all requests for disbursements, (iv) the Department may require progress reports from each grant recipient, (v) expenditures of grant funds are subject to state procurement requirements, (vi) the Department must be given an opportunity to review the potential impact on any historic resources for new construction or ground disturbing activities funded by grants, and (vii) for capital projects, funds will be disbursed only as reimbursement for approved activities.

*Patron:* Plum

02/11/05 Senate: Passed Senate (39-Y 0-N)

**Notes:** City Position: Support

**HB 2092 Retail Sales and Use Tax; exemptions for certain contractors.**

*Summary as passed House:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, 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. The bill has a delayed effective date of July 1, 2006.

*Patron:* Hugo

02/15/05 Senate: Passed by indefinitely in Finance (10-Y 4-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Virginia Public Procurement Act; preference for Virginia firms.** Provides that whenever the lowest responsive and responsible 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. The bill provides if the lowest bidder is a resident of another state with an absolute preference, that bid shall not be considered.

Currently, a preference for Virginia resident may be given.

*Patron:* Amundson

02/16/05 Senate: Reported from General Laws with amendments (14-Y 1-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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, 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

02/16/05 Senate: Reported from General Laws (15-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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 awarded reasonable attorneys' fees in any action based upon the tenancy in which the landlord prevails, 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 unless the tenant proves by a preponderance of the evidence that his failure to pay rent or vacate was reasonable. 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

02/16/05 Senate: Reported from General Laws (15-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Affordable housing.** Provides that notwithstanding any other provision of law, no locality may adopt an affordable housing program, or implement an existing program, after January 1, 2005, pursuant to §§ 15.2-2304 or 15.2-2305, or as part of a comprehensive plan pursuant to § 15.2-2223, that provides that a developer pay an affordable housing contribution as part of an approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. The bill does not apply to not-for-profit developers.

*Patron:* Reese

02/15/05 Senate: Stricken at request of Patron in Local Government (15-Y 0-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**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 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 not able to provide needed services in a reasonable and cost-efficient manner; (iv) or displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

*Patron:* Reese

02/15/05 Senate: Reported from Local Government w/amd (8-Y 7-N)

**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

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

02/02/05 House: Incorporated by Appropriations (HB1654-Lingamfelter)

**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 Finance (HB1878-McDougle) (22-Y 0-N)

**Notes:** City Position: Support

**HB 2276 Retail petroleum products sales facility; required by ordinance 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

02/04/05 House: Stricken from docket by Counties, Cities and Towns (22-Y 0-N)

**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 passed House:*

**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 \$2 million per locality, and the total limit on state funds is raised to \$50 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.

02/15/05 Senate: Passed by indefinitely in Finance (13-Y 1-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 Finance (HB1638-Callahan) (22-Y 0-N)

**Notes:** City Position: Support

**HB 2351 Small, women- and minority-owned businesses (SWAM); definition and regulations.**

*Summary as introduced:*

**Public procurement; SWAM businesses.** Requires that each public body's program to facilitate the participation of small, women- and minority-owned (SWAM) businesses in procurement transactions include a goal that 40 percent of the public body's procurement expenditures be for transactions with SWAM businesses. To count toward meeting this goal, the SWAM business must be certified by the Department of Minority Business Enterprise. Public bodies are required to file annual reports detailing efforts to meet the goal of 40 percent SWAM business procurement.

*Patron:* Marshall, R.G.

02/01/05 House: Tabled in General Laws (22-Y 0-N)

**Notes:** City Position: Oppose

**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  
02/15/05 Senate: Passed Senate (39-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Inoperable motor vehicles; civil penalties.** Conforms civil penalty provisions for violations of inoperable motor vehicle ordinances to those currently existing for zoning violations.

*Patrons:* Rapp; Senator: Norment  
02/03/05 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

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

*Summary as passed House:*

**Conveyance of easements.** Eliminates the public hearing requirement for localities that convey certain site development easements across public property.

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

**Notes:** City Position: Support

**HB 2397 Procurement Act, Public; contracts with only U.S. citizens, legal aliens, etc.**

*Summary as introduced:*

**Public Procurement Act; prohibited contracts; required contract provisions.** Provides that

no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

*Patron:* Phillips

02/01/05 House: Tabled in General Laws (21-Y 1-N)

**Notes:** City Position: Oppose

**HB 2419 Procurement Act, Public; contracts with only U.S. citizens, legal aliens, etc.**

*Summary as introduced:*

**Public Procurement Act; prohibited contracts; required contract provisions.** Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

*Patron:* Armstrong

02/01/05 House: Tabled in General Laws (21-Y 1-N)

**Notes:** City Position: Oppose

**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 Finance (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 December 31, 2005, to December 31, 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

02/17/05 Senate: Passed Senate (40-Y 0-N)

**Notes:** City Position: Support

**HB 2448 Landlord & tenant; installation of new lock or security device 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, provided: installation of the new lock or security devices does no permanent damage to any part of the dwelling unit and a duplicate copy of all keys and instructions of how to operate all devices are given to the landlord. The bill further provides that upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas. 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 bill amends the general law governing landlords and tenants as well as the Virginia Residential Landlord and Tenant Act. The goal of the bill is to protect victims of domestic abuse.

*Patron:* Suit

02/16/05 Senate: Reported from General Laws (15-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 2495 Procurement Act, Public; contracts with only U.S. citizens, legal aliens, etc.**

*Summary as introduced:*

**Public Procurement Act; prohibited contracts; required contract provisions.** Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

*Patrons:* Keister, Black, Petersen, Plum and Shuler; Senator: Cuccinelli

02/01/05 House: Tabled in General Laws (21-Y 1-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Sales and use tax exemption; public transportation.** Restores a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that are 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

02/17/05 Senate: Passed Senate (40-Y 0-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 two and one-half cents per carton to two percent of

the total charged by the Department of Taxation for the purchase of the tax stamps. The bill also provides a discount to dealers of other tobacco products equal to two percent of the total tax due from the dealer.

*Patron:* Byron

02/16/05 Senate: Reported from Finance with amendments (13-Y 2-N)

02/17/05 Senate: Constitutional reading dispensed (40-Y 0-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 for the deferred payment is set as the rate established by the Internal Revenue Code.

*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

02/10/05 Senate: Passed Senate (38-Y 0-N)

**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

02/09/05 Senate: Referred to Committee for Courts of Justice

**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, Hull, Moran, Plum and Van Landingham; *Senators:* Lucas, Ticer and Whipple

02/16/05 Senate: Passed Senate (40-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Local business taxes; appeals.** Makes numerous changes to the appeals process regarding local business taxes.

*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

02/16/05 Senate: Reported from Finance with substitute that addresses many City concerns

**Notes:** City Position: Oppose as originally drafted

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

*Summary as introduced:*

**Subsequent offenses of stalking.** Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

*Patron:* Pollard

02/16/05 Senate: Referred to Finance

02/17/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Support

**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

02/16/05 Senate: Passed Senate (40-Y 0-N)

**Notes:** City Position: Support

**HB 2745 Disability benefits; certain local police departments.**

*Summary as introduced:*

**Disability benefits; certain local police departments.** Provides that police departments in those localities that elected to establish their own local pension plans (instead of participating through the Virginia Retirement System) shall provide disability benefits to members of their police departments equivalent to the disability benefits provided under the Virginia Retirement System.

*Patron:* Bell

01/31/05 House: Passed by indefinitely in App. (24-Y 0-N)

**Notes:** City Position: Oppose

**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

02/04/05 House: Incorporated in C.C.T. (HB2159-Reese) (22-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Testing of persons convicted of certain crimes for hepatitis C.** Requires that any person convicted under statutes prohibiting prostitution and crimes against nature or any violation of the Drug Control Act involving injection drugs be tested for hepatitis C.

*Patron:* Amundson

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

**Notes:** City Position: Support

**HB 2876 Address Confidentiality Program; established to protect victims of domestic violence.**

*Summary as introduced:*

**Address Confidentiality Program; victims of domestic violence.** Establishes in the Office of the Attorney General the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims.

*Patrons:* Miller, Armstrong, Baskerville, Ebbin, Miles, Scott, J.M., Sickles and Watts; Senators: Ticer and Whipple

02/01/05 House: Tabled in General Laws (22-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed House:*

**Prohibiting admission of illegal aliens to public institutions of higher education.** Provides that persons who are unlawfully present in the country 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

02/17/05 Senate: Passed by indefinitely in Education & Health (12-Y 3-N)

**Notes:** City Position: Oppose

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

*Summary as passed House:*

**Adoptions; investigation by circuit court.** Requires the circuit court's investigation of a petitioner for adoption to include an inquiry into whether the petitioner is known to engage in

current voluntary homosexual activity or is unmarried and cohabiting with another adult to whom he is not related by blood or marriage.

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

02/17/05 Senate: Defeated by Courts of Justice

**Notes:** City Position: Oppose

**HJ 525 Constitutional amendment; limit on growth in general fund appropriations & revenues (1st reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); 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., Janis, Lingamfelter and Petersen

02/17/05 Senate: Defeated in Finance

**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

*Patrons:* Frederick and Welch

02/08/05 House: Rejected by House (46-Y 49-N)

**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

02/04/05 House: Tabled in Privileges & Elections (18-Y 2-N)

**Notes:** City Position: Oppose

**HJ 620 Constitutional amendment; exclude privately owned motor vehicles from property taxation (first ref).**

*Summary as introduced:*

**Constitutional amendment (first resolution); excludes privately owned motor vehicles from property taxation.** Exempts privately owned motor vehicles used for nonbusiness purposes from property taxes.

*Patron:* Cole

02/17/05 Senate: Defeated in Finance

**Notes:** City Position: Oppose

**HJ 659 Constitutional amendment; exclude privately owned motor vehicles from property taxation (first ref).**

*Summary as introduced:*

**Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt all motor vehicles from property taxes.

*Patron:* Louderback

02/04/05 House: Stricken at request of Patron in P. & E. (20-Y 0-N)

**Notes:** City Position: Oppose

**HJ 699 Constitutional amendment; prohibits General Assembly from enacting local handgun regul. (first ref).**

*Summary as introduced:*

**Constitutional amendment (first resolution); General Assembly powers; local handgun regulations.** Prohibits the General Assembly from enacting any law restricting the powers of any locality to regulate the open carrying of loaded handguns in public.

*Patron:* Amundson

02/04/05 House: Passed by indefinitely in Privileges & Elections (18-Y 2-N)

**Notes:** City Position: Support

**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

02/08/05 Senate: Left in Transportation (defeated)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**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. The bill incorporates Senate Bill 814.

*Patrons:* Locke; Delegate: BaCote

02/17/05 House: Passed House (97-Y 0-N)

**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

02/08/05 Senate: Left in Transportation (defeated)

**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

02/08/05 Senate: Left in Rules (defeated)

**Notes:** City Position: Oppose

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

*Summary as passed Senate:*

**Line of Duty Act.** Provides for funding of continued health insurance and death benefit payments for eligible state employees 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 benefits payments for eligible state employees 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. The continued health insurance coverage shall also apply to individuals disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill also provides that payments for eligible local employees under the Line of Duty Act shall be made by the locality. A locality has the option of contributing to the Fund, or may elect not to participate and be responsible for self-funding the continued health insurance coverage and death benefit of local eligible employees. A locality will have the option of providing continued health insurance coverage for persons disabled on or after April 8, 1972 but



before July 1, 2000, and their surviving spouses and dependents.

*Patrons:* Wampler and Cuccinelli

02/09/05 House: Referred to Committee on Appropriations

02/09/05 House: Assigned to App. sub-committee: Compensation & General

**Notes:** City Position: Oppose as introduced (VML working on amendments)

**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

02/08/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

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

Exempts from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunications services and cable television service. Public bodies may discuss such records in closed meetings.

*Patron:* Wampler

02/17/05 House: Passed House (97-Y 0-N)

**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, less cost of collection, will be used to support issuance of bonds whose proceeds are to be used in the highway construction district wherein the offenses leading to the imposition of the fees were committed for transportation projects.

*Patrons:* O'Brien and Devolites Davis

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

**Notes:** City Position: Oppose

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

*Summary as passed Senate:*

**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 be headed by a Director appointed by the Governor to serve at his pleasure. The DCA will be the successor in interest to the Office of Consumer Affairs by serving as the central coordinating agency and clearinghouse for receiving and investigating complaints by Virginia consumers of illegal, fraudulent, deceptive or dangerous practices. The bill also provides that it shall not become effective unless an appropriation of general funds effectuating the purposes of the bill is included in the general appropriation act passed by the 2005 Session of the General Assembly.

*Patron:* O'Brien

02/16/05 House: Assigned to App. sub-committee: Commerce, Agriculture &.

**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

02/08/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Oppose

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

*Summary as introduced:*

**Local real estate tax relief programs.** Changes authorized 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 their 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

02/08/05 House: Referred to Committee on Finance

**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

02/18/05 House: Reported from M., P. & P. S. (21-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**Boards of zoning appeals.** Amends current variance provisions by authorizing zone

administrators to grant modifications from zoning ordinance provisions with respect to physical requirements, such as size, height, location or other features related to any building, structure, or improvements. The bill contains provisions regarding the issuance of modifications and appeals from denials of modification requests.

*Patron:* Ticer

02/18/05 House: Reported from C. C. T. with sub (22-Y 0-N)

**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 applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code.

*Patrons:* Whipple and Ticer

02/08/05 House: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 1144 Domestic violence and prevention services; responsibilities of Department.**

*Summary as passed Senate:*

**Domestic violence and prevention services.** Requires the Department of Social Services to (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

02/14/05 House: Passed House (96-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.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by

the public. 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.

*Patrons:* Mims, Edwards and Ticer

02/08/05 Senate: Read third time and defeated by Senate (14-Y 26-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

02/16/05 House: Passed House with amendments (98-Y 0-N)

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

**SB 1199 Retail petroleum products sales facility; required by ordinance 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

02/08/05 Senate: Left in Local Government (defeated)

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

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

*Summary as passed Senate:*

**Affordable housing.** Provides that notwithstanding any other provision of law, a locality shall adopt or implement an affordable housing program after January 1, 2005, that provides for a developer to pay a contribution as a part of approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. However, localities may do so through bonus density. The bill does not apply to not-for-profit developers. The provisions expire on July 1, 2006.

*Patron:* Mims

02/18/05 House: Stricken at request of Patron in C. C. T. (22-Y 0-N)

**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, on and after July 1, 2010, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

*Patron:* Edwards

02/08/05 Senate: Left in 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

02/18/05 House: Reported from Privileges and Elections (20-Y 0-N)

**Notes:** City Position: Support

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

*Summary as passed Senate:*

**Study; patients found not guilty by reason of insanity; report.** Directs the Joint Commission on Health Care, through its Behavioral Health Care Subcommittee, to study the needs of patients found not guilty 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 related to a psychiatric illness and therefore not appropriate for rehospitalization.

*Patron:* Puller

02/16/05 House: Reported from Rules with substitute (16-Y 0-N)

**Notes:** City Position: Support

**SJ 340 Constitutional amendment (first resolution); property exempt from taxation.**

*Summary as introduced:*

**Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

*Patron:* Hanger

02/08/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Oppose

**SJ 362 Constitutional amendment; tax relief for persons 65 or older (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); local real estate tax relief.** Provides that localities may, by ordinance, exempt, defer, or freeze the real estate taxes of persons 65 or older or permanently and totally disabled regardless of annual income or financial worth. Localities would be directly authorized to pass such ordinances, and the General Assembly would be prohibited from legislating in regard to such matters except that it may define those persons who are permanently and totally disabled. The current real estate tax relief provisions in the Constitution require that the General Assembly pass enabling legislation for local real estate tax relief programs and also 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

02/08/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Oppose

**SJ 384 Constitutional amendment; assessment of real property (first reference).**

*Summary as introduced:*

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

*Patron:* Hanger

02/08/05 Senate: Left in Finance (defeated)

**Notes:** City Position: Oppose