



2012 Legislative Priorities

Virginia General Assembly

City Council

McKinley L. Price, D.D.S., Mayor, At Large

Madeline McMillan, Vice Mayor, North District

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Sharon P. Scott, North District

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Neil A. Morgan

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TABLE OF CONTENTS

<i>Mission, Vision, Values</i>	1
<i>City Strategic Priorities</i>	2
<i>City Budget Comparison FY 2011 to FY 2012</i>	3
<i>Facts About the City of Newport News</i>	4
<i>Senate, House of Delegates Members</i>	5
<i>Code Changes (List)</i>	6
<i>Charter Changes (List)</i>	6
<i>Legislative Requests (List)</i>	7
<i>Code Changes (Requests)</i>	8
<i>Charter Changes (Requests)</i>	13
<i>Legislative Requests</i>	15
<i>Draft Legislation & Supporting Documents</i>	26



THE CITY OF NEWPORT NEWS, VIRGINIA



MISSION

To enhance the quality of life of the citizens of Newport News and our community by providing exceptional government services.

VISION

As enthusiastic ambassadors of our mission and our core values of commitment, caring and collaboration, we strive to achieve proactive and responsible service; a highly trained, competent workforce; and responsible stewardship of resources.

VALUES

✦ COMMITMENT ✦ CARING ✦ COLLABORATION



CITY STRATEGIC PRIORITIES

In September 2010, the Newport News City Council unanimously endorsed eight strategic priorities. These initiatives are reflected throughout our legislative package either by specific requests or through the City's stance on issues of regional or Statewide significance.

Our Strategic Priorities are:

- ✧ Community Maintenance
... aesthetically improve all areas of the City
- ✧ Strengthening Greater Oyster Point
... cultivate public and private investments in what has become the economic engine of the City
- ✧ Environmentally Sustainable Local Government Policies
... develop and implement pro-environmental policies
- ✧ Southeast Community Redevelopment
... stimulate further redevelopment opportunities
- ✧ Operational Performance and Efficiency
... focus on improving efficiency and performance
- ✧ Gang and Gun Violence Reduction
... reduce violent crime among youth and adults
- ✧ Focus on Upper Warwick Corridor
... promote economic renewal and strategic redevelopment
- ✧ Customer Service
... maintain and improve the quality our customers' experiences

While recognizing that the City is involved in many other important activities, these eight initiatives will be our focus as we plan future activities and deploy resources.

CITY BUDGET COMPARISON FY 2011 TO FY 2012

REVENUES	<u>FY 2011</u>	<u>*FY 2012</u>	<u>% Change</u>
General Property Taxes	227,816,489	227,252,450	(0.2)
Other Local Taxes	85,506,288	87,840,285	2.7
Permits, Fees, and Regulatory	2,596,178	3,057,163	17.8
Fines and Forfeitures	1,986,833	2,224,000	11.9
Revenue from Use of Money & Property	2,336,542	2,427,076	3.9
Charges for Services	5,592,506	5,967,525	6.7
Miscellaneous Revenue	17,268,695	17,215,580	(0.3)
Recovered Costs	9,352,702	9,537,485	2.0
Non-categorical Aid	245,289	676,810	175.9
Shared Expenses	9,384,675	9,223,040	(1.7)
Categorical Aid	38,396,709	37,972,359	(1.1)
Non-revenue Receipts	22,500,000	10,641,000	(52.7)
Payments from other Funds	<u>553,758</u>	<u>545,227</u>	<u>(1.5)</u>
	\$423,536,664	414,580,000	(2.1)
 EXPENDITURES			
School Support	109,200,000	112,200,000	2.7
Public Safety	76,750,259	80,105,125	4.4
Health & Welfare	46,927,001	46,644,213	(0.6)
Debt Service	35,384,967	34,343,242	(2.9)
Corrections & Detention	32,113,679	32,200,494	0.3
Public Works	21,308,264	20,685,601	(2.9)
Parks, Cultural, Development	21,184,580	21,044,835	(0.7)
Financial/Information Technology	19,011,964	19,288,962	1.5
Inspections/Engineering	10,113,696	10,250,295	1.4
Community Support/Regional Org.'s	7,672,239	7,864,055	2.5
Non-departmental	30,736,699	16,905,173	(45.0)
General Administration	5,023,932	5,081,615	1.1
Judicial Administration	3,191,550	2,991,840	(6.3)
Commonwealth's Attorney	3,732,549	3,819,422	2.3
Board of Elections	477,875	469,204	(1.8)
Legislative	<u>707,410</u>	<u>685,924</u>	<u>(3.0)</u>
	\$423,536,664	414,580,000	(2.1)

**approved budget*

FACTS ABOUT THE CITY OF NEWPORT NEWS

Incorporated - 1896

Land area - 68.3

Population - 180,719 (2010 Census)

Males	48.3%
Females	51.7%
White	46.0 %
African-American	40.7 %
Hispanic	7.5 %
Other	5.8%

Age Distribution

19 and under	27.9 %
20 - 34	25.4 %
35 - 54	26.2 %
55 - 74	15.6 %
75 and over	4.9 %

City Government

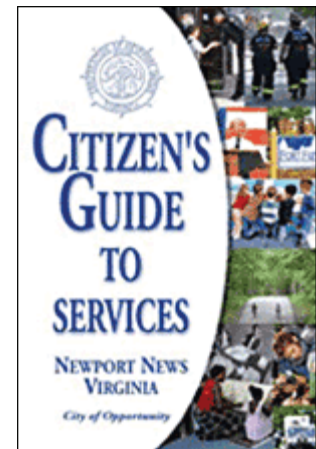
The Newport News City Council meets on the second and fourth Tuesdays of each month at 7:00 pm. Council meetings are held in the City Council Chambers located behind City Hall at 2400 Washington Avenue, unless otherwise announced. City Council meetings are cablecast on City Channel 48. The City Council also holds work sessions at which staff presentations and in-depth discussion of issues take place. Work sessions are open to the public and are usually held on the afternoon of each Council meeting day in the City Council Conference Room on the 10th floor of City Hall. Citizens are encouraged to attend City Council meetings and work sessions as a way to actively participate in the process of government. More information about the City is available online at www.nngov.com and in the Citizen's Guide to Services.

Largest Employers

- Huntington Ingalls Shipbuilding
- U.S. Army Transportation Center at Fort Eustis
- AAFES Dan Daniel Distribution Center
- Newport News Public Schools
- U.S. Navy
- City of Newport News
- Riverside Regional Medical Center
- Canon Virginia
- Ferguson Enterprises
- Christopher Newport University

Median Household Income

\$ 49,554



Senate of Virginia

John C. Miller (D)

1st Senate District

P.O. Box 6113
Newport News, VA 23606
757.595.1100
FAX 757.595.1106
district01@sov.state.va.us
In Session: 804.698.7501

Committee Assignments:

Education and Health
General Laws and Technology
Rehabilitation and Social Services
Transportation

Mamie E. Locke, Ph.D. (D)

2nd Senate District

P.O. Box 9048
Hampton, VA 23670
757.825.5880
FAX 757.825-7327
district02@sov.state.va.us
In Session: 804.698.7502

Committee Assignments:

General Laws and Technology
Education and Health
Local Government
Rehabilitation and Social Services
Rules

Virginia House of Delegates

Mike Watson (R)

93rd District

General Assembly Building
P.O. Box 406
Richmond, VA 23218
In Session: 804.698.1093

Committee Assignments:

David Yancey (R)

94th District

General Assembly Building
P.O. Box 406
Richmond, VA 23218
In Session: 804.698.1094

Committee Assignments:

Mamye E. BaCote (D)

95th District

P.O. Box 5154
Newport News, VA 23605
757.244.4415
DeIMBaCote@house.state.va.us
In Session: 804.698.1095

Committee Assignments:

Transportation
Appropriations
Health Welfare and Institutions

CODE CHANGE REQUESTS

1. Grant localities the authority to regulate the use by private medical transport companies of traffic signal pre-emption devices
2. Grant localities the authority to require certain businesses to recycle glass
3. Add Newport News to the list of Cities that may, by local ordinance, sell certain types of property for the nominal amount of one dollar; include parcels 1500 square feet or smaller that are not suitable for development
4. Require pawn brokers to collect a digital image of items, identification, and persons involved in transactions
5. Grant localities the authority to establish Enhanced Enforcement Areas in order to deter street prostitution

CHARTER CHANGE REQUESTS

1. Define City territory to extend to the center line of any body of water located between it and other jurisdictions
2. Amend Section 4.03 of the City Charter to maintain consistency with Section 4.05 and to clarify the first meeting date for a newly elected Council

LEGISLATIVE REQUESTS

- ✧ Restore State Aid-to-localities reductions
- ✧ Opposes a constitutional amendment to further restrict Eminent Domain
- ✧ The General Assembly must not eliminate or reduce BPOL or Machinery and Tools taxes
- ✧ The Commonwealth of Virginia should assume the financial responsibility for any reduction of Federal funding for high-speed passenger rail and intercity passenger rail
- ✧ Codify the Wireless E-911 Distribution Formula
- ✧ Oppose changes to FOIA protection for ongoing criminal investigations
- ✧ Provide local authority to take corrective action in cases of unfinished residential construction
- ✧ Support Jefferson Lab
 - ◆ Fund the Virginia Photon Science Research Initiative
 - ◆ Expand Technology Development
- ✧ Oppose reduction or elimination of street maintenance payments
- ✧ Amend the Virginia Small Business Financing Act by adding eligibility criteria for non-profit organizations
- ✧ Require full taxation for online travel companies
- ✧ Oppose further funding reductions to public libraries
- ✧ Support the legislative agenda of the Hampton Roads Partnership
- ✧ Enact laws to prohibit and deter predatory lending
- ✧ Assist homeowners affected by defective Chinese drywall
- ✧ Support funding for the Hampton University Proton Therapy Institute

CODE CHANGES

Local regulation of traffic signal pre-emption devices

Request:

Amend Virginia Code Section 46.2-1077.1 to give localities the authority to regulate the use of traffic signal preemption devices within local boundaries.

Justification:

Emergency Vehicle Pre-emption Systems are installed by localities at specific intersections to facilitate the safe passage of Fire and EMS vehicles through busy intersections by giving the emergency vehicles, traveling to or from an emergency at high rates of speed, a green traffic signal while displaying a red traffic signal to all other approaches. These emitters can now be purchased inexpensively online. Private medical transport companies are purchasing, for use by their transport units, infrared emitters to engage traffic signal pre-emption. As the Code of Virginia is currently written, localities do not have the authority to authorize or prevent the use of the equipment despite the fact that the municipality is responsible for installing and maintaining the system. Allowing private transport companies unlimited and unmonitored use of municipally installed preemption devices can create unmanageable liabilities for localities, adversely affect the traffic flow, and may increase the number of users without the municipality's knowledge.

The City of Newport News requests that the General Assembly amend the Code of Virginia Section 46.2-1077.1., Mobile infrared transmitters; demerit points not to be awarded, to grant localities the authority to approve or disapprove the use of traffic signal preemption devices within its boundaries. As amended, this section would not apply to any law-enforcement, fire-fighting, life-saving, or rescue vehicle or ambulance agencies serving as a "designated emergency response agency" while responding to an emergency call or operating in an emergency situation.

CODE CHANGE REQUESTS

Local authority to require certain businesses to recycle glass beverage containers

Request:

Amend section of 4.1-209 of the Code of Virginia to grant localities the authority to require that retail on-premises wine and beer licensees recycle glass beverage containers.

Justification:

Environmental sustainability is one of eight strategic priorities for the City of Newport News. The City currently has many pro-active, environmental initiatives designed to reduce greenhouse gas emissions, reduce energy consumption, and minimize environmental impacts. Recycling is a proven way to reduce air and water pollution, reduce energy consumption and decrease greenhouse gases emissions. Recycling is an economic development tool as well as an environmental tool. On a per-ton basis, sorting and processing recyclables alone sustains 10 times more jobs than land filling or incineration. It is estimated that recycling creates 1.1 million U.S. jobs, \$236 billion in gross annual sales and \$37 billion in annual payrolls.

However, despite increased public awareness of the benefits of recycling, beverage container recycling has been declining in recent years. Ironically, the amount of beverage containers that are being sold and consumed has increased over time, resulting in the waste of more material that is needed by manufacturers to meet single-serving beverage container demand. Bars and restaurants are two of the largest consumers of beverage containers and the vast majority of beverage containers used in bars and restaurants are made from glass. Glass is made from all-natural, sustainable raw materials and is the only packaging material rated “GRAS” or “generally regarded as safe” by the U.S. Food & Drug Administration. Glass is 100% recyclable and can be recycled endlessly with no loss in quality or purity. Better still, glass recycling is a closed loop system which creates no additional waste or by-products.

While it is a fact that glass recycling rates are higher in states with mandatory beverage container recycling requirements, in some areas of Virginia, limited access to recycling facilities makes the suggestion of a Statewide mandate seem an impractical burden to impose on businesses. However, because the extensive benefits of recycling cannot be ignored, the City of Newport News asks the General Assembly to amend section of 4.1-209 of the Code of Virginia to grant localities the authority to, by ordinance, require that retail on-premises wine and beer licensees recycle glass beverage containers.

CODE CHANGE REQUESTS

Add the City of Newport News to the list of cities allowed to sell property for a nominal fee; add small parcels

Request:

Amend Section 15.2-958.1. by (1) adding Newport News to the list of cities that may, by ordinance, sell certain property for the nominal fee of one dollar, and (2) include in the types of properties that are eligible for sale, parcels of 1500 square feet or less that are not suitable for development.

Justification:

By allowing the sale for a nominal fee, small lots that are acquired by the City and are not suitable for building can then be conveyed to adjoining property owners, thereby increasing the size of their lots and relieving the City of the liability for the maintenance of such properties.

CODE CHANGE REQUESTS

Additional information to be collected by pawnbrokers

Request:

Amend Section 54.1-4009 of the Code of Virginia to require that a pawnbroker collect digital images of (1) the item or items being pawned, (2) the form of identification used in the transaction, and (3) the person involved in the transaction.

Justification:

As currently written, Virginia Code Section 54.1-4009 requires pawnbrokers to list the general information from a State issued identification card, describe the item being pawned, and record the amount given for the pawn. The Newport News Police Department has determined that it is common place for pawnbrokers to allow individuals to use identification that is not their own in order to conduct pawn transactions. When inappropriate identification is used and an item that is pawned is stolen, the information collected from the transaction is not useful in the investigation of criminal activity.

The City of Newport News requests that the Code of Virginia, Section 54.1-4009 be amended to require that a pawnbroker collect a digital image of the item or items being pawned, the form of identification used in the transaction, and the person involved in the transaction. Digital images (photographs) leave little room for ambiguity. The Newport News Police Department currently uses an electronic email system that requires pawn shops and gold and precious gems dealers to submit their daily transactions through Leadsonline. This system is capable of accepting digital images along with the transaction reports which can then be viewed at an officer's discretion. In the event of a possible theft, access to digital images will reduce the time required to travel to a pawn shop and have items pulled from inventory. Victims will be able to identify their items through emailed digital images. Digital images of the identification used and the individual involved in the transaction will provide investigators with the information needed to solve related thefts.

CODE CHANGE REQUESTS

Local authority to create enhanced enforcement areas to deter street prostitution

Request:

Add section 15.2-1250, Establishment of Enhanced Enforcement Areas to Deter Street Prostitution, to the Code of Virginia.

Justification:

In an effort to discourage the presence of street level prostitution and curb the impact of such conduct on its citizens and businesses, the City of Newport News proposes legislation that will enable the Police Department to restrict the ability of those convicted of prostitution related crimes from frequenting the same locations.

The City of Newport News proposes that the Virginia General Assembly add section 15.2-1250, Establishment of Enhanced Enforcement Areas to Deter Street Prostitution, to the Code of Virginia. This section will allow the governing body of any county, city, or town to provide by ordinance for the establishment of an Enhanced Enforcement Area and for the determination of and related penalties if, in the opinion of the governing body, the conduct of prostitutes and those that solicit prostitutes establishes a concern for the safety, health, good order and morals of the general public. In an Enhanced Enforcement Area, subjects convicted of violations of §18.2-346, §18.2-347, §18.2-348, §18.2-349, §18.2-355, §18.2-356, §18.12-357, or of a similar ordinance of any county, city or town, are restricted from access to public rights of way or public property based on prostitution related data. Violations of the Enhanced Enforcement Area restrictions shall not constitute greater than a class 1 misdemeanor.

Upon conviction for a specified offense, the offender will receive detailed written instructions regarding areas that are designated by City ordinance as Enhanced Enforcement areas for restricted access. The restricted access, however, shall not exclude: attending a meeting with an attorney; attending an appointment with a social service provider; complying with court-or corrections-ordered obligations; contacting criminal justice personnel at a criminal justice facility; attending any administrative or judicial hearing; traveling through the restricted access area by vehicle; residing in a dwelling or facility; obtaining education by enrolling as a student at an educational facility or attending school at an educational facility; working as the owner, principal, agent or employee at a place of lawful employment; performing work directly related to lawful employment.

CHARTER CHANGE REQUESTS

Request:

Amend Chapter 1, Section 1.01 of the City Charter to define the territory comprising the City to extend to the center line of any body of water located between its territory and any other jurisdiction.

Justification:

Currently the boundary of the City is defined by the charter to extend to the “mean low water mark” for bodies of water bordering Newport News. This creates some jurisdictional ambiguity for law enforcement when incidents occur. In order to provide clear jurisdiction for law enforcement and better protect the public, a more constant and easily recognizable standard is needed.

Reference:

Chapter 1. Territory Compromising City
Section 1.01 Area; boundaries to embrace military and government reservations, etc.

CHARTER CHANGE REQUESTS

Request:

Amend Section 4.03 of the City Charter to maintain consistency with Section 4.05 and to clarify the first meeting date for a newly elected Council.

Justification:

In 2007, Section 4.05 of the Charter was changed to move the inaugural meeting of council, previously held on July 1st, away from the July 4th holiday. In order to maintain consistency, Section 4.03 of the Charter needs to be changed as well to eliminate the reference to July 1st.

Reference:

Chapter 4. Council Generally

Section 4.03 Choice and term of mayor and vice mayor; Powers and duties of mayor generally; absence or disability of mayor and vice mayor.

LEGISLATIVE REQUESTS

Restore State Aid-to-Localities reductions

On August 18, 2011 Governor Bob McDonnell announced to the Joint Money Committees of the General Assembly that Virginia had posted a budget surplus in excess of a half billion dollars. For FY 2010, the Commonwealth achieved a budget surplus of slightly greater than \$403 million. Given the unprecedented economic challenges that have faced States and communities nationwide for the past several years, an achievement such as this should be a cause for celebration. However, when State budget surpluses are built on reductions to essential services such as law enforcement and by shifting State costs to local taxpayers, it is difficult to cheer.

While State revenues such as sales and individual income taxes may be recovering, local revenues, which are largely comprised of real estate taxes, are not. Coupled with the decline in local revenue, municipalities across the Commonwealth have experienced the steady erosion of State funding for mandated services such as education, public safety, human services, and transportation. Aid-to-Localities reductions, the \$60 million per year in across-the-board funding cuts for cities and counties, represent a partial default on Virginia's responsibility to provide adequate funding for core services.

In light of the State's economic growth, the City of Newport News asks that the General Assembly reverse the \$60 million per year reduction for the current fiscal year (FY12) and eliminate future aid-to-localities reductions for the upcoming biennium.

LEGISLATIVE REQUESTS

Oppose a constitutional amendment to further restrict Eminent Domain

The City of Newport News urges the General Assembly to reject a Constitutional Amendment which will restrict eminent domain, further limit local authority, and hinder the public purposes of redevelopment and community development. The proposed change to the Virginia Constitution will impose a substantial increase in costs associated with acquisition of property by eminent domain by adding damages for restriction, change or loss of access to businesses and other damages for loss of business. Virginians will be saddled with these increased costs as State and local taxes increase to pay for public improvements.

Although some parts of the proposed amendment simply reflect current law, there are two components of the amendment that are specifically problematic: 1) compensation for lost profits and lost access, and 2) a prohibition on using eminent domain for economic development. Current law requires that property owners be given just compensation for property that is taken. The proposed amendment adds financial liability for lost profits and lost access whether or not any land is acquired from the owners. Simply closing a street for repairs will create lost profits and lost access for businesses at that location, thereby creating a financial obligation for the taxpayers.

The proposed amendment prohibits using eminent domain for economic development. The consequence of this prohibition is that the current standard, which requires the locality to buy land for “fair market value” no longer applies. Localities will be forced to pay the price as set by the land owner or, in cases where the cost is too great, choose not to do the project. Higher costs to acquire land for projects will ultimately be passed on to the taxpayers.

It is likely that some public projects will be abandoned because they are simply too cost-prohibitive. When localities and the State are forced to eliminate projects, jobs and the potential for new jobs are lost. The City of Newport News asks the General Assembly to reject the proposed eminent domain constitutional amendment.

LEGISLATIVE REQUESTS

Oppose elimination or reduction in BPOL, Machinery & Tools, or other sources of local government revenue

Approximately 10,000 business licenses are issued annually in the City of Newport News. For businesses whose gross receipts are less than \$100,000, the City assesses a flat fee. Two-thirds of Newport News businesses pay a flat fee of either \$30 or \$50, based on their annual gross receipts. Only two percent of the total business license revenue for the City is generated from these businesses paying the business license flat fee. One-third of the City's businesses pay a tax based on their business activity and the tax rate for that activity. The tax rate is different for different types of business activities. For gross receipts of more than \$100,000, the City assesses a tax rate per \$100 of gross receipts. Ninety-eight percent of the total business license revenue for the City is generated from businesses paying the business license tax based on their business activity and the gross receipts reported.

In Newport News, BPOL and Machinery and Tools taxes generate approximately 7.5 percent of the City's General Fund. In FY11 the City collected approximately \$17.3 million in Machinery & Tools taxes and \$15.1 million in BPOL. Statewide figures for BPOL and Machinery and Tool tax revenue are estimated at approximately \$900 million annually. A loss of this revenue coupled with continuously declining State Aid to Localities results in a reduction in services to citizens and/or a shift in the tax burden away from businesses but to our citizens.

While the City of Newport News applauds the efforts of the Governor and General Assembly to bring jobs and needed economic growth to the Commonwealth, local government revenue should not be the bargaining chip with which this is accomplished. The City of Newport News opposes the reduction or elimination by the Commonwealth of BPOL, Machinery and Tools taxes, or other local government revenue sources.

LEGISLATIVE REQUESTS

The Commonwealth must assume financial responsibility for inter-city passenger rail if Federal funding is reduced or eliminated

Transportation is a key issue throughout Hampton Roads. Chronic traffic congestion and aging infrastructure threaten the future economic vitality of the region. A reliable multimodal transportation system is critical to our continued economic prosperity. Historically, the Federal government has provided revenue for intercity and passenger rail. However, in light of its massive debt, the Federal government is steadily searching for places to cut spending. A recent budget proposal by the US House of representatives would have eliminated funding for Virginia's regional Amtrak service. In FY 2011, these trains accounted for over 66 percent of Virginia ridership; over the past two years, ridership has increased by almost 35 percent. As gas prices continue to rise and traffic congestion does not abate, trains are increasingly important to Virginians.

Given the laborious struggle local governments are facing to provide services to citizens despite an ongoing economic slowdown, the Commonwealth should not anticipate that localities will be able to support regional train service. Because transportation is a critical component for successful future economic development, the Commonwealth should be fully prepared and willing to assume the financial responsibility for inter-city passenger rail should the Federal government reduce or eliminate funding.

Codify the Wireless E-911 distribution formula

The average annual revenue received by the Commonwealth from the wireless E-911 surcharge is \$54,000,000. Approximately \$25-28,000,000 is distributed to Public Safety Answering Points (PSAPs) and carriers under a 60/30/10 formula. In September of 2011, the Wireless E-911 board (15 members) voted to change the distribution formula effective fiscal year 2013. As a result of this change, Newport News will receive 17.7% less of the wireless surcharge over a 3 year period. The Hampton Roads region will receive 30% less of the wireless surcharge overall. If the distribution formula remains as recently approved, there will be a negative impact on our ability to hire and retain qualified 911 employees, and will lessen our opportunities to maintain, repair and upgrade the equipment and applications required for public safety emergency communications and Next Generation 911.

The City of Newport News supports legislation to amend the Code of Virginia § 56-484.17(C) to read that the funding distribution can only be changed by legislative approval, and not by a vote of the E-911 board. This will allow distribution of the wireless surcharge based on the geographic locations from which the fees are collected and the wireless emergency calls are received.

LEGISLATIVE REQUESTS

Oppose changes to FOIA protection for criminal investigative files

In the 2010 and 2011 sessions of the General Assembly, bills were introduced that would loosen the standard of protection for some information that is part of a criminal investigative file. In addition, the Virginia Press Association has continued to lobby the Freedom of Information Advisory Council for Code changes that would allow for greater access to information.

A specific concern for public safety is that a blanket mechanism for releasing information based on an arbitrary period of time elapsing might result in the requirement for information to be released regarding “cold cases” which are closed, although not “closed by arrest.” This can be especially relevant to long-term drug operations when Federal involvement may result in re-opening/re-activating local cases based on new information or events. Negative consequences of such legislation include the potential to endanger law enforcement officers, to endanger potential witnesses, the potential to alert persons engaged in criminal activity that they are under investigation, the opportunity for suspects to flee, and the opportunity for those engaged in criminal activity to destroy evidence.

The City of Newport News asks that the General Assembly refrain from expanding public access to information that is part of criminal investigative files.

Allow local governments to take action in cases of unfinished construction that present a danger to public health and safety

Localities need a statutory or regulatory way of appropriately dealing with unfinished construction when it presents a danger to public health and safety. The General Assembly should expand the laws dealing with blight to include provisions specifically for unfinished residential buildings. Localities should have the authority to complete or secure the building to the extent needed to eliminate potential danger and should also be granted the power to recover the costs of any repair of such property from the owner or owners or record.

LEGISLATIVE REQUESTS

Support for Jefferson Lab

The Thomas Jefferson National Accelerator Facility (Jefferson Lab) is one of 17 national laboratories funded by the U.S. Department of Energy. The lab also receives support from the City of Newport News and the Commonwealth of Virginia. The lab's primary mission is to conduct basic research of the atom's nucleus using the lab's unique particle accelerator, known as the Continuous Electron Beam Accelerator Facility (CEBAF). Jefferson Lab also conducts a variety of research using its Free-Electron Laser, which is based on the same electron-accelerating technology used in CEBAF.

The City of Newport News asks the General Assembly to:

1. Fund the Virginia Photon Science Research Initiative

Jefferson Lab's one-time funding request of \$16 million over the biennium will support enhanced capabilities for the Free-Electron Laser that will position Virginia and its research universities as world leaders in photon science.

2. Expand Jefferson Lab Technology Development

Add \$500,000 to the \$1.2 million base funding provided by the Commonwealth to support enhanced/expanded activities in emerging research areas such as energy, biofuels, medical imaging and medical instrumentation.

Oppose reduction or elimination of street maintenance payments

As a way to reduce the State's cost for maintenance of local streets, the Commonwealth Transportation Board is considering reducing street maintenance payments to localities. In FY 2012, the reimbursement rate is \$17,819 per lane mile for principal/minor arterial roads and \$10,461 for collector/local streets. This year the City of Newport News will receive approximately \$14 million for street maintenance; the actual cost of street maintenance is over \$16 million. The percentage of the actual cost that is covered by these payments has decreased over the past three years, which has resulted in reductions in manpower and in services provided. Reducing or eliminating street maintenance payments at a time when local budgets continue to shrink, the cost of maintaining the roads is increasing, and miles traveled on the roadways continues to increase, will lead to the accelerated deterioration of street infrastructures and further complicate the transportation issues we face locally, across the region, and across the State. The City of Newport News vehemently objects to the reduction or elimination of street maintenance payments.

LEGISLATIVE REQUESTS

Amend the Virginia Small Business Financing Act by adding eligibility criteria for non-profit organizations that correspond to the requirements for small for-profit businesses

In 2003 the General Assembly amended the Virginia Small Business Financing Act to allow the Virginia Small Business Financing Authority to issue bonds not only to eligible, small, for-profit businesses, but also to 501(c)(3) non-profit organizations of any size. Eligible businesses are limited to those whose 3-year gross receipts are less than \$10 million annually, have fewer than 250 employees, and have a net worth of \$2 million or less. As no corresponding restrictions were placed on non-profit organizations, large organizations can now issue bonds through the VSBFA instead of through the local Economic Development Authority. The VSBFA charges a lower fee rate and caps administrative fees which makes issuing bonds through them more lucrative for the non-profit. This can create significant adverse financial consequences for EDAs. In addition, because the VSBFA can decide to issue bonds without a local public hearing or approval, the financing for projects can be approved without citizen input or City Council approval.

The City of Newport News supports amending the Virginia Small Business Financing Act to limit the eligibility of non-profit organizations to those meeting the same gross income, employment, and net worth limits as eligible small businesses.

Require full taxation for online travel companies

Online travel companies should be required to remit the full amount of occupancy taxes as paid by the consumer. The current practice for out-of-state online travel companies is to charge tax on the retail price of rooms as booked by the consumer, but remit tax on the wholesale price paid by them to the property. By some estimates, the revenue lost to State and local government adds up to about \$1.5 billion annually. In addition to lost revenue, allowing this practice places in-state hoteliers at a competitive disadvantage as they are required to pay the full amount of tax for rooms sold.

The City of Newport News supports legislation that will require online travel companies to remit taxes based on the full retail price for rooms sold.

LEGISLATIVE REQUESTS

Oppose further funding reductions in State Aid to Public Libraries

During the recent economic challenges that have faced most Virginia families, public libraries have seen increased demand for services while coping with significantly reduced budgets. Full funding for State aid to public libraries was last achieved in FY 2001. For fiscal years 2011 and 2012, the General Assembly approved reductions which dropped state support to almost fifty percent of the state funding required. In addition, the \$60 million dollar reduction in aid to localities includes the option for further cuts to library funding. These extensive funding reductions may result in a loss of federal funds.

The City of Newport News highly values its public libraries and asks that the General Assembly refrain from further funding reductions in State aid to public libraries.

Support the legislative agenda of the Hampton Roads Partnership

The City of Newport News asks that the General Assembly work to enact the recommendations of the legislative agenda for the Hampton Roads Partnership.

1. Capitalize the Intercity Passenger Rail Operating and Capital Fund

Provide a source of revenue for the Intercity Passenger Rail Operating and Capital Fund by increasing the current rental car tax from 10 percent to 14 percent. Section 209 of the Federal Passenger Rail Improvement and Investment Act of 2008 requires that the State assume 100 percent for the operating cost and 25 percent of the capital equipment costs for all existing Amtrak service of 750 miles or less and all new high-speed rail service by October of 2013. As a result of this provision, two Amtrak trains from Newport News to the Northeast Corridor will require a new source of funding.

2. Create the Virginia Federal Facilities and Defense Industry Caucus

Like many other Virginia localities, the City of Newport News benefits greatly from the presence of Federal facilities and the Defense industry. Building a coalition of support in the General Assembly by bringing members together to discuss issues that impact host communities will help us to protect and strengthen our assets.

LEGISLATIVE REQUESTS

Enact laws to prohibit and deter predatory lending

Predatory lending practices such as those used by payday lenders pose a threat to the well-being of the community. Many payday lenders charge excessive fees, fail to verify a borrower's ability to repay, and target high-cost loans to the elderly, low-income, and minority families. High rates and hidden fees can combine to make a payday loan difficult to repay. Borrowers often become caught in a cycle of short-term, high-interest debt which can undermine any attempt to save money and build good credit.

With these concerns in mind, the City of Newport News requests that the General Assembly ban payday lending in Virginia. If it is not the will of the General Assembly to ban payday lending, then the City of Newport News asks that the General Assembly to adopt legislation that will:

- ✧ Impose an interest rate cap of thirty-six percent, calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit, including but not limited to payday loans, vehicle title loans, and Tax Refund Anticipation Loans, extended in the Commonwealth of Virginia;
- ✧ Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumers bank account;
- ✧ Incorporate into the Code of Virginia the protections regarding consumer credit to military person, as reflected in the Military Lending Act of 2007, 10 United States Code Section 987, to all Virginia residents; and
- ✧ Allow localities to limit the number of such businesses that may operate within a specified geographic area.

LEGISLATIVE REQUESTS

Assist citizens affected by defective Chinese drywall

Hundreds of Virginia homeowners have been negatively impacted by the presence in their homes of defective Chinese drywall. In addition to substantial financial losses, most of these families have been plagued by significant health and safety issues related to the corrosive gases emitted by the drywall. Some of the gases emitted from Chinese drywall can corrode metals, particularly copper. Corroded metals such as brass fittings, copper coils, and electrical wires may pose an immediate health risk because they can cause gas pipes to leak. When parts of an air conditioning unit are corroded, residents could be exposed to Freon or natural gas. Also, corroded electrical wires may cause smoke and carbon monoxide detectors not to function correctly.

Despite an unprecedented number of individuals who have experienced chronic health issues after their exposure to the defective drywall, the Centers for Disease Control and the Virginia Department of Health maintain that “current data does not suggest any immediate or chronic health problems associated with Chinese drywall.” Numerous court cases addressing various facets of this issue have concluded with contradictory results; many others are on-going. Federal and State bureaucracy and inaction have left affected citizens with no remedies to their plight and little if any assistance. Local governments have attempted to assist their residents using the tools available, such as real estate tax adjustments, but this assistance is woefully inadequate when viewed in the context of the losses these families are facing.

The City Council of Newport News encourages the General Assembly to reconsider the issue of defective Chinese drywall and the negative impact it has had upon the citizens of the Commonwealth. The Council further urges that the legislature act promptly to assist the victims of this tragedy.

LEGISLATIVE REQUESTS

Support funding for the Hampton University Proton Therapy Institute

Approximately one out of every two American men and one out of every three American women will have some type of cancer at some point during their lifetimes. Cancer remains the second leading cause of death in the United States. For men and women combined, the most commonly diagnosed form of cancer in Virginia is lung cancer, followed by colon and rectal cancer. The most common form of cancer for women is breast cancer; for men, prostate cancer is the most common cancer. According to research by the American Cancer Society, the economic impact of the disease is staggering: a 2008 study found that the worldwide economic impact of premature death and disability from cancer was \$895 billion. The United States has the highest economic loss at 1.73 percent of Gross Domestic Product (GDP). Clearly, resources used to prevent and cure cancer represent an investment in the community's long-term physical and economic health.

The Hampton University Proton Therapy Institute (HUPTI) is a \$225 million state-of-the-art research and treatment center which opened in August 2010. According to the National Association for Proton Therapy, HUPTI is one of only 9 such centers in the country. The Institute expects to treat over 2,000 patients per year. Proton therapy is the most precise form of radiation treatment. It targets tumors while sparing surrounding healthy tissue, causing far fewer side effects than traditional therapy. However, Proton therapy requires highly complex equipment which is very expensive. Hampton University has asked the Governor and the General Assembly to invest \$10 million in the Proton Therapy Institute. In the interests of regional cooperation and Statewide health care objectives, the City Council of Newport News supports Hampton University's funding request for the Proton Therapy Institute.

DRAFT LEGISLATION

AND

SUPPORTING DOCUMENTS



A bill to amend Virginia Code §46.2-1077.1 to grant localities the authority to regulate the use by private medical transport companies of traffic signal pre-emption devices.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1077.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded

A. It shall be unlawful for any person to operate a motor vehicle on the highways of the Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth, except for uses permitted under this section. In addition, the provisions of this section shall not apply to any law-enforcement, fire-fighting, life-saving, or rescue vehicle or ambulance responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries. In addition, the provisions shall not apply to any law-enforcement, fire-fighting, life-saving, or rescue vehicle or *ambulance agencies serving as a designated emergency response agency* while responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries.

The governing body of any county, city, or town having control of the highways within its boundaries shall maintain control over the receivers for traffic preemption devices such as a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. The governing body of any county, city, or town having control of the highways within its boundaries shall have the authority to approve or disapprove the use of traffic preemption devices within its boundaries unless explicitly provided for within the exceptions noted above or by such formal agreements known as mutual aid agreement or by resolution.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a

violation of this section, or at that person's request and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B of this section, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. No demerit points shall be awarded by the Commissioner for violations of this section.

House Bill No. _____ / Senate Bill No. _____
2012 Session

A bill to amend and reenact § 4.1-209 of the Code of Virginia to allow localities to, by ordinance, require that retail on-premises wine and beer licensees recycle glass beverage containers.

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-209 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption

by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; and

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to

give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within the interior premises of the gift shop in closed containers for off-premises consumption.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also

name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

D. Localities may, by ordinance, require that holders of retail on-premises wine and beer licenses shall separate, store, and provide for the collection for recycling of all glass beverage containers for all beverages sold at retail on the premises.

(Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, cc. 190, 828, 866; 1994, c. 585; 1995, cc. 544, 570; 1996, cc. 443, 604; 1997, c. 489; 2001, c. 361; 2002, c. 204; 2003, cc. 329, 589, 1029, 1030; 2004, c. 487; 2005, cc. 652, 784; 2006, cc. 94, 153, 256, 826, 845; 2007, c. 813; 2008, cc. 179, 186, 192, 875; 2010, cc. 317, 561; 2011, c. 626.)

House Bill No. _____ / Senate Bill No. _____
2012 Session

A bill to amend and reenact § 15.2-958.1 of the Code of Virginia by adding the City of Newport News to the list of cities that may sell certain property for the nominal amount of one dollar and add parcels of 1500 square feet or less that are not suitable for development to the types of property to be sellable.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-958.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-958.1. Sale of certain property in certain cities.

A. The City Cities of Richmond and Newport News may by ordinance provide for the sale of property for the nominal amount of one dollar if such property (i) has been acquired in accordance with § 58.1-3970 or § 58.1-3970.1 or (ii) has been declared a blighted structure and has been acquired by the city in accordance with § 36-49.1:1 or (iii) parcels of 1500 square feet or less that are not suitable for development.

B. If the city sells a property acquired under subsection A, the city shall require any purchaser by covenants in the deed or other security instrument to (i) begin repair or renovation of the property within six months of purchase and (ii) complete all repairs or renovations necessary to bring the property into compliance with the local building code within a period not to exceed two years of the purchase. The city may include any additional reasonable conditions it deems appropriate in order to carry out the intent of this section and assure that the property is repaired or renovated in accordance with applicable codes.

C. A "blighted structure" means a structure as defined in § 36-49. Notwithstanding any other provisions of law, such city may exercise within its boundaries any spot blight abatement procedures set forth in § 36-49.1:1. The owner shall have the opportunity to take corrective action or present a reasonable plan to do so in accordance with such section.
(2000, c. 364; 2007, c. 813.)

House Bill No. _____ / Senate Bill No. _____
2012 Session

A bill to amend Virginia Code §54.1-4009 to require that pawnbrokers collect a digital image of the items, identification, and person involved in the transaction.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4009 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-4009. Records to be kept; credentials of person pawning goods; fee; penalty.

A. Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale. The account shall be recorded at the time of the loan or transaction and shall include:

1. A description, serial number, and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale;
2. The time, date and place of the transaction;
3. The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
4. The rate of interest to be paid on such loan;
5. The fees charged by the pawnbroker, itemizing each fee charged;
6. The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging or selling the goods, article or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;
7. Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
8. As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
9. All other facts and circumstances respecting such loan or purchase.

10. A digital image of the article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale;

11. A digital image of the form of identification used by the person involved in the transaction;
and

12. A digital image of the person involved in the transaction.

B. A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, article or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

C. For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by § 54.1-4010, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a Class 4 misdemeanor.

D. The Superintendent of State Police shall promulgate regulations specifying the nature of the particular description for the purposes of subdivision A 6.

The Superintendent of State Police shall promulgate regulations specifying the nature of identifying credentials of the person pawning, pledging or selling the goods. Such credentials shall be examined by the pawnbroker, and an appropriate record retained thereof.

(Code 1950, § 54-851; 1976, c. 66; 1986, c. 316; 1988, c. 765; 1990, c. 783; 1998, c. 848; 2001, c. 401; 2003, c. 448.)

A bill to create and enact § 15.2-1250 of the Code of Virginia to allow localities to establish by ordinance enhanced enforcement areas to deter street prostitution.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1250 is hereby added to the Code of Virginia is enacted as follows:

§15.2-1250. Establishment of Enhanced Enforcement Areas to Deter Street Prostitution

A. The governing body of any county, city, or town may provide by ordinance for the establishment of an enhanced enforcement area to deter street prostitution if, in the opinion of the governing body, the conduct of prostitutes and those that solicit prostitutes establishes a concern for the safety, health, good order and morals of the general public.

B. For the purposes of this section, establishing an enhanced enforcement area is a process of limiting those subjects convicted of violations of §18.2-346, §18.2-347, §18.2-348, §18.2-349, §18.2-355, §18.2-356, §18.2-357, or of a similar ordinance of any county, city or town, by establishing areas of restricted access to public right of way or public property based on prostitution related data.

C. A violation of the enhanced enforcement area as proscribed by this section shall not constitute greater than a class 1 misdemeanor.

D. Upon conviction for offenses listed in subsection B, the offender will receive written instructions and a detailed map of those areas designated as restricted access by city ordinance. The restricted access, however, shall not exclude:

1. Attending a meeting with an attorney;
2. Attending an appointment with a social service provider;
3. Complying with court-or corrections-ordered obligations;
4. Contacting criminal justice personnel at a criminal justice facility;
5. Attending any administrative or judicial hearing;
6. Traveling through the restricted access area by vehicle;
7. Residing in a dwelling or facility;

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8. Obtaining education by enrolling as a student at an educational facility or attending school at an educational facility;
 9. Working as the owner, principal, agent or employee at a place of lawful employment;
 10. Performing work directly related to lawful employment.

CHAPTER 1. TERRITORY COMPRISING CITY

Sec 1.01. Area; boundaries to embrace military and government reservations, etc.

The territory comprising the consolidated city shall consist of all the territories comprising the former cities of Newport News and Warwick, as the same now are or may hereafter be established by law. The boundaries of such city shall be construed to embrace all United States military and government reservations within such city and all wharves, docks and other structures of every description that have been or may hereafter be erected along the waterfront of the city, and any contiguous territory heretofore or hereafter ceded to the Commonwealth of Virginia by any government or agency thereof and all rivers, creeks, and lakes encompassed within its territory, and to the center line of any body of water located between its territory and any other jurisdiction.

CHAPTER 4. COUNCIL GENERALLY

Sec. 4.03. ~~Choice and term of mayor and vice mayor;~~ Powers and duties of mayor generally; absence or disability of mayor and of vice-mayor.

~~On the first day of July 2000, and on the first day of July of every second year thereafter, or if such day shall fall on Sunday, then on the following Monday, the newly elected members having previously taken the oath of office as required by law, the council shall proceed to choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing two years. The council shall have no authority to choose one of their members to be mayor except to fill a vacancy in the office of mayor as provided in § 3.04 of this Charter.~~

The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The mayor shall execute all bonds and notes issued for the purpose of borrowing money, under the direction of the council, and the seal of the corporation shall be affixed and attested by the city clerk. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. In the absence or disability of both the mayor and vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor. *The council shall have no authority to choose one of their members to be mayor except to fill a vacancy in the office of mayor as provided in §3.04 of this Charter.*

2012 State Legislative Agenda



Hampton Roads Partnership:

Providing leadership to focus on the strategic issues that will improve Hampton Roads' competitive position in the global economy.

Hampton Roads, America's First Region

HAMPTON ROADS PRIORITY ITEMS

- **Capitalizing the Intercity Passenger Rail Operating and Capital Fund**
- **Creating the Virginia Federal Facilities and Defense Industry Caucus**

HAMPTON ROADS 2012 LEGISLATIVE AGENDA

Capitalizing the Intercity Passenger Rail Operating and Capital Fund

Issue Summary

Section 209 of the federal Passenger Rail Improvement and Investment Act of 2008 (PRIIA) requires that states assume 100% of the operating cost and 25% of the capital equipment costs for all existing Amtrak service of 750 miles or less, and all new high-speed rail service, by October 2013.

The Commonwealth of Virginia currently hosts six such round trip trains, and is actively working to add additional service. Without a dedicated and sustainable revenue source to support these new costs, existing passenger rail service is potentially in jeopardy, and funding new infrastructure and operating costs to support new service would be difficult.

In 2011, Governor McDonnell proposed and the General Assembly passed legislation creating an Intercity Passenger Rail Operating and Capital Fund. However, the Fund has no current revenue source.

Proposal

Increase the current rental car tax from 10% to either 14% or 15% and use those revenues to capitalize the Fund.

Background

There are six current round trip trains that will require a new source of state funding as a result of the provisions in PRIIA Section 209:

- Two Amtrak trains from Newport News to the Northeast Corridor (NEC)
- Two Amtrak trains from Richmond to the NEC, with the aspiration to extend to Norfolk
- One state-funded train from Lynchburg to the NEC
- One state-funded train from Richmond to the NEC, to be extended to Norfolk by 2013

The Department of Rail and Public Transportation (DRPT) estimates that the total operating needs for these trains between FY 2011 and FY 2012 is \$276 million. Furthermore, funding for capacity improvements to bring up the second and third extensions to Norfolk has yet to be allocated.

Additionally, the state is studying expansion of service from Lynchburg to Roanoke and Bristol, and Lynchburg to Richmond. There is currently no viable funding mechanism to construct the capacity necessary to operate this service, nor to operate it.

Freight and intercity passenger rail are the only transportation modes that do not receive dedicated funding from the Commonwealth Transportation Trust Fund. There are numerous ongoing and one-time funding streams that have been used for rail development in recent years, but the primary source has been the Rail Enhancement Fund (REF). Enacted by Governor Warner and the General Assembly in 2005, the REF is a dedicated funding source

for rail projects that is generated from a 3% set-aside of the 10% tax on rental cars. The revenue produced by the REF is approximately \$20 to \$25 million annually.

By statute, the REF is a capital infrastructure program that requires a 30% private or local match. As a result, it is often difficult to fund passenger rail projects from the REF, as cash-constrained local governments are unable to contribute substantial amounts to expensive capacity expansion projects. And the REF may not be used to support operating expenses.

Amending the statute to allow more flexibility in the REF, either by eliminating the 30% match or allowing it to be accessed for operating costs, would be short-sighted. The significant advances made by the Commonwealth in rail network development have been a direct result of DRPT maximizing scarce public resources by leveraging funds other than REF. As a result, state funds have been used to advance critical freight projects such as Norfolk Southern's Heartland and Crescent Corridors, the CSX National Gateway and numerous rail improvements at the Port of Virginia, including the Commonwealth Railway and Norfolk International Terminal expansion. Hampton Roads' reliance on an efficient freight network to alleviate highway congestion requires the continued availability of dedicated funding for freight-related projects.

Discussion/Data

The concept of using rental car taxes to support rail transportation in Virginia is well-tested, sound and easily collectible, and lends itself well to address shortfalls in passenger rail operating costs and, potentially, capital improvements intended solely to expand passenger rail.

According to 2010 data, ten other states dedicate all or a portion of rental tax revenue for transportation purposes. Thirty-three states currently levy taxes on rental cars; fifteen of those states, including Virginia, tax rental cars at either the 10%, 11% or 12% rate. Only Nevada (12.85%), Minnesota (13.075%), Texas (15%) and Arkansas (16%) charge higher rates.

There is no data available to determine what percentage of car renters are in-state vs. out-of-state, so I would be hesitant to push this as a tax on non-Virginians. A random sampling of rental rates charged at Virginia airports in November 2010 showed 31% of the total cost of renting a car was taxes, surcharges and fees.

Decision

According to DRPT projects, a 4% increase to the rental car tax would generate an additional \$27-\$33 million in annual revenues for the Fund. If revenue collection (at the \$30 million level) was initiated in 2012, operating costs associated with all current service plus the three Norfolk trains would be covered through the 2021 horizon, with a \$29 million surplus for potential capacity expansion. The projected annual operating costs will begin exceeding projected annual revenues in 2017.

HAMPTON ROADS 2012 LEGISLATIVE AGENDA **Creating the Virginia Federal Facilities and Defense Industry Caucus**

The mission of the Virginia Federal Facilities and Defense Industry Caucus is to increase Virginia General Assembly members' and state agencies' awareness and understanding of the issues facing Virginia's legislative districts that host federal facilities or have concentrations of private businesses focusing on the Federal sector. The main objectives of the Caucus are:

- To build a venue for General Assembly members to discuss issues that impact the legislative districts hosting federal installations and ancillary defense industries;
- To improve awareness regarding these issues across the Commonwealth and strategize appropriate measures for addressing potential issues that impact the Commonwealth's federal and defense industry;
- To build coalitions of support to increase efforts for the United States defense industry supporting national security; and
- To promote the creation of sufficient and necessary funding of activities to protect and expand Virginia's national defense capabilities.

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