

2019 GENERAL ASSEMBLY SUMMARY



*Thomas
Jefferson*

Planning District Commission

P. O. Box 1505, Charlottesville, VA 22902

Representing the Local Governments of:

**Albemarle County
City of Charlottesville
Fluvanna County
Greene County
Louisa County
Nelson County**

Rick Randolph, *Chair*
Chip Boyles, *Executive Director*
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May 2019

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OVERVIEW

The 2019 General Assembly finished its work on February 24, one day past its scheduled adjournment, adopting changes to the current biennial budget for FY19 and FY20 as its final act. In all, the legislature passed 883 bills that were sent to the governor for his action.

This report highlights 1) major budget provisions of interest to local governments that were adopted by the legislature and signed by the governor, and 2) summaries of dozens of bills of interest to local governments that were approved by the General Assembly and signed into law.

BUDGET SUMMARY

The adopted budget package provides a biennial, general fund spending plan totaling nearly \$44.2 billion for FY19/FY20. The total state budget, including general and nongeneral funds, is projected to be \$120.57 billion for the biennium.

Overall, the budget is highlighted by creation of a Taxpayer Relief Fund to consist of revenues generated as a result of federal tax reform, estimated to be approximately \$450 million annually beyond revenues expected to be collected due to general economic growth.

The plan sets aside dollars in both the Rainy Day Fund and the Revenue Reserve Fund. The Reserve Fund is expected to total nearly \$725 million by the end of FY20; coupled with balances in the Rainy Day Fund, total reserves should be close to \$1.4 billion by that time. It also appropriates \$97.5 million for an anticipated mandatory deposit to the Rainy Day Fund in FY 2022.

Of interest to localities, the compromise budget includes a bump in the salary increase slated to be effective this summer for state-supported local employees, to provide a 3% rather than a 2% increase. The budget also includes \$72.7 million to increase teacher salaries by providing an additional 2% pay raise effective September 1, on top of the 3% approved last year to take effect in July; accompanying language is included to provide some flexibility for localities/school divisions to meet local match requirements.

The budget also provides an increase of \$15 million in FY20 for the Virginia Telecommunication Initiative (VATI) to accelerate broadband deployment in unserved areas of the state, for a total of \$19 million available next year.

Following is an analysis of other key provisions of interest to local governments included in the approved state budget for FY19 and FY20.

Education

The budget increases biennial spending for K-12 education by about \$50 million (net of expenditures minus savings) over the previously-adopted levels. In addition to the salary increase noted above, \$10.6 million in FY19 and \$14.3 million in FY20 is included to increase At-Risk Add-on funding, while \$12 million is included in FY20 for additional school counselors in elementary, middle and high schools.

The supplemental lottery funds per pupil amount will increase from \$336 to \$364 per pupil in FY19, and from \$342 to \$367 per pupil in FY20. The budget directs Literary Fund dollars for school construction loans (\$30 million) and for an interest rate subsidy program, per [SB 1093](#), targeted to the school divisions with composite indices of local ability to pay of .4000 or less (\$5 million).

Significant action was taken in the area of school security and safety, where the following initiatives are included in the budget:

- The School Resource Officer Incentive Grant Fund is increased by \$3 million in FY20, to a total of \$4.7 million.
- The budget doubles the School Security Equipment Grant allocation from \$6 million to \$12 million beginning in FY20.
- Over \$427,000 in FY20 is provided for additional training to school resource officers and school security officers.
- The plan includes nearly \$728,000 in FY20 to expand training provided to local threat assessment team members.
- Nearly \$872,000 in FY20 is targeted to enhance school safety training provided to school personnel, to include hosting live trainings and conferences, developing online training and curricula, and developing Virginia-specific school safety resources.
- The plan includes 280,000 in FY20 for the Department of Criminal Justice Services (DCJS) to provide annual active shooter trainings to schools and communities.

Environment and Agriculture

Though the \$73.8 million in funding from the FY18 revenue surplus, as required, is targeted for water quality improvement (deposited to the Water Quality Improvement Fund, or WQIF), proposed new funding for a number of programs in the environment area was pulled back.

- The compromise plan reverses the proposed supplemental deposit of \$35 million to the WQIF.
- It removes \$50 million in FY20 proposed for the Stormwater Local Assistance Fund (SLAF). budget does authorize \$10 million in Virginia Public Building Authority bond proceeds for the SLAF local reimbursement program.
- It deletes proposed new funding for additional positions in the Department of Water Quality's (DEQ) water permitting area to support regulatory review and permit writing.
- It removes \$11 million in proposed additional dollars for the Land Conservation Fund. The approved budget does provide funding within the DMME to assist localities with siting, procurement, land use concerns and other solar-energy related issues. A language amendment directs DEQ to update its 2018 report on ammonia criteria to include existing or potential permitting procedures and practices that are not prohibited by the Clean Water Act, but which would provide relief to permitted dischargers.

Health and Human Services

The major driver in this area of the state budget continues to be Medicaid. For the remainder of the biennium, \$424 million is added for increased Medicaid expenditures (base program utilization, not expanded).

As the budget adopted last year reduces Community Services Board (CSB) funding by \$36 million over the biennium, with the expectation that federal Medicaid expansion dollars would make up the difference, new language allows funding from special fund balances of the Department of Behavioral Health and Developmental Services to be provided to CSBs prior to the end of the fiscal year so that the provision of critical services is not disrupted.

The approved budget maintains the introduced budget reduction of \$11.8 million over the biennium in the Children's Services Act (CSA), reflecting a reduction in anticipated growth in CSA Services. It maintains a \$1.1 million increase over the two years for children served in the state's Part C Early Intervention programs.

The budget adds \$851,000 in FY20 for training and associated costs to begin implementing evidenced-based programs required by the new federal Family First Prevention Services Act; funding shall be used for training, consultation and certification costs to help agencies begin to implement the programs.

The budget adds nearly \$5.1 million for permanent supportive housing units for individuals with serious mental illness. It provides \$1.6 million over the biennium for the purchase and distribution of additional REVIVE! kits and naloxone spray used for the reversal of opioid overdose.

Finally, budget language delays, from July 1 to October 1, the due date for a report on private day, special education rates, directing that the final report list those programs that did not provide information for the study. Language also directs the Department of Social Services to develop a plan and make recommendations to ensure TANF block grants funding is being used effectively to support low income families.

Transportation

The budget removes the proposed \$75 million for the Transportation Infrastructure Bank that was contained in the introduced budget.

It provides 1) a one-year transition for mass transit providers to prepare for a new allocation methodology that is based on performance metrics; and 2) up to \$3 million in Department of Rail and Public Transportation supplemental operating funds to be used in FY20 for any transit provider negatively impacted by a loss of operating funds as a direct result of the performance-based allocation process.

Language also directs the Virginia Department of Transportation to establish a working group to evaluate 1) the impact of increased fuel efficiency and use of hybrid and electric vehicles on transportation revenues; and 2) potential options to provide a sustainable funding stream for transportation infrastructure. The working group shall include, at a minimum, representatives of local government associations and regional transportation authorities.

Miscellaneous budget provisions and budget language

- The budget contains nearly \$1.5 million in FY20 to fund additional positions (20% of identified staffing needs) within Commonwealth's Attorneys (CA) offices.
- Budget language provides guidelines for staffing CA offices, to require hiring of one CA for every 75 body worn cameras employed by local law enforcement officers. As an alternative, localities and the CA offices can reach an agreement as to funding assistance for the additional workload resulting from the use of body worn cameras. The language expands the scope of the existing workgroup examining workload issues created by the use of body-worn cameras, to include that CA offices in localities using such cameras report on the number of hours of footage received from law enforcement and the number of hours spent redacting videos.
- The spending plan maintains funding levels of \$184.5 million in FY19 and \$191.7 million in FY20 for localities with police departments that receive HB599 dollars.
- The budget includes an additional \$7 million over the biennium for the Housing Trust Fund, bringing total funding to \$11 million in FY19 and \$7 million for FY20.
- The budget targets \$3 million in FY20 in federal Help America Vote Act funds for election security; also \$261,000 is targeted to help any locality that lacks in-house capacity to develop GIS maps for local redistricting. It also includes just over \$400,000 for the development and expansion of local election official training programs.
- It restores the planned FY20 transfer of \$2 million from the Communications Sales and Use Tax Trust Fund to the state general fund (the introduced budget had eliminated the transfer).
- The budget removes \$10 million in FY19 that had been proposed for a revolving loan and loan-loss reserve fund to incentivize private investments in energy efficiency, renewable energy, alternative fuels, and similar public and private conservation projects.
- It also removes \$1.5 million in FY19 that had been proposed for census outreach.
- Funding is provided to the Joint Legislative Audit and Review Commission (JLARC) for studies of legalized gaming and workers' compensation issues.
- Language amendments provide for the following:

>That the Department of Elections and Compensation Board examine General Registrars' salaries in relation to other local constitutional officers' salaries between 1981 and 2018; the Department also is to prepare an analysis of the duties and job responsibilities for the registrars.

>Continuing the study by the Joint Subcommittee to Evaluate Tax Preferences examining options for cigarette taxes and possible reforms to tobacco products taxation that will provide fairness and equity for local governments. A report is due in November.

>That beginning January 1, 2019, certain installations of solar panels shall be considered eligible investments for the purposes of the real property improvement grants.

>Facilitating the eligibility of regional Virginia Growth and Opportunity Boards to develop business-ready sites through access to state funds once the participating local governments within the region have entered into a revenue-sharing agreement.

→ No changes are made to current funding levels for Planning District Commissions and for the *GO Virginia* initiative.

→ The spending plan does not fund a proposed increase in the retiree healthcare credit for public safety employees.

APPROVED LEGISLATION

Following are highlights of approved legislation in the areas of environment, finance, human services, land use, local government, public safety and transportation. A number of other bill topics are included under the “Miscellaneous” section. Bills take effect July 1, unless otherwise noted. Approved studies and resolutions also are listed.

Environment

[HB 1614](#) (*Cole*) and [SB 1248](#) (*Reeves*) allow any locality to create a local Stormwater Management Fund with local funds in order to provide grants to property owners for stormwater management projects on property that is already developed.

[HB 1822](#) (*Bulova*) authorizes the DEQ to award grants to small sewage treatment plants so that the facilities can divert their partially-treated sewage to a larger plant for advanced treatment. The bill also directs DEQ to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from the WQIF and SLAF, and to submit those estimates to the governor as part of a biennial funding report.

[HB 2485](#) (*Hodges*) authorizes an industrial development authority to facilitate and support landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital.

[HB 2637](#) (*Webert*) allows for the issuance of grants from the Virginia Water Facilities Revolving Fund for renovation, improvement or equipping of facilities or structures to implement agricultural best management practices to improve water quality; current law authorizes only loans for the construction of such facilities. The bill also includes riparian buffers among the types of facilities or structures for which a loan or grant may be issued.

[HB 2792](#) (*Tran*) and [SB 1779](#) (*Ebbin*) direct the State Corporation Commission to establish a six-year pilot program that allows any locality to participate in net energy metering, if it is a retail customer of certain investor-owned electric utilities. To qualify for the program, the locality must own and operate a renewable generating facility with a generating capacity of not more than two megawatts, that is located on the municipality's premises and intended primarily to offset all or part of the locality's own electricity requirements.

Finance

[HB 1634](#) (*Edmunds*) authorizes Halifax County to impose additional local sales and use tax of up to one percent, if approved by county voters in a referendum, with revenue from the tax to be used solely for school construction and renovation projects.

[HB 1655](#) (*Miyares*) and [SB 1270](#) (*Stuart*) enact the Constitutional amendment approved by voters last November that applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence, regardless of whether such spouse moves to a different residence; the provisions of the bill apply to taxable years beginning on and after January 1, 2019.

[HB 1679](#) (*Orrock*) clarifies the taxation of all-terrain vehicles, mopeds and off-road motorcycles, and provides that vehicles that qualify as farm equipment exempt from sales and use tax, also shall be exempt from the motor vehicle sales and use tax.

[HB 1722](#) (*Bloxom*) and [SB 1083](#) (*Ruff*) address the 2018 U.S. Supreme Court's *Wayfair* decision that stipulated that states could enact legislation authorization the collection of remote sales taxes. The bills require a remote seller or "facilitator" hosting multiple sellers to collect sales and use tax if the seller has more than \$100,000 in annual gross revenues from sales in Virginia or at least 200 sales transactions.

[HB 1838](#) (*Marshall*) requires the Department of Taxation's calculation of true values of real property, in calculating the composite index of local ability-to-pay of public education, to recognize an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act, whereby a portion of real property tax revenue is initially paid to one locality and redistributed to another locality. The bill takes effect July 1, 2021.

[HB 1937](#) (*Krizek*) provides that if a locality has established a real estate tax exemption for the elderly and handicapped and enacted an income limitation related to the exemption, the locality may exclude, for purposes of the limitation, any disability income received by a family member or nonrelative who lives in the dwelling and who is permanently and totally disabled.

[HB 2150](#) (*Ingram*) and [SB 1196](#) (*Dance*) clarify the definition of "dwelling" for purposes of the real property tax exemption for the elderly and disabled, to include improvements to the exempt land used to house certain motor vehicles or household goods.

[HB 2354](#) (*S. C. Jones*) provides that the combined funds in the state's Revenue Stabilization Fund and Revenue Reserve Fund shall not exceed 15% of average income and sales tax revenues for the past three years. Currently, the amount in the Revenue Stabilization Fund is not to exceed 15% of such revenues, and the amount in the Revenue Reserve Fund is not to exceed two percent of general fund revenues for the prior year.

[HB 2365](#) (*Knight*) authorizes localities that require use value assessment and taxation to provide that the annual increase in the assessed value of eligible property shall not exceed a specified dollar amount per acre.

[HB 2440](#) (*Campbell*) classifies as intangible property, and exempts from taxation, personal property that is employed in a trade or business, has an original cost of less than \$25, and is not classified as machinery and tools, merchants' capital or short-term rental property.

[HB 2529](#) (*Hugo*) and [SB 1372](#) (*Norment*) advance conformity of the State's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Beginning in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions. The bills provide a 50% increase in the standard deduction, to \$4,500 for single individuals and \$9,000 for married persons filing jointly, for taxable years 2019 through 2025. The bills also provide for \$420 million in tax refunds to Virginia taxpayers in October of 2019 (based on tax year 2018), of up to \$110 for individuals and \$220 for married persons filing jointly. Finally, a Taxpayer Relief Fund is created for FY19 through FY25 for any additional revenues attributable to the TCJA, to be used for any additional tax reform measures. The bills took effect February 15.

[HB 2733](#) (*Webert*) provides that for purposes of the optional, local personal property tax exemptions for motor vehicles, trucks and tractors, the exemption shall apply if the vehicle is used primarily (currently exclusively) for agricultural purposes; it also provides that, for purposes of the optional exemption for farm vehicles, such exemption shall apply to equipment used by a nursery for the production of horticultural products and to any farm tractor.

SB 1301 (*Edwards*) allows a local treasurer to employ private collections agents to also collect delinquent amounts due; current law allows only for the collection of delinquent taxes by such agents.

SB 1371 (*Norment*) adds definitions for new products for purposes of the cigarette tax, but does not make them subject to the tobacco products tax. The bill extends until November 2019 the study by the Joint Subcommittee to Evaluate Tax Preferences of options for the modernization of cigarette taxes and possible reforms to the taxation of tobacco products.

SB 1425 (*Dunnavant*) provides that an owner of a new business that operates a mobile food unit and who pays a license tax to the locality in which the unit is registered, is not required to pay a license tax, for a period of two years, to any other locality for conducting business from the unit in such locality. During that two-year period, the owner could exempt up to three units from license taxation in other localities, but still would be required to register with any locality in which he conducts business from the unit.

SB 1588 (*Lewis*) codifies the Constitutional amendment approved by voters last year that authorizes localities, by ordinance, to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation or resiliency efforts have been undertaken.

Human Services

HB 1671 (*Mullin*) requires local departments of social services to inquire if an alleged abuser in a Child Protection Services (CPS) investigation has resided in another state within the last five years, and if so, to request a search of the child abuse or neglect registry in that state. The bill allows such departments to obtain and consider statewide criminal history records on an individual who is the subject of a family assessment (currently allowed for those under CPS investigation).

HB 1918 (*Stolle*) and **SB 1598** (*Dunnavant*) direct the Board of Corrections to establish minimum standards for health care (including medical, dental, pharmaceutical and behavioral health services) in local and regional jails. The standards are to require such facilities to submit a standardized, quarterly quality improvement report documenting delivery of health care services.

HB 1933 (*Hope*) establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner who is incapable of giving informed consent for such treatment.

HB 1942 (*R. Bell*) directs the Board of Corrections to create new standards for mental health treatment in local and regional jails. Such standards would include requirements for behavioral health screening and assessment of individuals committed to the facility and for discharge planning and implementation for inmates with a serious mental illness. The Board is to convene a workgroup to analyze the fiscal impact of new standards and requirements. The bill contains a delayed effective date of July 1, 2020, related to the discharge planning requirement.

HB 1953 (*Campbell*) and **SB 1416** (*Mason*) provide that whenever an appeal of a finding by a local department of social services is made and a related criminal investigation commenced, the appeal process shall be stayed until the criminal investigation is closed or, in the case of a criminal investigation not completed within 180 days of the appellant's request for an appeal, for 180 days.

HB 2014 (*Peace*), **SB 1678** (*Mason*) and **SB 1679** (*Mason*) all revise the *Code of Virginia* to align with the Federal Family First Prevention Services Act (FFPSA), which makes significant changes to the Title IV-E program, including optional funding for prevention services. Provisions of HB 2014 and SB 1678 concerning background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities took effect earlier this year.

HB 2560 (*Pillion*) and **SB 1224** (*Chafin*) authorize local departments of social services to foster the creation, maintenance and coordination of hospital and community-based multidisciplinary

teams focused on the abuse, neglect and exploitation of adults 60 years of age or older, or 18 years of age or older who are physically or mentally incapacitated.

[SB 1339](#) (*Reeves*) makes numerous changes to the laws governing the provision of foster care services, including, among other things, allowing the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services, under certain circumstances.

[SB 1644](#) (*Boysko*) directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a workgroup to develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail and who previously received mental health treatment from a community services board or behavioral health authority. A report is due by October 1.

Land Use

[HB 1913](#) (*Bulova*) and [SB 1663](#) (*Barker*) allow localities to have subdivision ordinance provisions requiring the dedication of land for, and construction of, a sidewalk on property being subdivided or developed, in cases when a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the locality's comprehensive plan.

[HB 2139](#) (*Thomas*) allow localities to expand transfer of development rights programs by expanding receiving areas beyond just urban development areas, or by designating certain receiving areas to receive rights only from certain sending areas.

[HB 2342](#) (*Thomas*) and [SB 1373](#) (*Favola*) make extensive changes to conditional zoning provisions enacted in 2016. These include, among other things, the addition of provisions stating that no local governing body shall require any unreasonable proffer; under current law, no locality may request or accept any unreasonable proffer. They deem proffers to be reasonable if there is an essential nexus between the proffer and the impact it is intended to address, and they create a safe harbor for discussions and suggestions about proffers. The provisions are effective for any application for a rezoning filed on or after July 1, 2019. Applicants with a pending rezoning application for a rezoning or proffer condition amendment have some flexibility to operate under either the existing or new provisions.

[HB 2569](#) (*LaRock*) and [SB 1094](#) (*Favola*) provide that zoning administrators authorized to issue zoning permits for family day homes shall issue a permit if there are no written objections from adjacent property owners; they also may, upon receiving a written complaint, issue or deny the permit sought or, if required by ordinance, refer it to the local governing body for action.

Local Government

[HB 1698](#) (*Fariss*) provides localities with the option to use certified mail (rather than just registered mail) for sending zoning appeal orders.

[HB 1786](#) (*Hurst*) clarifies that any locality or other public entity may allow power-driven mobility devices to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws.

[HB 1818](#) (*Delaney*) and [SB 1044](#) (*Black*) authorize any county or town over 40,000 in population to enact parking, stopping and standing ordinances that allow summonses and tickets for violations of such ordinances to be issued by law-enforcement officers, other uniformed city employees, or uniformed personnel under contract with such county or town.

[HB 1866](#) (*Peace*) requires localities to submit their annual local audit to the Auditor of Public Accounts (APA). Towns with a population of less than 3,500 that voluntarily prepare an audit

also are to submit the results of their audit to the APA. [SB 1312](#) (*Hanger*) contains only the provision related to the small towns.

[HB 1966](#) (*Yancey*) requires any fees levied by a local governing body to defray the cost of Building Code enforcement and appeals, with the exception any imposed to support the Building Code Academy, be used to support the functions of the local building department. The bill also requires the departments, when denying an application for the issuance of a building permit, to provide the applicant a written explanation of reasons for the application's denial. It also provides that the applicant may submit a revised application addressing such reasons, and if so, the local department is encouraged to limit its review of the revised application to those portions previously deemed inadequate.

[HB 2060](#) (*Carr*) increases the required assessed value of property for the purpose of a locality appointing a special commissioner to convey property with delinquent taxes or liens to the locality in lieu of sale at public auction from \$50,000 to \$75,000.

[HB 2229](#) (*Bagby*) allows a locality, by ordinance, to provide for the waiver of building permit and other local fees associated with the construction, renovation or rehabilitation of housing by a private-sector entity that is pursuing an affordable housing development; current law allows such waiver for non-profit entities providing affordable housing.

[HB 2239](#) (*R. Bell*) allows courthouses to be located on property owned jointly by a county and city, and in the case of Albemarle County, it allows the County to locate its general district courts immediately across the street from the county courthouse. The bill also clarifies certain jurisdictional issues in cases where a county general district court is established in a city.

[HB 2263](#) (*Krizek*) and [SB 1494](#) (*Edwards*) provide that any evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act shall not be admissible in any case against a firefighter or emergency medical services personnel.

[HB 2375](#) (*Roem*) requires a local governing body to hold at least one public hearing when it proposes to reduce the time period to less than 100 days in which the planning commission is to review a proposed zoning ordinance amendment.

[HB 2621](#) (*Ingram*) and [SB 1091](#) (*Reeves*) provide that a locality, as part of its local approval process, require an owner, lessee or developer of real property to enter into a written agreement to decommission any solar energy equipment, facilities or devices upon certain terms and conditions, including right of entry by the locality and financial assurance.

[HB 2752](#) (*Pillion*) authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill enables localities to regulate such scooters under a demonstration project or pilot program, including requiring licensure on or after January 1, 2020, and enables localities to adopt ordinances prohibiting driving on sidewalks (also effective January 1, 2020).

[HB 2805](#) (*LaRock*) prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities, and allows a local governing body to adopt an ordinance containing such prohibition.

[SB 1304](#) (*Edwards*) authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality.

[SB 1336](#) (*Edwards*) provides that the notice for property to be sold pursuant to a mechanics' lien shall be posted in certain areas, which could include a public place in the county or city, or a website operated by the State, the county or city, where the property is located.

[SB 1358](#) (*Wagner*) allows localities to establish and operate a primary care health care facility for its employees and covered dependents, the services of which may include vision and dental care.

[SB 1367](#) (*Norment*) provides that any local ordinance prohibiting dogs running at large shall exempt dogs used for hunting. The bill also requires any such ordinance to include a civil penalty not exceeding \$100 per dog for the owner or custodian of any dog found running at large in a pack; such civil penalties shall be deposited in a fund to be used to support animal control.

SB 1400 (*Petersen*) allows localities to authorize contracts for loans for the initial acquisition and installation of stormwater management improvements with property owners of both existing properties and new construction; current law authorizes such contracts only for clean energy improvements.

SB 1510 (*Carrico*) provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing of unattended, abandoned or immobile vehicles.

SB 1559 (*Lewis*) allows localities to authorize contracts for loans for initial acquisition and installation of certain resiliency improvements with property owners of both existing properties and new construction; current law authorizes such contracts only for clean energy improvements.

SB 1634 (*Boysko*) allows towns, by ordinance, to establish one or more economic revitalization zones; counties and cities already have this authority.

Public Safety

HB 1804 (*Hugo*) and **SB 1030** (*Cosgrove*) add cancers of the colon, brain or testes to the list of cancers presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly, which must consider findings of an upcoming JLARC review of the Virginia Workers' Compensation program.

HB 2344 (*R. Bell*) and **SB 1520** (*Carrico*) specifically authorize the Department of Motor Vehicles to release to a private vendor contracting with a school division, vehicle owner information about the registered owners of vehicles that improperly pass stopped school buses.

HB 2656 (*Collins*) includes law enforcement officers in departments having three or more officers under the provisions of the Law-Enforcement Officers Procedural Guarantee Act; currently, such a department is required to have at least 10 law-enforcement officers for purposes of this definition.

SB 1407 (*Mason*) allows local law enforcement agencies to process and submit requests for national fingerprint background checks required for child day programs operated by a local government, effective July 1, 2020.

SB 1507 (*Carrico*) allows law enforcement to deploy an unmanned aircraft system in certain situations involving the search for a person sought for arrest.

Transportation

HB 1983 (*Stolle*) provides that federal funds for freight rail projects may be used to satisfy the requirement that any project funded by the Rail Enhancement Fund include at least 30% matching funds from a private source; under current law, this requirement may be met using funds from private businesses, railroads, regional authorities and local governments.

HB 2313 (*Hodges*) requires that any official who approves any highway access project shall certify that he has applied due diligence in approving such project.

HB 2553 (*Thomas*) and **SB 1680** (*Mason*) provide that a mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process adopted last year may be eligible for supplemental operating funds in FY20. The maximum amount of supplemental funds available shall not exceed \$3 million from nongeneral fund amounts available to the Department of Rail and Public Transportation.

HB 2578 (*Plum*) and **SB 1684** (*Petersen*) limit the requirement that a governing body with a six-year secondary road plan advertise for and hold a public meeting on the plan to only those years in which a new funding allocation greater than \$100,000 is proposed.

HB 2718 (*Landes*) and **SB 1716** (*Obenshain*) create an Interstate 81 Corridor Improvement Fund, to consist of revenues generated through the creation of a new registration fee (for non-passenger vehicles weighing over 10,000 pounds), a diesel tax, a regional gas tax and a roads tax. The bills

also establish an Interstate 81 Committee to develop and update a program related to Interstate 81 corridor safety and improvements.

HB 2800 (*Garrett*) and **SB 1775** (*Carrico*) require the Commissioner of Highways to report annually to the Governor, the General Assembly and the Commonwealth Transportation Board (CTB) regarding overweight trucks; the bill expires on January 1, 2021.

SB 1749 (*McDougle*), among other things, directs the CTB to undertake a comprehensive review of the current and future condition of pavements and bridges in the state.

Miscellaneous

HB 1649 (*Fowler*) and **SB 1594** (*Dunnivant*) allow all localities (current law lists certain ones), in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a GIS map depicting the boundary change.

HB 1853 (*Bulova*) provides that if a property owners' association is located in a locality classifying home-based child care services as an accessory or ancillary residential use, the provision of such services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration, or (ii) restricted by the association's bylaws or rules.

HB 2182 (*Austin*) and **SB 1681** (*Mason*) provide that prior to offering surplus real property for sale to the public, the Department of General Services shall notify the chief administrative officer and any economic development entity of the locality within which the property is located of the pending disposition of such property. The locality shall have up to 180 days to submit a proposal to the Department for use of such property in conjunction with a bona fide economic development activity.

HB 2252 (*Head*) allows a landowner whose property spans two or more localities to elect to have the firearms ordinances of the locality in which the largest portion of the contiguous parcel lies apply to anyone hunting on the property; a landowner making such an election shall notify the Department of Game and Inland Fisheries, which also is directed to study issues related to the inconsistent ordinances. The bill must be approved again next year in order to be effective.

HB 2482 (*Hodges*) provides that a donation of land would not be disqualified for purposes of the Land Preservation Tax Credit if the State or a political subdivision, or certain third-party contractors, operate or manage a facility on such land.

HB 2665 (*Stolle*) and **SB 1655** (*Cosgrove*) require the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets. The bills require an annual report of these evaluations to the General Assembly.

HB 2726 (*James*) requires local workforce development boards to develop strategies for engaging certain individuals and placing them on pathways to education, training and careers; they also must develop performance measures to evaluate implementation of such strategies.

HB 2786 (*Ingram*) and **SB 1355** (*Wagner*) require the owner or operator of an electric utility's coal ash pond or landfill within the Chesapeake Bay watershed, to include Bremono Power Station, to remove the coal ash by recycling it or by depositing it into a permitted and lined landfill.

SB 1025 (*Spruill*) expands the definition of adequate shelter for animals in conditions of hot and/or cold weather. It also provides that a tether meets the requirement that an animal be given adequate space if the tether is at least 10 feet in length or three times the length of the animal, whichever is greater, and does not, by its material, size or weight, cause injury or pain to the animal. Walking an animal on a leash shall not constitute tethering on an animal, and the bill exempts agricultural animals from existing provisions related to tethering.

SB 1171 (*McPike*) creates a local special events license, issued by the Virginia Alcoholic Beverage Control Board, to allow a locality or nonprofit organization to permit the consumption of alcoholic beverages within a designated area for a special event, provided that such beverages

are purchased from a permanent retail, on-premises licensee located within the designated area, and are contained in disposable containers that clearly display the selling licensee's name or logo. The bill limits local special events licensees to 12 events per year.

SB 1421 (*Obenshain*) makes various changes to provisions related to entry upon private property in an eminent domain proceeding and provides the method by which just compensation for the taking of property in an eminent domain proceeding is calculated.

SB 1432 (*Obenshain*) allows for immobilization of a trespassing vehicle by use of a device in a manner that prevents its removal or lawful operation, provided the device used does not damage the vehicle; current law limits immobilization devices to those, such as a boot, that prevent a vehicle from being moved by preventing a wheel from turning.

SB 1625 (*McPike*) changes, for purposes of the Statewide Fire Prevention Code, the definition of permissible fireworks.

SB 1638 (*Boysko*) revises the requirements for newspapers to be a “newspaper of record” that may be used for legal notices and publications; the bill requires that any such newspaper also print such notices and publications in a prominent location in the newspaper, that it post the notice on its website and also on a searchable, statewide repository website.

SB 1686 (*Peake*) permits attorneys for the Commonwealth to appoint volunteer assistants in any jurisdiction; under current law, such volunteers could only be appointed in certain cities.

Broadband:

HB 2141 (*Thomas*) allows local governing bodies to use service districts for expanding broadband in certain defined unserved areas, when contracting with a nongovernmental broadband service provider.

HB 2541 (*Byron*) and **SB 1618** (*Edwards*) amend provisions related to the Broadband Advisory Council (BAC) by adding three members to the panel (an additional senator and one representative each of a wireless service authority and the electric cooperatives association), and three Cabinet secretaries, to be appointed by the governor, who will serve *ex officio*. The bills also extend the work of the BAC until July, 2021.

HB 2691 (*O’Quinn*) establishes a three-year pilot program, under the State Corporation Commission, for Dominion and Appalachian Power to own and lease broadband capacity to nongovernmental broadband providers in unserved areas of the state. The pilot will be capped at \$60 million annually per utility for three years and the utilities could recover from customers the net costs of the pilot through rate adjustment.

Education:

HB 1652 (*Robinson*) and **SB 1005** (*Chase*) permit local school boards to set school calendars so the first day students are required to attend school is no earlier than 14 days before Labor Day; schools with a pre-Labor Day start must close from the Friday before Labor Day through Labor Day. The Board of Education may waive this requirement for schools providing year-round instruction. Previously granted waivers also will be continued.

HB 1729 (*Landes*) renames guidance counselors as school counselors and requires such counselors to spend at least 80 percent of their staff time in the direct counseling of individual students or groups of students. Meanwhile, **SB 1406** (*Dance*) renames guidance counselors as school counselors and revises required school counselor/student ratios at the elementary, middle and high school levels for the 2019-2020 school year. However, the approved budget includes the state share of funding for greater ratios than prescribed in the bill.

HB 2192 (*Rush*) and **SB 1331** (*Stanley*) create the Public School Building and Facilities Modernization Act, establishing the intent of the General Assembly that new school buildings and improvements and renovations to existing buildings be designed, constructed, maintained and operated to generate more electricity than consumed. The bills allow for 1) a local school division to enter into a lease agreement with a private entity to meet such standards; 2) for energy

generation in public school buildings and facilities; and 3) industrial development authorities to assist in activities related to the modernization of public school buildings.

SB 1093 (*Ruff*) directs the Board of Education to establish a program to subsidize interest payments on certain Virginia Public School Authority loans to local governing bodies and school boards for the construction/modernization of new/existing school buildings and facilities. Loans shall be targeted to school divisions with a composite index of local ability-to-pay less than 0.4000.

SB 1195 (*Dance*) directs the Virginia's Children's Cabinet to establish a school-based health centers joint task force to assess the current landscape of school-based services and mental health screening, evaluation and treatment in school settings, and to evaluate options for billing public and private insurance for school-based health services.

Elections:

HB 1719 (*Hurst*) makes provisions of the Campaign Finance Disclosure Act applicable to any candidate for a town office in a town with a population of less than 25,000, if such candidate accepts contributions or makes expenditures in excess of \$25,000; currently, the Act does not apply to town elections in a town with a population of less than 25,000, unless a town ordinance provides otherwise.

HB 2178 (*Sickles*) requires development of State Board of Elections (BOE) regulations and standards for security of the state's voter registration system and supporting technologies utilized by counties and cities to maintain and record registrant information. Local electoral boards are to develop and annually update, and report to the Department of Elections (DOE), security plans and procedures to ensure the security and integrity of the supporting technologies. The BOE is to utilize a workgroup in adopting security standards, and must establish a standing advisory group of local government technology staff and general registrars to assist and consult on updates to security standards.

HB 2760 (*Sickles*) and **SB 1018** (*Chase*) require localities, when redistricting local election districts or making any changes to the local election districts or precincts, to send a GIS map, along with the ordinance containing a description of the boundaries, to the local electoral board and various state entities. The bills require the DOE to review the map and ordinance, compare the boundaries contained in such information in the voter registration system to ensure voters have been assigned to the correct districts, and to notify localities of any corrections that may be necessary.

HB 2790 (*Rush*) and **SB 1026** (*Spruill*) allow no excuse, absentee voting for eight days, starting on the second Saturday prior to an election and continuing through the following Saturday, beginning with the November 3, 2020 election; the State Board of Elections is to produce procedures and instructions for such voting and to recommend further legislation that may be necessary for implementation.

Freedom of Information (FOIA)/Conflict of Interest Act (COIA):

HB 1772 (*Mullen*) states that any officer, employee or member of a public body alleged to have willfully and knowingly violated the FOIA statute, who acted in good faith relying upon an advisory opinion issued by the FOIA Council, may introduce such opinion as evidence that the alleged violation was not made willfully and knowingly.

SB 1182 (*Stuart*) clarifies that certain requirements of current law regarding participation in public meetings via electronic communication do not apply to meetings held to address a state of emergency declared by the governor.

SB 1184 (*Stuart*) provides that FOIA shall not apply to sexual assault response teams and to multidisciplinary child sexual abuse response teams.

SB 1430 (*Obenshain*) requires COIA training by local elected officials, including school board members, effective July 1, within two months of taking office and then once every two years. Such training is be provided or may be made available online by the Virginia Conflict of Interest and Ethics Advisory Council. Local officials in office on July 1, 2019, are to complete the training by the end of the year. The clerk of the governing body or school board is to maintain records concerning completion of such training sessions.

SB 1431 (*Obenshain*) requires FOIA training by local elected officials, effective July 1, 2020, within two months of taking office and then once every two years. Such training can be done online or by the local government attorney. Local officials in office on July 1, 2020, are to complete the training by the end of 2020. The clerk of the governing body or school board is to maintain records concerning completion of such training sessions.

SB 1492 (*Chafin*) excludes from mandatory disclosure requirements under FOIA, certain information supplied to the Department of Housing and Community Development as part of an application for grants administered by the Department, or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative, if such disclosure would be harmful to the competitive position of the applicant.

SB 1554 (*Surovell*) adds an additional civil penalty that may be imposed for 1) persons who intentionally destroy required records prior to the expiration of the record retention period, or 2) a public body which votes to certify a closed meeting that was improper.

Procurement:

HB 1629 (*Fowler*) removes the requirement for newspaper publication of Requests for Proposals (RFP) for professional services. The bill requires a local public body to post an RFP on the state's electronic procurement website when it elects not to publish in a newspaper. The bill will not apply to local governments that have exempted themselves from the VPPA as authorized by the Code.

HB 2071 (*J. Bell*) and **SB 1153** (*Black*) change the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts from \$5 million to \$6 million. The bills also provide an exception to allow job order contracting for safety improvements or traffic calming measures for individual job orders up to \$250,000.

HB 2198 (*Gilbert*) requires all counties, cities and school divisions, and all towns having a population greater than 3,500, that are exempt from provisions of state procurement laws because they have adopted alternative policies and procedures, to procure professional services through competitive negotiation when the cost of such service is expected to exceed \$80,000 (an increase from the current \$60,000) in the aggregate or for the sum of all phases of a contract or project.

Safety at Schools:

HB 1725 (*Knight*) requires school boards to consult with their building and fire officials to develop a plan to ensure that all security enhancements to school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code. Meanwhile, **SB 1755** (*Hanger*) directs the Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Uniform Statewide Building Code and Statewide Fire Prevention that would assist in providing safety and security measures for public or private schools in the state.

HB 1732 (*O'Quinn*) and **SB 1215** (*Newman*) require school boards to develop training, to be delivered to students and employees once a year, on safety procedures in the event of an emergency situation on school property. The Board of Education is to develop guidelines for the development and delivery of such training.

HB 1733 (*Gilbert*) and **SB 1214** (*Newman*) require school boards in school divisions in which the local law-enforcement agency employs school resource officers, to enter into a memorandum of understanding with the law-enforcement agency that sets forth the powers and duties of the

school resource officers. The Center for School and Campus Safety is to develop a model memorandum.

HB 1737 (*Wright*) and **SB 1220** (*Newman*) require school boards to include various local emergency management officials in the development and review of school crisis, emergency management, and medical emergency response plans.

HB 1738 (*Rush*) requires that the plans and specifications for any public school building, addition or alteration be reviewed by an individual or entity with professional expertise in building security and crime prevention through building design.

HB 2609 (*J. Jones*) and **SB 1130** (*Locke*) require law-enforcement officers employed as a school resource officer, after July 1, 2020, to comply with compulsory minimum training standards to be established by the Department of Criminal Justice Services. The bills also require every public school to have at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

STUDIES AND RESOLUTIONS

***HJ 591** (*Cole*) is a proposed Constitutional amendment that would allow the General Assembly to make technical adjustments to legislative districts subsequent to decennial redistricting in order to fix split precincts.

***HJ 615** (*Cole*) and ***SJ 306** (*Barker*) are proposed Constitutional amendments that require establishment of an independent redistricting commission of eight legislators and eight citizens.

***HJ 676** (*Filler-Corn*) and ***SJ 278** (*Reeves*) are proposed Constitutional amendments that would exempt one motor vehicle of a veteran who has a 100% service-connected, permanent, and total disability from all state and local taxes.

HJ 687 (*Keam*) directs the Small Business Commission to study models and streamlined procedures for appealing tax assessment decisions. As part of the study, the Commission is to seek input from various stakeholders, including local governments.

HJ 736 (*Landes*) commends Virginia's 21 planning district commissions on the occasion of their 50th anniversary.

SJ 277 (*Sturtevant*) designates the first week of September, in 2019 and in each succeeding year, as Resiliency Week in Virginia.

SJ 301 (*Deeds*) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021.

*Proposed Constitutional amendments must be passed again next year before being submitted to voters for approval.