

2013 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**

Joe Chesser, *Chairman*
Steve Williams, *Executive Director*
David Blount, *Legislative Liaison*

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OVERVIEW

The 2013 General Assembly concluded its work on schedule on Saturday, February 23, approving a compromise transportation funding package (see HB 2313 in the Transportation section under “Approved Legislation” below for more information) and adopting changes to the current biennial state budget as two of its final acts. The House of Delegates approved the transportation plan on a 60 to 40 vote, while the Senate approved it 25 to 15. Votes to approve amendments to the two-year state budget plan that Governor McDonnell introduced in December were 83 to 17 in the House and 31 to 8 in the Senate. Additional budget changes proposed by the governor were adopted during the legislature’s one-day reconvened session in early April.

BUDGET SUMMARY

The approved budget includes language requested by the TJPDC to direct the Commission on Local Government to convene a working group to evaluate more effective ways of accurately determining the potential local fiscal impacts of legislation and proposed budget actions.

The final budget adopts the proposal contained in the governor’s introduced spending plan to eliminate the locality reversion to the state of \$45 million in FY14. Implemented in FY09, this “reduction in aid to localities program” has been capturing local aid and funneling it to the state’s general fund.

The budget also provides an additional \$8.3 million to increase an FY14 salary hike for state-supported local employees from 2% (as proposed in the introduced budget) to 3%, effective in August. Salary adjustments for Assistant Commonwealth's attorneys are funded at 2%, plus the \$3,308 per year adjustment included in the introduced budget.

Following is an analysis of key provisions of interest to local governments as included in the approved state budget for FY13 and FY14.

Education

- The spending plan includes just over \$70 million (assuming revenue collections that do not fall 1% or more below projections) for the state share (matched by the locality based on the local composite index) of a 2% salary incentive increase, effective August 1, for funded Standards of Quality (SOQ) instructional and support positions (the introduced plan funded hikes only for SOQ instructional positions). School divisions will have to certify by June 15 that the salary hike has been provided to be effective by January 1, 2014 (six months of local funding can be provided to access 11 months of state funding for the covered positions). The increase cannot be used to offset the cost of required member VRS contributions. The funding is not intended as a mandate to increase salaries.
- The budget designates \$1.3 million to finance \$6 million for grants to school divisions to purchase security equipment to improve and help ensure school safety. Each school division would be eligible to apply for a competitive grant of up to \$100,000 each year; a 25% local match is required. The intent is to provide this amount yearly through FY19. The budget also provides an additional \$1.3 million in FY14 for the school resource officer incentive grant program and directs the Department of Criminal Justice Services (DCJS) to prioritize grants to localities requesting school resource or school security officers in elementary, middle and high schools where none currently are in place. In addition, DCJS is to review the application of best practices and the potential for utilizing

the intelligence-led policing model in Virginia law enforcement agencies; a report is due in mid-October.

The spending plan provides \$7.5 million in FY14 for a Strategic Compensation Grants Initiative to award competitive grants to school divisions that design and implement teacher compensation systems that provide incentives for participation in division strategic goals and objectives (the introduced budget proposed \$15 million).

The budget increases funding to just over \$800,000 in FY14 (from the current \$100,000) to provide incentive awards to attract and recruit teachers with up to three years of teaching experience to teach science, technology, engineering, or mathematics (STEM). It restores \$225,000 for the School Efficiency Review Program to help address the wait list of school divisions desiring to utilize this program. Thirty-eight school divisions have participated in this program to date, resulting in annual school savings of over \$40 million. The spending plan provides implementation criteria for the reading specialist initiative contained in the introduced budget, which targeted \$1.4 million in FY14 for the state share of one reading specialist per elementary school that scored below 75% on the third grade reading Standards of Learning (SOL) test.

The approved budget provides \$150,000 for the Opportunity Educational Institute; the governor originally sought \$600,000 and unsuccessfully requested this amount in the reconvened session. The Institute was authorized (through the budget and legislation), to provide that any school that has been denied accreditation would be transferred to such statewide school division; a school that is accredited with warning for three years could be transferred. Meanwhile, budget language directs the Joint Legislative Audit and Review Commission (JLARC) to study options for restructuring the state's lowest performing schools or school divisions; a report is due by June 30, 2014. Budget language also provides school divisions with flexibility to spend health services funding and conforms the spending of such dollars to other direct aid programs, which do not mandate that funds allocated be spent in a specific initiative regardless of actual need. The introduced budget would have directed the Department of Education (DOE) to change the school nurse funding methodology.

Environment

The budget includes a \$221 million bond package for water quality improvements that includes the following:

- 1) \$101 million for eligible dischargers in the Chesapeake Bay watershed for wastewater treatment plant upgrades (for both prior commitments and new anticipated commitments through FY16).
- 2) \$35 million for a new "Stormwater Local Assistance Fund" to provide matching grants to local governments for the planning, design and implementation of stormwater best management practices. Funds would be used for the likes of best practices, stream and buffer restoration, and low impact development projects. The Virginia Soil and Water Conservation Board will determine grant eligibility.

The budget reduces the allocation of grants for the establishment of local stormwater permitting programs by \$1.3 million from the introduced budget amount, in order to ensure that a deposit is made to the Water Quality Improvement Fund reserve (which funds agriculture best management practices). A language amendment eliminates introduced provisions which stated that no deposit shall be made to the reserve.

The spending plan includes an additional \$300,000 in FY14 for soil and water conservation districts (SWCDs) to increase operational support from \$80,539 per district to \$86,922 per district; this is on top of other additional funding for SWCD included in the introduced budget.

The budget restores \$200,000 in matching grant funds in FY14 for purchase of development rights programs; this action restores half of the \$400,000 reduction contained in the introduced budget. Language authorizes the Lake Anna Advisory Committee to use funding previously provided for hydrilla control for maintaining the health, safety and welfare of Lake Anna; the committee had indicated it could not spend all of the previous appropriation on hydrilla removal.

Health and Human Services

The budget includes a number of items in the mental health area that were recommended or driven by the work of the Governor's Taskforce on School and Campus Safety, appointed shortly after the December shootings at Connecticut's Sandy Hook Elementary School. The taskforce began meeting shortly after the legislative session began and produced an initial list of recommendations within a month. Here are the significant, approved budget items related to the group's work:

→\$500,000 in FY14 to provide a comprehensive statewide suicide prevention program, to include a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building.

→An additional \$900,000 in FY14 for psychiatry and crisis response services for children requiring mental health services (on top of the \$1 million included in the introduced budget and additional funding that was approved by the 2012 General Assembly).

→\$600,000 for mental health first aid training and certification on how to recognize and respond to mental or emotional distress. Training will target, among others, school personnel, health professionals and first responders. Funding will be used for the cost of personnel dedicated to this activity, training and certification, and manuals and certification for those receiving training.

→Just over \$202,000 to DCJS is included for development of 1) a model critical incident response training program for public school personnel, and 2) a model policy for establishing threat assessment teams in public schools (pursuant to adopted legislation).

The budget retains provisions contained in the introduced plan that reduce Comprehensive Service Act appropriations by nearly \$40.6 million over the remainder of the biennium to reflect anticipated caseload and program expenditures.

The spending plan includes an additional \$2.25 million in FY13 and \$3 million in FY14 for Part C Early Intervention services for infants and toddlers up to three years old. The compromise removes \$750,000 that had been proposed to update and enhance the program's data collection and accountability system.

The budget includes additional general and non-general funds to add Medicaid waiver slots for individuals with developmental disabilities and intellectual disabilities. It earmarks \$2.5 million (including \$1.8 million in federal funds) in FY14 to implement a three-year integrated managed care model (including in the Charlottesville region) for individuals eligible for both Medicare and Medicaid.

It provides additional general and non-general funds for 1) access to dental services through local health departments (while the program is transitioning to a preventive model); 2) the Comprehensive Health Improvement Program (CHIP) of

Virginia; and 3) Healthy Families Virginia. The latter two are funded by shifting \$600,000 that had been proposed for family engagement activities in local social services departments.

Public Safety

The budget adopts provisions from the introduced plan to provide an additional \$6.3 million in FY13 for “per diems” to support housing local and state responsible inmates in local and regional jail facilities. However, with the opening of a new state prison in October, it is expected that over 500 state-responsible offenders will be removed from local and regional jails and transferred to the new facility; accordingly jail per diem payments are reduced in FY14 by \$540,000.

Despite increases in state revenues, no changes are made to HB 599 assistance to localities with police departments, maintaining funding in FY14 at \$172 million.

A number of language amendments were adopted:

- Several language amendments reinstate the career development program for Constitutional officers; an additional \$1 million for salary supplements is provided to Constitutional officer employees who were included in the programs beginning in FY13.
- Language directs the Compensation Board, by November, to report on the number of local-responsible offenders hospitalized off-site, the costs of such hospitalization, and the number of offenders eligible under current Medicaid rules for enrollment for such hospitalization.
- Language authorizes Commonwealth Attorneys to contract with or employ individuals, or other state or local agencies, to assist in collecting outstanding fines, costs, forfeitures, penalties and restitution. The budget estimates that additional fee collection would generate an additional \$6.1 million for the Literary Fund.
- DCJS is charged with reviewing the effectiveness of pre-and post-incarceration services programs in reducing the recidivism rate for released offenders receiving services through their programs.
- The Department of Juvenile Justice (DJJ) will review the post-dispositional detention program and consider options for expanding it, including incentives for increased participation by local and regional juvenile detention facilities, and increased use of detention beds for holding state-responsible juvenile offenders as an alternative to using state facilities; a report is due by September.

Miscellaneous budget provisions and budget language

- The budget provides an additional \$450,000 in FY14 to increase digital information resources available to the public at Virginia's local libraries. This funding would raise state aid to local libraries to slightly above FY99 appropriations, and to only 59% of the amount required by state law. In addition, the plan provides \$125,000 in FY14 as a grant to the Thomas Jefferson Regional Library to support construction of the new public library at Crozet.
- The spending plan provides an additional \$45 million to increase from \$50 million to \$95 million the amount of funding appropriated for the 2014-16 Revenue Stabilization Fund (“Rainy Day Fund”) deposit.
- It directs \$100,000 to fund an actuarial review of the impact of including employees of local governments and school divisions in the state employee health insurance program.
- Budget language directs up to \$100 million of any FY13 general fund revenue surplus, after required deposits to the Rainy Day Fund, the Water Quality Improvement Fund and

the Federal Action Contingency Trust Fund, to constitute a prepayment of the 2014-2016 obligation to the Virginia Retirement System (VRS) for retirement contributions deferred during the last biennium.

→It requires the state's six-year financial plan, which is submitted every two years, to be updated yearly by September 1 to reflect policy changes or budget actions adopted by the General Assembly that would alter the plan's assumptions.

→Language directs the Center for Innovative Technology to provide technical assistance to localities 1) in which broadband services are not available or 2) having areas that partially are under-served, in order to assist those localities in determining options for providing broadband services to their citizens.

→The budget includes just over \$166,000 for implementing approved legislation that requires voters to provide photo identification at the polls; the budget provision authorizes the Board of Elections to provide necessary equipment to local registrars so that such identification can be provided to voters upon request.

→Technical language is included to clarify that localities may access Other Post-Employment Benefit (OPEB) trusts to fund Line of Duty Act costs regardless of whether they provide these benefits through the state-run program.

→The budget provides one-time state funding of \$350,000 toward the local share of a bonus awarded last December for local health department employees. The bonus had been contingent on end of FY12 surplus state revenues, which were not known until after local budgets for FY13 had been approved.

→The spending plan earmarks, in FY14, \$500,000 to the development of permanent supportive housing; \$500,000 in support of rapid re-housing and an additional \$1 million to the Housing Trust Fund.

→The budget directs up to \$400,000 in FY14 from the Virginia Rescue Squad Assistance Fund to be used for grants to emergency medical services organizations to purchase 12-lead electrocardiograph monitors.

APPROVED LEGISLATION

Local Legislative Initiatives

The General Assembly approved a handful of measures submitted by the region's legislators at the request of TJPD localities:

SB 885 (*Deeds*) adds Albemarle County to the list of localities enabled to regulate the outdoor storage of inoperable motor vehicles.

SB 886 (*Deeds*) is a technical correction to previously-adopted legislation allowing the City of Charlottesville to require contributions to its Affordable Housing Fund.

SB 888 (*Deeds*) allows localities to negotiate with the Virginia Department of Transportation (VDOT) to have localities retain civil penalties collected from illegal sign removal in VDOT right-of-ways. (Albemarle)

HB 1724 (*Toscano*) authorizes the City of Charlottesville to alter its subdivision ordinance to give developers the option of contributing funds to a city-run sidewalk construction fund, rather than constructing a required sidewalk on a lot.

Following are highlights of approved legislation in the areas of the environment, finance, human services, land use, local government, public safety and transportation. Approved studies and resolutions also are summarized.

Environment

HB 1398 (*R.L. Ware*) places a \$100 million cap on the land conservation tax credit and directs that the governor include in the budget bill, funding (of no more than \$20 million) that is over \$100 million, and which currently is generated via an inflation factor, that would have been issued as tax credits, to be used for land preservation grants instead.

HB 2048 (*Sherwood*) and **SB 1279** (*Hanger*) move several water quality programs currently administered by the Department of Conservation and Recreation (DCR) to the Department of Environmental Quality (DEQ). DEQ and the State Water Control Board will oversee water quality planning, stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board will have continuing responsibility for SWCDs, resource management planning, flood prevention and dam safety laws. The bills also direct an examination of the role of SWCDs in providing effective delivery of water quality services and technical assistance.

HB 2137 (*Byron*) raises from \$500,000 to \$2 million the total cost after which highway construction, reconstruction or improvement projects by localities would be required to have an environmental impact report.

HB 2190 (*Cosgrove*) limits the types of best management practices local governments can require as part of their local stormwater management programs to those approved by the state, except upon review and sign off from DCR.

HB 2209 (*Knight*) and **SB 1309** (*Hanger*) transfer authority for administering the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from DCR to the Virginia Soil and Water Conservation Board. The bill also empowers the Board to allocate funds to SWCDs to support their operations.

Finance

HB 1332 (*Farrell*) allows a local governing body to request an audit from the Auditor of Public Accounts at any time upon a majority vote of such body; the expense of the audit shall be borne by the locality.

HB 1401 (*Cole*) requires that, prior to initiating judicial proceedings to sell real property because of delinquent taxes, a locality must notify the taxpayer that he can request that the treasurer enter into a payment schedule with him to pay the delinquent taxes. The bill also extends the maximum permitted payment period under such schedule from 24 to 36 months.

HB 1522 (*Villanueva*) creates as a separate class of property, motor vehicles leased by a county, city, town or constitutional officer, for rate purposes, provided that the locality or officer is obligated by the lease to pay the vehicle's personal property tax.

HB 1553 (*Loupassi*) authorizes, in determining fair market value, owners of certain multiple affordable housing units that have expenses common to two or more units, to make a pro rata apportionment of such expenses to each such unit, based on each unit's assessed value as a percentage of the total assessed value of all such units.

HB 1598 (*Anderson*) modifies several provisions that govern boards of equalization, including prohibiting a board from denying relief due to lack of information from a taxpayer (effective for appeals made for tax years beginning on or after January 1, 2014) and requiring certain procedures be followed before increasing assessments on certain types of property.

HB 1697 (*Minchew*) makes it optional for localities to impose roll-back taxes when the owner of real property that qualifies for special land use valuation has the property rezoned for a more intensive use; under current law, imposition of such taxes is mandatory.

HB 1699 (*Comstock*) and **SB 1133** (*McDougle*) create as a separate class of personal property, computer equipment and peripherals used in a data center, for rate purposes.

HB 1860 (*Orrock*) and **SB 1236** (*Watkins*) provide that outdoor advertising signs constitute a separate class of personal property for purposes of assessment, and require localities to tax such signs as personal, not real, property. The bills also prohibit such signs or income generated from them to be considered in assessing the value of real property. The bills took effect in March and are applicable to tax years beginning on or after January 1, 2013.

HB 1982 (*May*) allows treasurers to convey any tax bill, with the consent of the taxpayer, by permitting the taxpayer to access his tax bill online from a database on the treasurer's website.

HB 1990 (*Sickles*) authorizes localities to adopt an ordinance imposing a penalty of up to \$250 upon the resident owner of any motor vehicle that, following the end of a 30-day grace period, is required to be registered in Virginia but has not been so registered.

HB 2301 (*Cline*) and **SB 881** (*Deeds*) allow localities to directly bill homeowners on behalf of local volunteer fire departments for certain services provided.

Human Services

HB 1468 (*Greason*) and **SB 893** (*Howell*) add local governing body and health department employees to the list of those permitted to possess and administer epinephrine and not be held liable for civil damages when certain conditions are met.

HB 1646 (*R.P. Bell*) requires the provision of independent living services to any person between 18 and 21 years old who is in the process of transitioning from foster care to self-sufficiency.

HB 1683 (*R.P. Bell*) adds community-based mental health services to the list of services for which expenditures must be reported by the Office of Comprehensive Services.

HB 1743 (*Brink*) and **SB 863** (*Favola*) allow local social services departments to provide independent living services to individuals between 18 and 21 years old who are transitioning out of a Department of Juvenile Justice commitment.

HB 2005 (*Lopez*) renames the Virginia Housing Partnership Revolving Fund to the Virginia Housing Trust Fund and allows, among other things, the Department of Housing and Community Development to use up to 20% of the moneys from the Fund to provide grants for targeted efforts to reduce homelessness.

HB 2138 (*Byron*) establishes the Health Insurance Reform Commission as a legislative commission, whose duties shall include monitoring various aspects of implementation of the federal Patient Protection and Affordable Care Act and to make recommendations concerning a state-run health benefit exchange and the scope of essential health benefits.

HB 2191 (*Helsel*) requires court-appointed guardians of incapacitated persons to file an annual report with the local social services department where the incapacitated person resides; currently, a guardian must file the report with the department where the guardian was appointed.

Land Use

HB 1419 (*Pogge*) amends requirements governing zoning ordinances for temporary family health care structures by 1) altering occupancy restrictions to allow married couples, under certain conditions, to reside in a temporary family health care structure, and 2) extending the time by which such structure must be removed from 30 to 60 days after it was last occupied.

HB 1547 (*Knight*) requires that minimum tree canopy under local development ordinances be 10% for cemeteries.

HB 1633 (*Cosgrove*) requires localities to give at least 30 days advance notice and provide copies of project plans to the Virginia Department of Transportation (VDOT) prior to installing a local beautification project in the VDOT right-of-way that may obstruct motorists' view of signage.

HB 1853 (*Knight*) and **SB 1029** (*Reeves*) require a local planning commission to consult with the commander of a military installation that will be affected by development within the locality, in order to reasonably protect the installation against potential adverse effects of such development.

HB 2072 (*Peace*) prohibits localities from conditioning or delaying timely consideration of any application or permit in order to consider or commence condemnation or acquisition of the property in question.

HB 2238 (*D.W. Marshall*) provides that a site plan shall be deemed final once it has been reviewed and approved by the locality if the only unmet requirement remaining to obtain a building permit is submission of administrative documents, agreements, deposits or fees required by the locality in order to obtain the permit.

HB 2239 (*D.W. Marshall*) provides that cash proffers shall not be used for a capital improvement to an existing facility, such as a renovation or technology upgrade, that does not expand facility capacity or for existing facility operating expenses, such as ordinary maintenance or repair.

HB 2265 (*Knight*) relaxes public notice requirements for local governing bodies when reducing or eliminating proffers in an approved zoning case.

HB 2310 (*Rush*) clarifies that localities have flexibility to define by ordinance the height of "tall buildings and structures" for purposes of mountain ridge construction regulation.

SB 1226 (*Stuart*) extends from seven to 12 years the time by which a locality must begin utilization of cash proffers.

Local Government

HB 1333 (*Farrell*) and **SB 798** (*Garrett*) allow localities to amend service district boundaries after meeting public notice and public hearing requirements.

HB 1448 (*Hodges*) authorizes a locality, by ordinance, to establish a loan program for the repair of property owners' failed septic systems.

HB 1521 (*Villanueva*) authorizes localities to designate tourism activity zones, through an amendment to the zoning map, as areas that may be used for special events such as parades, events requiring temporary street closures, and indoor and outdoor entertainment activities.

HB 1586 (*Minchew*) and **SB 1065** (*Herring*) allow localities that have established arts and cultural districts to provide a rebate of real property taxes as incentives in these districts. Under current law, tax incentives include reduction of permit and user fees, and gross receipts tax.

HB 1589 (*Minchew*) and **SB 744** (*Black*) allow localities, with the written consent of the property owner, to demolish or remove a derelict nonresidential building or structure, provided it is not located within a historic district or designated as a historic landmark. The costs of such demolition or removal shall constitute a lien against the property.

HB 1648 (*Ransone*) and **SB 850** (*Stuart*) allow any locality that owns a water and sewer system and that has a population density of 200 persons per square mile or less, to develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers.

HB 1836 (*Lingamfelter*) requires local budgets to designate any specific uses for individual governing body member's discretionary funds.

HB 1859 (*Orrock*) requires a local governing body to ensure that a rabies clinic is conducted to serve the locality at least once every two years; currently, a clinic is to be held once a year, if the local government finds the number of resident veterinarians is inadequate to meet the need for rabies vaccination.

HB 2162 (*Comstock*) exempts local governments from various money order/money wiring statutes.

SB 902 (*Reeves*) authorizes the acceptance of a cashier's check in lieu of a bid, payment or performance bond; currently the only acceptable alternative forms of security are a certified check or cash escrow.

SB 1121 (*Ruff*) reduces the period for publication of notice of an authority's rate-setting hearing from 60 days to 14 days.

SB 1124 (*Ruff*) provides that the completion of an audit by an independent, certified public accountant on behalf of the locality, when the audit includes the clerk of the circuit court, shall satisfy a Code requirement that the Auditor of Public Accounts audit the accounts of the locality at least once every two years.

Public Safety

HB 1561 (*Garrett*) and **SB 1047** (*Newman*) allow localities to enter into reciprocal agreements with private police departments certified by DCJS for cooperation in providing police services.

HB 1554 (*Loupassi*) provides that no sheriff or deputy shall be liable in an individual capacity for any civil judgment in excess of the maximum liability coverage provided under the local risk management insurance plan, which shall be at least \$1.5 million.

HB 2012 (*Cline*) and **SB 1331** (*McEachin*) place a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in emergency situations that include major disasters, certain alerts and search and rescue operations.

HB 2216 (*Yost*) and **SB 839** (*Carrico*) stipulate that contiguous localities may designate mutually agreed-upon boundary lines for purposes of organizing 911 dispatch and response and clarifying issues related to coverage under workers' compensation and risk management laws.

HB 2291 (*Stolle*) allows proceeds generated from a source other than inmate accounts to be used for the general operation of a sheriff's office, rather than remaining with the facility.

SB 920 (*Carrico*) requires magistrates, under certain conditions, to consider requests to authorize alternative transportation, if available, for persons subject to an emergency custody or involuntary temporary detention order; currently, magistrates may consider such requests.

Transportation

HB 1717 (*Anderson*) and **SB 1293** (*Barker*) allow VDOT and a locality to agree on a time period shorter than 90 days for the Department to provide written comments on the locality's transportation plan.

HB 1718 (*Anderson*) and **SB 1075** (*Barker*) clarify that 1) localities and Metropolitan Planning Organizations are required to pay for terminating projects when VDOT does not agree to terminate the project; and 2) the provisions requiring localities and regional organizations to pay for project alterations apply after design approval by VDOT.

HB 1828 (*Villanueva*) authorizes the Department of Rail and Transportation (DRPT) to acquire real estate for the construction of railway lines; any such future acquisition will require legislative and executive approval through the budget.

HB 1885 (*LeMunyon*) requires VDOT to determine a quantitative rating on pavement condition and ride quality of every primary and secondary highway at least every five years and to post the ratings on its website.

HB 2041 (*Filler-Corn*) authorizes the Commonwealth Transportation Board (CTB) to establish guidelines, instead of regulations, in connection with administration and use of recreational access funds.

HB 2116 (*Garrett*) and **SB 1209** (*Stuart*) amend the powers and duties of the Commissioner of Highways and the CTB to streamline procedures by granting the Commissioner greater authority over specified administrative operations, engineering functions and interaction with stakeholders, while continuing CTB authority over policy duties and functions.

HB 2186 (*Dudenhefer*) authorizes VDOT to exchange a portion of the Keene area headquarters in Albemarle County for private property adjacent to the VDOT property for purposes of installing a drain field.

HB 2217 (*Greason*) and **SB 959** (*Favola*) allow local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks; a locality adopting such an ordinance shall install and maintain stop signs at the crossing.

HB 2298 (*Anderson*) and **SB 820** (*Puckett*) establish conditions under which certain billboard signs may be relocated if land on which the sign is located is acquired by eminent domain in connection with a highway project. Provisions that could have made local governments responsible for relocation costs were removed from the bills.

HB 2313 (*W.J. Howell*) is the transportation funding package expected to generate nearly \$850 million per year by 2018, with funding targeted primarily for road maintenance, rail and transit.

Under the approved plan, revenues for transportation are generated by eliminating the existing gas tax and converting it to a wholesale tax of 3.5% on gas and 6% on diesel; increasing the state sales tax from 5% to 5.3%, the motor vehicle sales tax from 3% to 4.15% and the alternative fuel vehicles annual fee from \$50 to \$64; diverting additional general fund dollars to transportation; and utilizing internet sales tax collections (should federal law be put in place). The bills also included regional funding packages for Northern Virginia and Hampton Roads.

SB 1038 (*Newman*) provides for the registration of mopeds with the Department of Motor Vehicles and payment of a \$14 annual registration fee. It requires a moped operator to carry government-issued photo identification and wear a face shield, safety glasses or goggles if his moped is not equipped with safety glass or a windshield. It classifies mopeds for valuation purposes in personal property taxation and allows localities to exempt mopeds from such taxation.

SB 1140 (*Peterson*) implements performance-based funding for mass transit for revenues generated above \$160 million in 2014 and after. The bill creates the Transit Service Delivery Advisory Committee, composed of stakeholders and DRPT staff, to advise DRPT on the distribution of funds based largely on service delivery factors the group will develop for incorporation into transit development plans.

Miscellaneous

HB 1335 (*R.P. Bell*) allows the senior judge, for good cause, to appoint a temporary member to the electoral board in order to maintain a quorum.

HB 1339 (*R.L. Ware*) allows a local governing body to exclude from the census population used in decennial redistricting the adult inmate populations of correctional facilities located in the locality. Current law allows the exclusion only if the inmate population exceeds 12% of the ideal population of a local election district.

HB 1395 (*D.W. Marshall*) provides that "public auctions" at which abandoned vehicles are sold by localities can include Internet sales. The bill also reduces the time that a locality must hold proceeds from such sale for the owner from 90 to 60 days.

HB 1473 (*E.T. Scott*) and **SB 709** (*Hanger*) exempt concession stands at youth athletic activities from regulations governing restaurants, provided that such stands are promoted or sponsored by a youth athletic association or group recognized by a locality to be part of its recreational program; currently, localities may prescribe such exemption by ordinance.

HB 1524 (*Villanueva*) exempts from public disclosure the records of state or local parks and recreation departments pertaining to minors, unless the parent or emancipated person who is the subject of the record waives the protection.

HB 1562 (*Orrock*) and **SB 828** (*Blevins*) revise provisions related to dangerous dogs, including clarifying the distinctions between dangerous and vicious dogs and authorizing local governing bodies to enact ordinances that parallel the new provisions.

HB 1583 (*Dance*) increases various fees related to vacant building registration.

HB 1765 (*R.B. Bell*) requires registrars, in determining the qualification of an applicant to register to vote, to determine whether the applicant has been convicted of a felony and, if so, under what circumstances the applicant's right to vote has been restored.

HB 1841 (*Lingamfelter*) allows localities to issue local vehicle licenses free of charge for vehicles owned or leased by members of the Virginia Defense Force.

HB 1861 (*Rust*) requires that notice be given to a locality when residential property is subject to a sale under a deed of trust; such notice shall be given within 60 days after the sale of the property.

HB 2026 (*Dudenhefer*) allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for an emergency, medical condition, or distance from the meeting location of more than 60 miles (for regional public bodies).

HB 2079 (*Jones*) reorganizes the definitions of and processes for competitive sealed bidding and competitive negotiation, to take effect July 1, 2014. The bill also requires a workgroup to meet in the coming months to examine the provisions of the Virginia Public Procurement Act and to make any recommendations for changes to the Act.

HB 2128 (*Byron*) provides that local public bodies are not required to post small purchase procurements on the Department of General Services' central electronic procurement website.

SB 802 (*Garrett*) provides that a telephone call between two members of a local electoral board in preparation for a meeting shall not constitute a meeting under the Virginia Freedom of Information Act (FOIA), if the discussion otherwise would not constitute a meeting.

SB 804 (*Garrett*) allows Louisa and Goochland Counties, in adopting a voluntary boundary agreement, to attach with their petitions to the circuit court, a Geographic Information System map meeting National Geodetic Survey standards that depicts such boundary change.

SB 931 (*Vogel*) provides immunity from civil liability for sheriffs for acts, decisions and omissions related to acceptance and disposition of dead bodies.

SB 958 (*Obenshain*) requires a voter registrar office and other registration sites to close for registration purposes at 5:00 p.m. on the final day for registration before an election.

SB 1043 (*Edwards*) lengthens the initial effective period of emergency regulations from 12 to 18 months and adds a requirement that if the governor chooses to exercise his authority to extend the effective period for up to an additional six months, it must be done before the initial 18-month period expires.

SB 1119 (*Deeds*) amends the definition of “personal interest in a transaction” to clarify that such interest does not exist when an officer, employee or elected member of a separate local governmental agency formed by a local governing body, is appointed to serve on such agency and the personal interest in the transaction of the agency is the result of the compensation or benefits provided by the agency to the officer, employee, elected member or member of his immediate family.

SB 1264 (*Stuart*) reorganizes FOIA provisions relating to access to criminal records and other records held by law-enforcement agencies, to include allowing such agencies to make a verbal response for requests for criminal incident information.

SB 1324 (*McDougle*) creates a statewide school division called the Opportunity Educational Institution to be administered and supervised by a statewide board of legislators and citizens. Under this bill, management of low-performing schools would be transferred to the statewide division. Local per-pupil funding (including both required and discretionary) also would be transferred from the school division to the statewide division for the pupils in the school that was taken over. Under provisions of the bill, any school that has been denied accreditation would be transferred to the statewide division; a school that is accredited with warning for three years could be transferred. The initial transfer of any schools could not occur until after the next school year.

STUDIES AND RESOLUTIONS

HJR 551 (*Ramadan*) is a proposed Constitutional amendment that would authorize the General Assembly to provide a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action; such tax exemption may not be claimed by a surviving spouse who has remarried. In order for the Constitutional question to be placed before the voters, this amendment must be approved again by the General Assembly next year.

HJR 635 (*Gilbert*) directs the JLARC to study the amount of federal revenue that Virginia receives annually at the state and local level, by functional area, and to determine its importance and impact; a report is due to the 2015 General Assembly.

HJR 687 (*O'Bannon*) directs the Joint Commission on Health Care to study the factors affecting health care costs, including the likely impact of federal Patient Protection and Affordable Care Act provisions on such costs.

HJR 688 (*Byron*) directs JLARC to update its 2003 review of workforce training in Virginia; a report is due to the 2015 General Assembly.

SJR 282 (*Favola*) requests the Department of Social Services to develop options for extending foster care maintenance and adoption assistance payments for individuals up to 21 years of age.

SJR 277 (*Blevins*) requests the Secretary of Public Safety to establish a Statewide Traffic Incident Management Committee to coordinate the adoption and implementation of the National Unified Goal for Traffic Incident Management.

SJR 328 (*Saslaw*) directs JLARC to conduct a two-year study of the efficiency and effectiveness of elementary and secondary school spending in Virginia, including evaluating the findings and results from School Efficiency Reviews; comparing to other states how and to what extent Virginia funds public education; and identifying opportunities to improve education quality in consideration of the funds spent.