

# 2016 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**

**Andrea Wilkinson, *Chair***  
**Chip Boyles, *Executive Director***  
**David Blount, *Legislative Liaison***

**April 2016**

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## OVERVIEW

The 2016 General Assembly concluded its work early for the second consecutive year. Lawmakers adjourned Friday, March 11, one day ahead of schedule. This was made possible by expedited work on the budget for the upcoming biennium, as well as accelerated advancement of legislation through the committee process. Senior lawmakers crafting the FY17/FY18 state budget reached a compromise early in the final week of the session, setting the stage for floor votes on the spending plan on Friday evening. The House and Senate voted overwhelmingly to approve changes to the plan that Governor McAuliffe introduced in December, the House approving the budget on a 91 to 8 vote and the Senate by a 38 to 1 tally.

## BUDGET SUMMARY

The compromise spending package provides a biennial, general fund budget totaling \$40.6 billion for FY17/FY18, which is slightly less than the budget introduced by Governor McAuliffe in December. The budget favorably addresses the top TJPD legislative priority concerning public education funding, by funneling an additional \$892 million into K-12 education. It also increases, for the first time in many years, funding for local administration of the Children's Services Act (CSA), which is supported by another long-time TJPD position.

The budget includes \$35.5 million over the biennium for the *Go Virginia* initiative. Dollars are designated for organizational and capacity building activities and workforce gap analyses (\$5.5 million in FY17 and \$3.5 million in FY18); for each qualifying region based on share of the state population (\$12.2 million in FY18); and for grants to regional councils on a competitive basis (\$14.3 million in FY18). The budget maintains funding contained in the introduced plan for two positions in the Department of Housing and Community Development (DHCD) to support the initiative, and new language directs the Council on Virginia's Future to also work with DHCD in establishing the initiative.

The approved budget provides an additional \$9.4 million in FY17 and \$18.7 million in FY18 for a 2% salary increase for state-supported local employees, effective December 1. Funding is contingent on actual FY16 general fund revenues being sufficient and "provided that the governing authority of such employees certifies that the listed employees will receive the stated pay increase." The plan also provides \$12.3 million for a salary compression plan for deputy sheriffs and regional jail officers, effective January 1, 2017.

Following is an analysis of key provisions of interest to local governments as included in the approved state budget for FY17 and FY18.

### Education

The approved budget includes the state share of a 2% salary incentive for SOQ-funded instructional and support positions, effective December 1, contingent on sufficient FY16 general fund revenues. The budget also provides additional dollars for the state's share of funding to advance the Virginia Retirement System (VRS) scheduled rates for the teacher pension plan to 100%. The plan swaps \$10 million in the second year to backfill Literary Fund dollars used to pay a portion of those retirement costs, but over the course of the biennium, the plan uses about \$315 million in Literary Fund dollars to pay for teacher retirement.

The spending plan re-establishes a previous General Assembly policy of sending lottery proceeds to local school divisions on a per pupil basis. Nearly \$194 million of Lottery Proceeds Fund revenues will be sent to school divisions on a per pupil basis (using the composite index). The specific amounts are \$36.6 million in FY17 (\$52.42 per pupil) and \$157.2 million in FY18 (\$224.43 per pupil). Most of these dollars have been redirected from the introduced plan's "new teacher" initiative and from an at-risk add on "range" increase. Up to 50% of this allocation can

be used on any recurring expense and at least 50% must be used on non-recurring expenses (such as capital, equipment, school buses and maintenance). A maintenance of effort by the locality, but not a local match, is required.

Additionally, the approved plan provides \$5 million over the biennium for career and technical credentialing and equipment; this includes \$2 million for equipment and \$500,000 for tests and materials costs of earning industry certifications each year.

It provides \$4.6 million over the biennium for the Virginia Early Childhood Foundation, to include \$3 million for a new pilot program to provide grants to incentivize additional public-private partnerships in preschool services. It also adds \$2.9 million over the two years to increase the Virginia Preschool Initiative per pupil amount from \$6,000 to \$6,125.

In the Department of Education (DOE) budget, an additional \$255,000 is earmarked for the school performance report card redesign, to include a second phase redesign to incorporate additional functionality and data points. Also, the Virtual Virginia full-time high school pilot program will be expanded from 90 to 200 students starting in the 2016-2017 school year. A language amendment requires local school divisions to report annually to the DOE on the status of broadband connectivity capability of schools in the division.

Finally, \$24,000 is included each year for [HJ 112/ SJ 85](#), which establish a two-year joint subcommittee to study the need for revisions to, or reorganization of, Standards of Quality for public education.

## Environment

The budget makes the required \$61.7 million deposit to the Water Quality Improvement Fund for nonpoint source programs and also provides \$59 million in bond proceeds for wastewater treatment plants. The General Assembly continued authorization for revenue bonds to finance the Stormwater Local Assistance Fund, and use of the Fund was expanded to include acquisition of nonpoint nutrient credits.

The budget funds the Virginia Land Conservation Fund at \$8 million each year and provides \$1 million each year for farmland preservation, both of which are reductions from the introduced plan. The budget includes an additional \$350,000 each year for the repair of small dams maintained by Soil and Water Conservation Districts.

A language amendment directs the Board of Conservation and Recreation to consider whether public-private partnerships would (i) result in greater operational efficiencies in the planning, development, construction and operation of new state parks and in the management of existing state parks, and (ii) generate cost savings, allow for additional state park amenities, and increase operational revenues for state parks.

## Health and Human Services

Concerning the Children's Services Act (CSA), as noted above, the approved plan provides \$500,000 each year to support local governments in administering CSA, the first increase in over 15 years. The plan also provides additional dollars for CSA for anticipated caseload and expenditure growth. Budget language requests the CSA State Executive Council to develop options for two issues studied last year: 1) tracking the progress of, and looking for ways to re-integrate children in private day special education placements back into their community school; and 2) developing options for paying the education costs of children whose parent makes a direct placement into private residential treatment facility and whose treatment costs are covered by Medicaid.

The spending plan adds about \$8 million in general and nongeneral funds for local departments of social services to handle the increased volume of Medicaid applications and renewals due to the "woodwork" effect of individuals applying through the health insurance exchange.

It also provides an additional \$4.2 million over the two years for anticipated caseload growth in the Early Intervention Part-C program and includes nearly \$6 million in state and

federal funds to extend foster care and adoption assistance to age 21 through the “Fostering Futures” Program. Dollars also are provided each year to address a backlog of requests for onsite sewage and water supply services.

## **Public Safety**

The budget includes \$21.5 million over the biennium (\$10.4 million in FY17 and \$11.1 million in FY18) to pay the state’s share of local and regional jail per diem payments. It includes more than \$3.8 million over the two years to support the state costs of staffing the jail expansion project at the Central Virginia Regional Jail.

The budget adds \$11.1 million over the biennium for “HB 599” aid to localities with police departments. This amount assumes growth in general fund revenues of 3.2 percent in FY17 and will bring the funded amount to \$177.96 million, up from the current \$172.4 million per year.

At its reconvened session in April, the General Assembly agreed to delete language from the FY17/18 budget that allowed the state to seize some local fines and fees being collected for certain traffic offenses. These local dollars come from the enforcement of traffic-related ordinances on local roads, secondary and primary roads, and interstates.

An amendment removes new funding and positions included in the introduced budget to establish pilot re-entry programs in six local and regional jails for state-responsible inmates held in and directly-released from those facilities.

The budget provides increases of \$2.7 million in FY17 and \$3.2 million in FY18 for community corrections and pre-trial services programs, targeted at establishing local programs in areas not currently having them. Language also directs the State Compensation Board to convene stakeholders, including constitutional officers, regional jail authorities and local governments, to review liability, medical malpractice, and employee malfeasance policies, and alternatives for liability reinsurance, for such coverage currently paid for by localities under VARisk.

Finally, new budget language directs an inter-agency task force to consider future capital and operational requirements of Virginia's juvenile correctional centers. Input shall be sought from judges, attorneys for the Commonwealth, law enforcement, local government and private providers. An interim report is due by November 1.

## **Transportation**

A language amendment directs the Department of Rail and Public Transportation (DRPT) to examine how it could better evaluate and prioritize transit capital projects, similar to the HB 2 process used by the Virginia Department of Transportation (VDOT).

Additional language allows the Secretary of Transportation to establish a pilot program for unpaved roads sections that (i) are more than two miles in length, (ii) are not a dead-end, (iii) intersect with existing paved roads at both ends, and (iv) have a traffic volume of 100 or more vehicles. Up to \$1 million each year from unpaved road fund may be used for the pilot program.

The budget authorizes a 240-person increase in VDOT staffing to reduce reliance on high-cost consultant services. VDOT employs over 7,700 people across the state.

## **Miscellaneous budget provisions and budget language**

→The budget provides \$1.25 million to supplement construction costs of broadband service providers to extend service to areas presently unserved. Areas designated to receive funds for construction through the federal Connect America program or receiving other state or federal funds for construction are not eligible to receive this funding through the Virginia Telecommunications Initiative. Additional assistance will be encouraged from local governments in areas designated to receive funds, to lower the overall cost and to assist with permits, rights of way, easements and other issues.

→The budget provides \$550,000 over the two years for a new unit at the Joint Legislative Audit and Review Commission (JLARC) to provide ongoing oversight of economic development incentives and policies, including tax incentives focused on the area of economic development

and business expansion. The authority includes access to information, records, facilities and employees of state and local public bodies involved in economic development issues. The unit will report at least every two years on economic benefits to Virginia of total spending on economic development initiatives. Another amendment supports the [HJR 7](#) review of the Virginia Economic Development Partnership Authority (VEDP) to give JLARC authority to review documents at VEDP, and relevant local documents, currently protected from disclosure under state law.

→\$150,000 each year will support the Commission on Employee Retirement Security and Pension Reform, created pursuant to [HB 665](#). VRS also is getting \$300,000 each year to support this study.

→The budget provides funding of \$5.5 million each year for the Housing Trust Fund, up \$1.5 million from the current amount.

→The plan includes \$196,000 in FY17 to advertise two proposed amendments ([HJ 2/SJ 70](#) and [HJ 123](#)) to the Constitution of Virginia that will appear on the ballot in November.

→Language directs the Department of Taxation to report on the revenue impact of every sales tax exemption and tax credit scheduled to expire on or before June 30, 2022.

## APPROVED LEGISLATION

**Following are highlights of approved legislation in the areas of education, the environment, finance, human services, land use, local government, personnel, public safety and transportation. Bills take effect July 1, unless otherwise noted. Bills with an \* await final action by the governor.**

(You can Ctrl+Click on the bill number to be linked detailed information about the bill).

### Education

[HB 46](#) (*Greason*) directs the Secretary of Education to establish a School Readiness Committee, to be composed of legislators and education practitioners, to develop and align an effective professional development and credentialing system for the early childhood education workforce. The Virginia Early Childhood Foundation is to facilitate the work of the Committee.

[HB 47](#) (*Greason*) establishes the Mixed-Delivery Preschool Services Fund and Grant Program to award competitive grants to urban, suburban and rural community applicants to pilot innovative strategies and evidence-based practices that support a system of mixed-delivery preschool services. The bill provides that six, two-year grants be awarded in each year of the next biennium. The measure is set to expire July 1, 2019.

[HB 168](#) (*LaRock*) and [SB 120](#) (*Carrico*) authorize the mailing of summons to persons who are caught on camera passing a stopped school bus; current law requires such a summons to be personally served by a law enforcement officer.

### Environment

[HB 208](#) (*Bulova*) repeals provisions that prescribe the content of tributary plans as part of the tributary strategies, which have been replaced by Watershed Implementation Plans.

[HB 438](#) (*Bulova*) and [SB 292](#) (*Hanger*) authorize Municipal Separate Storm Sewer Systems (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorous.

[HB 558](#) (*Orrock*) directs the State Health Commissioner to develop a plan for the orderly

reduction and elimination of evaluation and design services by the Department of Health for onsite sewage systems and private wells, thus providing for a transition to accepting only applications that are supported by private site evaluations and designs from licensed professionals.

**HB 734** (*Hope*) establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable.

**HB 1250** (*Wilt*) and **SB 673** (*Hanger*) combine existing statutory programs relating to soil erosion and stormwater management. The bills also direct certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. They also require the Department of Environmental Quality to evaluate fees related to the consolidated new program and to adopt regulations to carry out the purposes of the bill, thus delaying the effective date until the later of July 1, 2017, or 30 days after the adoption of such regulations.

**SB 407** (*Wexton*) authorizes localities to adopt an ordinance establishing civil penalties for violations of specified provisions for the operation and maintenance of conventional onsite sewage systems of which they have a record; currently, these provisions apply only to alternative onsite sewage systems.

**SB 468** (*Wagner*) authorizes localities having a stormwater utility fee to establish a public-private partnership program to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements.

**SB 758** (*Black*) allows Class A farm winery licensees to trade fruits or agricultural products grown or produced on such farms with other farm winery licensees; additionally, such fruit will be considered in meeting the requirement that a certain percentage of the fruit be grown on the premises.

## **Finance**

**HB 15** (*Ware*) requires localities to apply the lowest tax rate applicable to any item of tangible personal property that falls under multiple classifications for purposes of the local personal property tax, as presently is the case for motor vehicles and for computer equipment and peripherals used in a data center.

**HB 63** (*Lingamfelter*) provides exemptions from sales and use tax and local license taxes for certain nonprofit veteran organizations.

**HB 80** (*Byron*) provides that once real or personal property, machinery, equipment, facilities, devices or real estate improvements have been certified by a state or local authority for the purposes of certain local property tax exemptions, such property is deemed exempt as of the date the property is placed in service. This applies to the local property tax exemptions for 1) certified pollution control equipment and facilities; 2) certified stormwater management developments and property; 3) certified solar energy equipment, facilities and devices; and 4) certified recycling equipment, facilities and devices.

**HB 148** (*Fowler*) and **SB 445** (*McDougle*) change from April 15 to May 15 the date by which a county, city or town is required to fix the real property tax rate for taxes due on or before June 30.

**HB 339** (*Pogge*) provides an exemption from state and local recordation taxes for deeds of trust and mortgages securing a loan made by a locality or one its agencies, to a low-income borrower erecting or rehabilitating a home and purchasing the land for such home. The bill also provides an exemption from the grantor's tax for a grantor that is a locality at a judicial sale of tax-delinquent property.

**HB 537** (*Minchew*) stipulates that the circuit court clerk is to pay local fees and fines, collected by the general district or juvenile courts for violations of city, town or county ordinances, directly to the local government and not to the state treasury.

**HB 1191** (*Knigh*) exempts from sales tax tangible personal property and prepared food sold at a local correctional facility.

**HB 1305** (*Miller*) provides a sales and use tax exemption for machinery, tools and equipment used a public service corporation to generate solar and wind energy, beginning January 1, 2017, and expiring June 30, 2027. The bill also alters the types of projects of solar photovoltaic (electric energy) systems that qualify for the real and personal property tax exemptions on photovoltaic equipment and facilities.

**SB 690** (*Peterson*) authorizes commissioners of revenue and other local tax officials to convey tax bills and other tax documents via electronic means, with the consent of the taxpayer, in lieu of mailing the bill or document; current law only authorizes treasurers to do so.

## Human Services

**HB 233** (*Minchew*) and **SB 79** (*Wexton*) allow localities to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company; a program in which such volunteers are eligible to participate must be comparable to such program offered to paid employees of the locality.

**HB 369** (*R.P. Bell*) adds to the membership of the State Executive Council for Children's Services (i) the chairman of the state and local advisory team, and (ii) a representative who has previously received services through CSA. The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the CSA.

**HB 675** (*Peace*) allows eligibility for auxiliary grants to include individuals residing in supportive housing, provided that the supportive housing provider has entered into an agreement with the Department of Behavioral Health and Developmental Services to provide such housing. The bill limits the number of auxiliary grant recipients in a supportive housing setting to 60.

**SB 774** (*Dunnivant*) directs the Department of Medical Assistance Services to issue a Request for Proposal for statewide nonemergency medical transportation services as soon as reliable rate setting is available, in order to enter a new contract by July 1, 2017.

## Land Use

**HB 367** (*Davis*) provides that if a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use, and (ii) the license holder has operated continuously in the same location for at least 15 years and paid all local taxes related to such use, the locality shall permit the license holder to apply for a rezoning or a special use permit without charge.

**HB 746** (*J. Bell*) requires the disclosure to purchasers of the zoning classification or permitted uses of parcels adjacent to the parcel being purchased.

**HB 879** (*Hugo*) clarifies that, for farm wineries or limited breweries, "on land zoned agricultural" means land zoned as an agricultural district, or classification that permits agricultural use, and that it does not include residential conservation. **SB 578** (*Barker*) includes these provisions for limited breweries, while **SB 579** (*Barker*) includes these provisions for limited distilleries. The bills also state that nothing else in the definition of "land zoned agricultural" limits or affects local zoning authority.

**HB 883** (*Habeeb*) provides that a proposed telecommunications tower or certain public service company facilities shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required, if such proposed tower or facility is located in a zoning district that allows them by-right.

**HB 1146** (*Hope*) and **SB 389** (*Surovell*) provide that no locality shall require the consent of a condominium or homeowners' association, or real estate cooperative, prior to issuing a permit, certificate or license, including a building permit or a business license.

**SB 549** (*Obenshain*) provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or use, or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or use, where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer (deemed to exist unless it addresses an impact that is specifically attributable to a proposed new residential development or use).

## Local Government

**HB 14** (*Ware*) revokes the charter for the Town of Columbia in Fluvanna County.

**HB 198** (*Lingamfelter*) requires that any application to the court by a local government or school board for the appointment of a special conservator of the peace shall include a written assessment from the locality's chief law-enforcement officer stating the need for the appointment.

**HB 268** (*D.W. Marshall*) and **SB 414** (*Barker*) authorize the establishment of a land bank entity by any locality, or two or more localities combined, to assist in addressing vacant, abandoned and tax-delinquent real properties.

**HB 412** (*Kilgore*) provides that no locality may regulate the use of privately owned, unmanned aircraft within its boundaries; the provisions of the bill expire July 1, 2019.

**HB 647** (*Sullivan*) and **SB 361** (*Favola*) provides that a local tree conservation ordinance may allow a locality to post on private property that is proposed to be redeveloped with one single-family home, signs that notify the public that an infill lot grading plan is pending for review before the locality.

**HB 832** (*Landes*) and **SB 308** (*Hanger*) allow the governing body of a county or city in which a vacancy in a constitutional office has occurred to request the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such a writ. The bill also authorizes the governing body to request that no special election be ordered when the vacancy occurs within the 12 months immediately preceding the end of the term of that office, and requires the court to grant such a request. Finally, the bill specifies that in the event of a vacancy of a constitutional officer, the highest-ranking deputy officer or full-time assistant

attorney who is qualified to vote for and hold that office, shall perform the duties and responsibilities of the constitutional officer until the vacancy has been filled.

**HB 919** (*Mason*) provides for notice to owners, lessees or tenants of delinquency in paying charges for water or sewer service.

**HB 945** (*Wilt*) and **SB 309** (*Hanger*) extend the current moratorium on city annexations and county immunity actions by six years to 2024. Additionally, provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement are exempted through the 2022-2024 biennium. The bills also direct the Commission on Local Government to evaluate the structure of cities and counties and the impact of annexation on localities, taking into consideration alternatives to the current moratorium on annexation by cities.

**HB 1011** (*Massie*) authorizes a locality to exempt a residential rental unit otherwise subject to a rental inspection ordinance if the unit is managed by certain professionals.

**HB 1032** (*Sickles*) clarifies that a locality may impose an annual penalty of up to \$250 upon the resident owner of a motor vehicle for as long as such vehicle remains unregistered in Virginia.

**HB 1260** (*Hodges*) increases from 14 to 45 days the time in which a local governing body shall call a special session, if a regularly-scheduled session is not held, in order to confirm the declaration of a local emergency.

**SB 163** (*Locke*) allows localities by ordinance to prohibit driving in a flooded street in a way that damages property.

**SB 190** (*Miller*) prohibits the use of direct recording electronic machines (DREs) in elections on and after July 1, 2020. Local governments have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life.

**SB 367** (*McDougle*) allows local governments to adopt ordinances that permit the hunting of coyotes with a rifle of a caliber larger than .22 rimfire.

**SB 542** (*Obenshain*) allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges; current law allows liens to be placed for up to three months of delinquent charges.

\***SB 611** (*Stanley*) allows claims of negligence against localities to be made beyond the six month written statement submission deadline, if the locality (attorney, chief executive or mayor) or insurer or entity providing coverage or indemnification of the claim, had actual knowledge of the claim within six months after such cause of action accrued.

## **Personnel**

**HB 88** (*Cole*) requires each member of an electoral board to attend an annual training program provided by the State Board of Elections in the first year of his initial and any subsequent appointment. It also requires general registrars to attend an existing annual training program provided by the State Board; currently, a general registrar may designate a staff member to attend. Similarly, **HB 1030** (*Sickles*) and **SB 574** (*McEachin*) require officers of election to

receive training before the first election in which they will be serving as an officer of election and whenever a change is made to the election laws that alter their duties.

**HB 691** (*Carr*) extends from eight to 24 hours the time period in which an employer is required to notify the Virginia Department of Labor and Industry of any work-related incident resulting in hospitalization, amputation or loss of an eye.

**HB 821** (*LeMunyon*) includes local and regional governments and school divisions under the Fraud and Abuse Whistle Blower Protection Act, which allows employees to freely report instances of wrongdoing or abuse committed by governmental agencies.

**HB 854** (*Hugo*) allows firefighters or emergency medical services personnel subjected to an interrogation that could lead to dismissal, demotion or suspension for punitive reasons, to have a retired member of the department present as an observer; current law allows only a current member of the department to be present.

**HB 1145** (*Cole*) and **SB 382** (*Vogel*) reassign duties of electoral boards related to elections administration to general registrars who, when performing these duties, are acting in their capacity as directors of elections.

**HB 1211** (*Leftwich*) and **SB 651** (*Cosgrove*) require animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year of being hired, or within two years of being hired if the officer is attending a law-enforcement academy; current law requires completion of such training course within two years after hiring.

**HB 1345** (*Jones*) revises the Line of Duty Act (LODA) to provide coverage to beneficiaries through a LODA-specific health insurance plan administered by the Department of Human Resource Management. Under the bill, current LODA beneficiaries will keep their full benefits, but benefits for those who become eligible for LODA benefits on or after July 1, 2017, will stop, in most cases, when they become Medicare-eligible based on age. Also, disabled individuals who earn at least as much income as they did at the time of disability no longer will receive benefits. The bill provides for a renewal of an individual's disability status after two years of eligibility and every five years thereafter. The bill also requires all covered employees to receive training on LODA benefits within 30 days of the start of their employment and every two years thereafter.

**SB 288** (*DeSteph*) removes the provision, enacted last year, which allows a local government attorney to issue an advisory opinion that would shield a local officer or employee from prosecution for knowing violations of the State and Local Government Conflict of Interests Act. Such officer or employee still can be shielded from such prosecution with an advisory opinion issued by the Commonwealth Attorney or the Virginia Conflict of Interest and Ethics Advisory Council. An advisory opinion issued to a local officer or employee by the local government attorney may be introduced at a trial for a knowing violation, as evidence that he did not knowingly violate the Act.

**SB 364** (*Chafin*) authorizes the Department of Human Resource Management to establish a health insurance plan, similar to the state health insurance plan, for employees and retirees of local governments and school divisions and their dependents. Such plan may provide for a single rating group.

**SB 417** (*Vogel*) allows local Department of Social Services employees to continue their practice of signing juvenile and domestic relations court forms asking for the likes of temporary custody

and termination of parental rights. This bill effectively overrules an opinion by a committee of the Virginia State Bar concluding that this was the unauthorized practice of law by non-lawyers.

**SB 607** (*Dance*) directs the Commissioner of Labor and Industry or the Safety and Health Codes Board to adopt regulations for enforcing the occupational and health program applicable to state and local employees.

**SB 704** (*Lucas*) broadens the definition of "fire protection employee" for the purposes of determining eligibility for overtime compensation.

**SB 781** (*DeSteph*) authorizes sheriffs and regional jail administrators to transport, and retain authority over, prisoners to any jurisdiction within Virginia and to travel with a prisoner to or through another state as allowed by that state.

### **Public Safety**

**HB 756** (*Lingamfelter*) renames the E-911 Services Board as the 9-1-1 Services Board and revises its powers and duties to include that it support and assist public safety answering points (PSAPs) in the provision of 9-1-1 operations and services, including through provision of funding and development of best practices, and that it consult and coordinate with PSAPs and state and local public bodies.

**HB 1182** (*Aird*) and **SB 266** (*Dance*) allow sheriffs' offices to use marked motor vehicles painted in any solid color; current law requires the sheriff to obtain the concurrence of the local governing body to use any color other than dark brown.

**SB 527** (*Stuart*) authorizes a locality to provide by ordinance that a person convicted of a felony violation of bomb threat statutes shall be liable for reasonable expenses, not to exceed \$1,000, related to an appropriate emergency response to the threat.

### **Transportation**

**HB 329** (*Villanueva*) and **SB 299** (*Ebbin*) allow publicly owned or operated transit buses to use flashing amber lights.

**HB 384** (*R.G. Marshall*) requires the Commonwealth Transportation Board (CTB), prior to a vote on a project located wholly within one highway construction district and valued in excess of \$25 million, to hold a public hearing on such project in the highway construction district where the project being considered.

**HB 719** (*LeMunyon*) requires the CTB to make public the criteria used to determine the value of each factor used in the HB 2 statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy.

**HB 1359** (*Peace*) establishes the Transit Capital Project Revenue Advisory Board within DRPT to examine the effects of the loss of state transit capital funds and to identify additional sources of revenue. The Advisory Board is to provide both an interim (due January 1, 2017) and a final report (August 1, 2017) on its work and findings.

**SB 117** (*Peterson*) requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

## Miscellaneous

**HB 421** (*Helsel*) provides, for detached garages and carports, an additional exemption to existing law that provides a real property tax break to certain disabled veterans and surviving spouses of members of the military killed in action. **HB 1203** (*Yost*) and **SB 366** (*Chafin*) provide an exemption for manufactured homes. These changes take effect with the next tax year. Finally, regarding this real property tax exemption, **HB 127** (*Knight*) and **SB 99** (*Cosgrove*) expand the determination of soldiers “killed in action” to correspond to the definition used by the U.S. Department of Defense.

**HB 428** (*Hope*) designates the Department of Social Services, rather than the court, as the entity to which a locality where a prisoner is put to work on a workhouse, city farm or work squad shall pay funds for the support of the prisoner's spouse or children; the minimum amount that the county or city shall pay is increased from \$5 to \$20 and the maximum is increased from \$25 to \$40 for each week.

**HB 611** (*R.B. Bell*) and **SB 85** (*Garrett*) revise current, and add additional procedures related to State Corporation Commission regulation of rates, charges, services or facilities, and information provided to the public.

\***HB 834** (*Cox*) and \***SB 449** (*Norment*) establish the Growth and Opportunity Act, which will include a 24-member state Board, composed of citizens appointed by the governor, the House and Senate; along with four delegates, three senators and three cabinet secretaries. Under the bills, regional councils will submit applications for collaborative projects in their region that enhance private-sector growth, competitiveness and workforce development.

\***HB 846** (*Hugo*) and \***SB 459** (*Ruff*) create the Virginia Collaborative Economic Development Act for awarding grants over a period of six year to two or more localities that participate in a collaborative economic development project.

**HB 912** (*Minchew*) authorizes VDOT to permit broadband service providers to install conduit capable of housing fiber optic cable to provide broadband service on public highways.

**HB 1117** (*Loupassi*) allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity.

**HB 1170** (*Fowler*) changes the maximum number of members of most boards of equalization from five to the greater of five or the number of election districts in the locality.

**HB 1299** (*Edmunds*) and **SB 229** (*McEachin*) provide that whenever a state or local public body or school division purchases a United States or state of Virginia flag for public use, such flag must be made in the U.S. from articles, materials or supplies that are grown, produced and manufactured in the U.S., if available. The bill takes effect July 1, 2017.

\***HB 1362** (*Gilbert*) and \***SB 692** (*Norment*) make additional changes and refinements to the state’s conflict of interests and ethics reform legislation approved two years ago. Most significantly for local governments, the bills change the disclosure form filing period for local government officers and employees from semi-annually (under current law) to annually (due in mid-January), beginning next January. They also revise the definition of “gift” to say that a gift does not mean a gift with a value of less than \$20.

**SB 89** (*Marsden*) requires the posting of minutes of local electoral board meetings on its website or on the website of the relevant city or county.

**SB 352** (*Deeds*) designates Nelsonite, named for Nelson County, as the state rock of Virginia.

**SB 416** (*Vogel*) establishes the Limited Residential Lodging Act (the Act), providing a framework for persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days, or do so through a hosting platform. The bill allows localities to adopt ordinances that 1) require such persons to have at least \$500,000 of liability insurance and to register with the locality; and 2) prohibit or restrict persons from renting their primary residences if they fail to pay applicable taxes. It also requires hosting platforms to register with the Department of Taxation. Most importantly, the bill includes a reenactment clause, so that it must be approved in the 2017 General Assembly session before it takes effect. It also directs the Virginia Housing Commission to study the issue and make recommendations for consideration next year.

**SB 478** (*Obenshain*) provides that costs and fees may be awarded in compensation actions initiated by public service companies, public service corporations, railroads that have been delegated the power of eminent domain, or government utility corporations, where the amount that the owner is awarded at trial as compensation for the taking of or damage to his real property is 30% (25% for highways) or more greater than the amount of the petitioner's final written offer.

***Freedom of Information Act (FOIA):***

**HB 817** (*LeMunyon*) and **SB 494** (*Surovell*) reverse the Virginia Supreme Court decision in *Department of Corrections v. Surovell*, by clarifying and setting out the general rule of redaction, which provides that no provision of the Freedom of Information Act (FOIA) is intended to authorize a public body to withhold a public record in its entirety on the grounds that some portion of such record is excluded from disclosure by FOIA or another provision of law.

**HB 818** (*LeMunyon*) requires counties, cities and most towns to post an FOIA rights and responsibilities document on its website, and all local public bodies to designate an FOIA officer to whom members of the public may direct requests for public records.

**HB 1318** (*Fowler*) and **SB 727** (*McDougle*) clarify that the FOIA exclusion for noncriminal incidents and reports does not rely on the definition of "noncriminal incidents records" in *Code of Virginia* § 15.2-1722, which defines such records as "compilations of noncriminal occurrences of general interest to law-enforcement agencies, such as missing persons, lost and found property, suicides and accidental deaths."

**SB 493** (*Surovell*) clarifies that nothing in the personnel exemption in the open meetings provisions of FOIA authorizes a local governing body or elected school board to hold a closed meeting to discuss compensation matters affecting the members of such body or board collectively.

**SB 645** (*McPike*) defines the term "critical infrastructure information" for purposes of FOIA and provides that any public body receiving a request for such records shall notify the Secretary of Public Safety and Homeland Security of the request and the response made by the public body. The bill took effect April 4.

***Procurement:***

**HB 578** (*Albo*) and **SB 169** (*Ruff*) provides that in the case of the selection process for a Request for Proposal (RFP) for architectural or engineering services, a public body shall not request or

require offerors to list exceptions to proposed contractual terms and conditions, unless required by statute, regulation, ordinance or applicable capital outlay standards, until after the qualified offerors are ranked.

**HB 930** (*Davis*) and **SB 150** (*Reeves*) prohibit a public body from requiring an offeror to state any exception to any liability provisions in responding to an RFP for information technology goods and services; if selected for negotiation, the offeror must state any such exception in writing at the beginning of the negotiation.

**HB 1108** (*Webert*) prohibits the use of any experience modification factor, defined as a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan, as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction.

**HB 1135** (*Kory*) requires the Department of General Services to facilitate purchases of Virginia-grown food products by including a link on its central electronic procurement system to the Virginia Department of Agriculture and Consumer Services "Virginia Grown" website. The bill exempts purchase of Virginia-grown food products for use by a public body where the annual cost is not expected to exceed \$100,000.

**HB 1166** (*Morefield*) and **SB 362** (*Chafin*) provide that a public body may establish small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

**SB 418** (*Vogel*) excludes installation of artificial turf and track surfaces, including all associated and necessary construction, from the prohibition on using cooperative procurement to purchase construction.

## STUDIES AND RESOLUTIONS

**HB 4/HJ 2** (*R.P. Bell*) and **SB 446/SJ 70** (*Obenshain*) provide for a referendum at the November 8, 2016 election on whether to include the current law on the "right to work" (*Code of Virginia* § 40.1-59), in the Virginia Constitution.

**HB 665** (*Howell*) creates a 21-member Commission on Employee Retirement Security and Pension Reform in the legislative branch to study and make recommendations on the financial soundness of the state and local retirement plans. The Commission initially will focus on strategies for reducing unfunded liabilities under the plans. It is set to expire July 1, 2021.

**HB 865/HJ 123** (*Hugo*) provide for a referendum at the November 8, 2016, election on an amendment to the Virginia Constitution allowing the General Assembly to provide a local option to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty.

**HB 1359** (*Peace*) establishes the Transit Capital Project Revenue Advisory Board within DRPT to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. An interim report is due January 1, 2017, with a final report due August 1, 2017.

**HJR 7** (*Byron*) directs JLARC to conduct a two-year review of the Virginia Economic Development Partnership Authority.

**HJ 69** (*Loupassi*) establishes a 14-member joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs. A report is due in November.

**HJ 112** (*Landes*) and **SJ 85** (*Deeds*) establish a joint committee of the House and Senate Education Committees to study the future of K-12 education, specifically looking at the following: 1) the need for revisions to or reorganization of the Standards of Quality; with a particular emphasis on the effective use of educational technology; 2) emerging education issues in Virginia; and 3) the future of public elementary and secondary education in the Commonwealth.

**HJ 120** (*Landes*) directs JLARC to conduct a two-year study to analyze scientific literature on the health effects of biosolids and industrial residuals, evaluate the regulatory requirements for their land application and storage, and undertake other analyses.

**HJ 160** (*Orrock*) requests the Virginia Department of Health to study the state's procedures for licensing dogs and cats. A report is due in December.

**SJ 61** (*Ruff*) designates June 29, in 2016 and in each succeeding year, as Virginia Constitution Day in Virginia. Local governments, among others, are encouraged on that day to provide informative programming on the history of the State Constitution and to educate citizens on their rights and responsibilities as Virginians.

**SJ 63** (*Hanger*) requests the Department of Social Services to review all categories of child day programs exempt from licensure and formulate recommendations regarding whether such programs should remain exempt from licensure.

**SJ 80** (*Locke*) directs the Virginia Housing Commission to study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations to prospective purchasers of such properties.

**SJ 88** (*Norment*) directs JLARC to conduct a two-year study of specific early childhood development programs, so that the General Assembly can determine the best strategy for future early childhood development investments.