

# 2017 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***

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# OVERVIEW

The 2017 General Assembly finished its work on time February 25, adopting changes to the current biennial budget for FY17 and FY18 and approving a handful of bills as its final acts. In all, the legislature passed 880 bills that were sent to the governor for his action.

This report highlights major budget provisions of interest to local governments that were adopted by the legislature; the budget and a number of subsequent gubernatorial amendments overwhelmingly were approved by the General Assembly, and at this writing, the budget awaits final action by the governor. Also included herein are 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 \$40.5 billion for FY17/FY18, which is slightly more than the budget introduced by Governor McAuliffe in December. The adopted budget projects general fund revenue increases of 2.9% for FY17 and 3.2% for FY18, as proposed in the governor's introduced budget. The total state budget, including general and nongeneral funds, is projected to be \$107.5 billion for FY17/18.

The plan redirects funding included in the introduced budget for bonuses to provide \$15.6 million for a 2% salary increase for state-supported local employees, effective August 1. No language is included to require certification that such a raise was given. Rather, accompanying language states that "the governing authority of such employees use such funds to support salary increases."

Bonus money also is redirected to provide just under \$32 million for the state's share of a 2% compensation supplement for Standards of Quality (SOQ) instructional and support positions, calculated based on an effective date of February 15, 2018. School divisions will have flexibility to qualify for the funds if they certify that they have provided or will provide an increase of at least 2% at some point during the 2016-18 biennium.

The budget also provides funding for an FY18 salary increase for state employees and \$14.3 million for an additional salary increase for sworn state police officers. Salary adjustments are provided for sheriff's deputies and district court clerks and \$3.3 million is provided to allow for increased participation in constitutional officers' Career Development Programs.

The budget restores about half of the reductions to the *GO Virginia* initiative that were proposed in the introduced budget. Funding for the program over the remainder of the biennium totals \$28.05 million, a reduction of \$7.45 million from last year's approved amount. Language also is included to state that the FY17 appropriation of \$3.6 million does not require matching funds. The funded amount includes the following:

- Organizational and gap analysis funding: \$3.6 million in FY17 (\$400,000 per region) and \$2.25 million in FY18 (\$250,000 per region);
- Regional per capita grants: \$10.9 million in FY18; and
- Competitive grant funding: \$11.3 million in FY18.

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

### Education

Direct aid to public education was exempted from budget cuts last October as the governor and legislature worked to close a projected revenue shortfall in the current fiscal year. Still, technical updates and the use of nongeneral fund revenues decrease state general fund dollars targeted for K-12 by nearly \$270 million over the biennium from levels approved last year

(the General Assembly-approved spending plan adds back over \$15 million above the levels in the introduced budget). Two key features of the approved plan are as follows:

- 1) Nearly \$7.3 million is targeted in FY17 for a Small School Division Enrollment Loss Fund to provide additional dollars for 42 school divisions (with fewer than 10,000 students) that have realized a five percent or more decline in student enrollment over the past five years (March 2011 to March 2016). A minimum dollar amount of \$75,000 for such eligible school divisions is provided; and
- 2) The lottery per pupil allocation is increased by \$34.1 million to \$191.3 million, and from \$225.25 to \$274.12 per student in FY18. As a result, 35% of all lottery proceeds now are funneled back to school divisions without any required local match or restrictions on uses of those funds (they may be used for both recurring and nonrecurring expenses).

The adopted spending plan includes transfers from the Literary Fund to support the state's share of cost for teacher retirement totaling \$199.3 million FY17 and \$181.3 million in FY18. The Board of Education has not issued any Literary Fund school construction loans in the current fiscal year, as had been forecast to take place.

Finally, the budget maintains the funded fringe benefit rates approved last year for the biennium. This includes a teacher retirement rate of 14.66% in FY17 and 16.32% in FY18, along with a retiree health care credit of 1.11% in FY17 and 1.23% in FY18.

## **Environment and Agriculture**

The adopted budget includes \$8.3 million from the Water Quality Improvement Fund Reserve for Agricultural Best Management Practices (BMP); budget language establishes a legislative workgroup, under the Department of Conservation and Recreation (DCR), to evaluate options for providing long-term stability to BMP funding.

The budget also reduces the Agriculture and Forestry Industries Development (AFID) grant program by an additional \$780,000 above the \$440,000 reduction in the introduced plan, leaving \$1 million in funding. AFID dollars attract new and expanding agriculture and forestry processing/value-added facilities using Virginia-grown products.

As contained in the introduced budget, the adopted spending plan reduces funding for the Virginia Land Conservation Fund by \$3.5 million in FY18, and for Virginia Farmland Preservation grants by \$1.2 million over the two years.

Budget language calls for the Secretary of Agriculture and Forestry, utilizing a panel of stakeholders, to review state and local regulations governing noise and traffic related to marketing Virginia wineries through events and activities, and to develop recommendations on how the state can better foster the viability of Virginia farm wineries. A report is due by late November. DCR also is directed to establish a stakeholder group to examine funding, training, resource needs and incentives for implementing Resource Management Plans, with a report due October 1.

## **Health and Human Services**

Much of the budget focus for health and human services is on behavioral and mental health, with a spending package of about \$28 million adopted. This amount includes \$9.4 million for community behavioral health services, \$6.2 million for Community Services Boards (CSBs) to implement same-day intake and assessments for individuals in need of services, and nearly \$5 million for permanent supportive housing for 132 individuals (budget language also directs the Department of Housing and Community Development (DHCD) to develop and implement strategies for housing individuals with serious mental illness). The budget also extends, to December 2019, the work of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21<sup>st</sup> Century (SJR 47-2016), and provides \$250,000 which may be used to contract for expertise in assessing and making recommendations on improving the community-based delivery system for behavioral health services. It provides a like amount in FY17 to the

Secretary of Health and Human Resources to prepare an implementation plan for the financial realignment of the state's behavioral health system.

The approved budget includes a quarter billion dollars more for Medicaid expenditures and an additional \$85.7 million in additional funds for anticipated caseload and expenditure growth for Children's Services Act (CSA) services for mandated special education and foster care populations. Budget language directs money committee staff to facilitate a workgroup to examine options and possible actions to better manage the quality and costs of private day educational programs currently funded through CSA (a report is due November 1).

The spending plan includes an additional \$3.2 million in FY18 for social service workers to handle more child protective services assessments and reports of children born exposed to controlled substances. It adds just over \$1 million in state and federal funds to assist local departments reviewing additional data to determine public assistance eligibility (per [HB 2092](#)). It also provides \$7.5 million in TANF funds in FY18 for localities and employment services organizations to help fund community employment and training programs.

Finally, the budget creates a joint subcommittee to respond to potential federal action amending the Affordable Care Act, Medicaid or the Children's Health Insurance Program; the subcommittee will also provide oversight of the Virginia Medicaid program and agencies in the Health and Human Resources Secretariat.

## Public Safety

In the area of public safety, the budget does not alter the amount of HB 599 funding to localities with police departments, thus the current \$178 million each year of the biennium remains intact.

It includes language to require the use of a standardized jail mental health screening instrument; however, money for development of a model staffing standard for such assessments, along with \$4.2 million for the assessments themselves, was rejected. Budget language directs the Compensation Board to review jail staffing standards to determine the cost of requiring jails to conduct an assessment within 72 hours of all persons admitted to jail who were screened and found to have a mental illness.

An additional \$18.5 million is provided for increased inmate medical expenses over the biennium, while \$154,000 in FY18 is targeted for the Department of Criminal Justice Services (DCJS) to pilot model addiction recovery programs in four local and regional jail pilot sites.

Finally, budget language directs DCJS, utilizing a panel of stakeholders, to review compulsory minimum training standards for law-enforcement officers and to update them as needed. Approved language also clarifies that all jail capital projects approved by the Governor on or after July 1 may be reimbursed by the State up to 25% of the approved project costs.

## Miscellaneous budget provisions and budget language

→Budget language establishes an 11-member Joint Subcommittee on Fiscal Stress to review (i) savings opportunities from increased regional cooperation and consolidation of services, along with potential financial incentives and reforms to encourage increased cooperation; (ii) local responsibilities for service delivery of state-mandated or high-priority programs; (iii) causes of fiscal stress among localities; and (iv) the differing taxing authorities of cities and counties.

→Additional budget language establishes a system to monitor potential fiscal distress among local governments and provides a mechanism for potential state and private sector assistance, including funding resources, to be coordinated by the legislative and executive branches and managed by the governor's office.

→The budget establishes a \$35 million revenue cash reserve in FY18, funded largely by additional tax amnesty collections it projects in excess of the amounts assumed in the introduced budget, which called for the program to occur over a two-month period sometime in FY18 to generate \$58.2 million.

→The spending plan restores \$655,000 in funding for the Department of Elections in FY18 first contained in the introduced spending plan, but initially eliminated by the legislature. The funding is targeted for a call center, for printing voter registration and absentee ballot applications, and for backfilling federal funds expected to be depleted in FY18.

→The budget restores \$1.3 million for Brownfields Restoration and Economic Redevelopment Assistance Program, which had been reduced by \$1.5 million in the introduced budget; and puts back \$1 million for Enterprise Zone grants, which had been reduced by \$1.8 million.

→The adopted budget includes a requirement on out-of-state merchants using warehouses or fulfillment centers located in Virginia to register as dealers for the collection of sales tax from Virginia residents, producing an estimated \$22 million in state and local revenue.

→It reduces funding for local tourism development grants by \$500,000 in FY18 and for the Virginia Telecommunications Initiative by \$250,000 in both fiscal years.

→The adopted plan maintains \$5.5 million each year to the Housing Trust Fund to support affordable housing and homelessness reduction. It also directs DHCD to develop and implement strategies for housing individuals with serious mental illness.

→Budget language allows the Department of Rail and Public Transportation to utilize additional rail program funds for administrative costs and to fund four new positions.

## 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 to detailed information about the bill).

### Education

**HB 2014** (*Keam*) changes from even-numbered years to odd-numbered years the biennial review of the Standards of Quality (SOQ) that is required of the Board of Education (BOE).

**HB 2174** (*Murphy*) requires school boards to annually report to the public the actual pupil/teacher ratios in middle and high schools, by school, for the current school year; currently, such a report is required only for elementary schools.

### Environment

**HB 1562** (*Cole*) authorizes the Department of Conservation and Recreation (DCR) to disburse grants or loans from the Dam Safety, Flood Prevention and Protection Assistance Fund to a local government for a dam located within the locality, or to a private entity that owns a dam, for the design, repair and safety modifications; currently, such grants or loans are available only to local governments owning dams, and only loans are available to private entities for such purposes.

**HB 1597** (*Webert*) requires a locality establishing a stormwater management utility to provide a full or partial waiver of charges for a person who installs, operates and maintains a stormwater management facility, system or practice, when the stormwater produced by the property is retained and treated on site.

**HB 1600** (*Fariss*) directs the Department of Environmental Quality (DEQ) and the Region 2000 Services Authority (which includes Nelson County) to continue to reduce the odor issues at the landfill operated by the Authority in Campbell County.

**HB 1619** (*Bulova*) directs the State Water Control Board (SWCB) to incorporate into the general permit procedures by which it will, every 10 years, (i) review load allocations to determine whether changes in the use of a facility have halted or reduced nutrient discharges, and (ii)

determine, prior to reissuing the general permit, whether unneeded/unused allocations should be retained or reallocated to other users. This bill is the result of Executive Order 52, issued in January 2016, that directed a study of methods to facilitate the acquisition of nutrient allocations/credits through the Virginia Nutrient Credit Exchange Program to offset discharges of nutrients by point-source dischargers in the Chesapeake Bay watershed on a long-term basis.

**HB 1774** (*Hodges*) delays, from July 1, 2017, to July 1, 2018, the effective date of new stormwater laws combining statutory programs on soil erosion and stormwater management that were adopted by the 2016 General Assembly.

**HB 2009** (*Hodges*) authorizes certified third parties to administer stormwater and erosion control programs, with the exception of enforcement, on behalf of an erosion and stormwater management program authority or a stormwater management program authority.

**HB 2076** (*Wilt*) and **SB 1127** (*Obenshain*) direct the SWCB to adopt regulations, to be effective by July 1, 2018, requiring that all final stormwater management plan elements, specifications or calculations, whose preparation requires a license in engineering, architecture, soil science or a related profession, be signed and sealed by a licensed professional.

**HB 2311** (*Cox*) provides direction to the DEQ on the use of the Nutrient Offset Fund to purchase nutrient credits for point or nonpoint sources and directs DEQ to establish procedures for distributing moneys from the Fund.

**HB 2319** (*Miyares*) requires the Secretary of Natural Resources to issue a report by November 1, 2018, that lists any locality not participating in the Community Rating System (CRS) of the National Flood Insurance Program, and to determine the costs and benefits to localities of participation in the CRS, and to recommend any legislation to encourage participation.

**SB 1577** (*Peake*) directs the Department of Health to evaluate the need for 180-day biochemical oxygen demand sampling of small alternative onsite sewage systems that serve no more than three single-family residences, when certain flows are less than 1,000 gallons per day.

## **Finance**

**HB 1455** (*Ware*) allows localities to provide a partial real property tax exemption for structures that are located in a locally-designated technology zone, if they are at least 15 years old and rehabilitated for commercial use; currently, the 15-year age minimum applies only to structures located in an enterprise zone designated by the State.

**HB 1457** (*Cole*) includes like rank and experience as a factor in setting the maximum allowable hourly equivalent compensation paid to part-time deputy sheriffs performing like duties of full-time deputy sheriffs.

**HB 1463** (*Sullivan*) authorizes a local governing body and the treasurer to publish lists of certain local delinquent taxes, whether or not they are based on information existing at the end of the fiscal year. Meanwhile, **HB 2455** (*Hodges*) expands current provisions requiring a treasurer to compile a list of uncollected personal property tax on vehicles, to include such uncollected tax on trailers, semitrailers, watercraft and manufactured homes.

**HB 1476** (*Orrock*) prohibits a locality from requiring a taxpayer who leases real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation.

**HB 1529** (*Ward*) and **SB 1018** (*Barker*) extend the sunset date for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products to July 1, 2022.

**HB 1565** (*Webert*) authorizes localities to create “green development zones” that provide certain tax incentives and regulatory flexibility for up to 10 years to “green” businesses operating within such zone.

**HB 1884** (*Hugo*) implements the Constitutional amendment approved by voters in November that authorizes localities to exempt from real property taxes the primary residence of the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel, and emergency medical services personnel who is killed in the line of duty.

**HB 1889** (*Hugo*) and **SB 1274** (*McDougle*) clarify that the exemption for wholesale manufacturers from local license taxes includes a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair and maintenance services at the place of manufacture to the United States.

**HB 1909** (*Yost*) permits the nonjudicial sale of unimproved real property valued at less than \$5,000 if taxes are delinquent for at least three years. The bill also permits the sale of property valued between \$5,000 and \$20,000 if taxes are delinquent for at least three years and certain other conditions are met.

**HB 1950** (*Peace*) requires localities that impose a local cigarette tax and require stamps as evidence of payment to provide a refund for any stamps that are returned to the locality.

**HB 1961** (*Hugo*) requires the Department of Taxation to promulgate regulations that clarify the appropriate methodology for determining deductible gross receipts attributable to business conducted in another state or a foreign country.

**HB 2003** (*Poindexter*) provides that the submittal of the comparative report by a locality to the Auditor of Public Accounts shall include a notarized statement from both the chief elected and administrative official that the locality's audited financial report has been presented to the local governing body.

**HB 2058** (*Watts*) and **SB 962** (*Hanger*) provide that storage of inventory in the state is sufficient nexus to require out-of-state businesses to collect taxes on sales to Virginia customers.

**HB 2105** (*Byron*) and **SB 1416** (*Newman*) provides that in any locality in which the authority to invest moneys belonging to or controlled by the locality has been granted to its treasurer, the treasurer may act on the locality's behalf to be a participating political subdivision in qualified investment pools, without an ordinance adopted by the locality.

**HB 2193** (*Rush*) requires localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250.

\***HB 2442** (*Ingram*) provides that an ordinance for collection of overdue accounts may also provide for the imposition of collection and administrative fees.

**HB 2460** (*Bloxom*) and **SB 1034** (*Howell*) limit the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years, for the 2017 and 2018 tax years.

**HB 2469** (*Jones*) provides that a local treasurer may give authorization to a land use applicant, in an instance where the applicant is required by the locality to provide satisfactory evidence that various taxes or charges have been paid before initiating the application.

**SB 963** (*Hanger*) extends the \$20,000 limitation on the amount of land preservation tax credits that a taxpayer may claim per taxable year to apply to tax year 2017; the limitation then increases to \$50,000 for tax year 2018 and thereafter.

**SB 1211** (*Wexton*) allows counties and adjoining towns to enter into agreements to collect each other's vehicle license fees and taxes; currently, such collection is limited to nondelinquent license fees and taxes.

## **Human Services**

**HB 1549** (*Farrell*) and **SB 1005** (*Hanger*) provide that the core of services provided by community services boards (CSBs) and behavioral health authorities shall include, effective July 1, 2019, same-day access to mental health screening services and outpatient primary care screening and monitoring services; further, effective July 1, 2021, such services shall include crisis services for individuals with mental health or substance use disorders, outpatient mental health and substance abuse services, psychiatric rehabilitation services, and peer support and family support services.

**HB 1625** (*Robinson*) directs the Department of Health to issue a license in the form of a sticker to a restaurant that is a mobile food unit that meets the requirements for licensure; the bill requires the licensee to prominently display the license on the mobile food unit.

**HB 1784** (*R.B. Bell*) and **SB 941** (*Cosgrove*) direct the Commissioner of Behavioral Health and Developmental Services, in conjunction with the relevant stakeholders, to develop a comprehensive plan for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses and who are to be released from such facilities. A report is due November 1.

**HB 1795** (*R.P. Bell*) requires use by all local departments of social services of the uniform Mutual Family Assessment home study format and any addenda thereto developed by the Department of Social Services.

**HB 1845** (*Cox*) requires the Department of Criminal Justice Services to develop a model addiction recovery program that may be administered by a local or regional jail. Such program is to be based on any existing programs being administered by jails in the State and participation will be voluntary.

**HB 2183** (*Yost*) directs the Department of Medical Assistance Services to convene a work group to identify and develop processes for streamlining application and enrollment procedures for medical assistance services for eligible incarcerated persons, so that that applicable services are available to such individuals upon release from confinement. A report is due by November 30.

**HB 2331** (*Heretick*) and **SB 975** (*Lucas*) provide that the duties of a CSB include reviewing any existing memorandum of understanding between the CSBs that serve a regional jail to ensure that it sets forth the roles and responsibilities of each CSB in the inmate preadmission screening process.

**SB 868** (*Favola*) directs State Board of Social Services regulations to require that local departments of social services respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints.

**SB 1122** (*McPike*) requires local departments of social services to collect alternative contact information from applicants for public assistance, such as the applicant's email address and cell

phone number, and preferred method of contact; under current law, local departments are required to obtain only the applicant's best available address and telephone number.

\***SB 1239** (*Hanger*), among other things, exempts local government and school division-run recreational and after-school type programs from state licensure requirements, but requires them to register with and report to the state, and comply with basic health and safety requirements.

## Land Use

**HB 1697** (*D.W. Marshall*) extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2020. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by June 30, 2017.

**HB 1766** (*Habeeb*) provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of a 138-kilovolt electrical transmission line and any associated facilities (including any station, substation, transition station and switchyard facilities) shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities.

**HB 1797** (*Stolle*) provides that when any landowner subject to certain proffers applies to the governing body for amendments to such proffered conditions, written notice of such application shall be given by registered or certified mail to the last known address of involved and abutting property owners.

**SB 1173** (*Obenshain*) provides that if a structure requires no permit, and an authorized local official informs the property owner that the structure will comply with the zoning ordinance, and the improvement is thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but not illegal, nor subject to removal solely due to its nonconformity.

\***SB 1282** (*McDougle*) provides for expedited approval of “small cell” wireless facilities (taking up space no more than six cubic feet in volume), but preserves local governments land use authority over new structures, government-owned property and in historic districts.

**SB 1559** (*Peterson*) requires that the recipient of certain notices from a zoning administrator receive notice via registered mail to the last known address or usual place of residence of the property owner prior to the commencement of the 30-day appeal period.

## Local Government

**HB 1477** (*Orrock*) and **SB 856** (*Hanger*) authorize local governing bodies to provide for a lifetime dog or cat license at a maximum fee of \$50.

**HB 1486** (*Albo*) and **SB 1225** (*Barker*) allow arts and cultural districts to be created jointly by two or more localities, rather than just by a single locality as provided in current law.

**HB 1570** (*Farrell*) authorizes Louisa County’s industrial development authority (IDA) to acquire, own, operate and regulate the use of the airport and related facilities. It also provides that members of the IDA board serve for terms coincident with terms of the Board of Supervisors.

**HB 1585** (*Campbell*) and **SB 1237** (*Chafin*) provide that the governing body of a town, in addition to currently-authorized counties and cities, may authorize a housing authority to contract for the construction of additional housing.

**HB 1720** (*Anderson*) stipulates that political subdivisions must fly flags at half-staff or mast for one day at buildings they own or operate when a service member, police officer, firefighter or emergency medical services provider who is a Virginia resident is killed in the line of duty.

**HB 1740** (*Minchew*) transfers authority to create or enlarge sanitary districts from the circuit court to the governing body of the county in which the district is located.

**HB 1761** (*Anderson*) provides that any county, city or town that regulates taxicabs may authorize them to operate software-based devices that utilize GPS or other measurement data in the calculation of time-and-distance fares; it also repeals the requirement that all taxicabs display roof signs and specific markings. The bill took effect March 16.

**HB 1815** (*Yancey*) increases the penalty for certain acts of computer trespass of a state or local government computer.

**HB 1936** (*Carr*) authorizes a locality to petition the circuit court to appoint a land bank entity to act as a receiver, in certain limited circumstances, to repair derelict and blighted buildings that contain residential dwelling units.

**HB 1970** (*Landes*) authorizes counties to establish economic revitalization zones, mirroring the authority currently in place for cities.

**HB 1994** (*Habeeb*) clarifies that current provisions stating that costs in a zoning appeals case may not be awarded against the locality unless it appears to the court that the locality acted in bad faith, also apply to the governing body.

**HB 2016** (*Villanueva*) and **SB 1207** (*DeSteph*) permit the operation of electric personal delivery devices on sidewalks and shared-use paths, and across roadways in crosswalks, unless otherwise prohibited by a locality.

**HB 2108** (*Byron*) requires that records about the setting of rates and charges of wireless authorities be maintained and be made available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act.

**HB 2154** (*Rasoul*) and **SB 964** (*Hanger*) authorize localities to adopt an ordinance requiring proper upkeep of running bamboo and prohibiting its spread. They also direct 1) the development, by July 1, 2018, of a model running bamboo ordinance for use by localities; 2) that the Department of Agriculture and Consumer Services (VDACS) clarify the roles of its noxious weeds regulations and the work of the Virginia Invasive Species Working Group; and, 3) that VDACS and DCR examine the eligibility of additional plants for designation as noxious weeds.

**HB 2203** (*Torian*) directs the Department of Housing and Community Development to consider including in the current revision of the Uniform Statewide Building Code, a provision to ensure that localities notify residents of manufactured home parks of any Code violation by a park owner that jeopardizes the health and safety of the residents. Meanwhile, **SB 1123** (*McPike*) provides, that if a landlord in a manufactured home park does not remedy a local ordinance violation involving the health and safety of tenants within seven days of receiving notice of the violation from the locality, then the locality must notify tenants affected by the violation.

**SB 919** (*Edwards*) allows a locality to charge owners of property for costs incurred when the locality removes or repairs a building or structure on such property, if permitted under the Uniform Statewide Building Code in the event of an emergency.

**SB 926** (*Peterson*) allows localities to authorize the chief law-enforcement officer in the locality to enforce its schedule of civil penalties for violation of the local noise ordinance.

**SB 932** (*Favola*) exempts from public hearing requirements prior to disposal of real property by a locality, the conveyance of utility easements related to transportation projects.

**SB 1169** (*Deeds*) lowers the current population threshold in the Code (at §46.2-1220) from 90,000 to 40,000, to authorize five additional cities, including Charlottesville, to use law enforcement officers, other uniformed city employees or to contract with private entities for uniformed personnel to enforce local parking ordinances.

\***SB 1296** (*Vogel*) prohibits a new county-initiated meals tax referendum for three years after the defeat of such a referendum; such limitation does not apply to a voter-sought referendum.

**SB 1578** (*Norment*) allows localities, by ordinance, to establish a short-term rental registry and to require rental operators to register annually. Such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers property for rental that is not registered with the locality. Operators may be prohibited from registering or offering their property for rental for repeated ordinance violations. The bill also affirms local zoning authority to regulate short-term rentals.

### **Public Safety**

**HB 1392** (*Lingamfelter*) authorizes a school security officer to carry a firearm in the performance of his duties under certain conditions, including that the local school board solicits input from the chief law-enforcement officer of the locality regarding the officer's qualifications.

**HB 1404** (*Cole*) and **SB 1054** (*Stuart*) remove the condition that a building must be for public use in order for the misdemeanor penalty for maliciously activating a building's fire alarm to apply. Localities are authorized to provide by ordinance that a person convicted of such offense be liable for reasonable expenses in responding to such alarm.

**HB 1426** (*Garrett*) and **SB 1221** (*Barker*) direct development of a model for the use of alternative transportation providers for the safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process, as an alternative to transportation by law enforcement. A report is due by October 1.

**HB 1532** (*Wright*) increases, from 75% to 80%, the share of certain moneys in the Fire Programs Fund to be allocated to localities for improving volunteer and career fire services; the bill takes effect January 1, 2018.

**HB 1719** (*Anderson*) and **SB 1003** (*Ebbin*) postpone, from July 1, 2017 to July 1, 2018, the date by which the Department of Taxation is required to recalculate the distribution percentage of Wireless E-911 Fund revenues for each Public Safety Answering Point ("PSAP"). Under current law, 60% of monies in the Fund are distributed on a monthly basis to PSAPs based on the average pro rata distribution from FY07 to FY12.

\***HB 1791** (*Lingamfelter*) provides a Class 3 felony penalty for conspiring to cause or produce a riot, or to incite others to acts of force or violence, when these acts are against certain public safety personnel (law enforcement officers, firefighters and emergency services personnel).

**HB 2243** (*Jones*) clarifies provisions of the Line of Duty Act, including codifying certain provisions of the Act currently in the Appropriation Act and modifying a provision that would have disqualified, effective July 1, 2017, the surviving spouse of a deceased member who remarried from receiving health insurance benefits, by restricting the disqualification to surviving spouses who remarry on or after July 1, 2017.

**HB 2287** (*Collins*) and **SB 1288** (*McDougle*) permit the Department of Juvenile Justice to disclose social reports and records of children who are committed to the Department to a gang task force, provided that its membership (i) consists of only state or local government representatives, or (ii) includes a law-enforcement officer present at the time of the disclosure.

**SB 873** (*Marsden*) grants authority to a fire chief over the immediate airspace at a fire, explosion or uncontrolled release of hazardous materials.

**SB 1063** (*Deeds*) expands the powers and duties of the Board of Corrections to include the development and implementation of policies and procedures for the review of any death of an inmate incarcerated in any local, regional or community correctional facility.

**SB 1118** (*McPike*) provides that a firefighter trainee who is a member of a recognized fire company or department and who is enrolled in certain required training courses is eligible for Line of Duty Act benefits.

**SB 1313** (*McDougle*) revises the *Code* to compliment language in the Appropriation Act to stipulate that, for the construction, enlargement or renovation of a regional jail approved after July 1, 2017, the state's share of costs is up to 25%.

## **Transportation**

**HB 2023** (*Villanueva*) provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving lane-miles of highway will not have such payments reduced if moving lane-miles of highway are converted to bicycle-only lanes.

**HB 2241** (*Jones*) and **SB 1331** (*Carrico*) shift responsibilities for transportation planning activities from the Virginia Department of Transportation (VDOT) to the Office of Intermodal Planning and Investment of the Secretary of Transportation. The bill requires transparency in the development of the Six-Year Improvement Program and the "State of Good Repair" Program by the Commonwealth Transportation Board (CTB) and requires the CTB and VDOT to make public certain information related to the selection of projects.

**HB 2463** (*Hodges*) directs the Commissioner of Highways to maintain a list of persons requesting an onsite meeting with the resident engineer or his staff with regard to connecting commercial establishment entrances to a highway; such list shall be provided to a locality upon request.

**SB 1417** (*Newman*) requires the Virginia Aviation Board to develop and review every five years a commercial air service plan for commercial air service airports in Virginia and, prior to Board allocation of funds from the Commonwealth Airport Fund, ensure that requested funds are consistent with the plan.

## **Miscellaneous**

**HB 1626** (*Robinson*) provides that any locality requiring an itinerant merchant to display its license at its temporary place of business shall provide to such merchant an adhesive label that satisfies the requirement.

**HB 1686** (*Hodges*) permits Indian tribes recognized by the federal government to join planning district commissions as members and to negotiate the terms of such membership.

\***HB 1854** (*Gilbert*) and \***SB 1312** (*Norment*) make numerous changes to the laws governing lobbyist reporting, the Conflict of Interest Act, and the Conflict of Interest and Ethics Advisory

Council. These include granting the clerk of a local governing body or school board the same power as the Council to redact from any disclosure form released to the public, a residential address, personal telephone number or signature; and clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide disclosure forms to filers in a timely manner. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and makes changes to the definition of "widely attended event" and "gift."

**HB 1941** (*Kilgore*) and **SB 1413** (*Sturtevant*) add defamation to the causes of action from which a citizen shall be immune when making statements (i) regarding matters of public concern, that would be protected by the First Amendment to the U.S. Constitution and made to a third party, or (ii) at a public hearing before the governing body of any locality or other political subdivision.

**HB 2313** (*Ransone*) provides that in the case of the removal of a county courthouse that is not located in a city or town, and is not being relocated to a city or town, such removal shall not require a petition or approval by the voters.

**HB 2364** (*Heretick*) and **SB 1487** (*Lewis*) provide that any person holding public office who is convicted of a felony under the laws of any state or the United States, shall be automatically suspended upon such conviction, regardless of any appeals. The bills took effective March 13.

**HB 2386** (*Loupassi*) and **SB 854** (*Stanley*) increase the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment; they also establish requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay such court-ordered penalties.

**SB 927** (*Peterson*) provides that an authorized condemnor in a "quick-take" condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the property owner; under current law, such proceedings must be instituted within 60 days after the completion of improvements to the property.

**SB 936** (*Favola*) allows, when there is an agreement between a locality and constitutional officer, employees of such office to accrue vacation and sick leave under the locality's policy instead of the state policy, as long as such benefits are not less than provided by the state policy.

**SB 1061** (*Black*) exempts from the Government Data Collection and Dissemination Practices Act, personal information systems maintained by local sheriff's departments and dealing with investigations and intelligence-gathering on criminal activity. The bill took effect March 24.

**SB 1189** (*Edwards*) separates *Code* provisions regarding water and sewer services provided to lessees or tenants from those regarding such services provided to owners of real property. The bill removes a locality's authority to waive a required written authorization by an owner for water or sewer services provided to a lessee or tenant; a copy of the lease between the lessee or tenant and the owner is acceptable authorization. It also provides that a locality or authority cannot deny service to a new lessee or tenant when there are unpaid fees for services to a previous lessee or tenant, unless a lien against the property owner is placed on the property.

**SB 1257** (*Chafin*) provides that, in addressing appearances before a magistrate, intake officer or, prior to trial, a judge, any decision to purchase a two-way electronic video and audio communication system is at the discretion of the locality.

**SB 1341** (*Surovell*) directs the Secretary of the Commonwealth to develop standards for the use of digital signatures by public agencies, including local governments and constitutional officers (but not circuit court clerks), and authorizes such agencies to make digitally-certified copies of electronic records available.

***Elections:***

**HB 1730** (*Ransone*) requires the State Board of Elections, working with local electoral boards and general registrars, to develop a description of the duties and responsibilities of the local boards. Electoral board members shall certify they have read the description developed and affirm they will faithfully discharge all duties and responsibilities set forth.

**HB 2415** (*Garrett*) and **SB 1552** (*Newman*) require registrars to consider the number of active registered voters and historical election data, including voter turnout, when determining the number of ballots to be printed for an election.

**SB 864** (*Stuart*) provides that appointments to local electoral boards are to be made by the chief judge of the judicial circuit for the county or city; currently, such appointments are made by a majority of the circuit judges and if a majority of them cannot agree, the senior judge makes the appointment.

**SB 1254** (*Obenshain*) requires the Department of Elections to coordinate a postelection risk-limiting annual audit of ballot scanner machines, with localities selected for the audit to be chosen at random, with every locality participating in the audit at least once during a five-year period.

**SB 1304** (*Vogel*) clarifies the previous intent of the General Assembly to allow a city or town to move its local elections to November by ordinance, notwithstanding a charter provision to the contrary, retroactively effective beginning on July 1, 2000.

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

**HB 1539** and **HB 1540** (*LeMunyon*) are the Freedom of Information Act (FOIA) Advisory Council-endorsed bills that are the result of a three-year study of the Act's records and meeting provisions. Among the changes are ones that (i) stipulate when a meeting is continued, notice to the public shall be given when it is given to members of the public body; and (ii) add school boards to an existing requirement for other public bodies to post an FOIA rights and responsibilities document on their website, and to designate an FOIA officer to whom members of the public may direct requests for public records.

**HB 1587** (*Campbell*) exempts from disclosure under FOIA, information contained in engineering/construction drawings and plans for a single-family residence submitted for building code or fire prevention code compliance purposes.

**HB 1971** (*Massie*) excludes from mandatory disclosure under FOIA, the records of a multidisciplinary team as they relate to individual child abuse or neglect cases or sex offenses involving a child; the bill also provides an exemption from open meeting requirements to such teams and sexual assault response teams.

**HB 2143** (*LeMunyon*) requires the FOIA Advisory Council to maintain on its website a listing of all designated FOIA officers. It also requires that the name and contact information of FOIA officers trained by legal counsel of a public body be submitted to the Council annually by July 1, and provides that training through an online course offered by the Council satisfies the annual training requirement for FOIA officers.

**HB 2144** (*LeMunyon*) adds one additional House and one additional Senate member to the FOIA Advisory Council, and authorizes the Council to recommend to the appointing authority, the removal of any nonlegislative citizen member who fails to attend a majority of the Council meetings in a calendar year.

**HB 2146** (*LeMunyon*) requires the FOIA Advisory Council to develop an online public comment form to enable any requester to comment on the quality of assistance provided by a public body. State public bodies and localities with a population of more than 250 must post a link on their website to the online public comment form on the FOIA website.

**SB 1040** (*Hanger*) exempts from mandatory disclosure under FOIA, personal contact information provided to a public body for the purpose of receiving electronic mail from such body, when the requester has asked the public body to not disclose such information. "Personal contact information" is defined as the home or business (i) address, (ii) email address, or (iii) telephone number.

**SB 1226** (*Edwards*) excludes from mandatory disclosure under FOIA, proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a solar services agreement; the bill also authorizes a city to withhold from disclosure such information provided by a private entity in connection with a franchise, lease or use under a solar services agreement.

***Procurement:***

**HB 1693** (*Collins*) increases, for localities with a population less than 78,000, the maximum permissible fee for any single project encompassed in a contract for architectural or professional engineering services relating to multiple construction projects, from \$100,000 to \$150,000. **SB 1508** (*Cosgrove*) includes a school division in a locality with a population in excess of 78,000 under the exception from (i) the \$100,000 single-project fee limit for architectural and professional engineering term contracts and (ii) the \$1 million annual aggregate total of all such projects. Under this bill, such school divisions may pay a single-project fee of up to \$2.5 million and an annual aggregate of \$6 million.

**HB 2017** (*Villanueva*) authorizes a locality to waive bid bonds and performance and payment bonds for certain nontransportation-related construction contracts, without having to undertake a prequalification process for bidders with a current Class A contractor license. The provisions of the bill expire July 1, 2021.

**HB 2366** (*Albo*) and **SB 1129** (*Ruff*) establish statewide policy and criteria for governmental procurement of construction management and design-build construction procurement methods by public bodies. For local public bodies, it provides that construction management contracts may be used for projects costing more than \$10 million; if under that amount, such contracts may be used if it is considered a complex project and the procurement method is approved by the local governing body.

**SB 1548** (*Reeves*) provides that a public body may purchase from the contract of the Virginia Sheriffs' Association.

## STUDIES AND RESOLUTIONS

**HJ 640** (*Lopez*) designates the last Saturday in September, in 2017 and in each succeeding year, as Public Lands Day in Virginia.

**SJ 279** (*Deeds*) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21<sup>st</sup> Century through December 1, 2018.

The following are proposed changes to the Virginia Constitution adopted by the General Assembly for the first time this session. They must pass two sessions of the General Assembly, with an intervening election and in the same form, before being put to the voters.

**HJ 545** (*Head*) would allow the General Assembly to suspend or nullify any portions of any administrative rule until the end of the next regular legislative session. **SJ 295** (*Vogel*) would allow the General Assembly to review any administrative rule to ensure it is consistent with the legislative intent of the statute, and to approve or reject, in whole or in part, any such rule.

**HJ 562** (*Miyares*) is a proposed Constitutional amendment that provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies if the spouse moves to a different residence.

**HJ 693** (*LaRock*) is a proposed Constitutional amendment that requires the General Assembly to maintain a permanent and separate Transportation Fund, monies in which can only be used for transportation purposes.

**SJ 331** (*Lewis*) provides that the General Assembly may authorize a county, city or town to partially exempt any real subject to recurring flooding, upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.