

# 2008 GENERAL ASSEMBLY HIGHLIGHTS



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**Representing the Local Governments of:**

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

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# 2008 VIRGINIA GENERAL ASSEMBLY BUDGET OVERVIEW

The 2008 General Assembly staggered into overtime to reconcile differences over House and Senate versions of both the current fiscal year (FY08) and the next two-year state budget (FY09 and FY10). In the face of declining state revenues, the compromise budget for FY09/10 includes a \$100 million reduction in aid to localities over the two years. This would be on top of reductions made by the governor last October and that were carried forward in the budget he introduced in December. The Department of Planning and Budget (DPB) will provide each locality with an estimate of the state general fund payments it will receive. Localities then would choose, by August 30, whether to achieve their reductions from a single program, a percentage reduction in all state payments received, or reimburse the state and forego any reductions.

## BUDGET PRIORITIES

### **This TJPD “action item” on the Comprehensive Services Act supported full funding of the state pool for CSA and a cap on local expenditures.**

The approved budget adds \$159 million in additional general funds, as proposed in the introduced budget, for reimbursement to localities under the Comprehensive Services Act (CSA). The budget modifies the local share of funding for community and residential services provided through CSA on a “phased-in” basis as follows:

- The local share of funding for community-based services is lowered by 50% beginning in July, as an incentive for localities to provide services to children who can be appropriately cared for in the community.

- The local share for residential services increases by 15% beginning January 1, and by 25% beginning July 1, 2009, after the first \$200,000 in annual residential care expenditures. Budget language requires the Secretary of Health and Human Resources to establish a work group to examine the impact of the match rate changes on local and state administration of the program, reporting requirements, service development and delivery, quality assurance, utilization management, and care coordination. Localities will be required to review their caseloads for individuals who can be served in the community and to transition those cases to the community for services. The plan also includes just over \$275,000 for purchase and maintenance of a data tool for the CSA Office to track outcome data for children served through CSA.

The budget stipulates that effective July 1, CSA pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth. It also changes maintenance payments made to CSA foster family homes by just over \$500,000 in the second year; the introduced budget included funding for a 15% increase the first year and a 10% hike the second year, while the final plan reduces the second year increase to 8%. The approved plan maintains \$500,000 each year for competitive grants to localities to help pay for start-up costs associated with building community-based services.

Finally, language in both the current and next biennial budgets requires the State Executive Council to report on children beginning to receive CSA services as a result of the adoption of highly publicized guidelines on foster care services that took effect last December.

### **The TJPD “action item” on public education funding endorsed the state funding its share of the realistic costs of meeting the Standards of Quality (SOQ).**

The compromise budget updates state funding for the Standards of Quality (SOQ) by about \$922 million. Budget language directs the Joint Subcommittee on Elementary and Secondary Education Funding, which is expanded from two to eight members, to study the state’s use of the prevailing salary and cost approaches to funding the SOQ, and to review the “federal

revenue deduct” methodology, areas addressed in the House version of the budget to the detriment of funding to localities. The approved budget altered the existing inflation cap for non-personnel and health insurance costs for teachers and other SOQ funded positions. The change costs local governments nearly \$21 million the next two years by giving full credit for the first three percent of inflation and 50% credit for inflation increases between three and seven percent. Currently, full credit is given for the first five percent of inflation, and then for 35% of inflation increases above five percent.

**The TJPD “action item” on transportation advocated additional and consistent revenues for transportation without heavy reliance on the general fund or debt.**

The budget “saves” approximately \$180 million for the state by converting a previously approved general fund transfer (as part of the \$500 million general fund transfer approved in last year’s transportation package) for transportation projects to debt. The general funds were from a projected surplus that never materialized due to the economic downturn. The governor had proposed diverting the \$180 million until 2010.

Last year’s transportation package directed the following funding that was approved for the next biennium:

- \$282 million over the two years for Mass Transit Formula Assistance to local and transit systems.
- \$79 million over the two years for the Rail Enhancement Fund.

Also approved was \$15 million in non-general funds each year for the secondary road revenue sharing program. The Code authorizes up to \$50 million each year for this program; the state will make up the remaining match amounts from bond proceeds.

The approved budget contains several language amendments in the transportation area. One provides that new transportation funding authorized last year be used to supplement, not supplant, local general fund dollars budgeted for transportation. A pair of amendments seek to get localities more involved in road building and maintenance: One would enlist additional local governments in the administration of highway construction projects, directing the Commonwealth Transportation Board to solicit additional projects ready to go to construction for participation in the local partnership program; another encourages the Virginia Department of Transportation (VDOT) to promote that counties undertake primary and secondary road improvements.

Other budget items 1) remove a proposed \$10 increase on driver's licenses proposed in the introduced budget, and 2) provide, upon issuance of a resolution by a local governing body that a property has been designated for school construction, VDOT shall reduce the speed limit on adjacent primary and secondary roadways to 35 miles per hour or less.

## **Other Budget Items Affecting Local Governments: Education**

The budget provides \$77.6 million in the second year for the state share of a two percent salary increase for SOQ-funded instructional and support positions, effective July 1, 2009. For more than 15 years, any state-funded teacher salary increases were provided in November or December, thus reducing state fiscal year costs, so having the funding available at the start of the fiscal year is a positive step. Budget language specifies that the annual teacher salary survey shall also include information on starting salaries and average salaries by school.

The budget includes revisions to the process by which lottery profits are used for education in order to comply with an Attorney General finding that lottery profits must be placed into a separate fund before distribution; therefore, a Lottery Proceeds Fund consisting of \$922 million is established. Of that amount, approximately \$311 million over the biennium will be placed in an “Additional Support for School Construction and Operating Costs” program for distribution to school divisions; approximately \$600 million over the biennium will be available for the state share of costs of various incentive programs.

The budget provides \$30 million first year and \$20 million the second year from the general fund for Literary Fund interest rate subsidy grants to school divisions. This should leverage up to \$120 million in new school construction loans. However, as has been the custom, money also is seized from the Literary Fund to pay state costs for teacher retirement, this time to the tune of nearly \$300 million for the biennium.

The budget maintains the Virginia Preschool Initiative program for free lunch “at-risk” four year old students. Funding is provided to increase the state share of the per pupil amount from \$5,700 to \$6,000 and to provide a second year composite index cap of .50 to encourage localities to increase student participation.

Finally, the budget sets the teacher retirement contribution rate at 8.81%, .82% for group life, and 1.08% for the retired teacher health care credit; and as a result of state VRS savings for SOQ funded positions in the amount of about \$93 million, localities also should realize savings due to lower contribution rates.

## **Health and Human Services**

The approved budget includes state dollars and federal Medicaid funds to increase services provided under the mental retardation waiver program by phasing in 600 slots over the next biennium. Nearly \$42 million is included in the budget to expand mental health services, including \$5.8 million to add 40 children’s mental health clinicians (one per community services board (CSB)). The budget also supplants portions of state general fund appropriations for the Comprehensive Health Investment Project (CHIP), the Healthy Families, and community action agencies with federal Temporary Assistance to Needy Families (TANF) funds.

A language amendment requires the state to develop standardized reporting mechanisms for CSBs related to emergency mental health services, crisis stabilization, mandatory outpatient treatment, and outpatient mental health services. Other language amendments restrict the Board of Health from redistricting regional emergency medical services councils to serve different geographical areas than are currently served by the councils, and require the state Department of Social Services to work with smaller localities (less than 20,000 in population) to examine and identify efficiencies or cost savings as a result of consolidating social services programs and/or administrative operations.

## **Public Safety**

The FY09/10 budget retains the amount of HB599 funding included in the introduced budget (\$205 million/year); that is the same (reduced) levels for both years as the October-adjusted FY08 amount. The Senate had sought to increase the amount, while the House proposed diverting part of the funding for other uses. The budget restores, in the first year only, language that exempts a handful of jails (including the Central Virginia Regional Jail) where federal capital costs exceed the state’s capital contribution from state-funded personnel cost recovery. The plan also maintains \$3 million each year for 14 drug courts; the House had recommended elimination of these dollars.

The plan reduces jail per diem payments in the next biennium by 20%; an additional \$12 million is added in the current fiscal year to fund the payments, but this revised FY08 amount is capped going forward the next two years. The approved budget eliminates \$6 million in new funding proposed in the introduced plan for assistance to localities with providing LEOS coverage for deputy sheriffs, as required by last year’s General Assembly and slated to take effect this July. The spending plan projects a four percent increase (\$4.2 million in additional funds each year) in the “\$4 for life” fund (gathered as a part of vehicle registration fees). These funds are used to pay for training and education of EMS personnel, purchase equipment and supplies, and to support local EMS operations.

A language amendment requires an annual report on jail construction and renovation projects approved during the previous year by the Board of Corrections. Other language amendments direct the Compensation Board, in conjunction with several other entities, to review

the operational capacity and staffing needs of each local and regional jail and also to provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails. The Board also is to conduct a feasibility study of developing an annual operating cost report for Commonwealth's Attorneys, Treasurers, and Commissioners of the Revenue, using a reporting format similar to that provided in the annual jail cost report. Finally, language is added to accelerate the return of uncommitted VJCCA funding by local governments. This will allow the state to re-appropriate prior year balances for short-term grants to localities for programs and services demonstrated to improve outcomes, including reduced recidivism.

## **Environment**

The budget includes \$30 million the first year from bond funds for purchase of land for open space and historic property preservation, including at least \$5 million that must be spent for Civil War battlefield preservation. The budget retains \$500,000 the first year and \$1 million in the second year from the introduced budget to provide a state match for local Purchase of Development Rights (PDR) programs. Another \$20 million is included for the newly-established Natural Resources Commitment Fund to implement agricultural best management practices.

The spending plan includes \$600,000 each year for grants and loans to localities and private entities for improving the safety of dams that need renovation or repair, and another \$30 million in bonds to repair dams owned by soil and water conservation districts and state parks.

## **Other**

- The budget provides \$43 million for a two percent salary increase for state-supported local employees in both years of the biennium, effective December 1.
- The budget captures the remaining alcoholic beverage control profits and wine taxes (just over \$1 million) that otherwise would have been distributed to towns. The introduced budget captured the majority of the revenue for these distributions (just less than \$8 million) by eliminating the distributions for cities and counties.
- The budget decreases state funding by \$400,000 each year by requiring localities to fund half of the retiree health care credit for constitutional officers and their employees.
- The budget decreases state funding by \$1.6 million each year by requiring localities to fund half of the liability insurance and bond premiums for constitutional offices.
- The budget authorizes a net withdrawal of nearly \$297 million from the "Rainy Day" fund in FY08. The introduced budget had proposed a \$423 million withdrawal, the maximum allowed.

## **Budget Language Amendments**

- Budget language directs the Joint Legislative Audit and Review Commission (JLARC) to examine the quality, cost and value of the services provided to state agencies and public bodies by the Virginia Information Technologies Agency (VITA).
- The Secretary of Health and Human Resources and the Board of Social Services are to develop a plan to allow for portability of auxiliary grants to pay for housing of consumers who receive case management services from a community services board or behavioral health authority and who are found eligible for or are currently receiving auxiliary grants.

## LEGISLATIVE PRIORITIES

**The TJPDC “action item” on the Comprehensive Services Act (CSA) called for the support of specific proposals to increase CSA administrative funding to localities; direct the state Office of Comprehensive Services to review and track vendor costs and rates; and establish state contracting with residential providers.**

Budget amendments to provide additional state funding to localities for CSA administrative costs were introduced by Delegate Landes and Senator Hanger. Given the tight budget, no additional funds were included in the approved budget. Additionally, budget language was introduced that would have directed the Secretary of Health and Human Resources, in cooperation with various state and local government stakeholders, to review and develop options for revising the funding formula for local administrative costs for CSA. The language was included in the Senate version of the budget, but not in the House version, and was not included in the final, approved budget.

**HJR 44** (*Toscano*), **HJR 46** (*Landes*) and **SJR 17** (*Deeds*) were left in the House Rules Committee. These resolutions called on the Office of Comprehensive Services to revise or replace the service fee directory in order to capture key compliance, performance and financial information about residential services. No legislation was introduced concerning state contracting with residential providers.

Other action in the CSA area can be found under the Health and Human Services area.

**The General Assembly also approved several bills submitted by the region’s legislators at the request of or of particular interest to TJPDC localities:**

**HB 883** (*Toscano*) and **SB 268** (*Deeds*) are Section 1 (uncodified) bills to allow the City of Charlottesville to adopt provisions in its zoning ordinance that would provide, in rezoning or special permit cases, for the construction of affordable units or for the payment of cash in lieu of units. The bills were unanimously approved by the General Assembly and signed by the governor.

**HB 991** (*Bell*) permits the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a receiving property. This uncodified act provides such authority only to Albemarle County, expires in 2012 and does not become effective unless or until the county adopts an ordinance implementing the bill’s provisions. The bill was approved by the General Assembly and signed by the governor.

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**In the section that follows, you will find highlights of other approved legislation in the areas of the environment, finance, human services, local government, public safety and transportation. Approved studies and resolutions also are summarized.**

## OTHER APPROVED LEGISLATION

### Environment

**HB 343** (*Plum*) permits localities to prohibit disposal of cathode ray tubes in any waste-to-energy or solid waste disposal facility in the locality.

**HB 392** (*Bulova*) authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits, to seek civil charges and injunctive relief, and to impose civil penalties to enforce such ordinances.

**HB 555** (*Pogge*) authorizes localities to establish and operate single-user wetlands and stream mitigation banks when used by localities for compensatory mitigation for their own projects.

**HB 1335** (*Landes*) and **SB 511** (*Whipple*) establish the Virginia Natural Resources Commitment Fund as a subfund of the Water Quality Improvement Fund to support agricultural best management practices (see above), with a portion of the dollars to be funneled to areas outside the Chesapeake Bay watershed and also to soil and water conservation districts.

**HB 1355** (*Bulova*) provides that when a governing body or a combination of governing bodies is expanding or upgrading a sewage treatment plant under current law, they may limit the amount of sewage the plant is designed to accept to eliminate or reduce various burdens.

**SB 464** (*Whipple*) establishes the Virginia Commission on Energy and Environment as a legislative commission to, among other things, review and recommend steps to implement the Virginia Energy Plan; promote energy efficiency and energy conservation; and recommend measures to secure Virginia's energy future.

### Finance

**HB 163** (*Sherwood*) authorizes localities to allow a real property tax exemption or deferral to elderly or handicapped persons based on projected income and financial worth for the current year; under present law, previous year amounts are used.

**HB 171** (*Kilgore*) and **SB 242** (*Locke*) authorize the Virginia Resources Authority to finance energy conservation and energy efficiency projects; if localities choose such financing, they could benefit from reduced borrowing costs.

**HB 239** (*Cosgrove*) and **SB 174** (*Blevins*) expand energy-efficient buildings that may be classified as a separate class of real property for tax purposes to include buildings that meet performance standards under the rating systems of the Green Building Initiative, the Leadership in Energy and Environmental Design, and the EarthCraft House or Energy Star programs.

**HB 632** (*May*) clarifies that the Virginia Resources Authority may be used as a funding mechanism for all projects involving the provision of broadband services, and not just those utilizing wireless broadband technologies.

**HB 660** (*Lewis*) provides that a manufactured home is to be deemed real estate when equipment used for mobility has been removed and the unit is attached to the realty.

**HB 698** (*BaCote*), **HB 1503** (*Loupassi*), **SB 203** (*Quayle*) and **SB 283** (*J.C. Miller*) increase from \$62,000 to \$67,000 the maximum income limit that Charlottesville and various other localities may impose in providing real estate tax exemptions or deferrals to the elderly or disabled.

**HB 849** (*R.L. Ware*) makes several changes designed to simplify state administration of the Land Preservation Tax Credit.

**HB 922** (*Rust*) increases the “\$4-for-life” fee by 25 cents, with the additional funds to be deposited into the Rescue Squad Assistance Fund for emergency medical services personnel training.

**HB 944** (*Albo*) increases by fivefold the monetary limits for architectural and professional engineering contracts associated with projects that any locality over 80,000 in population may enter into under the Virginia Public Procurement Act.

**HB 1453** (*Nutter*) requires certain localities, including Albemarle and Nelson, levying additional transient occupancy taxes to consult with the local tourism agency about tourism spending.

**HB 1457** (*Nichols*) and **SB 56** (*Colgan*) authorize the Virginia Resources Authority to finance the construction of local government buildings.

**HB 1479** (*Lewis*) allows, at local option, local real property tax exemption and deferral programs for the elderly and handicapped to include the income of certain nonrelatives (except for tenants and paid caregivers) living in the applicant's dwelling when computing the maximum income limits to be eligible for the tax relief.

**SB 195** (*Herring*) creates a separate classification for local personal property tax purposes for low speed vehicles, except golf carts or vehicles used exclusively for agricultural purposes, whose maximum speed is 20 to 25 miles per hour.

**SB 477** (*Hanger*) requires the Office of Farmland Preservation to include, in purchase of development rights (PDR) program policies, incentives that recognize cities and counties participating in use value taxation; the bill also require local PDR programs to make a one dollar match for each one dollar in grant money awarded by the office.

## **Human Services**

**HB 503** (*Hamilton*) and **SB 487** (*Hanger*) require the State Executive Council (SEC) for CSA to develop and implement mandatory uniform guidelines for intensive care coordination services for children at risk of entering, or who are placed in, residential care. They also require family assessment and planning teams to develop, and community policy and management teams to review, residential care plans that include goals for residential care treatment and for returning children to their home or community.

**HB 825** (*BaCote*) and **SB 493** (*Puller*) require the Department of Social Services to provide minimum training requirements and educational programs for foster and adoption employees.

**HB 149** (*Fralin*) and **SB 249** (*Howell*) require children 14 and older to have a foster care plan that describes their needs and goals in the areas of counseling, education, housing and employment, and that independent living services be provided to meet these goals.

**SB 479** (*Hanger*) requires the Office of Comprehensive Services to offer annual training for those who work with the CSA program (at the local level) and other interested parties on best practices and evidence-based practices related to the CSA program; this would not necessarily mean additional training, just potentially re-focused training.

**SB 483** (*Hanger*) requires the SEC to oversee development and implementation of uniform data collection and performance standards for the CSA program and to oversee the development and distribution, to local community policy management teams, of reports resulting from the collected data about children served and the duration and cost of services.

## **Land Use**

**HB 190** (*Orrock*) and **SB 230** (*McDougle*) revises provisions related to family subdivision of lots to include stepchildren within the definition of "immediate family."

**HB 195** (*Orrock*) clarifies the differences between a subdivision plat and a newly-defined preliminary subdivision plat.

**HB 350** (*Cole*) and **HB 663** (*Lewis*) expand certain authority related to enforcement of occupancy limits in residential dwelling units to all zoning administrators.

**HB 430** (*J.H. Miller*) and **SB 428** (*Barker*) allow localities to adopt zoning ordinance provisions for the issuance of inspection warrants by a magistrate or court for suspected zoning violations.

**HB 679** (*Hull*) makes several changes to provisions related to civil penalties for and remedy of violations of zoning ordinances.

**HB 837** (*Sherwood*) provides localities with more authority to address development in dam break inundation zones, but also imposes requirements on localities that own or maintain dams to include mapping dam break zones, upgrading impounding structures and including certain provisions in the comprehensive plan and subdivision ordinances.

**HB 1061** (*Amundson*) allows a zoning ordinance to prescribe an appeal period (greater than 10 and less than 30 days) for a notice of violation involving maximum occupancy limitations for a residential dwelling unit.

**HB 1078** (*Suit*) provides that when a property owner has paid taxes to the locality on a building or structure for over 15 years, a zoning ordinance may provide that such building or structure shall be nonconforming, but not illegal and that it be brought in compliance with the Uniform Statewide Building Code.

**HB 1079** (*Suit*) provides that a structure permitted by a variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required.

**HB 1086** (*Sickles*) provides that a written notice of a zoning violation sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current tax records shall be deemed sufficient notice to the property owner.

**HB 1177** (*Lingamfelter*) permits the preliminary plat of a recorded multi-phase development to remain valid for five years from the date of the property's latest recorded, final subdivision plat.

**SB 393** (*Martin*) clarifies that a locality may not require a variance to repair, replace or rebuild a nonconforming building damaged or destroyed by a natural disaster.

**SB 791** (*Whipple*) permits a locality to award incentive zoning density bonuses for site design features, affordable housing, energy efficiency and historic preservation.

## Local Government

**HB 112** (*Byron*) adds all county administrators to the list of local government officials who may retire without a reduction in retirement allowance upon attaining age 50, if they are involuntarily dismissed or not reappointed.

**HB 132** (*O. Ware*) authorizes localities to provide for a lesser fine if there is a placard within a vehicle parked in a space reserved for persons with disabilities, but that is not properly displayed.

**HB 140** (*Peace*) requires local governing bodies and school boards to annually publish their approved budgets online; if there is no website, the budgets must be available in hard copy.

**HB 262** (*O. Ware*) authorizes localities to make loans or grants to individuals to rehabilitate or purchase residences in conservation or rehabilitation districts. The locality annually shall publish a listing of purchased or rehabilitated property and the grants or loans made for such purpose.

**HB 1066** (*Amundson*) clarifies that any public body may use competitive negotiation for the construction, alteration, repair, renovation or demolition of structures (not just buildings) when the contract is not expected to cost more than \$1 million.

**HB 1115** (*Abbitt*) increases the amount paid by localities that have voluntarily entered agreements with the Department of Forestry for fire prevention and suppression, from five cents per acre to seven cents per acre next year, and to nine cents per acre the following year.

**HB 1334** (*Landes*) and **SB 478** (*Hanger*) allow a local government employee to receive an award or payment in honor of meritorious or exceptional service.

**SB 237** (*Whipple*) allows localities to make donations to nonprofit organizations furnishing services to beautify and maintain communities or neighborhoods.

**SB 679** (*Reynolds*) allows a locality to collect the costs for fighting a forest, brush or grass fire, if set intentionally and the person who set the fire did not try to prevent its spread. The Department of Forestry currently is authorized to collect costs incurred by the state in such circumstances.

**SB 742** (*Hanger*) provides that the moratorium on annexation proceedings does not expire prior to the end of the 2008-10 biennium if, for that biennium, actual appropriations to local governments for law-enforcement expenditures are less than the amount statutorily required.

## Public Safety

**HB 33** (*Ingram*) allows marked sheriffs' office vehicles to be painted solid colors other than brown or white.

**HB 93** (*Moran*) and **SB 634** (*Ticer*) allow localities that have public defender offices to use local funds to supplement the compensation of the public defender or employees.

**HB 1395** (*Bell*) and **SB 786** (*Deeds*) require local law enforcement agencies to establish arrest policies and procedures for domestic violence and family abuse cases.

**HB 1480** (*Kilgore*) and **SB 673** (*Wampler*) require a locality to allow a deputy sheriff injured in the line of duty to use accrued leave to supplement his workers' compensation allowance, so as to receive 100% of his regular pay. They also require the locality to continue to pay any employer share of certain health insurance coverage for the injured deputy.

## Transportation

**HB 277** (*Watts*) allows installation of traffic control measures on secondary roads in residence districts; VDOT must approve installation of such control measures on roads it maintains.

**HB 326** (*Saxman*) provides for a maximum speed limit of 35 miles per hour on any highway designated a rural rustic road.

**HB 470** (*Watts*) prohibits loitering in any highway right-of-way where it has been determined that loitering is hazardous and VDOT or the locality has posted signs prohibiting such activity.

**HB 627** (*May*) requires that Public-Private Transportation Act proposals estimated to cost more than \$50 million include an independent audit of all traffic and cost estimates, as well as a full accounting of all public costs and potential liabilities associated with the proposal.

**HB 885** (*Toscano*) allows local governing bodies, by ordinance, to prohibit bus engine idling for more than 15 minutes when a bus is parked, left unattended, or is stopped for any reason other than traffic, maintenance or loading or unloading a disabled passenger.

**HB 1243** (*Hugo*) and **SB 1** (*Houck*) repeal the imposition of civil remedial fees on certain drivers, which were enacted to generate revenue for highway maintenance under the transportation package approved last year. HB 1243 took effective March 27, while SB 1 takes effect July 1.

**HB 1259** (*O'Bannon*) and **SB 43** (*Y.B. Miller*) require an environmental impact report in connection with a local highway construction, reconstruction or improvement project estimated to cost more than \$500,000 (the current threshold amount is \$100,000).

**HB 1320** (*May*) provides that a property owner along a road that serves as the primary means of ingress and egress to more than one property, may maintain, repair or improve the road without the permission of the other property owners, but only after local government review.

**HB 1406** (*May*) increases from 1,000 to 1,500 vehicles per day the maximum average daily traffic volume for roads to be eligible to participate in the rural rustic road program.

**HB 1478** (*Toscano*) revises pedestrian control signal provisions to require pedestrians to obey signals exhibiting words, numbers or symbols meaning "Walk" or "Don't Walk."

**HB 1557** (*Cline*) provides that a person operating a moped over 35 miles per hour is deemed to be operating a motorcycle, and also prohibits moped operation on a highway by anyone under 16.

**HB 1572** (*Hull*) and **SB 370** (*Watkins*) require comprehensive highway access management standards, as directed by the 2007 General Assembly, to be promulgated in phases. Standards relating to principal arterial roads become effective on July 1, 2008, while those relating to minor arterial and collector roads take effect October 1, 2009. These bills took effect in early March.

**SB 99** (*Ruff*) revises current highway revenue sharing provisions to give first priority to locally-administered projects, second priority to projects with more local funds committed than state funds requested, and third priority to projects that are accelerated in the state six-year or local capital plan. The bill also provides that any project receiving funds under this program shall expend at least a portion of the dollars within two fiscal years.

**SB 189** (*Herring*) increases the maximum cost of a project that may be undertaken using state or local employees to \$600,000. The bill allows CTB to enter into a written agreement with a locality for the building and maintenance of roads by local employees, as long as the locality has obtained a cost estimate of not more than \$1 million.

### **Miscellaneous**

**HB 12** (*Oder*) and **SB 588** (*Puckett*) revise the Payday Loan Act to provide, among other things, that payday lenders can charge, on any payday loan, an annual interest rate of 36%, a loan fee of no more than 20%, and a \$5 verification fee. The bills also require the State Corporation Commission to oversee establishment of an Internet-accessible database, and require lenders to query it before making any loan to determine whether the loan is permissible. A lender is prohibited from making a loan to someone if it would cause the borrower to have more than one payday loan outstanding at a time, and from making a payday loan on the same day that the person has paid a previous payday loan.

**HB 314** (*Morgan*) establishes a certification program for all supervisors, assessors and appraisers contracted to perform assessments or reassessments of real property. Certification requirements will include minimum education, training and experience, and standards of conduct and practice.

**HB 538** (*Orrock*) provides a definition of commercial dog breeder and requires them to apply for a business license from their respective locality and to cooperate with inspections by local animal control officers. This bill takes effect January 1, 2009.

**HB 633** (*May*) and **SB 133** (*Houck*) prohibit dissemination of another person's social security number, regardless of whether it is obtained from a public or private record. Currently, the prohibition only applies to social security numbers obtained from private sources.

**HB 634** (*May*) and **SB 132** (*Houck*) provide that no public agency can require a person to furnish or disclose his social security or driver's license number unless furnishing or disclosing such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. Localities over 15,000 in population are to review their use and collection of such numbers to determine uses essential for transaction of public business and are encouraged to find alternative means of identifying individuals. The bills take effect July 1, 2009.

**HB 770** (*Tata*) establishes technology as a major classification of school funds.

**HB 854** (*Ebbin*) and **SB 131** (*Houck*) allow a local governing body, school board or other agency of local government to meet electronically without a quorum of the public body physically assembled at one location, when the Governor has declared a state of emergency and the purpose of such meeting is to address the emergency.

**HB 999** (*Bell*) allows the court to order the owner of any animal held by an animal control officer for more than 30 days to post a bond with the locality for the amount of the cost of boarding the animal if the locality has not adopted an ordinance requiring the posting of such bond.

**HB 1542** (*Janis*) and **SB 112** (*McDougle*) remove the restriction on local salary supplements paid to local district court employees.

**SB 53** (*Whipple*) allows localities locality to spend their own funds to buy electronic pollbooks that have been approved by the Virginia Board of Elections for use.

**SB 116** (*McDougle*) imposes service charges of \$5 for any registration renewal carried out in DMV customer service centers, if the transaction is one that can be conducted electronically or by mail or telephone. The bill offers a discount on multiyear registrations and those conducted over the Internet, and allows a driver's license to be issued for up to eight years.

**SB 533** (*Herring*) requires local government officers and certain employees to list all real property in which they have some ownership, not just those in the locality in which they serve.

**SB 663** (*Blevins*) removes the cap on the amount localities may charge for burial or cremation of animals and authorizes charging increased fees for the repeated impoundment of the same animal.

## STUDIES AND RESOLUTIONS

### House

**HJR 75** (*Cole*) establishes a joint subcommittee to study local incentives provided to private businesses for economic development purposes.

**HJR 113** (*Morgan*) continues the State Corporation Commission study of juvenile justice.

**HJR 178** (*Athey*) and **SJR 70** (*Vogel*) establish a joint subcommittee to study development and land use tools in localities. The panel's charge is to examine and monitor the transition to channeling development into Urban Development Areas (part of HB 3202 approved in 2007) to determine if additional legislation is needed; and to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options.

**HJR 195** (*Lohr*) establishes a joint subcommittee to study transfer of development rights (TDRs).

### Senate

**SJR 56** (*Locke*) directs the Virginia Housing Commission to study the impact of abandoned and vacant residential buildings on densely populated urban areas.

**SJR 75** (*Hanger*) continues the Joint Subcommittee to Study the Comprehensive Services Program for At-Risk Youth and Families (first established in 2006).

**SJR 92** (*Stolle*) establishes a joint subcommittee to study the functions and authorities of entities with transportation responsibilities, including metropolitan planning organizations, planning district commissions and transportation authorities, and to recommend ways to resolve overlapping functions and other weaknesses.

**SJR 99** (*Stolle*) continues the joint subcommittee to study circuit court clerks operations.

**SJR 122** (*Colgan*) establishes a joint subcommittee to study creation of a regional rapid transit network for connecting population centers in major transportation corridors.

**SJR 129** (*Stolle*) directs the Joint Legislative Audit and Review Commission (JLARC) to study services provided to state agencies and public bodies by the Virginia Information Technologies Agency (VITA), to include an examination of the impacts of the transition to a fee-based services model and to the information technology infrastructure partnership with Northrop Grumman.