

2009 GENERAL ASSEMBLY HIGHLIGHTS



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**

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May 2009

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2009 VIRGINIA GENERAL ASSEMBLY BUDGET OVERVIEW

The General Assembly adjourned the 2009 legislative session on time, after approving changes to the current, two-year state budget bolstered by the infusion of hundreds of millions of dollars from the federal stimulus package (the American Recovery and Reinvestment Act, or ARRA). While the budget and ever-worsening economic situation dominated the 2009 session, eyes also were focused on the November elections for governor and for all 100 seats in the House of Delegates.

BUDGET PRIORITIES

The TJPD “action item” on local and state funding obligations called on the State to honor its funding obligations to localities, to resist cost-shifting and unfunded mandates on localities, and to relax state requirements or provide flexibility for meeting requirements.

The compromise budget restores dollars for reductions of seven to 10 percent, proposed in the introduced budget, for commissioners of revenue/directors of finance (\$1.7 million), court clerks (\$2.7 million), Commonwealth attorneys (\$3.5 million), treasurers (\$1.1 million) and sheriffs (\$5.3 million). The plan also restores \$6.6 million in FY10 for state aid to localities with police departments (HB 599 funding), which keeps funding level with the previously-reduced FY09 amount.

The budget adds \$2 million to the Compensation Board budget to reimburse two-thirds of the fringe benefit costs for court clerks. Presently, two-thirds of excess court fees are returned to localities with the State retaining one-third. The introduced budget reversed that, thus depleting local budgets of \$6 million and increasing state revenue by that amount. However, the State must pay the same percentage of fringe benefits as excess fees retained, so the \$2 million is for its reimbursement of two-thirds of the cost of fringe benefits.

The TJPD “action item” on transportation advocated separate and dedicated state revenues for all transportation modes.

Budget language details how the Virginia Department of Transportation (VDOT) will allocate \$575 million in reductions, pursuant to the reductions plan presented during the session by the VDOT Commissioner.

The budget allows local transit properties to request a one-year transfer from the Mass Transit Capital Fund to Operating Funds in order to maintain current operating fund levels.

The Secretary of Transportation is required to compile a prioritized statewide list of transportation projects ready to be advertised for bid when funding became available from the ARRA. The State expects to receive more than \$800 million for roads and transit capital from federal stimulus funds.

The TJPD “action item” on the Comprehensive Services Act (CSA) urged a better partnership between the State and localities, and a better balance of responsibilities.

The approved budget includes an additional \$3 million reduction in funding for CSA, due to slower-than-anticipated caseload growth. This is on top of the \$13 million reduction included in the introduced budget (\$6.2 million in FY09 and \$6.8 million in FY10). No changes were made in local match rates for Medicaid-funded services provided through CSA. The budget eliminates \$500,000 in grants each year to help localities with start-up costs in developing community-based services for children who may otherwise be placed in residential care.

Several language amendments are included in the approved plan. One would require local CPMTs and CSBs to collaborate on local plans for intensive care coordination. The Office of Comprehensive Services is required to develop a plan for conducting training sessions for CPMT

and FAPT members, as well as for local fiscal agents and chief administrative officers. Finally, the State Executive Council is directed to work with the Department of Education to ensure that funding is sufficient to pay for educational services for children placed in state or privately operated facilities.

The TJPDC “action item” on public education funding endorsed the State funding its share of the realistic costs of meeting the Standards of Quality (SOQ).

The education portion of the budget benefited from \$365.2 million in ARRA funding, which was used to make up most of the reductions included in the FY10 introduced budget. In addition, the budget expresses legislative intent that another \$365.2 million in ARRA funds will be included in the FY11 budget.

The General Assembly accepted many of Gov. Kaine’s proposed policy changes, including the use of a cap on the number of support positions to be funded by the State (FY10 only). School divisions are to have discretion in how to adjust to the decreased state funding. The Board of Education is directed to compile two rebenchmarking calculations for the next biennial budget, one based on this capped support position methodology and one not. The Board also is to review the current Standards of Quality (SOQ) to evaluate the appropriateness of the existing staffing standards for instructional positions and the appropriateness of establishing ratio standards for support positions, and to review state laws, regulations and procedures that could be modified, reduced or eliminated in an effort to minimize administrative burdens. It also agreed to eliminate the \$27.5 million school construction grants fund, and only partially restored the school divisions’ portion of lottery profits, using most of the lottery dollars to supplant state general fund dollars for education. As noted above, the budget makes up for the reductions in state aid that would have resulted from these policy changes with the \$365 million in ARRA funds.

The compromise budget also redistributes nearly \$61 million from the Lottery Proceeds Fund's Funding Loss Cap account into the Additional Support for School Construction and Other Operating Costs account. It includes language that localities are not to reduce instructional positions below the number of positions required by the SOQ as a result of the support cap, and that they shall meet the required local effort amount to fund state funded instructional positions. Additional language encourages localities to allow school boards to carry over any unspent local allocations into the next fiscal year, and to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.

**Other Budget Items Affecting Local Governments:
Health and Human Services**

The approved budget reflects additional revenue from the stimulus package for Medicaid, increasing the federal share of Medicaid from 50% to 56.85% in FY09 and to 60.19% in FY10, allowing the State to reduce its share of Medicaid spending by more than \$960 million. The budget also restores 200 mental retardation (MR) waiver slots proposed for elimination by the introduced budget, and adds another 200 slots, effective January 1, 2010.

State administrative funding for local Disability Services Boards of nearly \$520,000 is eliminated (about \$15,000 regionally), as is the requirement for localities to establish and maintain DSBs. The budget eliminates the state-local hospitalization program in FY10 for state savings of nearly \$13 million and about \$2 million in local savings. An additional \$1 million in FY09 will be given to the Federation of Virginia Food Banks for the purchase of food distributed to food banks across the state.

Public Safety

The budget specifies that the distribution of \$23.3 million from Virginia's allocation from the Byrne Grant program is to be used for sheriffs' offices and local and regional jails. Accordingly, the budget provides these dollars and, as noted above, \$5.3 million in general fund dollars to restore funding reduced in the introduced budget to sheriffs' offices. It also captures

savings of \$2.2 million resulting from a re-estimate of per diem payments for inmates in local and regional jails.

The plan provides a \$1.5 million increase in FY10 for local community corrections and pretrial release programs, down from the \$3 million increase proposed in the introduced budget. It restores \$1 million of a reduction contained in the introduced budget to the Rescue Squad Assistance Fund, as well as \$1.1 million for the Fire Programs Fund.

The budget compromise slightly expands the existing federal inmate cost recovery methodology to recoup the entire costs borne by the State for federal inmates housed in local and regional jails, generating just over \$250,000. However, the plan maintains an exemption from overhead cost recovery for four jails, including the Central Virginia Regional Jail, as a result of housing federal prisoners.

Budget language creates a joint subcommittee to review state policies regarding the oversight, approval and financing of local and regional jail capital projects and operational expenses. Additional language authorizes the Department of Juvenile Justice to more quickly reprogram unobligated funds in the Virginia Juvenile Community Crime Control Act (from grants returned by localities) to localities showing effectiveness in juvenile crime prevention.

Environment

The budget provides \$17.2 million from the ARRA to supplant general fund support for agricultural best management practices and land conservation. Budget language adds two members to the Advisory Committee on Sewage Handling and Disposal, to include one system installer and the Association of Onsite Soil Engineers; this committee advises the Health Commissioner on regulations and policies. Several actions to reduce or eliminate various grants in FY10, as proposed in the introduced budget, were endorsed, including those for purchase of development rights (\$500,00 reduction), water supply planning (\$100,000 elimination), and litter prevention and recycling (\$100,000 elimination). The budget restores \$216,000 for Citizen Water Quality Monitoring grants.

Other

- State assistance for planning district commissions is reduced by \$202,558 in FY10 (9.1%).
- The budget seizes all money that had been intended for pay raises for state employees, state-supported local employees and teachers.
- Funding for nonprofit homeless organizations to assist in developing single occupancy housing and for capital improvements to homeless shelters is reduced by \$400,000 over the two years.

Budget Language Amendments

- The Joint Legislative Audit and Review Commission (JLARC) is directed to study funding of circuit and district courts.
- JLARC is directed to study the funding of courthouse construction, operation and maintenance, including the extent to which the current fee structure provides an equitable, efficient and sufficient source of revenues.
- The Compensation Board is to convene a workgroup to update the staffing standards for the constitutional officers' offices.
- The Tax Department is to convene a workgroup to examine the basis on which recordation and grantor taxes are calculated.
- The Tax Department shall secure and utilize software based on GPS data in allocating the 1% local option sales and use tax to localities, and to provide localities with increased computer access to data to facilitate local input in error identification.
- Counties, cities, towns and school divisions are allowed to utilize optional actuarial assumptions for retirement plans, consistent with those used by the State.

LOCAL LEGISLATIVE PRIORITIES

The General Assembly approved numerous bills submitted by the region's legislators at the request of or of particular interest to TJPDC localities:

HB 1837 (*Toscano*) provides that the unposted maximum speed limit on nonsurface treated highways (dirt roads) in Albemarle County will be 35 miles per hour.

HB 2158 (*Toscano*) authorizes establishment of a regional transit authority in Charlottesville and Albemarle.

SB 1212 (*Deeds*) allows localities to provide loans for the initial acquisition and installation of clean energy/energy efficient improvements. This bill, originally requested solely for Charlottesville, was expanded to apply statewide. The purpose of the program is to make these improvements affordable, by providing low-interest rates, longer terms and easy application. Such programs would be eligible to receive federal funding through Energy Efficiency and Conservation Block Grants (EECBG) that were bolstered by the ARRA.

SB 1213 (*Deeds*) designates as agents of the ABC Board (thus allowing on-site sales) any licensed distiller who blends alcoholic beverages on his licensed premises, provided at least 51% of the agricultural products used to manufacture the beverages are grown on the licensee's land or on land he leases in Virginia. This bill was requested by Eades Distillery in Nelson County.

SB 957 (*Deeds*) expands the scenic river designation for the Rivanna River almost 10 miles, to include the portion from the South Fork Rivanna reservoir to the Woolen Mills dam (where the designation now begins and then continues to the junction of the Rivanna with the James River).

SB 1025 (*Hanger*) authorizes Greene County to impose a transient occupancy tax up to five percent, with additional revenue generated by the portion of the tax over two percent to be used for tourism or marketing of tourism.

SB 1506 (*Hanger*) was introduced as a result of discussions between legislators and Greene County officials. Ultimately, the approved bill provides that in cases of judicial assignment of services for children under the Comprehensive Services Act, where a party requests a level of service not identified or recommended in the FAPT report, the court shall request the CPMT to submit a second report characterizing comparable levels of service to that which was requested.

SJ 379 (*Deeds*) designates August 20, 2009, as a day of remembrance of the 40th anniversary of Hurricane Camille, which caused widespread damage and loss of life in Nelson County.

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

OTHER APPROVED LEGISLATION

Environment

HB 1707 (*Oder*) requires the Department of Mines, Minerals and Energy to assist localities, upon request, considering energy performance-based contracts, and to compile information about any energy performance-based contracting by a locality.

HB 1973 (*R.L. Ware*) eliminates the portion of the Litter Control and Recycling grants awarded through the competitive grant process, while preserving grants to localities whose grant applications meet Department of Environmental Quality (DEQ) criteria.

HB 1991 (*Bulova*) extends the period of time localities have to adopt a local stormwater management program (from no sooner than 12 months/no later than 18 months after state regulations become effective to 15 months/21 months). The timetable for adoption of new state regulations is December, but the new law delays the effective date to no sooner than July 1, 2010.

HB 2074 (*E.T. Scott*) and **SB 1022** (*Hanger*) allow petitions from certain wastewater treatment facilities to extend the deadline for waste load allocations to no later than December 31, 2015 (the current deadline is December 31, 2010).

HB 2168 (*Abbitt*) authorizes permit-issuing authorities to allow stormwater permit holders to comply with nonpoint, nutrient runoff water quality criteria by acquiring offsite, nonpoint nutrient offsets certified under the Chesapeake Bay Nutrient Exchange Program.

HB 2351 (*Landes*) and **SB 1050** (*Hanger*) direct the Department of Conservation and Recreation (DCR), in consultation with stakeholders, to determine the annual funding needs for agricultural best management practices and to provide the same to the Governor. The bill also changes the distribution formula for the fund.

HB 2565 (*Knight*) empowers the Office of Farmland Preservation to assist local governments interested in developing farmland preservation policies and programs.

SB 982 (*Wagner*) requires localities with stormwater control programs using a utility or system of service charges to provide full or partial waivers of charges to persons who have made stormwater control improvements to a property, such that there is a permanent reduction in post-development stormwater flow and pollution loading.

SB 1024 (*Hanger*) removes the requirement for an additional "local coholder" of a conservation or open-space easement when Open-Space Lands Preservation Trust Fund grants are used, but allows the Virginia Outdoors Foundation to have a local coholder at its discretion.

SB 1114 (*Ticer*) directs the Virginia Soil and Water Conservation Board to adopt regulations for including in stormwater management programs, emerging or innovative control technologies that may prove effective in reducing nonpoint source pollution.

SB 1509 (*Ticer*) clarifies that DCR may award grants from the Water Quality Improvement Fund for replacing or modifying residential onsite sewage systems to include nitrogen removal capabilities. It also allows the Board of Health to establish performance requirements for nitrogen discharged from alternative onsite sewage systems.

Finance

HB 1830 (*Fralin*) and **SB 1292** (*Edwards*) allow local governments to collect past due local debts from federal income tax returns, upon passage of federal legislation allowing local governments to collect delinquent local tax bills using offsets from such refunds.

HB 1891 (*Brink*) and **SB 986** (*Colgan*) reduce, from \$100,000 to \$50,000, the amount of the land preservation tax credit that may be claimed by a taxpayer for taxable years 2009 and 2010.

HB 2059 (*Hamilton*) expands exemptions to meals taxes imposed by counties, cities and towns.

HB 2084 (*Purkey*) makes the current local option exemption from local property taxation for certified pollution control equipment and facilities mandatory, effective for tax years beginning on or after January 1, 2011.

HB 2098 (*Orrock*) provides that real property otherwise devoted to a use qualifying it for special land use assessment not lose such designation solely because (i) part of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, or (ii) utility lines are located on the property. The bill also provides that, in determining whether real property qualifies for land use assessment, zoning designations and special use permits shall not be the sole considerations.

HB 2182 (*Phillips*) and **SB 1200** (*Puckett*) allow localities to exempt disabled and non-disabled veterans, and their surviving spouses, from local vehicle license fees and taxes.

HB 2308 (*Melvin*) and **SB 1003** (*Quayle*) shorten the notice requirements, in years when the state Appropriations Act is not approved by April 30, from 30 to 14 days for the public hearing a locality must hold prior to increasing the real property tax if the assessment of real property results in an increase in revenue of greater than one percent over the prior year's revenue.

HB 2311 (*Melvin*) and **SB 1387** (*Stolle*) allow localities operating a courthouse not in compliance with current safety and security guidelines to assess an additional \$3 fee as part of the costs in each civil, criminal or traffic case, to be used solely for construction of a courthouse.

HB 2472 (*Hugo*) and **SB 1419** (*Watkins*) divide the daily rental tax into two categories; one pertains to rentals covered by present law, such as movies, hand tools and power equipment, while the second is new and designed to benefit the heavy equipment rental businesses that requested the legislation. These businesses will remit a daily rental tax of 1.5%, as long as at least 60% of their rentals are for periods of 270 days or less. The daily rental tax also will be under the local business tax appeals process.

HB 2524 (*Lingamfelter*) creates as a separate class of property, motor vehicles with a seating capacity of at least 30 persons, for rate purposes.

HB 2592 (*Caputo*) creates as a separate class of property, motor vehicles powered solely by electricity, for rate purposes.

SB 1199 (*Puckett*) increases from \$1 to \$3 the daily amount a locality may charge an inmate to defray the costs associated with the inmate's keep.

SB 1285 (*Newman*) requires local governing bodies and school divisions to publish the estimated required local match in the approved school budget.

SB 1309 (*Hurt*) expands the existing recordation tax exemption applicable to conveyances of affordable housing by nonprofit organizations to all localities in the state; currently the exemption applies only in Amherst County and Lynchburg.

SB 1315 (*Locke*) creates as a separate class of property, machinery and tools used directly in the manufacture of precision investment castings, for rate purposes.

Human Services

SB 1179 (*Hanger*) increases the membership of the State Executive Council (SEC) that oversees CSA, to include, among others, an additional local government representative (for a total of three) and a new public provider position.

SB 1180 (*Hanger*) requires the SEC to analyze and report on expenditures associated with children who do not receive CSA pool funding and who have emotional and behavioral problems.

SB 1181 (*Hanger*) adds several new requirements to the Office of Comprehensive Services (OCS), to include the following: 1) OCS must report to the SEC on various expenditures and services within the scope of CSA; 2) OCS must develop and distribute to local governments model job descriptions for CSA coordinators; and 3) OCS must develop and distribute guidelines to localities about the use of multidisciplinary teams.

Land Use

HB 1671 (*Dance*) and **SB 1094** (*Locke*) authorize localities to establish a tax abatement program to encourage owners of derelict buildings (defined as vacant, without electricity and boarded up for six months) to take action to demolish or renovate the building. The bills shorten the time, from two years to one, for a locality to enforce a lien against a property for money spent to clear problems, and also simplify the spot blight process.

HB 1680 (*Orrock*) provides, for purposes of vested rights, that the term "act of God" shall include any natural disaster or phenomena, including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightening or wildfire.

HB 1788 (*Hull*) and **SB 1276** (*Martin*) bar localities from prohibiting the installation of alternative systems (where no sewers or sewerage disposal systems are available) and limit local regulation of maintenance requirements for such systems. Local bans on installation and local maintenance standards may continue until approval of regulations for operation and maintenance of such systems (not expected until July 1, 2010 or later). Property owners must record an instrument identifying by reference the applicable maintenance regulations, which are to transfer with the property. The Board of Health is directed to require system manufacturers to provide operation and maintenance instructions for such system for the Board's approval.

HB 2029 (*D.W. Marshall*) reduces, until July 1, 2014, the bonding requirement from 25% to 10% of estimated construction costs for the administrative allowance required from a developer.

HB 2034 (*Lingamfelter*) extends the period of plat validity with phased developments for five years.

HB 2055 (*Lohr*) and **SB 1418** (*Vogel*) revise transfer of development rights (TDR) provisions in an attempt to make the TDR process more useable for property owners and localities. Changes include those to clarify that development rights may be severed, but not immediately affixed to a receiving property, and to state optional provisions of locality ordinances.

HB 2077 (*Oder*) extends the period of validity for certain preliminary and recorded plats, final site plans, special exceptions, special and conditional use permits, and rezonings to July 1, 2014, as long as performance bonds/agreements remain in force.

HB 2071 (*E.T. Scott*) and **SB 1033** (*Hanger*) add the agricultural nature of activities and events to the list of factors for localities to consider when deciding whether such activities and events may be restricted on licensed farm wineries.

HB 2165 (*Lohr*) allows farmers to engage in the small-scale production of biofuels in areas zoned agricultural, without a special exception or special use permit.

HB 2322 (*Athey*) requires cities and towns to amend their comprehensive plans to include designation of urban development areas by July 1, 2012 (counties previously were required to do so by July 1, 2011).

SB 1335 (*Stuart*) allows localities to waive public hearing requirements when considering developer requests to amend certain existing proffer agreements.

SB 1487 (*Vogel*) allows urban development areas to provide for a mix of residential housing types, including affordable housing.

SB 1533 (*Saslaw*) extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, until July 1, 2011.

Local Government

HB 1637 (*Cole*) stipulates that local boards of zoning appeals may take action when a majority of those present and voting do vote.

HB 1678 (*Orrock*) authorizes, in grievance cases, the use of an administrative hearing officer instead of the required three-person panel, if agreed to by both parties.

HB 1697 (*Lohr*), **SB 1287** (*Newman*) and **SB 1469** (*Quayle*) extend from 2010 to 2018 the temporary restriction on city annexation authority.

HB 1724 (*Rust*) and **SB 997** (*J.C. Miller*) allow localities that regulate removal or immobilization of trespassing vehicles to impose additional requirements on towing and recovery operators.

HB 1735 (*Valentine*) authorizes any locality to create an arts and cultural district to increase awareness of and support for the arts and culture in the locality.

HB 1828 (*Fralin*) authorizes localities and water authorities to establish a rate incentive program to encourage the use of green roofs in residential and commercial building construction and remodeling. **HB 1975** (*R.L. Ware*) and **SB 1058** (*Whipple*) authorize localities to grant incentives and provide regulatory flexibility to encourage the use of green roofs, which may include reducing permit fees and gross receipts taxes on green roof contractors and streamlining the building permit approval process.

HB 1832 (*Toscano*) allows the electoral board of a city wholly contained within one county to appoint a qualified voter of that county to serve as the city's general registrar.

HB 2096 (*Orrock*) allows local ordinances that would waive building permit and other local fees associated with affordable housing construction by a 501(c) (3) organization.

HB 2132 (*J.H. Miller*) allows a locality, in cooperation with its school division, to offer residential housing assistance grants and to enter into public-private partnerships and other arrangements to provide affordable workforce housing alternatives to school division personnel.

HB 2138 (*J.H. Miller*) and **SB 1369** (*Barker*) define “defacement” and permit localities to charge a property owner for the cost of removing defacement that occurs on a public or private building located on an unoccupied property. Charges that remain unpaid shall constitute a lien against such property, provided the locality provides at least 15 days notice to the property owner prior to the removal of the defacement.

HB 2177 (*Plum*) authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within the locality, provided it has a recycling program capable of handling all rechargeable batteries generated in the locality.

HB 2473 (*Hugo*) clarifies that the term "public place" also includes public libraries for the purposes of any ordinance adopted to prohibit loitering on the grounds of a public place.

HB 2502 (*Pogge*) and **SB 1176** (*Watkins*) require any locality authorized to increase the transient occupancy tax to 5% to consult with representatives of local lodging properties when it consults with local tourism industry organizations about tourism related expenditures. It also includes the goal of increasing occupancy at lodging properties as a purpose for designating such revenues.

SB 1064 (*Puller*) requires posting of comprehensive plan proposals and approved changes on a local government-maintained or accessible website.

SB 1416 (*Blevins*) allows a local governing body to include in ordinances establishing areas of known historical or archaeological significance, that applicants proposing any development submit documentation that the development will preserve or accommodate the historical or archaeological resources.

SB 1524 (*Watkins*) broadens zoning administrator authority to determine vested rights in certain circumstances.

SB 1525 (*Martin*) provides that certain prohibitions on contracts involving local government employees do not apply when a contract for goods, services or contracts of employment are awarded to an immediate family member of the officer or employee, provided the officer or employee is not in a position to influence or control the process of awarding the contract.

SB 1529 (*Y.B. Miller*) bar localities from prohibiting any employee from participating in political activities while off duty, out of uniform and not on their job site.

HB 2326 (*Athey*) changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

Freedom of Information Act (FOIA):

HB 2266 (*O. Ware*) and **SB 1478** (*Locke*) expand the current record exemption under the FOIA for the names, addresses and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body, to also include complaints relating to the Uniform Statewide Building or the Statewide Fire Prevention Codes.

SB 1316 (*Houck*) deletes the requirement for state public bodies to publish an index of computer databases in favor of a requirement to publish a statement of rights and responsibilities to ensure the public can ascertain the types of public records, and applicable exemptions, of the state public body.

SB 1319 (*Houck*) clarifies that minutes of public meetings must be in writing.

SB 1344 (*Reynolds*) amends an existing records exemption for economic development records to include those related to the retention of existing business, and expands the exemption use to all public bodies subject to FOIA. The bill also makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings.

Public Safety

HB 1655 (*Carrico*) and **SB 1513** (*Smith*) allow a court to award reasonable attorney fees, expenses and court costs to any entity that successfully challenges an action that conflicts with a locality's authority to regulate firearms.

Transportation

HB 1628 (*R.G. Marshall*) provides that whenever a locality undertakes administration of a transportation improvement project and holds contractor performance bonds that include the Virginia Department of Transportation (VDOT) as a dual obligee, the amount of such bonds shall be no greater than would have been required had VDOT not been included as a dual obligee.

HB 1629 (*Cole*) grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. Localities must obtain agreement from VDOT on placement of signs on state-controlled highways and be responsible for the production, installation and maintenance of such signs.

HB 1645 (*D.W. Marshall*) and **SB 1438** (*Y.B. Miller*) provide that not more than two-thirds (instead of the present one-third) of the annual urban system construction funds apportioned to a city or town may be used for debt service for bonds or eligible project costs.

HB 2019 (*Rust*) and **SB 1398** (*Norment*) revise responsibilities of the Office of Intermodal Planning, require the Commonwealth Transportation Board (CTB) to establish transportation corridors of statewide significance in the Statewide Transportation Plan, and direct localities through which such corridors pass to note them on the transportation plan map of the comprehensive plan. The CTB also must establish a plan for identifying and acquiring rights-of-way that may be needed within the corridors, and, once the corridors are established and subject to federal and state law and regulations and the allocation of funds, to begin environmental studies and prepare information to solicit public-private partnerships.

HB 2425 (*May*) provides for the transfer of roads, bridges and streets from the primary system of state highways to the local system of roads operated by certain localities (cities, towns, Arlington/Henrico), if such a transfer is requested by the local governing body. It also provides that any county choosing to be responsible for the secondary roads within its boundaries shall be deemed to have withdrawn from the secondary system.

SB 1530 (*Norment*) provides that no secondary street can be taken into the state secondary system unless and until any and all required permits have been obtained and any outstanding fees, charges, etc. have been satisfied.

Miscellaneous

HB 1703 (*Cosgrove*) and **SB 1105** (*Northam*) prohibit smoking in all indoor restaurants, bars and lounge areas, effective December 1, unless the area has a separate ventilation system and is structurally separated from the remainder of the restaurant. Private clubs and portions of restaurants used for private functions are exempt from the requirement.

HB 1936 (*Ingram*) and **SB 1476** (*Marsh*) clarify that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for local governments.

HB 2133 (*J.H. Miller*) removes the nine-year term limit for members of boards of equalization.

HB 2188 (*Phillips*) requires the Board of Health to establish procedures for requiring a survey plat with any application or letter requesting a permit for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.

HB 2289 (*Cline*) and **SB 896** (*McDougle*) provide that, upon written request of the local Commissioner of the Revenue, every property owners' association, condominium unit owners' association, and proprietary lessees' association provide a list of the owners of property it manages, to the extent it maintains such a list.

HB 2422 (*May*) and **SB 988** (*Colgan*) allow a locality which, prior to July 1, 2007, acquired direct recording electronic machines (DREs) for use in elections, to acquire DREs on a temporary basis for a special election when its existing DRE inventory is insufficient because it is under lock and seal following an election. Legislation enacted in 2007 prohibited DRE acquisition by any locality on and after July 1, 2007.

HB 2423 (*May*) and **SB 1336** (*Puckett*) establish the Governor's Broadband Advisory Council to advise the governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the state. The bills took effect April 8, 2009.

HB 2424 (*May*) allows courts to order a person convicted of unlawfully defacing public property to pay restitution to the locality for its costs incurred in removing or repairing the defacement, and allows a locality to enforce such order in the same manner as a judgment in a civil action.

HB 2665 (*May*) creates the Virginia Broadband Infrastructure Loan Fund, to be administered by the Virginia Resources Authority, with money in the fund to be used exclusively for financing broadband infrastructure projects undertaken by a local government.

SB 989 (*Colgan*) clarifies that the Virginia Resources Authority is authorized to finance projects of local government buildings, including administrative and operations systems and other local government equipment and infrastructure.

SB 1052 (*Whipple*) provides for a determination of fair market value of affordable rental housing, allows localities to determine the definition of affordable rental housing, and disallows the determination if pending building code violations exist.

SB 1451 (*Colgan*) increases the debt ceiling for bonds issued and local obligations guaranteed by the Virginia Resources Authority from \$900 million to \$1.5 billion without prior General Assembly approval.

STUDIES AND RESOLUTIONS

House

HJR 648 (*O'Bannon*) and **SJR 275** (*Puller*) are proposed Constitutional amendments that would exempt veterans who have a 100% permanent, service-connected disability from paying property taxes; the exemption also applies to surviving spouses and only to the principal residence.

HJR 688 (*Cole*) is a proposed Constitutional amendment that would authorize the General Assembly to allow local governments to either waive or establish their own income or net worth limitations for purposes of granting property tax relief for the elderly and disabled.

HJR 756 (*Cosgrove*) requests the Secretary of Transportation to support and assist in establishing a Virginia Association of Metropolitan Planning Organizations (VAMPO) and to work with the Virginia Association of Planning District Commissions to determine the scope of VAMPO activities and responsibilities. Further, MPOs, in consultation with the Secretary, are requested to organize the VAMPO, define its mission, and recommend ways to improve statewide planning and programming of transportation programs and projects.

Senate

SJR 328 (*Herring*) directs JLARC to study the various forms of post-election audits and their costs and requirements.

SJR 332 (*Peterson*) is a proposed Constitutional amendment that would authorize the General Assembly to allow localities to exempt or partially exempt property from taxation that meets "green" criteria. The proposal also deletes the authorization for the legislature to directly exempt from property taxes property designed to abate pollution or transfer or store solar energy.

SJR 337 (*Deeds*) requests the Department of Planning and Budget and the Virginia Liaison Office to advise state agencies of federal grant fund availability and to provide training opportunities for staff and other technical assistance in applying for federal grants.

SJR 345 (*Vogel*) encourages state and local governments to increase the use of recycling receptacles at public places and governmental facilities.

SJR 357 (*Barker*) continues the joint subcommittee studying the feasibility of a regional rapid transit network for connecting existing and emerging population centers in major transportation corridors.

SJR 359 (*Stolle*) continues the joint subcommittee to study the operations of circuit court clerks' offices.

SJR 395 (*Watkins*) commemorates the life of Thomas Jefferson on the occasion of the 265th anniversary of his birth (April 13, 2008).