



VML

January 29, 2010



Legislative Bulletin

A digest of legislative news from the General Assembly affecting local governments.

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Upcoming

Don't forget to register to attend VML-VACo Legislative Day Feb. 11 at the Richmond Marriott in downtown. [Registration information](#) is on the VML Web site. Questions: Contact Sherall Dementi at 804/523-8533 or sdementi@vml.org.

Staunton manager warns panel of budget cutting consequences

STAUNTON CITY MANAGER

Steve Owen appeared before the Senate Finance Education Subcommittee on Thursday afternoon and painted a grim picture of what will ensue if the state continues to reduce funding for schools.

Speaking on behalf of VML and the Virginia Association of Counties, Owen described what could unfold in his city of about 24,000 residents.

“... Our school system will realize a total reduction of \$1.7 million in state funds, not counting added VRS costs,” Owen said. “That is the equivalent of 33 teaching positions – out of 292. Or a 10-cent real estate tax increase. We might be able to deal with that, but it gets worse. We think total state cuts to the city may be north of \$3 million. Or 60 some positions. Or an 18 cent tax rate increase. With local revenues falling it may be even worse than that.”

Owen described his city's possible future this way:

“None of our options in response to reductions in funding are good. They include larger classes, fewer instructional materials, elimination of

Continues on next page



Staunton City Manager Steve Owen in Richmond on Thursday.

Excerpt from remarks made by Staunton City Manager Steve Owen to the Senate Finance Education Subcommittee. [Audio >](#)

Legislative links

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Dialogue

“I don't think it has been adequately funded since I've been here. We've lived on the cheap in terms of K-12 education funding.”

... Sen. Edd Houck responding Thursday to presentations before the Senate Finance Education Subcommittee on proposed state budget cuts in direct aid to public education..

Cover story continued ...

electives, cut-backs in sports and reductions in student health services.

“But our children need smaller classes in order to learn. Our teachers already buy instructional materials out of their own pockets. Access to electives makes our students competitive in college admissions. For some students, sports are the only thing that motivates them to learn. And some of our students have multiple health needs that leave them medically fragile and require professional care.”

Though describing Staunton, Owen could have been speaking about any number of other local governments in Virginia that fund school divisions when he said:

“Consolidating school and city departments such as finance and human resources is certainly being explored. But this will be more window dressing and a public relations gimmick than real. Such consolidation savings of a few thousand dollars in a small system like ours will barely make a dent in a multi-million dollar budget hole. Let’s not kid ourselves or lead our citizens to believe that’s the answer.

“We can cut pre-school programs, but we have kids entering kindergarten who don’t know shapes, colors, letters and numbers. It takes years to catch up when you start out behind. Remediation is far more expensive and brings down the quality of education for everyone.”

In light of the continued rollback in state funding for education, Owen implored the legislators to grant local governments and school districts a reprieve from omnipresent education mandates.

“Flexibility should center on a reduction in state testing mandates, a delay in the implementation of new state regulations, and allowing local schools to use state funding based on our needs rather than state mandates,” Owen said.

Owen used his appearance before the senators to talk about more than just the bleak prospects for cobbling together an effective education program for Staunton’s children.

“Beyond our schools we see state funding for law enforcement, jails, libraries and constitutional officers being slashed. Our police department is already down six officers. Our constitutional officers are by definition constitutionally mandated, yet seem to have become an endangered species. Health insurance and VRS costs are rising. The city already has more than

30 frozen vacancies. At least that many layoffs now seem unavoidable, putting more people out of work.

“If we have to cut our economic development and tourism budgets, we will be shooting ourselves in the foot. Governor McDonnell certainly recognizes the need to invest in these to grow the state’s economy. We should be doing the same at the local level.

“When we have to cut parks and recreation, the library, social and mental health services and our office on youth, the quality of life in Staunton will be lowered significantly and some of the direct consequences and negative impacts will likely be more costly than what we will save. Penny wise and pound foolish. There simply is no way the city can sustain these cuts without serious repercussions.”

At the conclusion of the remarks made before the subcommittee by representatives from VML-VACo, the Alliance for Virginia’s Students, the Virginia Parent Teacher Association, the Virginia Association of School Superintendents, the Virginia Education Association, the Virginia School Boards Association and the Virginia Association of School Business Officials, Sen. Edd Houck asked each speaker if their remarks reflected the fact that the General Assembly could cut state spending by another \$2 billion. In each instance, the speaker replied that their comments were based on former Gov. Tim Kaine’s proposed budget, and did not take into consideration the possibility of even steeper reductions.

In a moment of introspection, Houck and Sen. Charles Colgan said that the public may not understand the severity of the education cuts until next fall when the new school year begins. At that time the effect of the reductions will be felt by children, their parents, and the education community.

Houck also questioned the school boards representative about his statement that the state’s actions this legislative session may force localities to file suit against the state. The school boards attorney pointed out that an argument could be made that the state is failing to meet its constitutional responsibility under Article VIII “to ensure that an educational program of high quality is established and continually maintained.”

Budget

House panel deals blow to local law enforcement program

The House Commerce and Labor Committee tabled by voice vote [HB 1173](#) (Phillips), which would impose an assessment on property and casualty insurance companies in the amount of one-half percent of the total direct gross premium income for such insurance. The bill also requires the proceeds from the assessment to be credited to the Virginia Public Safety Fund. An identical measure ([SB 466](#)) introduced by Sen. Howell was referred from the Senate Commerce and Labor Committee to the Senate Finance Committee. The Department of Taxation projected \$22.9 million in FY11 and \$45.8 million every fiscal year thereafter from the license tax.

So why is this important to localities with police departments?

In his “swansong” budget proposals, Gov. Tim Kaine proposed to reduce funding for local police departments (‘599’ Program) from \$197.3 million to \$180.8 million in FY10 and then again to \$160.6 million in each year of the 2010-2012 biennium. Of the amounts proposed in FY11 and FY12, \$4.2 million and \$10.8 million would come from the Virginia Public Safety Fund, respectively. If the General Assembly fails to either pass [HB 1173](#) and [SB 466](#) or to “find” general fund dollars elsewhere in the state budget, state financial support for ‘599’ drops to \$156.4 million in FY11 and \$149.7 million in FY12. This represents a nosedive of 24 percent from the \$197.3 million the General Assembly appropriated for FY10 just one year ago!

State law ([§9.1-169](#)) ties the increases or decreases in state aid for the ‘599’ program to the projected increase or decrease in general fund revenue included in the budget bill. Gov. Kaine’s budget assumes revenue growth of 3.8 percent in FY11 and 5.1 percent in FY12. In other words, the former governor’s budget proposal overrides state law to achieve next biennium’s ‘599’ reductions.

In addition to state aid for local police departments, Virginia Public Safety Fund proceeds would pay for State Police programs and for law enforcement and court security provided by sheriffs.

Education

65 percent solution bill recommended

A House Education subcommittee has recommended approval of a bill that requires school boards to report annually on the percentage of its budget allocated to instructional spending.

Under [HB 76](#) (Richard Bell), divisions that do not meet the percentage would be required to take steps to do so. Amendments in subcommittee require the state Board of Education to adopt regulations defining “instructional spending.” The bill as originally introduced detailed what components were included in “instructional spending,” specifying what would count as instruction (teachers salaries and benefits, etc.) and what would not (including operation and maintenance, food services and transportation). The bill will be before the full [House Education Committee](#) at its 9 a.m. meeting on Monday (Feb. 1).

A “65 percent solution” was a policy issue championed by Gov. Bob McDonnell during his campaign. VML contact: Mary Jo Fields (mfields@vml.org)

Problems resolved with surplus property bill

A House Education Subcommittee recommended amendments to [HB 1245](#) (Kory) that allow school boards to donate obsolete personal property to charitable corporations.

The bill was amended to take out the language that would have authorized school boards to donate real property. Contact: Mary Jo Fields (mfields@vml.org)

Eminent Domain

Other bills ...

Eminent domain cases; reinstates option of landowner to choose between commissioner & jury to hear – [HB 651](#) (Armstrong)

Summary: Reinstates the option of the landowner to choose between commissioners and juries to hear an eminent domain case. The option to choose commissioners was eliminated by Chapter 586 of the 2006 Acts of Assembly.

Action: Reported from a Courts of Justice subcommittee 8-2 with an amendment that is OK by VML. Contact: Randy Cook, wrcook@mmeccpc.com

Eminent domain; restriction of access to or from property taken thereunder shall be considered – [HB 652](#) (Armstrong)

Summary: Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the property for the purposes of determining just compensation.

Action: Reported from subcommittee 10-0.

Contact: Randy Cook, wrcook@mmecpc.com.

Environment

Bill to delay new stormwater rules passes Senate subcommittee

With the agreement of major stakeholders -- including VML and VACo -- a bill delaying the effective date of recently adopted stormwater regulations unanimously passed a subcommittee of [Senate Agriculture, Conservation & Natural Resources](#) and will be considered by the full committee on Monday morning.

[SB 395](#) (Wagner) was originally drafted to extend the effective date of any regulations until completion of the EPA Chesapeake Bay cleanup plan (scheduled to be completed in December of 2010). At such time Virginia can then craft stormwater regulations tailored to meeting the Bay cleanup goals. The bill was amended in subcommittee to specify that the regulations become effective within 280 days of the EPA cleanup plan but no later than Dec. 1, 2011. The house companion to SB 395, [HB 1220](#) (Hugo), will also be amended to reflect a date certain for enacting the regulations.

As a member of the subcommittee, [Sen. Chap Petersen](#) stated that the legislature will remember the agreement of the stakeholders and ensure that the regulations will become effective no later than the date prescribed in the bill. Opposition testimony to delaying the regulations came from the [Virginia Chapter of the Sierra Club](#) and [Environment Virginia](#) (state chapter of Environment America – a federation of state-based environmental advocacy organizations).

Staff contact: Joe Lerch (jlerch@vml.org)

Defeated tipping fee bill will be resurrected

A bill to assess a \$2 per ton fee on solid waste treated or deposited in waste management facilities, which failed to report out of the [Senate, Agriculture, Conservation & Natural Resources Committee](#), will be amended and reconsidered by the committee on Monday at 9 am.

The amended version of [SB 235](#) (Watkins) is likely to strike the \$2 per ton fee and instead raise the annual waste permit fees contained in [Section 10.1-1402.1:1](#) of the state code.

These fees are based on the tonnage of waste processed by solid waste facilities, including facilities owned by local governments. The current fee schedule generates approximately \$1.6 million whereas the direct costs to administer the permit program are approximately \$4.5 million. VML understands that the amended proposal will seek only to raise the fees sufficient to meet this gap in funding.

Staff contact: Joe Lerch (jlerch@vml.org)

Other bills ...

Biodiesel and green diesel; minimum content in state contracts for vehicle fuel – [SB 272](#) (Whipple)

Summary: Requires state public bodies to procure only diesel fuel containing, at a minimum, 2 percent, by volume, biodiesel fuel or green diesel fuel. The requirement will only apply to procurements of diesel fuel for use in on-road internal combustion engines and shall not apply if (i) such fuel is not practically available or (ii) the cost of such procurement exceeds the cost of unblended diesel fuel by five percent or more.

Action: The bill was reported from the Senate General Laws Committee and re-referred to the Finance Committee.

Housing and Community Development, Board for; promulgation of Green Building Code – [SB 290](#) (Deeds)

Summary: Requires the Board for Housing and Community Development to promulgate a Green Building Code as a part of the Uniform Statewide Building Code.

Action: Carried over to 2011 in Senate General Laws.

Finance / Taxes

Senate, House committees deal with tax bills

Here is an update on a number of tax bills making their way through the General Assembly:

Senate

Local boat and watercraft registration fees – **SB 217 (Locke)**

Summary: Allow localities to impose a registration fee on boats or watercraft in lieu of the Personal Property Tax on i) boats and watercraft not used solely for business purposes; ii) privately owned pleasure boats, motorized and under 18 feet, used for recreational purposes only; and iii) privately owned pleasure boats, nonmotorized and under 18 feet, used for recreational purposes only. The registration fee could not be imposed more than every 3 years. The locality would be authorized to issue a decal as evidence of payment of the registration fee. The constitutional question raised in the original version of the bill is addressed by the amendment in nature of a substitute which the Senate Finance Committee unanimously approved.

Action: The bill is awaiting final passage by the Senate.

Transient occupancy tax; any county may levy tax on single-family residences – **SB 342 (Hanger)**

Summary: Provides that any county, by duly adopted ordinance, may levy a transient occupancy tax on single-family residences rented out for continuous occupancy for fewer than 30 consecutive days. A committee amendment that was rejected by the Senate would have applied the bill's provisions to any developer of time-shares who offers to rent time-shares for continuous occupancy for fewer than 30 consecutive days.

Action: The bill is awaiting final passage by the Senate.

Assessments for affordable housing units – **SB 273 (Whipple)**

Summary: Declares that real property generating income as affordable housing will be assessed using an income approach based on: the property's current use, income restrictions, provisions of any arms length contract including but not limited to restrictions on

the transfer of title or other restraints on alienation of the real property, requirements for federal or state income tax credits targeted to affordable housing rental property, and all other provisions of § 58.1-395 of the Code of Virginia.

Action: The bill is awaiting final passage by the Senate.

House

Personal Property Tax Relief; qualifying vehicles – **HB 133 (Pollard) and HB 228 (Watts)**

Summary: Del. Albert Pollard's bill removes the 7,500 pound weight limitation, so that all trucks used for non-business purposes are eligible to be considered for personal property tax relief. Del. Vivian Watts' bill deletes the requirement that a vehicle held in trust can qualify for tax relief only if there is no more than one beneficiary. Both measures were recommended by the subcommittee to be reported. The full House Finance Committee will make the final decision as to the bills' fate. The committee, however, rarely overrules a subcommittee recommendation.

Action: The bills are before the House Finance Committee. After the Committee reports the bills, the next stop is the House floor.

Real property tax; time to appeal assessments extended – **HB 577 (Cole)**

Summary: Increases the time a taxpayer may appeal the assessment of his real estate to the commissioner of revenue from three years to five years from the last day of the tax year for which the assessment is made or from one year to three years from the date of the assessment, whichever is later.

Action: The House Finance Subcommittee reviewing the bill decided by voice vote to table the measure. Under certain conditions, the bill could be "revived," but at this writing the bill appears to be dead.

Taxes on room rentals – **HB 791 (Brink) and HB 893 (Barlow)**

Summary: These are the House counterparts to Sen. Mary Margaret Whipple's measure (**SB 452**), and expand the application of the sales tax regarding hotels, motels and other accommodations. The bills also allow the transient occupancy tax to be imposed on the price markup.

Action: The House Finance subcommittee re-

viewing the bills decided by voice votes to table the measures. Under certain conditions, the bills could be “revived,” but at this writing the bills appear to be dead.

County Food and Beverage Tax – HB 1138 (Morgan)

Summary: Allows all counties to impose the local food and beverage tax without a referendum provided that the tax revenues are used to reduce the county’s real property tax rate.

Action: The House Finance Subcommittee reviewing the bill decided by voice vote to pass the measure by indefinitely. This action effectively kills the bill for the sessions.

Senate OKs meals tax bill

The Senate voted 25-15 on Wednesday to approve Sen. Fred Quayle’s [SB 280](#), a bill that removes the current cap of 4 percent for the county meals tax and allows counties to impose an uncapped rate. The bill would also authorize counties to adopt or increase a meals tax by a majority vote of the elected members of the governing body.

The vote crossed party and regional lines. Five Republicans joined 20 Democrats to support the bill, while two Democrats voted with 13 Republicans to oppose the legislation. The bill will move to the House where a House Finance Subcommittee killed a similar House bill.

House endorses BPOL limits

By an overwhelming vote of 88-8, the House of Delegates voted Thursday in favor of a bill ([HB 57](#)) to prohibit any locality from imposing the BPOL tax if the locality did not impose it as of Jan. 1, 2010, and increasing the BPOL tax rates after Jan. 1, 2010.

The measure likely will be referred to the Senate Finance Committee.

LGIP bill carried over until 2011, to be studied by JLARC

A bill that would have required that 10 percent of the funds in the Local Government Investment Pool (LGIP) be invested in certain banks with a presence in Virginia has been carried over until 2011.

The Senate General Laws Committee voted 15-0 to take a pass on SB 484 (Hurt) this session. A similar

bill - [HB 246](#) (Merricks) - is making its way through the House. That bill is in a House Appropriations subcommittee. There appears to be a good chance that the bill(s) will be referred to the Joint Legislative Audit and Review Commission (JLARC) for study.

Contact: Neal Menkes, nmenkes@vml.org.

Compromise on triennial census reported; towns should review bill as well

The Weldon Cooper Center would produce an annual estimate of the number of persons aged 5-19 under a compromise bill referred to the Senate Finance Committee on Jan. 28. The state sales tax dedicated to public education then would be distributed on the basis of this estimate.

[SB 413](#) (Vogel) also calls for counties to use this data in the distribution of the local option sales tax to towns. The elimination of the triennial census saves school divisions money. The Arlington School Board estimates that the census costs \$125,000 to conduct; Norfolk Schools estimated that the process cost \$100,000.

The original bill would have eliminated the triennial census and distributed the sales tax through average daily membership (count of students in school). This method would have decreased funding to a number of jurisdictions and increased it to others. The compromise lessens the losses and gains. Staff contact: Mary Jo Fields (mfields@vml.org)

Other bills ...

Governor’s Development Opportunity Fund; authority of Governor to award grants – SB 554 (Puckett)

Summary: Authorizes the governor to award grants of up to \$2 million for projects located in a central city or urban core area. The guidelines may include a requirement for the affected locality or localities to provide matching funds, which may be cash or in-kind, at the discretion of the governor.

Action: The substitute was reported from the Senate General Laws Committee.

Human Services

Records retention mandate bill to be considered

A bill that would require local departments of social services to retain certain child protective services (CPS) records for an additional seven years beyond the currently mandated 18 years, will be before a subcommittee of House Health, Welfare and Institutions on Tuesday.

HB 921 (R. Bell) came about as a result of a single situation in one of the counties represented by Del. Robert Bell, the bill's patron. The local department had not done anything wrong; and the record in question (which was 22 years old) was still intact and available to the person asking for it. The 25 years appears to be an arbitrary number chosen by the patron.

CPS records are paper files. State DSS estimates that there are approximately 600-plus of the particular cases at issue here each year. That may not sound like a lot, but this requirement would hit local agencies at a time they are facing growing caseloads for TANF, SNAP (food stamps) and Medicaid and the records for those programs that must keep as well. Many local offices are already awash in paper and having to pay for additional storage to abide with record-keeping requirements.

State DSS is *not* opposing the bill. If you would like to weigh in on this issue with the subcommittee, the members are: Bell, BaCote, Massie, Merricks, Morrissey, Sickles and Stolle.

We will give it to you, but at a cost ...

Bills with any state fiscal impact are not faring well this year, so patrons are finding inventive ways to make the impact "disappear."

HB 1376 (Sickles and Albo) would require the Board of Nursing to work with the Boards of Education and Medicine to develop guidelines for the administration of rescue medications for public school students with epilepsy and other seizure disorders. The guidelines would be finalized by Sept. 1, 2010, and made available to local school boards *for a fee not to exceed the costs of publication*.

In other words, you get to carry out the mandate and you get to pay for the materials to tell you how to go about implementing it. The bill is in the House Health, Welfare and Institutions Committee.

Other HWI Committee actions ...

HB 698 (Bulova), which would require assisted living and day care businesses, among others, to submit an emergency plan to their local emergency services agency for approval as a condition of licensure, has been carried over to 2011 by the patron. The Virginia Department of Health convened a workgroup on this issue last year and is already working on the issue.

HB 718 (Peace), which would require the Governor and General Assembly to develop and implement a plan to reduce the number of children in foster care by 25 percent within 10 years, was amended and reported by the committee on Jan. 27. The bill contains no penalties if this goal is not met; there's no money for it, either.

HB 1069 (Athey), which would require any person employed in the emergency department of any private or state-operated hospital to report to Adult Protective Services when any adult is treated for serious injury and is unable to explain the cause of the injuries due to physical or mental incapacity, was carried over to 2011 by the patron. The bill as drafted would have had a substantial fiscal impact on state and local social services because of the number of APS reports that it would have generated.

CSA bill heading for budget committee

HB 1086 (Crockett-Stark), which would bring the local match rate for all services under the Comprehensive Services Act for At-Risk Youth and Families (CSA) to a single level (the current community rate), was recommended for report and referral to House Appropriations in a General Laws subcommittee on Jan. 28.

The bill, which has a state fiscal impact because it would decrease the local match rate for certain services, likely will not receive a warm reception by the budget writing committee. Staff Contact: Janet Areson.

Land Use

Bill expands rights of assisted living facilities for elderly

HB 967 (Peace) expands to all localities the right for group homes for elderly, infirm or disabled persons to be treated as single family homes.

This means that local governments will have to consider such group homes as single family homes for all zoning purposes. The law currently applies only to Arlington and York Counties.

The bill excludes sex offenders and drug addicts from the group home provision – the two types of homes would not have the right to be treated as single family homes.

The Counties, Cities and Towns Committee reported the bill Friday morning.

Local Authority

One special elections bill amended; moves forward

The time period in which local governments would be able to call a special election to fill a vacancy would be changed under the amended version of **HB 450** (Ware).

If a vacancy occurs within 120 days of a general election, currently that vacancy cannot be filled by special election in most local governments until the next general election. The bill, as amended, allows (but does not require) a local government to hold the special election during a broader time period. The election could be held at any time from 90 days after the general election following the vacancy up to the next general election.

The bill retains the language in the original version that exempts local governments under 3,500 population from the requirements to call special elections. Also retained is the language that states that people appointed to fill vacancies hold all the powers of the elective office, and validates all votes taken by people appointed to elective office. A [December 2008 opinion](#) by then-Attorney General Bob McDonnell, however, opined that a person appointed to fill a vacancy on a council was not an elected official within the meaning of Title 15.2. An earlier circuit court case and opinion of the attorney general, however, held a contrary view, so the question of whether a person appointed to fill an elective office holds the power of that

office is unanswered at this point.

The bill has passed the House.

HB 1401 (Athey) requires in every case that special elections be held promptly on a Tuesday within 55 days prior to a general or special election. The bill takes away the authority to make appointments to fill out a vacated officer occurring within 120 days of an election, removes the exemption for localities under 3,500 population and removes the exemption for localities under 3,500 population. This bill is in the House Privileges & Elections Constitutional Amendment Subcommittee, which meets Monday morning at 7 a.m. Staff contact: Mary Jo Fields (mfields@vml.org)

Bill to limit landlord liability for unpaid water bill dies

A House Counties, Cities and Towns subcommittee has tabled a bill that would have prohibited localities from requiring a landlord to pay for a tenant's unpaid water and sewer bills.

HB 396 would have harmed local governments because when a tenant moves to another locality, the locality where the tenant skipped on his bills has no enforcement authority.

Committee OKs bill to help localities when newspapers commit advertising errors

The Counties, Cities and Towns committee reported **HB 766** Friday morning, which, in limited cases, will help local governments move forward with projects and plans.

The bill provides that if a newspaper improperly advertises an upcoming government action, such as a zoning amendment, that error will not invalidate the governmental action or meeting to be held on the issue. To take advantage of the provision, the action or meeting must have been advertised on the locality's Web site. Members of the subcommittee and members of the full committee lauded the idea of not penalizing the locality for the newspaper's error.

Two companion bills that would have allowed localities to advertise upcoming meetings and action in media other than the local newspaper, failed to obtain approval from the subcommittee. Del. Steve Landes, author of **HB 586**, promised the subcommittee that he would be back with the same legislation next year. Del. Dickie Bell had the same idea in **HB 401**.

Personnel

Senate committee votes to codify non-discrimination

The Senate General Laws Committee voted 8-7 Thursday in favor of a bill that would codify non-discrimination for state employees, including sexual and gender orientation.

SB 66 (McEachin) prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or certain other veterans. The bill defines “sexual orientation” as a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

Former Gov. Tim Kaine’s first executive order banned discrimination in the state workforce, including on the basis of sexual orientation. Gov. Bob McDonnell had said he would not renew Kaine’s order because he believed it overstepped the bounds of executive authority.

The eight Democrats on the committee voted in favor of the legislation. The seven Republican senators voted no.

Public Safety

Bill to mandate additional requirements for animal control will cost localities

Under current state law, every county and city must employ an animal control officer (ACO) with the provision being optional for towns. **HB 1056** (Armstrong) would require that ACOs be sworn law-enforcement officers *and* that all local sheriffs, deputies and police officers undergo the same mandatory training for animal control officers as required by **Section 3.2-6556** of the VA Code.

The fiscal impact to localities will vary depending on whether ACOs currently employed are sworn law enforcement officers. For those that do not, a primary concern is the additional costs associated with training and equipping sworn law enforcement officers, as well as the higher salaries and retirement benefits generally paid to such officers. Furthermore, the requirement for mandatory training of all law enforce-

ment officers will mean additional costs and result in law officers taking time for away from duty in order to complete the training. The exact wording of the bill also suggests that towns will now be required to train their law enforcement officials in animal control even if they choose not to employ ACOs.

The bill will be heard [House Agriculture, Chesapeake, and Natural Resources Sub-committee #1](#) Monday at 5 pm.

Staff contact: Joe Lerch (jlerch@vml.org)

Bill limiting local authority to deal with dangerous dogs is coming back

HB 429 (Griffith), which would prohibit local animal shelters from euthanizing, or prohibiting the adoption of any dog based solely on breed, failed in [House Agriculture Sub-committee #1](#) earlier this week. VML has learned that the bill will be reconsidered in subcommittee Monday at 5 p.m.

Staff contact: Joe Lerch (jlerch@vml.org)

House subcommittee acts on numerous gun bills

The House [Militia, Police and Public Safety Sub-committee #1](#) took up numerous gun-related measures.

Among the bills reported out was **HB 108** (Cole) that prohibits localities from participating in any gun buy-back programs unless the governing body has enacted an ordinance authorizing the participation of the locality. The ordinance must require that collected firearms be sold by public auction or sealed bids to a licensed dealer. Del. Cole struck a provision from the bill that allowed localities to dispose of collected firearms. VML spoke in opposition to this bill citing the following points:

- The bill could put an end to gun buy-back programs: the purpose of gun buy-back programs are to get dangerous weapons off of the street, and by re-selling guns to dealers the very same guns could eventually end up back on the streets.

- The bill requires local governments to place costly classified advertisements in the newspaper before conducting an auction for gun dealers or accepting their sealed bids.

Also reported out was **HB 870** (Cline) that removes the option for a locality to require an applicant for a concealed carry permit submit fingerprints as part of

the application. VML spoke in opposition to this bill highlighting that the decision to fingerprint should remain a local option.

The subcommittee passed by indefinitely [HB 879](#) (BaCote) that would have allowed localities to adopt an ordinance to prohibit firearms in libraries owned or operated by the locality. VML spoke in support of this bill.

Other bills ...

Police chaplains; certification - [HB 1080](#) (Crockett-Stark)

Summary: Requires the Department of Criminal Justice Services to develop a voluntary training and certification program for police chaplains. Such program shall include, but not be limited to, training regarding stress management, death notification, substance abuse, ethics, and crisis response. The bill also requires each state and local law-enforcement agency to develop policies and procedures regarding police chaplains in the agency, using model policies to be published by the Department of Criminal Justice Services.

Action: Re-referred to [House General Laws](#).

Miscellaneous

Early voting expansion appears unlikely

The House Privileges and Elections Committee appears to be again the graveyard for bills that would allow no-excuse absentee voting. A subcommittee has tabled a number of bills expanding early voting.

The Senate, however, has approved [SB 83](#) (Howell), which allows no-excuse early voting. Similar bills passed the Senate last year but died in the House committee. Some registrars have said that no-excuse early voting could require additional facilities, as existing facilities where absentee ballots are cast are not equipped to handle a large number of early voters. Staff contact: Mary Jo Fields (mfields@vml.org)

Pawnbroker bills reported

Two bills that will give local government(s) authority to require pawnbrokers to maintain and file a daily report electronically to law enforcement were reported out of committee.

[SB 108](#) (McDougle) applies statewide and [SB 169](#) (Houck) is limited to only Spotsylvania County.

The bills were reported from the Senate General Laws Committee.

Other bills ...

Security for Public Deposits Act; includes school activity funds in definition of public deposits - [SB 288](#) (Deeds)

Summary: Includes school activity funds in the definition of public deposits that are covered under the Virginia Security for Public Deposits Act.

Action: Stricken at request of the patron from the General Laws docket.

Release on recognizance; accused shall be released on his own by a judicial officer - [HB 1253](#) (Iaquinto)

Summary: Requires that an accused shall be released on his own recognizance by a judicial officer only upon completion of processing of the accused as required under Title 19.2, including fingerprinting, and upon satisfaction of the terms of recognizance.

Action: A Courts of Justice subcommittee recommended striking the bill from the docket.

More ...

See next page for a listing of VML legislative staff, contact information and responsibilities.

VML staff & assignments

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