

Bulletin

Thursday, February 1, 2024 | Richmond Downtown Marriott

2024



LOCAL GOVERNMENT DAY



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Tips for Effectively Communicating with Legislators

Local leaders have always played a crucial role in explaining to state legislators how the actions they take at the General Assembly affect Virginia’s communities. The 2024 session has one of the largest classes of freshmen members in recent history – it is more important than ever for local leaders to communicate their reasons for opposition to, or support of, specific legislation.



In person

When meeting with senators or delegates:

- **Be brief.** A short conversation is all that is needed to make a big impression.
- **Have the bill numbers.** Being able to reference specific legislation keeps the conversation on track.
- **Explain your concern.** It’s not enough to say you like or dislike a particular piece of legislation. You should be prepared to say why.
- **Have a specific ask:** This is your chance to make sure they understand that you’re not asking for something they *should* do, you’re asking for something they *must* do.
- **Reference your locality.** Be sure to remind the legislator that you represent or work for their constituents from a particular town, city, or county. An invitation to visit is always a great way to make this point.
- **Have a business card ready.** You may need to leave it with their assistant. Write the bill number that you want to discuss on the back.
- **Follow up as soon as possible.** A well-written letter or email is one of the best ways to thank your legislator for meeting with you and to remind them of your thoughts and opinions about a particular issue.

Written communications

A well-written letter or email is one of the best ways to introduce yourself and make your legislators aware of your thoughts and opinions about a particular issue. Here are some tips for getting your message across effectively:

- **Be brief.** Legislators have many demands on their time. They appreciate communications that are short and to the point.
- **Put the message in your own words.** Group emails, form letters and petitions don’t have the same impact as personal, informed opinions.
- **Address your message to a specific legislator or legislators.** Depending on your message, you may want to write to the sponsor of a bill, certain members of a committee, or your own legislators. Don’t address your message to the entire legislature.
- **Give any sources of information** that you use to make your point.
- **Include your contact information** so they have a way to respond.
- **After legislation is introduced:**
 - **Identify bills** by their number, title, and sponsor.
 - **Explain your position** on the bill and ask for the legislator’s support or opposition.

Outside of a legislative session, the legislative branch does not maintain staff or facilities through which constituents may contact their legislators. Instead, constituents may contact legislators directly through any of the means listed on their individual webpages.

For a complete list of Senators and Delegates refer to the directories at the back of this Legislative Bulletin.

To find out the status of the bill, use the lookup tool available via the below QR code.



Note – when entering the bill number, do not use spaces (e.g., “HB123”).



General Assembly Building

Floor Directory

Lower Level

House Room A
Tunnel Entrance to Capitol

1st Floor

Information
Capitol Police Security Screening
Commonwealth Room
Constituency Center
Dining
Press Room

2nd Floor

House Committee Operations
House Rooms B and C
House North and South Subcommittee Rooms
House Briefing Room
House Burgess Room

3rd Floor

Senate Committee Operations
Senate Rooms A, B and C
Senate Subcommittee Room

4th Floor

Division of Legislative Services
House Information Systems
Senate Briefing Room
Senate Fiscal and Human Resources

5th Floor

Senate Member Offices
Senate Post Office
Senate Subcommittee Room
Senate Support Services

6th Floor

Senate Member Offices
Senate Subcommittee Room North and South

7th Floor

House Member Offices
House North and South Conference Rooms

8th Floor

House Member Offices
House 8th Floor Meeting Room

9th Floor

House Member Offices
House 9th Floor Meeting Room

10th Floor

House Member Offices
House 10th Floor Meeting Room

11th Floor

House Member Offices
House Human Resources
House Finance
House Post Office
House Support Services

12th Floor

House Appropriations Chair & Vice Chair
House Appropriations Room
House Appropriations Staff
House Training Room

13th Floor

Senate Finance and Appropriations Room
Senate Finance and Appropriations Staff
Senate Information Systems

14th Floor

House Speaker
House Majority and Minority Leaders
Senate Leadership
Senate Leadership Conference Room
Speaker's Conference Room

Legislative Bill Room - 1st floor, Parking Deck - Enter at 9th and Broad Street



General Assembly Building

Below is an overview of the public meeting spaces and areas you may need to visit while in the GAB. Floor maps of primary meeting spaces are on the back side of this flyer.

GAB Hours:

8:00 a.m. to 5:00 p.m. during interim
 6:00 a.m. to 5:00 p.m. or when meetings conclude daily during legislative sessions

Virginia General Assembly – Overview of Meeting Space

Lower Level

House Room A – largest meeting space, seating 300 people. House Committees with largest public attendance will meet here; Joint Money Committee hearings will occur here.

Tunnel Entrance to Capitol – located at base of central staircase; scheduled to be open by January; To be used by Members, staff and the public. If someone passes through security in Capitol or GAB, navigating between the 2 buildings via the tunnel eliminates need for additional security screenings, and hopefully will reduce lines at the door.

1st Floor

Information
 Capitol Police Security Screening

Meriwethers Dining – Hours of operation:
 7:00 a.m. to 3:00 p.m. during interim
 6:00 a.m. to 3:00 p.m. (or when floor sessions end) during session
 Mobile orders can be picked up in dining area.

Commonwealth Room – Overflow dining area on Broad Street side of Meriwethers Dining.

2nd Floor

House Rooms B and C – both seat approximately 200 in audience
House North and South Subcommittee Rooms – seats 100 in audience

Majority of House Committee and Subcommittee meetings will occur on the 2nd Floor in one of these 4 meeting rooms

House Briefing Room – must be reserved by a House member.

House Committee Operations Staff

3rd Floor

Senate Room A - seats 200
Senate Room B - seats 180
Senate Room C – Seats 100
Senate Subcommittee Room
 Senate Committee Operations Staff

4th Floor

Division of Legislative Services
 House Information Systems
 Senate Finance and HR
 Senate Briefing Room – must be reserved by Senate member

5th Floor

Senate Support Services (Lobbyists Badging)

Senate Member Offices on 5th and 6th Floors

House Member Offices located on 7th, 8th, 9th, 10th and 11th Floors

11th Floor

House Finance and HR
 House Support Services (Press Badging)

12th Floor

House Appropriations Room – seats 200 in audience. All House Appropriations Subcommittee and Committee Meetings will be held in this space.

House Appropriations Chair & Vice Chair
 House Appropriations Staff

13th Floor

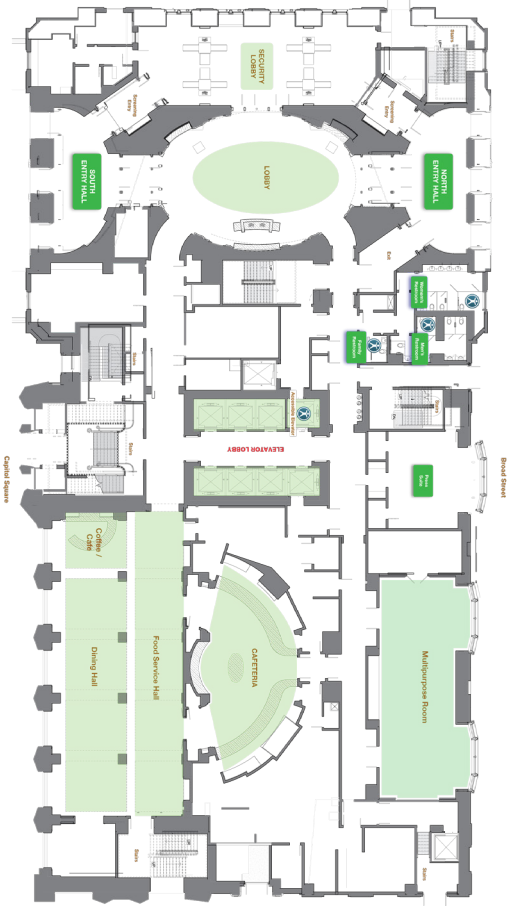
Senate Finance and Appropriations Room
 Senate Finance and Appropriations Staff
 Senate Information Systems

14th Floor

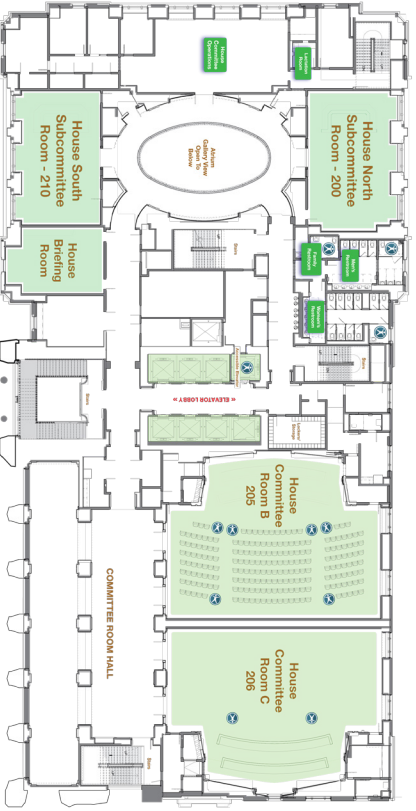
House Speaker’s Office
 House Majority and Minority Leader Offices
 Senate Leadership Offices

Legislative Bill Room – located at 9th and Broad on first floor of parking deck

1st Floor (Public Entrances & Dining)

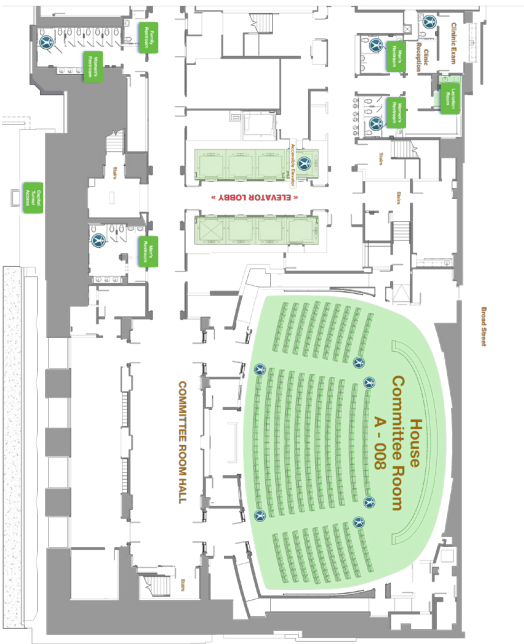


2nd Floor House Meeting Rooms



Lower Level

House Committee Room A



3rd Floor Senate Meeting Rooms



VML/VACo Support: Grocery tax – Budget amendments to restore the hold-harmless for K-12

The introduced budget does *not* include funding to maintain the state’s commitment to replace lost revenue for K-12 associated with elimination of the state’s portion of the sales and use tax on food (i.e., the “grocery tax”), which took effect January 1, 2023. Language in the budget proposes to override the statutory requirement to provide an amount equal to the revenue that would have been distributed for this purpose had the state portion of the grocery tax not been eliminated. This action runs contrary to the understanding at the time that the state’s portion of the grocery tax was eliminated. That understanding – which was incorporated into statute – was that the revenue replacement would be ongoing.

The patrons of the 2022 legislation that eliminated the state’s portion of the grocery tax have introduced budget amendments that would honor the 2022 commitment and restore the hold-harmless for K-12. [Item 125 #11h \(McNamara\)](#) and [Item 125 #7s \(Boysko\)](#) reflect the net additional funding required to be provided to hold school divisions harmless (\$121.3 million in FY 2025 and \$121.8 million in FY 2026).

Key points:

- Please thank the patrons and encourage your legislators to support the amendments.
- The Administration has argued that its proposal to expand the sales tax base will make up for the elimination of general fund resources provided to local school divisions as part of the “hold harmless” agreed to in 2022. But if the Governor’s sales tax proposal fails to pass, local school divisions will lose critical general fund support. Hence, the need for the restoration of general funds for schools.

VML/VACo Support: Budget amendments for increased funding for Planning District Commissions

Six budget amendments – four in the House and two in the Senate – have been introduced to provide an additional \$150,000 from the general fund each year for the 21 planning district commissions (PDCs) in the Commonwealth.

The amendments are:

House of Delegates

- [Item 103 #2h \(Rasoul\)](#) – Roanoke
- [Item 103 #4h \(McQuinn\)](#) – Richmond
- [Item 103 #5h \(Kilgore\)](#) – Gate City
- [Item 103 #9h \(Bulova\)](#) – Fairfax

Senate

- [Item 103 #6s \(Marsden\)](#) – Fairfax
- [Item 103 #7s \(Pillion\)](#) – Abingdon

PDCs are critical components of the work that the state and local governments do to promote and provide efficient and effective services on a regional basis.

Each of the 21 PDCs in Virginia is unique, but what they share is their experience and expertise in convening, cooperating, and collaborating with these other partners to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services.

While all of Virginia’s PDCs are active in spearheading affordable housing development, many serve as strategic and administrative partners in implementing economic development and rural broadband expansion projects. Others guide oversight and administrative services for their GO Virginia region, trigger tourism enhancement, and facilitate actions that protect the Chesapeake Bay and our other natural resources.

Key points:

- Please thank the patrons of these amendments and encourage your legislators to support the amendments.
- Remind lawmakers that PDC's have been challenged by the adequacy of resources to carry out these functions, or at the expense of other worthwhile projects that assist the state and local governments.
- House and Senate members introduced amendments to increase funding for each PDC by \$150,000.

VML/VACo Oppose: Grocery tax – Legislation would eliminate local portion

HB 540 (McNamara) and **SB 110 (Suetterlein)** would eliminate the local portion of the grocery tax and replace the lost revenue with a supplemental school payment that would initially be based on each city's and county's estimated average share of sales tax distributions attributable to sales of food and essential personal hygiene products between February 2022 and December 2023, and then based on a pro rata share of sales tax collections (after July 1, 2026). While the bills would provide for replacement revenue, localities would be relying on the state to honor this commitment in the future. **HB 540** has been referred to the House Finance Committee but has not been heard; **SB 110** was passed by indefinitely in Senate Finance and Appropriations on Tuesday.

VML/VACo Oppose: Transient Occupancy Taxes – Bill would cease local collection for accommodation intermediaries

HB 1328 (McNamara) would allow accommodation intermediaries (Airbnb, etc.) the ability to submit one check for transient occupancy tax to the Department of Taxation and the Department would disburse the money to the localities. Currently transient occupancy tax is collected at the local level. This would create a different model for hotels and accommodation intermediaries.

Key Points:

- The transient occupancy tax is a local tax that should continue to be administered locally, where collections can best be audited and verified.
- Although the legislation stipulates that the Department of Taxation shall not withhold any portion of the local taxes collected to cover its administrative expenses, it is unclear how the electronic interface would be funded, and it is possible that in the future the Department would need to turn to this revenue stream to fund its costs of collection.
- Laws already in place provide the framework for accommodations intermediaries to comply with their reporting and payment obligations, and most short-term rental operators are in compliance with current law. Legislation enacted in 2022 requires intermediaries to submit on a monthly basis the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in each locality, and 2023 legislation requires the Department of Taxation to post on its website the current transient occupancy tax rates imposed in each locality after timely submission of the data from local tax-assessing officers.

Local fiscal distress

HB 655 (Coyner) and **SB 645 (Aird)** address specific issues being reported in one locality. The concern about these bills is that the proposed solutions are designed to address the situation in that locality but may have ramifications for all counties, cities, and towns, at least the ones flagged as being in fiscal distress, according to the Auditor of Public Accounts (APA). It's imperative that we avoid addressing an issue in one community at the expense of other local governments.

The bills codify and expand upon language that has been in the Appropriations Act that outlines a process and plan to work with localities identified as in "fiscal distress" by the APA.

But the bills go further, authorizing a more assertive role for the Governor to intervene in the fiscal operations of a locality if the Commission on Local Government, which will assume additional responsibility under the bill, determines that "a locality is either unwilling or unable to comply with the conditions necessary to address its fiscal distress." Moreover, as introduced, the bills allow the Governor to "use all powers available to him to intervene for the purpose of addressing such fiscal distress." **VML and VACo have offered amendments to narrow the scope of the bill and to place guardrails on the proposed intervention.**

VACo Supports: Short term rental tax collection bill

[HB 695 \(Ware\)](#) improves enforcement of compliance with tax collections and other local regulations for short-term rentals. The bill requires accommodations providers and accommodations intermediaries to register with the Department of Taxation and provide information regarding the addresses of individual properties offered for short-term rental and amounts collected for room charges, fees, and taxes. The Department would provide access to this information to the Commissioners of the Revenue or other assessing officials, who would be able to share certain information with local zoning officials. **VML is supportive of this effort.**

VML Supports: Expand authority for use of community revitalization funds

[SB49 \(Locke\)](#) / [HB478 \(Coyner\)](#) expand the current law to allow all localities the ability to establish a community revitalization fund to be used to prevent neighborhood deterioration. Currently only the City of Richmond has this authority. This bill was recommended by the Housing Commission.

VML Supports: Remove salary caps for city council members

[HB456 \(Callsen\)](#) removes the statutory caps for council members in a city.

Local tax collections

[HB 1483 \(McQuinn\)](#) and [SB 294 \(DeSteph\)](#) are designed to address some of the problems restaurant owners in the city of Richmond have been experiencing related to meal tax collections. In response, the city has announced measures designed to address the concerns of restaurant owners. VML and VACo have had discussions with the bill patrons and proponents about ways to address the circumstances that precipitated the bill without hampering local tax collections in other localities.

Changes to the car tax

[HB 1308 \(Green\)](#) effectively eliminates the car tax by reducing the tax rate localities can charge to no more than \$0.000001 per \$100 of assessed value of the qualifying vehicle. The bill makes up the lost revenue with a sum sufficient appropriation from the state's general fund. This bill was heard on Tuesday in subcommittee and recommended to be tabled.

[SB 126 \(New Craig\)](#) proposes to set aside a portion of any general fund surpluses for increased car tax relief. The amount to be provided would come from any general fund balances that remain AFTER all mandatory assignments are made under current law, for example, required deposits to the Rainy Day Fund or Water Quality Improvement Fund. The bill also increases from \$20,000 to \$30,000 the base vehicle value for which a county, city, or town shall establish its tangible personal property tax rate for each qualifying vehicle beginning in 2025.

As a reminder, the car tax generates significant revenues for local governments. When the Governor rolled out his budget proposals in late December, he asked "the General Assembly to work with me to completely eliminate the hated car tax and replace it with an increase in the local sales tax."

Two days after his announcement, VML, VACo, and local government officials met with Youngkin Administration officials as well as state agency staff from the departments of Taxation, Motor Vehicles, and the Auditor of Public Accounts. The purpose of this meeting was to gather additional information regarding local car tax revenues.

To date, no car tax proposals outlining the Governor's intentions or how to replace those lost revenues have emerged. Administration officials continue to collect and review data collected from localities, but whether that additional information results in a fleshed-out car tax proposal remains to be seen.

Housing and Land Use

VML/VACo Oppose: Bill mandating localities to approve utility-scale solar and battery storage facilities

SB 697 (Van Valkenburg) requires localities to permit utility-scale solar and energy storage facilities as a “special exception” per [15.2-2288.8](#) of Virginia Code and to develop an ordinance that establishes “reasonable criteria and requirements” for the siting of utility-scale solar and battery storage projects. Additionally, the legislation states that such reasonable criteria and requirements “...shall not include limits on the total amount, density, or size of solar and storage facilities that can be developed.”

The legislation effectively requires localities to permit any application, regardless of the cumulative impact of such facilities, so long as the requirements of a local ordinance with “reasonable” criteria are met.

It is anticipated that **SB 697** will be heard in the [Senate Local Government Committee](#) on Monday, February 5.

Key Points:

- VACo and VML support maintaining local authority to address all impacts and all choices associated with utility-scale installations of solar power and battery storage facilities.
- The state should not require localities to permit these facilities, regardless of the total amount, density, or size of such projects.

VML/VACo Oppose: Bills giving local land use authority to Virginia State Corporation Commission (SCC) for the siting of utility-scale solar, wind and energy storage projects

HB 636 (Sullivan) / SB 597 (Deeds) SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities. The legislation sets up the process for applicants to essentially bypass local planning commissions and local governing bodies when seeking approval for the siting and operations of solar projects with a rated generation capacity 50 megawatts (MW) or more, wind projects of 100 MW or more, and energy storage facilities of 50 MW or more.

HB 636 and **SB 567** modify the current law regarding the host site agreement that an applicant must seek when proposing a utility-scale solar or battery storage facility. Specifically, the bills propose to:

- Include “wind energy facilities” (turbines) that produce energy for sale to the requirement to apply for a siting agreement with the host locality.
- Within the 30 days of the initial meeting to discuss the siting agreement, the locality must notify the applicant if they have a “compatible renewable energy ordinance”. The legislation then defines the parameters of what qualifies as a compatible renewable energy ordinance with specific limitations on what a locality can require regarding facility setbacks, height and other design and operating features. **The result is one statewide ordinance for all jurisdictions to follow.**
- If the locality fails to act on the application within a specified time period, or if it denies the application for land use approval, even though such application complies with minimum requirements of the statewide ordinance, then it may apply for approval from the SCC. **If the SCC approves the application, then it “shall be exempt from obtaining approvals or permits, including any land use approvals or permits under the regulation and ordinances of the host locality.”**

It is anticipated that **SB 567** will be heard in the [Senate Commerce and Labor Committee](#) on Monday, February 5. **HB 636** will be heard in the [House Labor and Commerce Committee](#).

Key Points:

- Utility-scale energy projects such as solar, wind, and battery storage are in effect largescale power plants, many of which may have oversized footprints. For example, a solar facility with a generating capacity of 100 MW can occupy 1,000 acres or more of land.

- Local review and approval of utility-scale solar, wind and battery storage projects are necessary to determine if the use and location are consistent with a locality’s land use goals and objectives. The state should not usurp local authority to determine how such facilities fit within local landscapes.

VML/VACo Oppose: Bills to make accessory dwelling units (ADU) a by-right use

SB304 (Salim) / HB900 (Srinivasan) mandate all localities to permit accessory dwelling units (ADUs) as an accessory use in residential zoning districts. The legislation also prohibits a locality from requiring (1) dedicated parking for the ADU; and (2) lot sizes or setbacks for the ADU greater than that of the primary dwelling.

It is anticipated that SB 304 will be heard in the [Senate Local Government Committee](#) on Monday, February 5. HB 900 was heard in the [House Counties, Cities and Towns Subcommittee #2](#) on Thursday, February 1 at 7:00 AM.

Key Points:

- Local governments have the authority to allow for the inclusion of ADUs within their zoning ordinances and determine the context of where ADUs can be reasonably accommodated to meet the needs of residents and homeowners.
- A mandate to authorize an ADU in all single-family zoning districts excludes input from citizens and communities on whether, and how, ADUs can fit within existing and proposed residential developments.

VML/VACo Oppose: Bills to make short-term rentals a by-right use

SB 544 (Bagby) prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of an accessory dwelling unit (ADU) for a short-term rental in an area zoned for residential use where the primary dwelling unit on the site is occupied by the property owner. A substitute may be offered on Monday that will say that local governments cannot require a homeowner to obtain a conditional/special use permit when the short-term rental use is for the homeowner’s primary residence.

HB 1461 (Mundon King) prohibits a locality from barring an operator, as defined in existing law, who is a lessee or sublessee of property from offering such property as a short-term rental provided the property owner has granted permission for its use as a short-term rental.

It is anticipated that **SB 544** will be heard in [Senate Local Government Committee](#) on Monday, February 5. **HB 1461** will be heard in the [General Laws Housing/Consumer Protection Subcommittee](#).

Key Points:

- Local governments have the authority to regulate and address any potential impacts from the operation of short-term rentals within their community.
- Mandated changes to this authority, including exemptions, will erode the ability of local elected officials to address impacts from the operation of short-term rentals.

Other bills of interest

SB 48 (Locke) / HB 1486 (Thomas) Vacant buildings; registration. Allow any county, city, or town to require a vacant building registration if the building has been vacant 12 months and it meets certain criteria. These bills were recommended by the Housing Commission. **VML supports this legislation.**

SB 135 (Head) / HB 233 (Campbell) Virginia Economic Development Partnership Authority; eligible site for site development grant; minimum acreage. Reduce the minimum number of contiguous acres from 100 to 50 for a site that is not a brownfield site to be eligible for a site development grant from the Virginia Business Ready Sites Program Fund by the Virginia Economic Development Partnership Authority. The bills also exempt from the minimum acreage requirement any site that exists in a locality that has 3 or fewer eligible sites that are not 100 acres.

SB 354 (Locke) / HB 467 (Simon) Establishment by localities of certain real estate contract disclosures prohibited. Prohibit localities from establishing or enforcing a mandatory disclosure for a residential real estate transaction to include mandatory notifications in a contract, amendments or addenda to a contract, advertising, other promotional materials, and subsequent deeds.

HB 128 (Watts) Door-to-Door vendors; local regulation, political parties exempted. Local regulations shall not apply to persons participating in political activities as defined in the bill.

HB 281 (Reaser) / SB 13 (Favola) Child day programs; use of office buildings, waiver of zoning requirements. Localities may provide for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, as defined by the bill, provided that such facility satisfies the requirements for state licensure as a child day program.

HB 755 (Walker) Industrial and commercial areas; civil penalties for certain local property violations. Increases the civil penalty for industrial and commercial areas from a total fine that cannot exceed \$3,000 in a 12-month period to \$6,000 in a 12-month period.

HB 644 (Sullivan) Gas-powered leaf blowers; local prohibition or regulation, civil penalty. Allows a locality to prohibit or regulate the use of gas-powered leaf blowers and allows the locality to impose a civil penalty.

SB 233 (Hashmi) / HB 1124 (Carr) Faith in Housing for the Commonwealth Act; construction of affordable housing. Allow religious organizations to construct affordable housing with disregard to the locality's zoning. HB 1124 will be heard in the House General Laws Subcommittee Thursday afternoon after the full committee meets. **VACo and VML opposed these bill as proposed.**

Conflict of Interest Act, Freedom of Information Act, and Public Administration

Conflict of Interest Act (COIA)

VML Supports: Budget amendment to facilitate COIA training

HB 30: Item 15#1h (Hodges) provides state funding each year for the Virginia Conflict of Interest and Ethics Advisory Council to hire an additional position to perform training duties and respond to inquiries. Currently, the Council does not have enough staff to provide training at specific times of the year. VML sought this amendment.

Key Points:

- State and local elected officials are subject to COIA provisions.
- Local elected officials are required to take COIA training after election to office.
- The lack of staff at the state council's office causes significant delays in receiving required training, particularly early in the calendar year when local officials take office.
- The addition of a staff person can help ensure in-person training events, which are more beneficial for participants.

Freedom of Information Act (FOIA)

VML/VACo Support: HB 894 (Bennett-Parker) / SB 734 (Marsden) Virginia Freedom of Information Act; electronic meetings. Except for local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings 2 times per year or no more than 50 percent of the meeting provided that they have an electronic meeting policy in place. Previously it was 2 times per year or no more than 25 percent.

VACo Supports: SB 36 (Locke) Virginia Freedom of Information Act; definition of meetings. Defines "public business" and codifies that three or more members of a public body may appear and participate in certain public meetings without violating the Freedom of Information Act provided that no public business is transacted or discussed.

VML/VACo Support: SB 244 (McPike) FOIA; meetings held through electronic communication during declared states of emergency. Provides that meetings by electronic means due to a state of emergency stated in FOIA are

declarative of existing law since March 20, 2020. Any meeting by a public body that took place from March 20, 2020, to July 1, 2021, along with the actions taken during those electronic meetings are validated with respect to FOIA if all the notice and access requirements were met.

VML Supports: [SB 85](#) (Favola) / [HB 1040](#) (Bennett Parker) **Virginia Freedom of Information Act; definition of “caregiver;” remote participation in meetings by persons with disabilities and caregivers; remote voting.** A person with a disability or their caregiver can participate remotely as part of the public body in a meeting and count as part of a quorum as if the individual is physically present. **VML supports this legislation.**

SB 324 (Roem) Virginia Freedom of Information Act; charges for production of public records. Prohibits a public body from charging a requester for costs incurred during the first 2 hours of searching for records of the first 4 requests in 31 days and after the free hours caps the rate at \$33/hour. There is a mechanism to petition the court for relief upon showing that there is no qualified individual capable of fulfilling the request at that rate. The Senate General Laws and Technology Committee required the parties to negotiate, and a substitute was passed that provides for 1 free hour of search and access per person per calendar year, a cap of \$40 dollars, a court procedure to petition to collect a higher hourly rate and some exceptions for legal review. The bill was amended on Wednesday to study the proposal over the summer and require that the substance of the bill be reenacted in 2025. **VACo and VML opposed this bill.**

FOIA bill that is gone for the year

HB 671 (Freitas) Virginia Freedom of Information Act; definition of public body, revenue from public funds. Changes the definition of “public body” to include any organization, corporation, or agency that received more than 50 percent of its annual revenue, within any of the three preceding years, from public funds. **HB 671** was struck by the patron and is gone for the session.

Public Administration

VML/VACo Support: [HB 1488](#) (Henson) / [HB 443](#) (Williams) / [SB 413](#) (Head) **Local government; standardization of public notice requirements for certain meetings, hearings, etc.** This is clean-up legislation from the code commission regarding public notice requirements. The revisions include amending the frequency for publishing notices in the newspapers, the number of days required to elapse between the publication of notices and the amount of information to be contained in each notice.

VML Supports: [HB 242](#) (Bulova) / [SB 242](#) (McPike) **Virginia Public Procurement Act; competitive negotiation, exceptions to contractual terms.** Allows public bodies to request objections to contractual terms when proposers are submitting their proposals, but not to use those objections when deciding who is on the short list. Once two or more firms are selected for negotiation, the public body can discuss the terms and conditions and take those objections into account when determining the winning bidder.

HB 710 (Webert) / SB 549 (Russet Perry) Travel expenses; local officials. Require any local official anticipating a travel expense to exceed \$2,500 shall get advance approval of the governing body and if the expenses exceed that amount the amount shall be reported to the governing body and noted in the meeting agenda or minutes. **VACo opposes this legislation. VML also opposes as written but has proposed an amendment to the patron.**

Education

VML/VACo Support: Budget amendments to improve education in the Commonwealth

[Item 125 #17h \(Carr\)](#) and [Item 125 #9s \(Deeds\)](#) come as a request of VML and VACo to add \$1.2 million each year of the biennium to the School Construction Assistance Grant Program.

This program was created in 2022 to provide grants to qualifying localities for construction and renovation needs. Initially, this program was funded by general fund dollars in the amount of \$450 million in FY23. These funds have been utilized leaving the fund at \$0. The School Construction Assistance Grant Program is to be funded by the Gaming Proceeds Fund which is funded by casino profits. However, the Gaming Proceeds Fund only has \$80 million each year of the biennium which is not enough. This amendment adds an additional \$120 million each year resulting in a combined total of \$400 million which is similar to the initial amount of funding placed in this program.

[Item 125 #14h \(Reid\)](#), [Item 125 #43h \(Simonds\)](#), [Item 125 #12s \(Carroll-Foy\)](#), and [Item 125 #30s \(Favola\)](#) provide \$200.3 million in FY25 and \$202 million in FY26 to eliminate the inflation cap placed on support positions in 2009. This would change the number of support positions from 20 per 1,000 students to 24 per 1,000 students. This is also a request of VML and VACo.

[Item 125 #32s \(Deeds\)](#) allocates \$312 million each year of the biennium using general funds to implement the JLARC recommendation from the 2023 report to remove the support cap and other Great Depression Era cuts. This moves the inflation cap on support positions from 20 per 1,000 students to 24 per 1,000 students.

Key Points:

- Virginia needs to increase funding in all schools regardless of location. Teachers and other support and instructional staff deserve to be paid more and proportionately.
- Schools also must be clean, safe, and inviting places to learn. Leaking roofs, cracked ceilings and antiquated heating/cooling infrastructure make learning difficult if not impossible.

VML/VACo Support: School construction legislation

[HB 600 \(Kilgore\)](#), [HB 805 \(Rasoul\)](#), and [SB 14 \(McPike\)](#) would permit any county or city to impose an additional local sales and use tax of up to 1 percent, if initiated by a resolution of the local governing body and approved by voters at a local referendum. The revenues of such a local tax would be used solely for capital projects for the construction or renovation of schools. Any tax imposed shall expire when the costs for capital projects are to be repaid and shall not be more than 20 years after the date of the resolution passed. Currently, this authority is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

Key Points:

- According to the [Commission on School Construction and Modernization](#), more than half of K-12 school buildings in Virginia are more than 50 years old. The amount of funding needed to replace these buildings is estimated to cost \$24.8 billion.
- This legislation was a unanimous recommendation by the Commission on School Construction and Modernization.
- This bill is about parity for local governments, giving all counties and cities the same authority currently given to nine localities.
- This bill is **NOT** a tax increase. It would merely create a local option and another tool for local governments, which would only be enacted by local referendum.

Please use the QR code to watch a short video on this topic.



Related legislation

- [HB 60 \(Wright\)](#) and [SB 146 \(Mulchi\)](#) would extend this authority for Prince Edward County and is **supported by VACo**.
- [HB 616 \(Price\)](#) would extend this authority to the City of Newport News and is **supported by VML**.
- [HB 1437 \(Hayes\)](#) would extend this authority to the City of Portsmouth and is **supported by VML**.

VML/VACo Support: JLARC recommendation bills

Following the [Joint Legislative Audit and Review Commissions \(JLARC\) study](#) on how to improve the Standards of Quality (SOQ) in the Commonwealth, which was released this summer, several legislators have introduced legislation. JLARC provided twelve recommendations that can be accomplished in the short term. Each of these recommendations has been addressed through legislation specified below.

[SB 609 \(Aird\)](#) and [HB 825 \(Cousins\)](#) establish an At-Risk Program defined as any state funding provided for programs of prevention, intervention, or remediation according to the at-risk add-on program designed to support programs for students determined to be educationally at risk. With this new definition funding level criteria are administered. This is in conjunction with the state's already existing At-Risk Program for which localities receiving state funding would be held harmless if they received more funding with the existing program.

[SB 228 \(Hashmi\)](#) require additional positions to be added to the basic aid support list such as special education and English as a second language support staff.

[SB 128 \(VanValkenburg\)](#) place several parameters around the SOQ funding calculations. Parameters include adding facilities and transportation staff to the calculations, including facilities staff in the cost of competing adjustment, prohibiting caps on support positions during rebenchmarking, and using a three-year average for the local composite index.

[HB 359 \(Simonds\)](#) require the Department of Education to include costs associated with leased facilities and work-related travel into nonpersonal costs, examine division spending on support costs, require support positions to be funded based on prevailing costs, and prohibit a cap being put on instructional and support positions.

[SB 227 \(Hashmi\)](#) and [HB 624 \(Rasoul\)](#) create an omnibus bill encompassing all JLARC recommendations that came from the JLARC SOQ study from this summer. This bill includes items such as eliminating the support cap, including competing cost adjustments for instructional and support staff salaries, amount of funding for at-risk programs, using a three-year average for the local composite index, estimating consumption costs, and amending the SOQ formula and definitions.

Key Point: Per code, the state should be funding 55 percent of the cost of education and localities should be funding 45 percent of the cost of education. However, over time localities have been forced to pay far more than 45 percent.

VML/VACo Support: Budget amendments to clarify use of funds to reimburse local social services agencies for administrative costs

- **HB 29/SB 29:** [Item 340#1h](#) (Sullivan); [Item 340#1s](#) (Deeds)
- **HB 30/SB 30:** [Item 324#8h](#) (Sullivan); [Item 324#3s](#) (Deeds)

These amendments clarify that non-general funds from the Percentage of Income Payment Program (PIPP) Fund shall be used to reimburse local departments of social services for the administration of the PIPP program, consistent with § [56-585.6](#) of the Code of Virginia.

Key Points:

- The PIPP program is a non-general fund program, funded by collection of Universal Service Fees from all residential customers of Dominion Energy and Appalachian Power Company. No public funds are involved.
- The objectives of the PIPP program are to reduce the energy burden of eligible participants and to reduce the amount of energy/electricity used by these households.
- There are no state or federal funds involved, so no local match for these private funds was envisioned when the program was approved by the General Assembly.
- These amendments would clarify that no local match should be required for this privately-funded program.

VML/VACo Support: Budget amendments to create a training academy model for family services program staff

HB30/SB30: [Item 324#1h](#) (Coyner); [Item 324#2s](#) (Favola)

The amendments would fund establishment of a centralized training academy model to bring Virginia in line with best practices used by states with similar social services models.

Key Points:

- Current initial training for local benefits and family services specialists, administrative professionals, and supervisors does not adequately prepare workers to handle complicated and demanding caseloads; scheduling is also difficult to arrange.
- This academy model would use in-person, virtual instructor-led, and other technologies to provide a more structured and consistent foundational training program.
- This is a recommendation from the Virginia Commission on Youth.

VML/VACo Support: Budget amendments to replace VaCMS eligibility and enrollment case management software

HB30/SB30: [Item 334#2h](#) (Carr); [Item 334#1s](#) (Aird)

The amendments would fund the replacement of the benefits eligibility and enrollment system (known as the Virginia Case Management System or VaCMS) used to manage cases statewide for Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), the Child Care Subsidy Program, and Energy Assistance Programs.

Key Points:

- The system is used by approximately 6,000 staff at 120 local departments of social services.
- The current legacy systems would be replaced by a next-generation platform with better design, testing, and training capabilities.

- The proposed system would be developed with input from local social services staff, who use the system every day.
- Funding would also be used to modernize the CommonHelp website used by individuals to apply for public benefits electronically.

VML/VACo Support: Budget amendments to expand child welfare workforce development/retention stipend program

HB30/SB30: [Item 329#2h \(Coyner\)](#); [Item 329#3s \(Favola\)](#)

These amendments fund an expansion of Virginia's Child Welfare Stipend Program (CWSP) to include individuals preparing to work in Child Protective Services (CPS) slots and other child welfare position slots.

Key Points:

- The CWSP is a workforce development program, in partnership with five public state universities in Virginia.
- The program prepares Master of Social Work (MSW) and Bachelor of Social Work students for a career in public child welfare.
- Students receive a \$10,000 stipend per academic year and receive extensive training with local departments; in exchange, the recipient must commit to work at a local Department of Social Services within Virginia in foster care or adoption services for one year for each year of stipend funding.
- This is a recommendation of the Commission on Youth; VACo and VML support this workforce development and retention program.

VML/VACo Support: Budget amendments to provide Medicaid coverage of behavioral health/SUD treatment for incarcerated individuals in local/regional jails

HB 30/SB 30: [Item 288#55h \(Coyner\)](#) ; [Item 288#5s \(Favola\)](#)

These amendments direct the Department of Medical Assistance Services (DMAS) to seek a waiver or state plan amendment to expand Medicaid coverage for behavioral health and substance use treatment for qualifying incarcerated individuals. Such coverage would be provided during the first 30 days of incarceration and the last 90 days prior to release.

These amendments were requested by the Virginia Association of Regional Jails with support from by VML and VACo in concert with the other stakeholders.

Key points:

- In 2023, the Centers for Medicare and Medicaid Services (CMS) issued guidance on a new Medicaid Reentry Section 1115 Demonstration Opportunity that would allow federal funding to cover certain medical and behavioral health services for state prisoners and local and regional jail inmates while they are in a correctional facility. Currently, Virginia Medicaid covers only costs incurred during a hospital admission for these individuals.
- Jails continue to serve large numbers of individuals with mental illness and substance use disorders, despite commendable efforts to develop a comprehensive continuum of community-based services, including crisis services. The State Compensation Board indicates that approximately 22 percent of the jail population is known or suspected to have a mental illness; of those with a mental illness, approximately 55 percent have a co-occurring substance use disorder (SUD). Of those without a mental illness, approximately 12 percent of the jail population is reported to have a SUD.
- Avoiding gaps in health care coverage for those reentering the community has been demonstrated to assist in a successful transition and avoid recidivism.
- The assumption is that the program would be operational by at least July 1, 2026.

VML/VACo Support: Budget amendments to fund substance use disorder treatment in local/regional jails

- **HB30:** [Item 60 #12h \(Coyner\)](#) / [Item 394 #20h \(Coyner\)](#)
- **SB 30:** [Item 60 #13s \(Favola\)](#) / [Item 394 #8s \(Favola\)](#)

These amendments move funding from the Compensation Board to the Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund administered by the Department of Criminal Justice Services and increases funding from \$500,000 to \$2.0 million each year.

Key points:

- VML and VACo supported the creation of the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund which was established (but not funded) in 2023.
- This fund is to be used for the planning or operation of substance use disorder treatment services and transition services, such as medically assisted treatment therapies, addiction recovery, and other services for persons with substance use disorder who are incarcerated in local and regional jails.

VML/VACo Support: Bill to compensate jails for actual cost of incarceration

SB 41 (Peake) would direct the Department of Corrections to compensate local and regional jails for the actual cost of incarceration, based on the rate calculated in the Compensation Board's annual Jail Cost Report, for state-responsible inmates (individuals with felony convictions with sentences of one year or more) who should otherwise be confined in a state correctional facility. The bill was reported by Senate Rehabilitation and Social Services and referred to Senate Finance and Appropriations.

Juvenile detention, jail bills, and budget amendments of note

VML/VACo Oppose: (in current form): **HB 1438 (Wiley)** which would *require* local governments to provide enhanced retirement benefits for hazardous duty service to juvenile detention specialists beginning July 1, 2024. This would put these employees in a different category than other public safety personnel in local governments. VML and VACo oppose such a mandate; we would support allowing local governments to decide to include such employees in the category for enhanced retirement benefits. The bill has been referred to the House Appropriations Committee's Compensation Subcommittee; **we understand that the patron plans to amend the mandate language to provide instead for a local option.**

VML/VACo Oppose: **SB 438 (Suetterlein)** which would *require* all members and alternates for a juvenile detention home, group home, or residential care facility commission to have a background in law enforcement or corrections. This bill removes the authority of local governments to appoint members who bring a variety of expertise and voices (e.g., finance, rehabilitation, education, behavioral health) to such commissions. The bill has been referred to the Senate Courts of Justice Committee.

HB 912 (Shin) is a bill in flux. As introduced, it proposed caps on certain fees and costs in local and regional jails. The bill was amended last week to address how funds collected in jail stores/commissaries would be used by the jail; namely, that funds would be used within the facility for educational, recreational, or other rehabilitative purposes for the benefit of the inmates. A subcommittee of House Public Safety recommended the proposed substitute on Jan. 25; however, additional amendments may be considered before the bill is taken up by the full committee on Feb. 2.

VML and VACo are monitoring the bill and any additional amendments to come forward. We support renewed state support for local and regional jails; we are working still to make up for reductions in state support made during the Great Recession (2009-2010).

VML/VACo Support: Workgroup to study Early Intervention Program for Infants and Toddlers with Disabilities

HB 177 (Gardner) directs the Department of Medical Assistance Services to convene a work group of relevant stakeholders to assess and make recommendations related to reimbursement rates for the federal Early Intervention Program for Infants and Toddlers with Disabilities.

Bills to implement JLARC hospital study recommendations

Several bills and budget amendments have been introduced to implement recommendations from a 2022 JLARC study of the Community Services Board system and a 2023 JLARC study of the state hospital system, including:

- [HB 888 \(Watts\)](#) and [SB 176 \(Favola\)](#) which seek to avoid the admission of individuals with neurocognitive disorders or developmental disabilities into state hospitals.
- [HB 808 \(Rasoul\)](#) which allows state psychiatric hospitals to delay admission of an individual under a temporary detention order to determine whether the individual has medical needs that the state hospital cannot meet.
- [HB 314 \(Hope\)](#) and [SB 179 \(Favola\)](#) which require state hospitals to conduct discharge planning for individuals with shorter stays.

Bills to clarify services offered by System Transformation Excellence and Performance (STEP-VA)

[HB 885 \(Watts\)](#) and [SB 590 \(Deeds\)](#) have been introduced as recommendations from the Behavioral Health Commission (i) to clarify required services that must be offered as part of the STEP-VA initiative to provide a standard array of services across Community Services Boards and (ii) to direct an assessment of unmet need for these services and the development of a cost estimate for meeting these needs.

Transportation

VML/VACo Support: Budget amendment for Washington Metropolitan Area Transit Authority (WMATA)

[Item 433 #1s \(Marsden\)](#), [Item 433 #1h \(Sickles\)](#), and [Item 433 #2h \(Krizek\)](#) provide general fund support of \$65.0 million the first year and \$65.0 million the second year for the Washington Metropolitan Area Transit Authority (WMATA) during the implementation of a corrective action plan to provide for rightsizing of the Authority's total costs, operating costs, headcount, and automation.

[Item 433 #2s \(Marsden\)](#) is a language amendment that would provide an exemption from the three percent cap on increases to the state share of WMATA's budget due to recent increases in inflation, provided that planning and reporting requirements are met.

VACo Supports: Budget amendment for I-81 Corridor

[Item 438 #12h \(Runion\)](#) and [Item 438 #6s \(Obenshain\)](#) provide \$295.5 million from the general fund the first year and \$365.5 million from the general fund the second year (\$660.5 million total) for improvements and safety enhancements identified in the I-81 Corridor Improvement plan.

VML/VACo Support: Photo speed monitoring devices bills

[SB 336 \(Roem\)](#) permits a state or local law-enforcement agency to place and operate a photo speed monitoring device at a high-risk intersection segment, defined in the bill, located within the locality for the purpose of recording violations resulting from the operation of a vehicle in excess of the speed limit, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment.

[HB521 \(Laufer\)](#) expands local ordinance authority to use photo speed enforcement on roads with a speed limit of more than 35 mph, in a location where speed, crash, or fatality data support the need for stronger enforcement, the ordinance identifies the speeding offense to be enforced by the locality and in localities with VDOT controlled roadways the road is in the secondary highway system or is a designated Virginia byway.

Key Points:

- These bills are narrowly targeted public safety bills.
- These bills allow local governing bodies to respond to constituent concerns regarding traffic safety within the locality.

Related legislation

HB 20 (Jones) expands authority of any locality to use photo speed enforcement in any location deemed necessary for speed enforcement. Requires two signs warning of photo-speed enforcement prior to the placement of any device. **VML supports this bill.**

HB533 (Seibold) expands local ordinance authority to operate photo speed enforcement on roads with a speed limit of 45 mph or less located in a pedestrian priority corridor or other corridor identified by the Commissioner of the Highways as dangerous to pedestrians. **VML supports this bill.**

VML/VACo Support: Reduction of speed limits; local authority.

HB 1071 (Carr) expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, provided that such reduced speed limit is indicated by lawfully placed signs.

VACo Opposes: Creation of a Commonwealth Trespass Towing Rate-Setting Advisory Panel

HB 421 (McQuinn) creates a Commonwealth Trespass Towing Rate-Setting Advisory Panel to advise the General Assembly and the Governor on statewide trespass towing fees and related ancillary fees. The bill increases from \$150 to \$190 the maximum statewide hookup and initial towing fee of any passenger car, from \$30 to \$65 the maximum ancillary fee for towing a vehicle between 7:00 p.m. and 8:00 a.m., and from \$30 to \$35 the maximum ancillary fee for towing a vehicle on a Saturday, Sunday, or holiday. The bill requires localities to set their own towing rates to at least the amounts of the maximum statewide rates and removes requirements specific to Planning Districts 8 and 16 regarding localities setting their own towing rates.

Natural Resources and Environment

VML/VACo Support: Budget amendments for the Water Quality Improvement Fund

The Water Quality Improvement Fund (WQIF) is the primary funding source for Virginia's wastewater treatment plant improvement projects.

Item 365 #5s (Marsden) provides \$200.0 million GF each year for the Commonwealth's portion of municipal wastewater facility projects that are now under or entering active construction to meet the Commonwealth's obligations under the U.S. Environmental Protection Agency (EPA) Chesapeake Bay Total Maximum Daily Load (TMDL) and Virginia Phase III Watershed Implementation Plan.

Item C-53.50 #1s (Marsden) and **Item C-53.50 #1h (Bulova)** authorize \$400.0 million in Virginia Public Building Authority (VPBA) tax-supported bonds for the Commonwealth's portion of municipal wastewater facility projects that are now under or entering active construction to meet the Commonwealth's obligations under the U.S. EPA Chesapeake Bay TMDL and Virginia Phase III Watershed Implementation Plan.

Key Points:

- Virginia's Department of Environmental Quality, which administers the WQIF, reports that over \$340 million projects are planned through FY25.
- Absent additional appropriations these projects will be stalled indefinitely.

VML/VACo Support: Budget amendments for Stormwater Local Assistance Fund

The Stormwater Local Assistance Fund (SLAF) provides matching grants to local governments for the planning, design, and implementation of stormwater best management practices (BMPs) that address cost efficiency and commitments related to reducing water quality pollutant loads.

Item 365 #6s (Marsden) / **Item 365 #2h (Bulova)** as well as **Item 365 #7s (Marsden)** provide \$35.0 million and \$50.0 million respectively from the general fund each year for the Stormwater Local Assistance Fund cash flow to support the

Commonwealth's portion of municipal stormwater nutrient reduction projects to meet the Commonwealth's obligations under the U.S. EPA Chesapeake Bay TMDL and Virginia Phase III Watershed Implementation Plan.

VML/VACo Support: Budget amendments for the Forest Sustainability Fund

The Forest Sustainability Fund allows localities with forest use-value assessment to apply for an allocation from the Fund to help to offset lower, or foregone tax revenue.

[Item 96 #4h \(Lopez\)](#) and [Item 96 #1s \(Perry\)](#) provide \$5.0 million each year from the general fund for the Forest Sustainability Fund. **VACo supports these amendments.**

VML/VACo Support: Budget amendments for the Virginia Farmland Preservation Fund

The Virginia Farmland Preservation Fund is used to support local Purchase of Development Rights (PDR) programs, which allow localities to limit development on priority farm and forest lands and provide an incentive to landowners to voluntarily protect their working lands.

[Item 86 #1s \(Favola\)](#) provides an additional \$5.0 million the first year and \$5.0 million the second year from the general fund to be deposited to the Virginia Farmland Preservation Fund. **VACo supports this amendment.**

Per- and Polyfluorinated Substances (PFAS) "Forever Chemicals" bills improved

[HB 1085 \(Rasoul\)](#) and [SB 462 \(Marsden\)](#) as introduced, would require municipal wastewater and drinking water plants to monitor PFAS (also known as "forever chemicals") levels in effluent, influent, and biosolids at least quarterly and report all such data on an applicable discharge monitoring report required by federal regulations. VACo initially opposed the bills as they would mandate the very expensive monitoring rather than a focus on PFAS emitting sources to the plants or any targeting to minimize burden.

During the House Chesapeake Subcommittee, a more favorable PFAS bill ([HB 245 \(Bulova\)](#)) was incorporated into **HB 1085** and the legislation was substituted. Currently, **HB 1085** as a substitute, is more favorable legislation for localities. The substitute removes mandatory testing of local drinking water facilities be conducted by the locality and places monitoring with the Department of Environmental Quality and Virginia Department of Health to test for PFAS. If the tests reveal PFAS levels that are above the U.S. Environmental Protection Agency's maximum contaminant level, then the Department of Environmental Quality would develop and implement a plan to identify and assess the significant sources of PFAS in the water system. The bill also creates the PFAS Expert Advisory Committee. The Committee is tasked with assisting the Department of Environmental Quality and the Virginia Department of Health in identifying PFAS sources through PFAS assessments, associated monitoring and reporting, public and private lab testing capacity and identifying options for reducing PFAS in source waters.

VML and VACo thank the House and Senate patrons for listening to local concerns and offering a substitute bill that addressed local concerns. Similar amendments are expected to be made in the Senate for [SB 243 \(McPike\)](#) and [SB 462 \(Marsden\)](#).

State Water Control Board permitting bill could create uncertainty

[HB 1472 \(Gardener\)](#) requires permits issued by the State Water Control Board under the Federal Clean Water Act to be "conditioned on compliance with water quality standards promulgated by the Board". This creates a new standard without providing clear criteria for permittees to meet this new standard. If adopted this bill will create an uncertain landscape for permittees as they attempt to comply with this bill while potentially opening permittees up to enforcement action under the Clean Water Act for non-compliance with this new vague standard. Current water discharge permits set specific and measurable standards as well as approved methods or practices for meeting those standards. **HB 1472** will establish a standard that sounds reasonable but will in practice make it difficult to prove whether a permittee is compliant. Similar requirements for municipal water permittees in other states are subject to ongoing federal appeals. This bill is likely to be amended. **VML and VACo are monitoring this legislation.**

Cannabis

VML Supports: Land use authority, taxation authority, and referendum authority

SB 448 (Rouse) is the consolidated Senate cannabis retail legislation that has begun moving through the committees of the Virginia Senate and is expected to be considered in the committees on Courts and Finance prior to consideration on the floor. The bill allows for the licensing of marijuana retail and cultivation facilities to begin July 1, 2024, and retail sales to begin January 1, 2025. Furthermore, the legislation includes authority for a local option referendum to opt of retail marijuana sales, local ordinance authority for public use and possession on school properties. Half of the 12 percent state tax collected under the bill is to be distributed to localities based on the sales that have occurred within a locality. Finally, **SB 448** protects local land use authority to make decisions regarding the placement of cannabis retailers.

VML Supports: Taxation authority, referendum authority, and local zoning

HB 698 (Krizek) is the House cannabis retail legislation that provides for the retail sale of cannabis products from existing medical dispensaries as early as July 2024. The bill proposes to allow retail cannabis to be sold by licensed medical dispensaries July 1, 2024, and authorizes the licensing of cannabis retail facilities July 1, 2025, with retail sales anticipated in 2025. **HB 698** provides local referendum authority to opt out of retail cannabis sales as well as local authority to levy a local option 6 percent tax with at least 50 percent of locally collected revenues required to be used for school construction, teacher salaries, to support individuals from disadvantaged communities, or the Virginia Indigent Commission. The legislation does not include any local land use authority.

Courts and Public Safety

VML/VACo Support: Budget amendments to increase the state per diem for “local-responsible” inmates in local and regional jails.

HB 30/SB 30: Item 61#2h (Krizek) ; Item 61#1s (Peake) were requested by VML and VACo and would provide \$8.7 million in FY 2025 and \$17.7 million in FY 2026 to restore the per diem rate for local-responsible inmates to the rates paid prior to the Great Recession. The first-year amount reflects a partial year due to the schedule of Compensation Board reimbursements.

Key points:

- In 2009, local-responsible per diems were \$8/day for local and regional jails and \$22/day for jail farms.
- In 2010, the state reduced these per diem rates to \$4/day for local and regional jails and \$18/day for jail farms.
- This remained frozen until Fall 2023, when the General Assembly increased these per diems by \$1 each.
- These amendments would return the local-responsible per diem to the 2009 level.

VML/VACo Support: Budget amendments for state assistance to local law enforcement (HB 599 program)

Item 396#2h (McQuinn) and **Item 396 #1s (Locke)** would add \$6.3 million the first year and \$19.8 million the second year to put the financial assistance to Localities with Police Departments (HB599 program) in compliance with the statutory requirement that this funding grow in proportion with overall state general fund revenue growth.

Key Points:

- Law enforcement is a basic governmental service and the 599 program provides vital assistance to local enforcement operations.
- More than 70 percent of Virginia’s population is served by a police department.

- A total of 175 localities – all cities, counties, and towns with police departments – receive this funding. (Counties served by sheriffs’ departments receive funding through the State Compensation Board.)
- Localities receiving 599 funding must certify each year their compliance with state requirements to receive this funding.
- By Code, funding for this program is required to grow in proportion with overall state general fund revenue growth.

Staffing for Sheriffs’ Deputies: [Item 60 #7h \(Delaney\)](#) / [Item 65 #2h \(Delaney\)](#) and [Item 60 #4s \(Boysko\)](#) and [Item 60 #14s \(Diggs\)](#) would provide \$13.9 million in FY 2025 and \$16.7 million in FY 2026 to fund the statutorily-required staffing ratio of one law-enforcement deputy for each 1,500 people in a jurisdiction in which the sheriff bears primary law enforcement responsibilities.

Key Points:

- This staffing ratio has not been fully funded since FY 2008, leaving localities to fund positions necessary to support the operations of sheriffs’ offices. The Compensation Board calculates that 327 deputy positions are required over the biennium to meet the 1:1,500 statutory ratio.
- Localities make significant local contributions toward public safety, including providing salary supplements and positions in Sheriffs’ offices in addition to staffing funded by the Compensation Board, but the continued partnership of the state in support of this critical function of government is essential.

Virginia Firefighting Personnel and Equipment Grant Program: [Item 406 #3h \(Sickles\)](#) and [Item 406 #3s \(Marsden\)](#) provide funding for a new grant program being considered in legislation this session. The program would make grants to localities for programs to hire new, additional full-time firefighters; convert part-time or volunteer firefighters to full-time firefighters; recruit and retain volunteer firefighters, or acquire firefighting and emergency medical services vehicles and equipment and modify facilities. The House amendment would provide \$50 million per year and the Senate amendment would provide \$25 million per year.

Key point:

- Establishment of such a grant program was recommended by a working group directed by 2023 legislation and these resources would help localities meet critical public safety needs.

VML Supports: Civil case bill moves cost from locality to parties

[HB 1521 \(Higgins\)](#) provides that in civil cases in circuit court, the parties must pay jury duty pay. This is a proper move. Current law has the locality pay the costs.

Sovereign immunity bill of concern

[HB 704 \(Webert\)](#) states that if a locality is the owner or operator of a vehicle insured by the governmental entity, the defense of governmental immunity shall NOT be a bar to action of the recovery of damages. This completely contradicts VML’s legislative position that states in part “The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.” Any erosion would be detrimental to our localities. **VML opposes this bill but has provided an amendment.**

Election lawsuit bill to watch

[HB 623 \(Price\)](#) allows groups representing protected classes of voters to sue over certain election practices. Current law limits that right to voters. VML has no issue with adding voting rights groups. However, two provisions of the bill are concerning: 1. Any trial is to be held in Richmond Circuit Court. This will be excessively expensive for localities far removed from Richmond. 2. It allows a suit over any reduction in the number of satellite voting offices or reduction of the hours of voting. In elections for local offices in smaller localities, fewer voting locations are needed. **VML is urging the patron and the committee to amend the bill to deal with these two issues.**

Court cost bill could have negative fiscal impact on localities

[HB 1263 \(Shin\)](#) would remove all court costs, fines, the cost of court-appointed attorneys, and the costs of treatment or counseling for any minor charged in court with a crime or found delinquent. The bill also removes any financial penalties against a minor in a civil penalty matter. The major impact will be on the Commonwealth court system. However, local governments that supplement the Commonwealth's system will be affected. **VML is concerned over the fiscal impact to localities that supplement the clerks' offices.** In addition, the bill will negatively impact the literary fund, which is important for K-12 expenses.

Firearms bill to watch

[HB 1386 \(Convirs-Fowler\)](#) requires that any workplace rules of a locality relating to the control of firearms be consistent with related local ordinances and other rules that apply to the public. Today, localities may impose greater restrictions on employees than the public. Some localities prohibit employees, despite not having a general ban on weapons. **VML is concerned that the bill will limit local government authority over personnel matters.** The bill is in the firearms subcommittee of the Public Safety Committee, likely to be heard next week.

Labor

Local government employee collective bargaining bills

[HB 1001 \(Tran\)](#) / [SB 374 \(Boysko\)](#) would undermine the existing local option local governments to engage in collective bargaining agreements with their employees and require local governments to engage in collective bargaining should their employees so choose. These bills create the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The bills have other, problematic provisions. SB 374 has passed the Labor & Commerce Committee and is in Senate Finance due to fiscal effects, and HB 1001 is headed to House Appropriations for the same reason.

[HB 1284 \(Askew\)](#) / [SB 623 \(Lucas\)](#) authorize firefighters and emergency medical services providers employed by a political subdivision of the Commonwealth to engage in collective bargaining through labor organizations. The bills set up a three-member board of arbitration regarding any dispute arising between an employer and firefighters or emergency services. Under the bills, determinations made by the board are final on a disputed issue and are binding on the parties involved. **SB 623** was continued to 2025. **VACo opposes any effort to mandate collective bargaining for public employees.**

VML/VACo Support: Budget amendments to assist with early voting costs

[Item 486 #1h \(Carr\)](#), an amendment to the “caboose” bill, would reverse the proposed action in the introduced budget to revert ARPA dollars allocated for early voting in 2021, and [Item 77 #1s \(Deeds\)](#), an amendment to the biennium budget, would direct the Department of Elections to expend the funds by December 31, 2024.

Key points:

- The recent expansion of early voting opportunities has been largely funded by local dollars. This federal funding will provide important assistance in supporting early voting, which will be particularly helpful with a Presidential election later this year.
- The 2021 budget language directed that this funding be used to “support local efforts to expand early voting to include the adoption of Sunday voting.” This language has been interpreted to award funds based on expansions to early voting beyond what was offered in November 2020. More flexible language may be needed to allow these dollars to support early voting in general, rather than using an election conducted during the pandemic as the baseline.
- These budget amendments would ensure that \$2.9 million in federal funding from the American Rescue Plan Act that was appropriated in 2021 to support early voting will be spent for that purpose.

VML/VACo Oppose: Problematic legislation could fast-track removals of elected officials

[HB 1149 \(Cordoza\)](#) would make a significant change to the process of removing an elected officer or officer who has been appointed to fill an elective office. Under current law, the removal process begins with a petition to a circuit court signed by registered voters within the jurisdiction equating to ten percent of the total number of votes cast at the last election for the office that the officer holds. [HB 1149](#) would create an alternative process that would allow the Governor, instead of the voters, to petition the court.

Key Point: This bill would substitute one person’s judgment for the will of a subset of the voters in a jurisdiction in initiating the removal process.

Voter satellite offices

[HB 1408](#) (Srinivasan) was amended earlier this week to direct the Department of Elections to develop standards and guidelines for determining the minimum number of voter satellite offices and their relative locations for general elections, accounting for population of registered voters, population density and distribution, proximity to major transportation corridors, and access to public transportation. [HB 1408](#) incorporates a similar but more concerning bill, [HB 1172](#) (Sickles). [HB 1172](#) would have required the governing body of a county or city with a population of 50,000 or more to establish at least one satellite office, which must be in operation for the duration of the absentee voting period.

VACo and VML have encouraged a less prescriptive approach, suggesting the development of guidelines rather than standards, but the bills have been improved from their original versions.

[HB 1490 \(Reaser\)](#), which has not yet been heard, would authorize the local governing body to prescribe dates and hours of operation for satellite offices (in accordance with existing Code requirements) and would prohibit any reduction in dates or hours of operation from being enacted within 60 days of a general election. Under current law, the governing body may establish the locations of satellite offices by ordinance and the electoral board sets dates and times of operation.

[HB 941 \(Shin\)](#), which would have required the establishment of at least one voter satellite office on the campus of any baccalaureate public institution of higher education with more than 3,000 enrolled students, was continued until 2025 with a planned workgroup to be directed by a letter from the Chair of the House Privileges and Elections Committee.

[HB 942 \(Shin\)](#), as introduced, would have allowed tribal governments to request the establishment of a voter satellite office on a tribal reservation on the first and second Saturday preceding the general election, directed a governing body to consider certain factors in establishing voter satellite offices, and barred the use of a police station or sheriff’s office from being used as a voter satellite office. This bill was proposed to be amended in subcommittee this week to deal only with the prohibition on use of law enforcement facilities as satellite offices.

VACo Supports: General registrar office staffing

HB 465 (Runion) and **SB 147 (Head)** were introduced at the request of Augusta County and would direct the State Board of Elections to adopt guidance for determining the recommended number of deputy registrars, including a recommended number based on a county or city's population. Under current law, the electoral board determines the number of deputy registrars (with a minimum of one deputy in localities with populations over 15,500 and one substitute registrar in smaller localities). Under the bills, the electoral board would continue to determine the number of deputy registrars, but that number could not exceed the State Board's recommended number unless the local governing body voted to approve additional deputy registrars. The bills direct the Department of Elections to convene a workgroup on the development of the recommended number of deputy registrars, with a report due by December 1, 2024. **VML supports the creation of a workgroup to continue working on this issue.**

HB 1530 (Cordoza) would require all localities to have a chief deputy registrar; for localities with populations of greater than 10,000, the chief deputy registrar would serve full-time, and for smaller localities, the general registrar would determine whether the chief deputy registrar served on a part-time or full-time basis. The bill would require that full-time chief deputy registrars be paid not less than 60 percent of the general registrar's salary. **VACo and VML have expressed concerns about mandating staffing in this manner and have encouraged the patron to consider pursuing additional state support for staffing in general registrars' offices.**

Key Point: Currently, the state provides partial reimbursement for the compensation of general registrars and electoral board members. Additional staffing in general registrars' offices is funded by the locality.

Ranked choice voting

HB 841 (Hope) and **SB 428 (VanValkenburg)** would allow local and constitutional officers the ability to conduct an election via ranked-choice voting if approved by the local governing body. These bills are a local option, giving authority to localities to determine how best to conduct elections based on the equipment and software readily available. These bills also direct the Department of Elections to review the testing and approval framework for voting equipment in the Commonwealth.

SB 270 (Subramanyam) would allow for presidential primaries to be conducted via ranked choice voting if the political party chooses to do so. **VACo and VML have raised questions about how this legislation would be implemented.**

Key Points:

- The decision to conduct an election via ranked choice voting should continue to rest with the locality, since the financial responsibility would be borne locally.
- Not all systems can currently accommodate ranked choice voting. New or updated equipment would be necessary, which is a direct cost to localities.
- Voter education would be needed as well to ensure this process is done correctly.

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