



# VACo County Government Day at the General Assembly

Virginia Association of Counties • Virginia Association of Planning District Commissions

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## VACo | VAPDC County Government Day Bulletin Thursday, February 8, 2018

Schedule of activities | Omni Richmond Hotel

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| <b>9 a.m.</b>    | VACo Board of Directors   Potomac Room  |
| <b>11 a.m.</b>   | Registration   James River Ballroom Foyer   |
| <b>Noon</b>      | County Government Day begins (box lunch provided)   James River Ballroom <ul style="list-style-type: none"><li>• The Honorable Governor Ralph Northam</li><li>• VACo Team Legislative Reports</li></ul> |
| <b>1 p.m.</b>    | Closing address and adjournment   |
| <b>Afternoon</b> | Visit the Capitol to speak with legislators and observe committee meetings  |
| <b>Evening</b>   | Please take your state legislators to dinner  |

# Budget Amendments

VACo worked with members of the General Assembly to introduce budget amendments that seek to address key priorities of local government. Budget amendments are being considered by the House Appropriations and Senate Finance Committees now in advance of the “money committees” reporting their respective budgets on Sunday, February 18.

Please thank the patrons of these amendments and encourage your legislators to support the proposals, particularly if your delegate or senator serves on one of the money committees.

## **Jail per diems**

[Item 66 #3h \(Gooditis\)](#) / [Item 67 #2s \(Barker\)](#) / [Item 67 #3s \(Ebbin\)](#) provide a 13 percent inflation adjustment for per diem payments for local- and state-responsible inmates; this increase mirrors the equivalent rise in the Consumer Price Index since 2010, the last time jail per diems were adjusted. The amendment also includes language directing per diem payments to be adjusted for inflation in future budgets so that payments will keep pace with increases in costs.

## **KEY POINTS**

- In 2010, the payment for local-responsible inmates was reduced from \$8 per day to \$4 per day and the state-responsible payment was changed from \$8 per day for the first 60 days and \$14 per day thereafter to a standard rate of \$12 per day.
- Inflation adjustments for per diem payments had been the practice in past years, and inflation is recognized in other areas of the budget, such as the Standards of Quality for K-12 funding (which considers certain non-personnel-related inflation costs during the biennial rebenchmarking process).
- The Compensation Board has estimated an average local cost of \$46.16 per day to house an inmate (after accounting for state and federal assistance).

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## **Sheriffs’ deputies with law enforcement responsibility**

[Item 66 #4h \(Thomas\)](#)/[Item 66 #3 \(Vogel\)](#) provide \$6.2 million in FY 2019 and \$7.5 million in FY 2020 to meet the statutory ratio of one law enforcement deputy per 1,500 people in each locality served by a sheriff’s office with primary law enforcement responsibility. The amendment would provide funds for 195 law enforcement deputies in FY 2019 and 12 additional deputies in FY 2020.

## **KEY POINTS**

- The additional positions would return the state to compliance with the statutory mandate contained in § 15.2-1609.1, which requires the Compensation Board to provide at least

one law enforcement deputy per 1500 people served by each sheriff's office with primary law enforcement responsibilities.

- This statutory requirement has not been met since FY 2008.
- According to the Compensation Board, in FY 2018, the actual funded ratio of law enforcement deputies to population statewide is 1:1,602, with variances from this average up to 1:2,240 in Loudoun County.

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### **Voting machines**

[Item 476 #2h \(O'Quinn\)](#)/[Item 87 #1s \(Carrico\)](#)/[Item 87 #2s \(Vogel\)](#) amend the “caboose” budget to provide funding in FY 2018 to reimburse counties that were required to replace their voting machines shortly before the November 2017 election due to the decision by the State Board of Elections in September 2017 to decertify Direct Recording Electronic (DRE) machines.

### **KEY POINTS**

- Localities had been operating under a statutory deadline of July 1, 2020, to replace their machines with alternative optical scan models approved by the State Board.
- The decision to decertify the DREs required affected localities to arrange to procure machines in the middle of the fiscal year in order to be prepared for the November general election. This was a difficult situation for many localities that had been counting on more time to set aside the funds for the new machines.

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### **Special education wraparound services provided through the Children's Services Act**

[Item 282 #5h \(Bell, Richard P.\)](#)/[Item 282 #4s \(Hanger\)](#) reduce the local match rate for special education wraparound services to the community-based rate.

### **KEY POINTS**

- These services, such as in-home counseling and mentoring, are provided in the home and community for a student with a disability when the needs associated with that disability extend beyond the school setting and threaten the child's ability to remain in the home, community, or school setting.
- Prior to FY 2014, these services were considered community-based and the match rate for localities was lower.
- The match rate was changed in FY 2014 to require an increased local contribution due to state budget challenges. The State and Local Advisory Team, an advisory body to the

State Executive Council, has advocated for that decision to be revisited in order to encourage localities to make more use of wraparound funds and potentially avoid more costly private day or residential placements.

- Localities have not expended all the funds within the capped allocation in recent years, but for localities that do make use of the funds, it appears that use of more restrictive private day or residential placements is reduced, according to a 2013 report to the General Assembly.
- The required local match was a leading cause for localities not making use of these funds, according to a recent survey of FAPT and CPMT members and CSA coordinators conducted by the State and Local Advisory Team.

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### **Streamlining Medicaid enrollment for incarcerated persons**

VACo worked with a coalition of partners to submit a package of budget amendments that would implement the recommendations of a study conducted in 2017 on how the process for determining eligibility and enrolling eligible inmates in Medicaid could be simplified. The amendments would provide funding to centralize the processing of inmate Medicaid applications and enrollment and create a data exchange among the Department of Medical Assistance Services (DMAS), the Compensation Board, the Department of Corrections, and the Department of Juvenile Justice.

[Item 73 #7h \(Ingram\)/Item 73 #8h \(LaRock\)/Item 67 #1s \(Dance\)](#) provide funding for the Compensation Board's portion of the costs associated with this project; [Item 307 #3h \(Ingram\)/Item 307 #4h \(LaRock\)/Item 307 #7s \(Dance\)](#) provide funding for the DMAS costs; [Item 391 #31h \(Ingram\)/Item 391 #32h \(LaRock\)/Item 387 #1s \(Dance\)](#) fund costs for the Department of Corrections; [Item 413 #2h \(Ingram\)/Item 413 #3h \(LaRock\)/Item 412 #1s \(Dance\)](#) cover costs at the Department of Juvenile Justice.

### **KEY POINTS**

- These improvements will assist localities by allowing the inpatient hospitalization costs for eligible inmates to be covered by Medicaid without burdening individual local departments of social services with the responsibility for making eligibility determinations. These costs can be covered by Medicaid now, but the process of determining eligibility and enrolling inmates has been cumbersome.
- Improved connections with Medicaid will enhance re-entry planning, particularly for inmates with serious mental illness who qualify for the GAP program (which provides a limited package of benefits for individuals with serious mental illness who would otherwise not qualify for the full Medicaid program).

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## **E-911 wireless fund distributions**

[Item 273 #2h \(Leftwich\)](#)/[Item 427 #1s \(Cosgrove\)](#) provide \$3.3 million each year from balances in the E-911 Wireless Fund to hold harmless those localities that would otherwise lose funding in accordance with the funding formula change approved by the 911 Services Board in fall 2017.

### **KEY POINTS**

- Last fall the 911 Services Board adopted a new formula for distribution from the Wireless E-911 Fund to local emergency call centers, also known as Public Safety Answering Points (PSAPs). Of the 119 call center operations, 43 will see decreased funding with the new formula, beginning July 1, 2018. This amendment seeks to ease the transition in the formula change by providing level funding for these 43 centers over the biennium.
- Sufficient balances in the Wireless E-911 Fund are available to cover the costs of this amendment.
- By providing level funding to these 43 call centers, the Commonwealth will ease the transition to the new formula, while at the same time preparing for the transition to Next Generation 911.

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## **Funding for state parks**

[Item 363 #4h \(Kilgore\)](#) provides \$5 million each year of the biennium to supplement current funding levels for the state parks; a portion of this funding would address the backlog of routine maintenance projects and a portion would fund additional staffing. The amendment also includes language directing the development of a plan to fully fund all state parks, including operations, maintenance, and staffing.

### **KEY POINTS**

- Virginia State Parks are tremendous economic drivers for the Commonwealth. In 2016, a record 10.4 million people visited state parks and spent an estimated \$224.7 million. Of this, approximately 44 percent (or \$98.2 million) was by out-of-state visitors.
- Total economic impact (defined as fresh money infused into the state's economy that would not be there if not for the operation of Virginia State Parks) in 2016 was between \$219.8 million and \$259.1 million. The economic activity created by Virginia State Parks generated approximately \$19.6 million in tax revenue for Virginia in 2016.
- The Virginia State Park Master Plan, adopted by the General Assembly and DCR Board of Conservation and Recreation, identifies that 480 positions are necessary to fully staff Virginia's 37 existing parks. However, only 274 positions currently exist, leaving a shortage of 206 positions. The Virginia Association for Parks (VAFP) has calculated that 63 full-time employees are needed to bring staffing levels to the minimum needed to

manage essential operations. This requires \$2,841,017 per year.

- There is also a severe backlog of funding needs for routine maintenance of buildings, grounds and equipment that is not addressed through maintenance reserves or capital outlay projects. VAFP has calculated that \$2,140,866 per year is needed to remedy this backlog of maintenance for existing state parks.

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### **Payments for service charges in lieu of taxes for correctional facilities**

[Item 391 #30h \(Kilgore\)](#)/[Item 391 #13s \(Lucas\)](#) provide \$1.4 million per year for service charges that may be levied by localities pursuant to statute to cover the costs of services (police and fire protection and collection of waste) provided to state correctional facilities. The amendments eliminate language in the budget that exempts the Department of Corrections from making these payments in accordance with state Code.

#### **KEY POINTS**

- Under Virginia Code, localities which 1) house state Department of Corrections facilities within their borders and 2) meet certain thresholds pertaining to the value of the state property within the locality, *should* be able to collect service charges from the state to offset funds spent in support of these facilities.
- However, since FY 2010, the state budget has included a provision to exempt the Department of Corrections from paying these service charges, resulting in more than a million dollars per year in losses to Virginia counties.

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### **Solar permitting process**

[Item 367 #1s \(Lewis\)](#) requires the Department of Environmental Quality to study the process by which it reviews and approves applications for permit-by-rule for small renewable energy projects, to include the impacts on local resources, such as the costs incurred by local governments to review applications for stormwater and erosion and sediment control permits. The Department is to provide recommendations on improvements to the process, including potential adjustments to state and local review application fees and time limits within which construction must commence.

#### **KEY POINTS**

- Virginia's current Permit by Rule (PBR) process allows for a streamlined, expedited, and non-State Corporation Commission (SCC) process for permitting small renewable energy facilities. In the last three years, the PBR process has grown at an incredible rate, far outpacing what many – or most – expected.

- This streamlined application process and rapid increase in the number of applications has not, however, resulted in many projects breaking ground. As of January 18, 2017, only 14 projects totaling 510 MW have been permitted. This is only 17 percent of those who have filed notice and gotten into the PBR queue. Of these 14 projects, only 7 projects have come fully, or even partially, online. This is being referred to as the “queue squatter” problem.
- This explosive growth in the PBR process, as well as the stark disparity between applicants and actual permitting/ground breaking is becoming a growing issue, and is being recognized more and more by developers, localities, and the state government. The proposed amendment would require DEQ to review the current program, and provide any potential recommendations to address these issues.

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## Other priority amendments VACo supports

### Stormwater Local Assistance Fund

[Item 368 #1h \(Landes\)](#) provides \$25 million per year in General Funds for the Stormwater Local Assistance Fund (SLAF); [Item C-45 #1h \(Landes\)](#) would provide the same amount of funding from bond proceeds. [Item C-45 #2h \(Bulova\)](#) and [Item C-45 #1s \(Hanger\)](#) would provide \$50 million in bond authorization in FY 2019.

### KEY POINTS

- Stormwater management remains one of the most pressing and expensive infrastructure challenges for local governments. SLAF funding is needed to assist localities in developing effective stormwater controls to reduce the flow of excess nutrients and sediments to local streams, rivers and the Chesapeake Bay.
- SLAF prioritizes cost-effective, low-impact practices and projects which are structured, when possible, to attract additional private investments. Continued investment in the SLAF will greatly assist localities in reducing pollution going into our streams and waterways.
- SLAF has been a tremendous success. So far, it has funded 193 projects (FY 2017: 41 projects in 26 localities; FY 2016: 17 projects in 17 localities; FY 2015: 64 projects in 25 localities; and FY 2014: 71 projects in 31 localities).
- In its first four years in existence, SLAF received cumulative appropriations of \$80 million (FY 2014 - \$35 million; FY 2015 - \$20 million; FY 2016 - \$5 million; FY 2017 - \$20 million). In FY 2018, however, SLAF received no appropriation. Likewise, there are currently no SLAF funds in the proposed FY 2018-2020 biennium budget.

### **K-12 At-Risk Add On**

Several amendments have been introduced to increase the maximum additional funding to be provided to schools educating low-income students. Currently the additional per-pupil support ranges from one to 13 percent, depending on schools' percentages of students eligible for free lunch. The Governor's introduced budget proposes to increase the maximum to 14 percent in the second year of the biennium. [Item 136 #8h \(Carr\)](#) would increase the maximum to 14 percent in the first year of the biennium and 15 percent in the second year; [Item 136 #9h \(Aird\)](#) and [Item 136 #10 \(O'Quinn\)](#) increase the maximum to 18 percent in both years; Item 136 #10 also allows the funds to be used for teacher recruitment and retention efforts. [Item 136 #1s \(Norment\)](#) increases the maximum to 14 percent in the first year and 15 percent in second year and permits teacher recruitment and retention programs as an allowable use of the funds. [Item 136 #12s \(McClellan\)](#) increases the maximum to 20 percent in both years and allows funds to be used for teacher recruitment and retention.

### **K-12 Support Position Cap**

[Item 136 #14s \(McClellan\)](#) provides approximately \$349 million GF in each year of the biennium to eliminate the artificial cap on recognition of support positions in the school funding formula that was put in place during the recession.

## **Economic Development and Planning Steering Committee**

### **VACo opposes bills to gut local authority to address siting of wireless towers**

During the 2017 legislative session, VACo succeeded in preserving local authority to review and approve new wireless structures. As originally drafted, SB 1282 (McDougle) would have gutted local land use authority for the siting of new wireless support structures and forced the use of local government property without adequate compensation. However, upon completion of lengthy negotiations with the wireless industry, VACo agreed to support a substitute bill (subsequently signed into law) that only applies to zoning approval for the placement of small cell facilities (i.e. antennas) on existing structures.

As part of the agreement, VACo committed to work with the wireless industry in expanding service to rural areas. While VACo stands ready to honor that commitment, we steadfastly oppose any weakening of local authority for the siting of new wireless support structures.

[HB 1258 \(Kilgore\)](#) and [SB 405 \(McDougle\)](#) allow wireless companies to place cell towers up to 50 feet tall within rights-of-way without local control. Additionally, for towers of greater height, the bill hamstring localities' ability to obtain information and address citizen concerns through the public hearing process. Both bills reported out of committee and are up for floor vote in both chambers.



## KEY POINTS

- The bill offers NO guarantee of better access to broadband or wireless services to unserved, underserved and urban / suburban areas of Virginia.
- The bill allows a wireless structure up to 50 feet in height to be placed within rights-of-way without local control.
- The bill strips local governing bodies of their ability to act on community concerns on the siting of wireless towers.

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### **VACo opposes capping local charges on wireless poles and towers**

[HB 1427 \(Kilgore\)](#) and [SB 823 \(McDougle\)](#) establish a limit on what localities may charge for the use of publicly owned rights-of-way by the wireless industry for the placement of poles and towers. The bills set statutory limits on what may be charged for wireless structures and equipment on both VDOT and locality-owned rights-of-way. Specifically, poles or towers up to 50 feet in height may only be charged an annual fee of \$1,000, towers 50 -120 feet \$3,000, and towers greater than 120 feet \$5,000. While the bill does not affect any existing contracts between a wireless company and a locality, it makes clear that upon expiration of the terms of the agreement, the statutory limits proposed become effective.

HB 1427 reported out of committee and will be voted on the House floor this week. SB 823 will be heard this week in the [Senate Finance Committee](#).

## KEY POINTS

- Roads and highways are publicly-owned assets whose value has been enhanced through significant investments in construction and maintenance.
- Local elected bodies are empowered to negotiate, through contract, with private entities for the use of publicly-owned land.
- The state should not usurp local authority in the management of locality owned assets.

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### **VACo supports bill to expand impact fee authority to all counties**

[SB 208 \(Stuart\)](#) extends the same authority given to a limited number of jurisdictions, in limited areas, to all localities to utilize impact fees for residential development. Such authority allows a locality to calculate costs of public facilities to serve all new homes, and provides an improved alternative to the proffer system which applies only to conditional rezoning applications. **VACo supports** the measure as an additional tool to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes.

The bill was carried over in the Senate Local Government Committee, which will hold a work session this summer on impact fees, proffers and adequate public facilities provisions. Additionally, the Virginia Chapter of the American Planning Association (APA-VA) was awarded a grant to underwrite the cost to cover transportation and lodging for national experts to present on the issue at the interim meeting.

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### **Solar zoning bills pass with amendments to address local concerns**

[HB 508 \(Hodges\)](#) and [SB 479 \(Stanley\)](#), which limit local authority for the approval of solar facilities, have passed both chambers and are likely to be signed by the Governor into law. The legislation prescribes a “one-size-fits-all” approach for localities that makes roof-mounted solar facilities serving the electricity needs of that building a “by-right” use in all agricultural, residential, commercial, industrial, institutional and mixed-use districts. The measure also states that “unless a local ordinance provides otherwise,” any similarly configured ground-mounted solar generation facility in those districts shall be allowed as well.

The legislation makes allowances for compliance with any building height and setback requirements, as well as compliance with any local historic districts. Additionally, the bills were amended to add compliance with any provisions of “architectural preservation” and “corridor protection” districts. Regarding ground-mounted facilities, the patrons agreed to delay the effective date of the legislation, till January 1, 2019. This gives localities additional time to make any desired changes to local ordinances.

**VACo opposed** the legislation and notes that counties already make adequate provisions to accommodate solar installations, and should retain the ability to determine the best approach for integrating such facilities within the unique setting of each community within their jurisdiction.

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### **VACo supports allowing density bonuses to promote workforce housing**

[SB 290 \(McClellan\)](#) expands to all localities the option to adopt an affordable dwelling unit ordinance to “promote a full range of housing choices, and encourage the construction and continued existence of moderately priced and affordable housing by providing for optional increases in density to reduce land costs for such moderately priced housing.” Such an incentive assists locality in fostering affordable housing, as well as workforce housing for employees such as teachers and first responders. The bill was reported out of Senate Local Government Committee.

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### **VACo supports greater flexibility in forming regional industrial authorities**

[HB 1452 \(James\)](#) amends the enabling statute for creation of a regional industrial facility authority by reducing from three to two the required minimum number of participating localities. This measure provides localities additional flexibility for the promotion of both local and

regional economic development. The bill reported out of subcommittee and will be heard in [House Counties, Cities and Towns Committee](#) on February 9.

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### **VACo opposes bill that could scuttle revenue sharing agreements**

[HB 1148 \(Landes\)](#) permits a local governing body, by majority vote, to unilaterally pull out of an existing revenue sharing agreement with another locality. The bill also includes a provision that “Any such agreement that has been in effect for at least 10 years as of July 1, 2018, shall be subject to renegotiation if requested by one of the parties to the agreement” and that “The parties to the agreement shall negotiate in good faith in an attempt to reach a new agreement.” **VACo opposes** this bill as it could result in involuntary dissolution of existing agreements, some of which have been successfully operating for decades. The bill will be heard in [House Appropriations Committee’s General Government and Capital Outlay Subcommittee](#) on February 7.

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### **Bill requiring expenditures of EDAs be approved by participating localities fails**

[SB 714 \(Chase\)](#) requires that any “local economic development expenditure...shall be first approved by the local governing body.” The bill as written, would require any expenditure by an Economic Development Authority be first approved the local governing body (or bodies) that created the authority under existing statute. **VACo opposes** the measure due to the potential delays it can cause in furthering economic development initiatives. The bill failed to report out of the Senate Local Government committee.

## **Education Steering Committee**

### **K-12 education funding**

To assure each child in Virginia receives the quality education necessary for his or her success, **VACo supports** fully funding the Standards of Quality as recommended by the Board of Education, where these recommendations coincide with prevailing local practice.

As introduced, the [Governor’s Proposed 2019-2020 Budget \(SB 30\)](#) includes:

- \$481 million for re-benchmarking
- \$80 million for the Literary Fund
- \$51.3 million for state’s share of 2 percent salary increase, which includes teachers, guidance counselors, librarians, instructional aides, principals and assistant principals
- \$11.5 million for “no loss funding”

- One-time allocation to 32 school divisions to ensure no locality receives less funding in FY 2019 as compared to FY 2018 proposed amounts in [SB 29 \(caboose bill\)](#) as introduced
- \$7.1 million to expand at-risk add-on range to 14 percent
- \$7.7 for full-time principals for all elementary schools

## KEY POINTS

- When adjusted for inflation, state direct aid per-pupil spending on public education in FY 2018 is less than funding levels in FY 2006, despite increased educational mandates, increased numbers of students, increased numbers of students with special needs, and state policy changes.
- Localities are disproportionately bearing the cost of their locality's needs and must have adequate support from the state. In FY 2016, local school divisions spent approximately \$3.9 billion above required local effort.

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## Regional charter school bill

[SB 516 \(Obenshain\)](#) allows the Board of Education to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions where each school division has an enrollment of more than 3,000 students and where one or more schools have been denied accreditation for two of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.

SB 516 was referred to the Senate Committee on Education and Health, where it was heard on February 1. The bill was reported by a vote of 8-7 and rereferred to the [Senate Finance Committee](#). SB 516 was initially scheduled to be heard by the Senate Finance Committee on Wednesday, but Senator Obenshain asked that it be passed by for the day.

## KEY POINTS

- **VACo has historically opposed** measures that would remove the authority from local school boards to make decisions about the establishment of charter schools.
- As proposed, the regional school boards would be heavily weighted with state appointees (eight state appointees and just one locality appointee). Representatives of local school divisions are best suited to assess and address the needs of their localities, but in this model, would have little say.

- This bill provides for the transfer of state per-pupil funding for students who enroll in regional charter schools. Although such a proposal would not divert local school funding dollars, it would have a particularly strong effect on school divisions with low Local Composite Indices (LCIs), where the state provides a larger share of school funding.
- Identical bills were introduced last year – [SB 1283 \(Obenshain\)](#) and [HB 2342 \(Landes\)](#) – and were vetoed by then-Governor Terry McAuliffe.

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### **School voucher bill fails**

[HB 1286 \(LaRock\)](#) creates “Parental Choice Education Savings Accounts,” one-year accounts consisting of an amount equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. In turn, this bill would allow parents to use such funding to pay for education-related expenses of the student, including tuition, fees and textbooks for private schools.

**VACo spoke in opposition** to this measure, as did representatives from numerous school organizations, including the Virginia School Board Association (VSBA) and the Virginia Association of School Superintendents (VASS). House Education Subcommittee #1 failed to recommend reporting the bill 4-4.

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### **Exemption for school board prior authorization fails**

A bill that exempts elected school boards from the requirement that they receive prior authorization from their local governing body prior to instituting any legal action against another government body has failed to move out of committee. [SB 440 \(Wexton\)](#) was passed by indefinitely on January 31 after being heard in the Senate Courts of Justice Committee.

The Virginia code stipulates that all school boards must receive authorization from their local governing body before instituting any legal action against any other governmental agency in Virginia or expending any funds towards such action. Most school boards in Virginia – more than 82 percent – are elected and not appointed, thus this bill represents a dramatic policy change that would affect most local governing bodies negatively, both financially and in their relationships and interactions with other governmental entities. As the local governing body is responsible for appropriation of funds to the school board, it must remain involved in this type of decision.

**VACo opposed** this bill, meeting with members of the Senate Local Government (where it was first referred) and Senate Courts of Justice Committee (where it was rereferred) and speaking on the floor in opposition. The bill ultimately was passed by indefinitely by a 10-5 vote in Courts of Justice.

# Environment and Agriculture Steering Committee

## **Local option tax incentives for larger scale solar installations**

Following steering committee discussions held at the 2017 County Officials' Summit and 2017 Annual Conference, VACo worked with Senator Louise Lucas to develop legislation that would amend the current local tax exemptions for solar energy facilities.

Under current law, solar facilities greater than 20 megawatts (MW) in generation capacity are provided a mandatory 80 percent exemption from local property tax. [SB 902 \(Lucas\)](#) removes the mandate and sets a cap on the size of installations that can take advantage of this, allowing localities, at their discretion, to provide an 80 percent incentive for installations up to 150 MW (this bill originally capped the maximum facility size at 100 MW, but this was later amended).

SB 902 has so far enjoyed broad support, reporting out of the Senate Finance Committee 13-0-1 and passing the Senate by a vote of 33-6-1. The bill has been referred to the [House Finance Committee](#).

## **KEY POINTS**

- Solar facilities generating greater than 150 MW in generating capacity typically occupy more than two square miles of land, and are in effect large-scale power plants with oversized footprints.
- In 2017, the General Assembly increased from 100 to 150 MW the allowable size for an expedited state permitting process for solar facilities. Since the law became effective July 1, 2017, seven projects greater than 100 MW totaling more than 11 square miles, have applied for the expedited process. These projects are growing in number and size.
- This bill allows localities, at their discretion, to provide a tax incentive for these larger installations.

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## **The Virginia Grocery Investment Fund (VGIF)**

Several bills were introduced this session that create the Virginia Grocery Investment Program and Fund (or VGIF). Once established, the program will leverage public-private partnerships and provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities across the Commonwealth.

Senator Bill Stanley is carrying the Senate version of this bill, [SB 37 \(Stanley\)](#). Delegate Delores McQuinn and Delegate Dickie Bell introduced companion bills, [HB 69 \(McQuinn\)](#) and [HB 85](#)

[\(Bell, D.\)](#), on the House side. In a sign of broad, bipartisan support, Senator Rosalyn Dance, Senator Mamie Locke, Senator Monty Mason, Senator Jennifer McClellan, and Senator Glen Sturtevant and Delegate Kaye Kory have all signed on as co-patrons of this important effort. [SB 37 \(Stanley\)](#) passed the Senate Finance Committee unanimously and passed on the Senate floor by a vote of 36-4. However, the House of Delegates has not yet acted or placed one of the House counterparts on an Agenda. With crossover fast approaching (February 13), the House needs to consider this important legislation and support funding the Program through the 2019-2020 budget.

## KEY POINTS

- The Fund would create a public-private partnership leveraging state dollars with private money and would be used for one time low-interest loans and grants. These incentives would allow independent grocery operators to overcome the initial barriers to opening or renovating stores in underserved communities.
- The proposed 2019-2020 budget contains \$7.5 million for the Fund. This \$7.5 million investment will generate up to \$30 million in private investment and will ultimately affect 1.7 million Virginians (including 480,000 children) who currently live in lower income communities with limited supermarket access.
- Independent grocery stores contribute \$107.56 million in state and local tax revenues. Grocery stores are viewed as essential to prospective employers striving to attract and retain a talented workforce.
- The average grocery store hires 40 people from the neighborhood where it operates. Grocery stores bring private sector, entry level jobs with room for growth to communities often with the highest rates of unemployment.

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## Electric vehicle charging stations bills

Bills introduced to clarify and expand local authority to locate and operate a retail fee-based electric vehicle charging station on locality owned or leased property have advanced in both the House and Senate. [SB 908 \(McClellan\)](#) and [HB 922 \(Bulova\)](#) seek to clarify 2011 legislation that enabled any “person” to operate such a charging station but left confusion in the ensuing years whether this language encompassed local governments. **VACo supports** this legislation and worked with the legislators to craft amendments that remove the requirement that the use of a charging station on local government property be restricted to employees of the locality and authorized visitors and instead leave that as a local option.

HB 922 was unanimously recommended for reporting, as amended, by the House Committee on General Laws Subcommittee #1 and now will be heard by the full Committee on February 6. SB 908 was reported from the Senate Commerce and Labor Committee on February 5 and now will be heard by the full Senate. VACo spoke in favor of both bills on the floor.



## KEY POINTS

- **VACo historically has supported** initiatives to reduce dependence on foreign sources of energy and to reduce emissions of greenhouse gases. This bill provides localities with another tool with which to pursue this goal.
- This bill provides important clarity to a question that localities have been grappling with since 2011. Some localities have already moved ahead and deployed retail fee-based charging stations, while others have been hesitant. SB 908/HB 922 clarify that localities are authorized to do so.

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### Stormwater utility fee exemption bills

Two bills were introduced this year that seek to provide waivers for certain stormwater charges for public use airport runways and taxiways. Senator Stephen Newman's bill, [SB 367 \(Newman\)](#), would have allowed localities to provide for a partial waiver of service charges for stormwater management to airports for that portion of the property that is used for runways and taxiways. The bill was referred to Senate Local Government, but ultimately after hearing from a number of concerned stakeholders, Senator Newman asked that the bill be carried over to 2019.

While Senator Newman's bill was permissive in nature, Delegate Kathy Byron introduced [HB 1004 \(Byron\)](#), which *required* all localities to provide full waivers for these same stormwater charges. **VACo opposed** this bill and, along with many other stakeholders such as the Virginia Municipal League (VML) and the Virginia Municipal Stormwater Association (VAMSA), met with Delegate Byron's office to express our concerns and problems. On Tuesday evening, at the session's last meeting of the House Agriculture, Chesapeake, and Natural Resources Committee's Subcommittee #3, Delegate Byron elected to have HB 1004 stricken from the docket.

## KEY POINTS

- Airport runways and taxiways are typically significant contributors to stormwater pollution due to their expansive, impervious areas as well as the materials used in airport operations.
- Bills that waive or exempt fees for airport facilities – without these airport facilities first making stormwater pollution reductions – simply shift the burden to the remaining ratepayers.
- Exempting or waiving one special interest has traditionally led other special interests to seek similar exemptions or waivers, including railroads, churches, and more.

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## **Delegate Hodges’s stormwater workgroup bills advance to Senate**

[HB 1307 \(Hodges\)](#) and [HB 1308 \(Hodges\)](#), which seek to fix the so-called stormwater “donut hole,” have both passed the House of Delegates and now will be sent to the Senate. The bills, drafted upon the recommendations of the HB 1774 Workgroup (named after Delegate Keith Hodges’s [2017 legislation](#) that led to its creation), seek to address rural Tidewater localities’ concerns regarding the administration of stormwater regulations for land disturbances of 2,500 square feet to one acre and to find alternative means for treating and using stormwater in the applicable localities.

HB 1307 allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities through a tier-based approach that is based on the percentage of impervious cover in the watershed. HB 1308 authorizes a rural Tidewater locality, whether it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land.” Such plans, signed and sealed by the professional, shall be accepted by the locality in satisfaction of the local plan review requirement.

Both bills unanimously reported out of Committee and passed the full House on February 6. They will now be referred to the [Senate Agriculture, Conservation and Natural Resources Committee](#) and addressed after crossover.

# **Finance Steering Committee**

## **Oppose legislation mandating land use value taxation for specific properties**

[HB 1204 \(Hugo\)](#) is a problematic bill that would require that certain property be assessed based on use value in certain localities meeting specified population growth criteria. The bill would require that real property of at least five acres that is devoted to open space be assessed based on the property’s land use value. **VACo opposes** this legislation and spoke against the bill in subcommittee. Although the legislation applies to a limited number of localities now, it sets a worrisome future precedent by requiring a locality to assess property as if it were part of a local program of use value taxation, regardless of whether the locality has adopted use value taxation. Adopting use value taxation is a local option under current Code. This bill would supersede that local authority and direct that certain property be afforded preferential tax treatment.

The bill was prompted by a dispute between two property owners and one locality. The General Assembly has enacted a process for property owners to appeal assessments. This bill would interpose the General Assembly in this existing process for resolution of disputes about the valuation of property. Please register opposition with House members.

## **KEY POINTS**

- Adopting land use value taxation should be a local decision, not a mandate by the General Assembly.

- A process for appealing assessments is already in place. Taxpayers may appeal to the local assessor or Commissioner of the Revenue, the local Board of Equalization, and Circuit Court.

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### **Continue conversations about local taxing authority**

Legislation that would have enhanced county taxing authority will not proceed this year, but several of the bills have been referred to the Joint Subcommittee on Local Government Fiscal Stress, and legislators have expressed an interest in discussing the issue as part of a larger review of the state and local tax structure. In preparation for these discussions in the “offseason,” please discuss the importance of local taxing authority with your legislators.

### **KEY POINTS**

- Counties must have the ability to raise revenue to provide essential government services.
- The existing limitations on counties’ ability to diversify revenue sources leave counties over-reliant on real property taxes – according to a presentation made by the Division of Legislative Services to the Joint Subcommittee on Local Government Fiscal Stress, 65.6 percent of local tax revenue in counties is generated by real property taxes, as compared to 55.3 percent for cities. Relying so heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market.
- Providing counties equal taxing authority merely provides local boards of supervisors the ability to levy the same taxes that may be imposed by city and town councils. Members of local boards of supervisors are elected by the residents of counties and are accountable to them for all the decisions they make, including decisions involving taxes.

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### **Support legislation allowing consolidated meals tax and bond referenda questions**

[HB 1390 \(Aird\)](#) applies to a situation in which a county is seeking to pay for debt-funded projects with revenues derived from a meals tax.

It permits a county to adopt an ordinance or resolution providing for the payment of the bonds with revenues from the meals tax, and allows the county to put before the voters a consolidated question on the implementation of a meals tax and the issuance of debt that would be supported by revenues from the meals tax -- rather than asking those questions separately, as is currently set out in the Code.

The bill has been referred to the [House Privileges and Elections Committee](#).

## KEY POINTS

- This bill does not change the requirement for a county meals tax to be approved by a referendum. It merely allows proposed projects and revenues to be put before the voters in one question rather than separately.
- This change would avoid a situation in which voters approve debt but not the revenues to be used to pay for the debt, as has happened several times in the recent past.

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### **Bills address appeals of local real estate tax assessments**

As introduced, [HB 786 \(Keam\)](#) provided that on an appeal to court for relief from all local taxes, the taxpayer would not be required to show that the assessment was a result of manifest error or disregard of controlling evidence, and in cases of an appeal of an assessment of real or personal property that increased more than 20 percent over the prior tax year, with certain exceptions, the assessor would have had burden of proving by a preponderance of the evidence that the assessment is correct. The bill also provided that an assessment constituted manifest error if any one of three mistakes under current law (valuation over fair market value, lack of uniformity in the application of the assessment, or failure to make the assessment in accordance with generally accepted appraisal practices) was made. [HB 787 \(Keam\)](#) made similar changes to the statute governing appeals to boards of equalization. VACo worked with VML, representatives of the Commissioners of the Revenue, and proponents of the bills to improve the bills by removing the language that would have placed the burden of proof on the assessor and limiting the applicability to appeals of real property taxes; however, VACo continues to have concerns about the bills.

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### **Helpful tax administration bills moving forward**

[HB 495 \(Hodges\)](#) authorizes a local commissioner of the revenue, treasurer, or local director of finance to disclose taxpayer information to a non-governmental entity with whom the locality has contracted to provide non-auditing services related to tax administration. The contractor would be bound by the confidentiality provisions that apply to the commissioner or treasurer. Similar authority is currently granted to the state Tax Commissioner, and extending it to local commissioners and treasurers will assist localities that require outside expertise to undertake certain projects, such as upgrading software systems in commissioners' or treasurers' offices. The bill has passed the House and is before the [Senate Finance Committee](#).

[SB 228 \(Howell\)](#), introduced at the request of the Treasurers Association of Virginia, relates to the point at which real property taxes deferred under a local tax deferral program for seniors and residents with disabilities become due. Currently, Virginia Code provides that the deferred taxes become due upon sale of the property. In some localities, properties in these tax deferral programs have been transferred to family members, neighbors, or caregivers as gifts; because the transfer is not a sale, the deferred taxes do not come due. The bill provides that the taxes would be due upon transfer, except when property is transferred between spouses or in accordance with

certain recognized estate planning procedures. SB 228 passed the Senate and has been referred to the [House Finance Committee](#).

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### **Update on bills regarding compensation, Virginia Retirement System (VRS), Line of Duty Act**

[HB 66 \(McQuinn\)](#) would expand the requirement for local school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of service; currently, the health insurance credit is provided only to teachers at the \$4/year level, and non-teacher school division employees are eligible for a credit of \$1.50/year, depending on whether the locality has elected to provide the benefit. **VACo opposes** this mandate, which is estimated to cost localities approximately \$7.7 million per year, according to the impact statement provided by VRS.

[HB 1326 \(Reid\)](#) would make E-911 dispatchers eligible for hazardous duty benefits, if a locality opted to provide the enhanced benefit. Both HB 66 and HB 1326 have been referred to the [House Appropriations Committee's Compensation and Retirement Subcommittee](#).

[SB 495 \(Carrico\)](#) seeks to provide a funding source to supplement deputy sheriffs' salaries by diverting a portion of the fines generated by local sheriffs' offices to a statewide fund that would provide funds for localities that are not providing a local salary supplement. **VACo opposed** this bill due to its proposed diversion of local revenues, preferring instead the approach in [SB 827 \(Howell\)](#), which would increase the maximum amount a local governing body could impose upon a convicted defendant in a criminal or traffic case by \$10, with the funds used for courthouse security; SB 495 was continued to 2019 in Senate Finance. Several bills that would have expanded eligibility for Line of Duty Act benefits to dependents born or adopted after the death or disability of a covered employee have been continued to 2019 in Senate Finance.

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### **Proposed study of appeals of valuation of business property under consideration**

[HJ 98 \(Byron\)](#) directs the state Department of Taxation to evaluate the appeals process for valuation of businesses' real and personal property, with participation by local governments and industry representatives. **VACo opposes** examining issues of local taxation in a piecemeal fashion and would prefer an approach that includes a review of the constraints on local revenue-raising capabilities.

# General Government Steering Committee

## Bill to fund court safety advances

[SB 827 \(Howell\)](#) increases assessments made on defendants convicted of violating a statute or ordinance from \$10 to \$20. Revenue from the assessment shall be used for funding courthouse security personnel and, at the request of the sheriff, other security-related equipment and property. **VACo supports** this bill that reported out of the Senate Finance Committee, 11-3.

### KEY POINT

- Increasing the cap on fees related to criminal or traffic cases helps localities fund certain security needs.

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## Oppose repeal of the Pretrial Services Act

**VACo opposes** [HB 997 \(Gilbert\)](#), which repeals the Pretrial Services Act established in 1995. Thirty-three pretrial service agencies serve 100 of the 133 localities across the state, and are managed and operated at the local level. Pretrial services include supervision of defendants, treatment services, drug testing, maintaining residence and employment, adhering to curfew, and blocking contact with victims. Pretrial officers are the first to assess defendants and play a critical role in identifying mental health and substance abuse needs. HB 997 will be up for discussion in the [House Court of Justice Committee's Subcommittee #1](#) on Wednesday, February 7.

### KEY POINTS

- Repealing the Pretrial Services Act will cause overcrowding in jails. More defendants would be required to remain in confinement in both local and regional jails. At a great cost to localities and the state, more individuals would stay in jail with higher bonds without pretrial services.
- Pretrial services provide courts with information on whether to release a defendant back into the community.
- According to the 2012 Joint Legislative Audit and Review Commission [report](#), pretrial services lower public safety costs up to \$65 per person per day by allowing individuals to be transferred from jail detention to community corrections programs.

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### **More pretrial services bills**

[HB 996 \(Gilbert\)](#) and [SB 783 \(Peake\)](#) require DCJS to do an annual audit of pretrial services agencies, and report findings to the Governor and the General Assembly on agency performance. The Senate bill passed, and the House version will be up for discussion in the [House Court of Justice Committee's Subcommittee #1](#) on Wednesday, February 7.

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### **Implementing statewide body camera model policy**

[HB 402 \(Levine\)](#), which did not make it out of subcommittee, requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that conforms to the model policy established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records.

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### **Senate passes publication bill**

**VACo supports** [SB 108 \(Lucas\)](#), which provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, it is required to be published at least once a week for two successive weeks. This bill is helpful to localities because it streamlines the process saving both time and financial resources. The bill passed out of the Senate at a 37-2 vote, and has been referred to the [House Courts of Justice Committee](#).

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### **Senate passes service of process bill**

[SB 14 \(Petersen\)](#) changes the current law to require that only the county attorney or if there is no county attorney, the county clerk receive service for an action against a local official. Currently, section 8.01-300 of the Code of Virginia requires in an action against a supervisor, county officer, employee or agent of the county board that each supervisor be served in addition to the county attorney or clerk if there is no attorney. The bill passed out of the Senate at a 39-0 vote, and has been referred to the [House Courts of Justice Committee](#).

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### **Problematic deposition bill gone for the year**

**VACo opposed** [SB 613 \(Surovell\)](#), which states that when a local governing body is named a deponent, it shall designate at least one member of the body to serve as a deponent on its behalf. The testimony of the designee is subject to the same duties, responsibilities, and consequences of a corporate or organizational deponent as determined by the court. This bill would fly in the face of long standing legal precedent. The bill was continued to 2019 by a 15-0 vote.

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## **Drone bills flying**

**VACo supports [SB 186 \(Black\)](#)**, which authorizes localities to use unmanned systems, without the requirement of a search warrant, for purposes other than law-enforcement. Such activities include damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Drones may also be used for private, commercial, or recreational use or for the sole purpose of research and development for institutions of higher education and other research organizations or institutions. Current law only allows state departments, agencies, or entities with jurisdiction over criminal law-enforcement or regulatory violations to utilize drones in this way. The bill reported out of the Senate unanimously, and has been referred to the [House Courts of Justice Committee](#).

[HB 1482 \(Thomas\)](#) allows for the use of drones without a search warrant to investigate and reconstruct accidents when a report is required for personal injury, death, or property damage of \$1,500 or more. Amendments to the bill clarify the use of drones will be to survey the scene of an accident for the purpose of crash reconstruction, or to assist the Department of Transportation when providing information to law-enforcement. A similar version in the Senate, [SB 508 \(Carrico\)](#), allows the State Police and the Department of Transportation to use drones for surveying the scene of an accident and reconstructing crashes. HB 1482 reported out of the [House Courts of Justice Committee](#), 18-0. SB 508 reported unanimously out of the Senate, and has been referred to the [House Courts of Justice Committee](#).

[HB 638 \(Collins\)](#) provides that a political subdivision may not regulate the use of privately owned drones. The bill adds that a person will be guilty of a Class 3 misdemeanor if, after given notice, continues to knowingly and intentionally enter the area of a dwelling to coerce, intimidate, or harass another person. A second or subsequent conviction of trespass is a Class 2 misdemeanor. Also, the bill makes it unlawful for sex offenders or individuals under protective orders to use drones to knowingly and intentionally follow, contact, or capture images of another person. A violation of this section is a Class 1 misdemeanor. Amendments to the bill clarify that flying a drone within 50 feet of a dwelling is unlawful, and is subject to a Class 1 misdemeanor. The provisions of the bill don't apply in situations where a person has been given consent by the property owner who has legal authority over the property, or has authorization by federal regulations to operate a drone. The bill reported out of the [House Courts of Justice Committee](#), 15-3.

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## **Local firearm ordinance bills all defeated**

[HB 68 \(McQuinn\)](#) allows a locality to adopt an ordinance prohibiting firearms, ammunition, or components or a combination thereof in locality-owned libraries. The provisions would treat libraries like schools, which were designated as gun-free zones in 1975. The [House Militia, Police and Public Safety Committee's Subcommittee #1](#) passed the bill by indefinitely, 4-2.

[HB 261 \(Price\)](#) provides that a locality adopt or enforce an ordinance governing possession or carrying of firearms, ammunition or components or a combination thereof in any building owned or used by a locality for governmental purposes. The [House Militia, Police and Public Safety Committee's Subcommittee #1](#) passed the bill by indefinitely, 4-2.



[SB 668 \(Deeds\)](#), allows for localities to regulate similar instances, but includes park and recreation areas owned or used by a locality. For events held in those areas, the bill provides that each public entrance be secured. The bill failed to report out of the [Senate Courts of Justice Committee](#), 6-9.

[SB 155 \(Edwards\)](#) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of a local governing body. The bill provides that notice of the prohibition be publicly posted, and that the meeting room be operated by the locality. The bill failed to report out of the [Senate Courts of Justice Committee](#), 6-9.

[SB 360 \(McClellan\)](#), was passed by indefinitely in the [Senate Courts of Justice Committee](#), 9-6. This bill originated from [recommendations](#) of the Governor's Task Force on Public Safety Preparedness and Response to Civil Unrest, and provides that a locality may adopt an ordinance prohibiting the possession of firearms, ammunition, or components or combination thereof in a public space during a permitted event. A similar bill, [HB 1019 \(Toscano\)](#), was heard in the [House Militia, Police and Public Safety Committee's Subcommittee #1](#), and was passed by indefinitely, 4-2.

[HB 814 \(Levine\)](#) allows a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof within 1,000 feet of a demonstration, march, parade, protest, rally, or other similar event. The ordinance does not apply to any law-enforcement officer, any armed security officer, a member of the Armed Forces of the United States, a member of the Armed Forces Reserves, or a member of the National Guard performing his lawful duties. A similar bill, [HB 1052 \(Watts\)](#), allows for the same type of ordinance without the 1,000 feet provision. The [House Militia, Police and Public Safety Committee's Subcommittee #1](#) passed the bills by indefinitely, 4-2.

The bill to ban bump stocks, [HB 819 \(Kory\)](#), prohibits the manufacture, import, sale or offer to sell a device used to increase the rate of fire of semiautomatic firearms. Violating the legislation is a Class 6 felony, in comparison to a Class 1 misdemeanor in [HB 41 \(Levine\)](#) and [SB 1 \(Ebbin\)](#). The Senate bill died in the [Senate Finance Committee](#) by a 10-6 vote, and the House bills failed to report out of the [House Militia, Police and Public Safety Committee's Subcommittee #1](#), 4-2.

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### **Local government conflicts bills**

[HB 655 \(Murphy\)](#) was passed by indefinitely by the House General Laws Committee. This bill provides that an officer or employee of local government who has a personal interest in a transaction but who is still eligible to participate in the transaction because he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction need only declare his interest in the transaction at the first meeting at which the transaction is discussed and at least one subsequent meeting thereafter. Current law requires that such interest be disclosed at each meeting of the governmental or advisory agency



at which the transaction is discussed. A similar Senate bill, [SB 816 \( Black\)](#), has not been heard in the [Senate Rules Committee](#).

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### **VACo opposes HB 1101 and SB 336 mandating public comment**

VACo opposed [HB 1101 \(Robinson\)](#), which requires that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. Although the bill provides that if a public body holds more than four meetings in a calendar year, such public body may limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year, this will still require all advisory work groups or other committees formed by local boards to take public comment. A similar bill, [HB 1247 \(Cline\)](#), was struck from the docket. However, [SB 336 \(Peake\)](#), which is broader and more cumbersome, is flying through the Senate without opposition.

HB 1101 was recommended to be passed by for the year and sent to the FOAI Council for further study. SB 336 was passed by the Senate on February 6 with amendments.

### **KEY POINTS**

- There are requirements for public hearing already in the code on a variety of issues from budget to zoning to tax rates that provide for public comment.
- The bill will lead to lengthier meetings and will require public comment in numerous advisory committees that don't have authority to take action.
- A similar bill has already gone to the FOIA Council, which did not recommend this concept.

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### **Added penalties for violations of FOIA**

[SB 630 \(Surovell\)](#) provides that in addition to any penalties imposed under FOIA, if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because the official intentionally altered or destroyed the records prior to the expiration of the applicable record retention period pursuant to the Virginia Public Records Act, that the court may impose a civil penalty against the public official in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded.

In addition, this bill provides that if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification was not in accordance with the requirements of FOIA, the court may impose on each such member voting to certify in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500.

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### **Custodian of records bills**

Several Bills change the definition of Custodian of the record under the act which may result in localities being responsible not only for their own records but also those of other public bodies that they may have a copy of. [HB 504 \(Mullin\)](#) defines “custodian,” for purposes of the Virginia Freedom of Information Act, as a public body or its officers, employees, or agents who (i) have prepared or (ii) own or are in possession of a public record. The bill allows for more than one custodian per record. [HB 664 \(Kilgore\)](#) is a similar bill that requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain the custodian if it has transferred possession of any public records. The bill also prohibits a public body from withholding a public record in its entirety on the grounds that information contained in such public record was provided by another public body. Delegate Yancey also has three related bills dealing with this issue, [HB 957](#), [HB 958](#) and [HB 959](#). These bills are being sent to the FOIA Council for further study.

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### **Check registers bill to be voted on Senate Floor**

VACo opposes [SB 751 \(Sturtevant\)](#), a proposal to require every locality with a population greater than 25,000, and every school division with greater than 5,000 students, to post on its website a register of all transactions. This includes vendor name, date of payment, amount and description of the type of expense. Given the potential costs for localities to comply with this mandate, it should be a local option. In addition to the cost of software, the bill will require significant staff time to implement, since staff would need to review transactions and redact certain payments (such as payments to undercover law enforcement). The bill was reported by the Senate Local Government Committee,10-3.

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### **Bill proposes changes local grievance procedure**

[HB 1471 \(Hugo\)](#) seeks to make several changes to the local grievance procedures that apply to all localities and local government employees throughout the Commonwealth. The bill is a refile of similar bills defeated during the 2013, 2014, 2015, and 2016 legislative sessions.

HB 1471, which also has some provisions regarding local school board grievances, has been assigned to [House Counties, Cities and Towns Committee’s Subcommittee #2](#) and will be heard on Wednesday afternoon and likely by the [House Counties, Cities and Towns Committee](#) on Friday morning.

### **KEY POINTS**

- The changes make the grievance process more cumbersome, lengthy, and subject to inconsistent outcomes. Currently, many localities use a hearing officer or existing

approved grievance boards or panels. This bill would revert to a three-member panel at the choice of the grievant. These panels are cumbersome to assemble and often have no experience in conducting such procedures, resulting in delay and inconsistency.

- HB 1471 eliminates many longstanding impartial grievance panels used by localities that currently work well.
- The bill would shift interpretation of whether the relief granted is consistent with local policy from the Chief Administrative Officer of the locality to the Commonwealth's Attorney, who may have no knowledge or experience in employment policy.

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### **Helpful cooperative procurement bills moving ahead**

VACo supports [SB 688 \(Ruff\)](#), which excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. VACo supports this bill as it makes it easier for localities to procure these services. This bill has passed the Senate General Laws and is on the Senate floor. A similar bill, [HB 574 \(Hodges\)](#), was recommended for reporting by a House General Laws Subcommittee.

[SB 312 \(Edwards\)](#) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. The bill was reported from the Senate General Laws Committee by a 9-5 vote.

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### **Legislation requiring photos in electronic pollbooks advances with funding contingency language**

[SB 523 \(Obenshain\)](#) requires the Department of Elections to obtain photographs of registered voters from the Department of Motor Vehicles and make those photographs available to general registrars, who would be required to incorporate them into their electronic pollbooks. A voter's photograph contained in the electronic pollbook could then be used in lieu of the physical photo ID that would otherwise be required to vote. It is expected that new computer equipment will be required for some localities in order to accommodate the photographs. When the bill was heard by the [Senate Privileges and Elections Committee](#), VACo requested that the necessary funding

be provided with the legislation. The Senate Finance Committee reported the bill with an enactment clause providing that the bill will not take effect without an accompanying appropriation in the state budget. The bill narrowly passed the Senate and has been referred to the [House Privileges and Elections Committee](#).

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### **Variety of bills introduced to address split precincts**

The November 2017 election underscored the problems inherent in operating split precincts, and many bills have been introduced in the 2018 session on this topic.

**VACo has historically supported** the provisions of [HB 158 \(Cole\)](#), which authorizes the General Assembly to make technical corrections to address precinct splits; this bill has narrowly passed the House and been referred to the Senate Privileges and Elections Committee. [HB 1325 \(Cole\)](#) allows a voter in a split precinct who believes s/he has been given the wrong ballot to vote a provisional ballot in each district; the electoral board would then decide which ballot is correct. [HB 1216 \(Sickles\)](#) requires the state Department of Elections to review local GIS maps when changes are made to local precinct lines; the bill was amended in subcommittee to allow localities without GIS capabilities to request assistance from the state. [SB 983 \(Obenshain\)](#) requires localities to adjust precinct boundaries to remedy precinct splits or seek a waiver from the state Board of Elections to operate a split precinct; similar legislation ([HB 299 \(Watts\)](#) and [HB 382 \(Rasoul\)](#)) was passed by indefinitely in a House subcommittee.

In the Senate, legislation addressing the avoidance of split precincts during the redistricting process has been referred to a new Joint Subcommittee on Election Review that was established earlier in the session. In addition, the Senate Privileges and Elections Committee has referred all Senate bills dealing with absentee voting to the Joint Subcommittee.

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### **Other election-related bills of interest**

[SB 144 \(Spruill\)](#) provides that any candidate nominated by a party or in a primary would be identified by party affiliation on the ballot, unless a local charter provided otherwise (currently only candidates for federal, statewide, and General Assembly offices are identified by party affiliation). The bill has passed the Senate and is before the [House Privileges and Elections Committee](#). [SB 379 \(Chafin\)](#) codifies the requirement for registrars to serve full-time that is currently included in the state budget. [SB 152 \(Edwards\)](#) clarifies that when determining the number of assistant registrars to serve in the office of the general registrar, the electoral board may determine whether any of the assistants are to serve full-time (current Code allows the electoral board to determine the number and set the terms of assistant registrars).

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### **Constitutional Amendments moving forward**

Several Constitutional amendments of interest to localities have been reintroduced in the 2018 General Assembly. A constitutional amendment must pass twice in identical form – once before

and once after an intervening election for House of Delegates – before being voted on as a referendum.

“Second resolution” Constitutional amendments that passed the 2017 Session and are currently under consideration are as follows:

[HJ 6 \(Miyares\)/SJ 76 \(Stuart\)](#) allow for “portability” of the real property tax exemption for the surviving spouse of a disabled veteran; currently, the surviving spouse must continue to occupy the property that was originally eligible for the exemption to continue to qualify for the tax relief. HJ 6 has been reported from House Privileges and Elections; SJ 76 has been reported from Senate Privileges and Elections and referred to the [Senate Finance Committee](#).

[HJ 41 \(LaRock\)/SJ 35 \(Lewis\)](#) are “lockbox” amendments that provide that transportation funds must be appropriated for transportation purposes; the General Assembly may borrow from transportation funds for other purposes by a two-thirds vote. HJ 41 has been reported from House Privileges and Elections; SJ 35 has been reported from Senate Privileges and Elections and referred to the [Senate Finance Committee](#).

[SJ 21 \(Lewis\)](#) allows the General Assembly to authorize localities to provide for a partial exemption from real estate taxes for property subject to recurrent flooding that has been improved by flooding abatement or mitigation projects. It has been reported from Senate Privileges and Elections and referred to the [Senate Finance Committee](#).

[HJ 111 \(Head\)](#) provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution; the General Assembly could also authorize a legislative committee or commission to suspend any or all portions of any administrative rule or regulation while the General Assembly is not in session. Such suspension would continue until the end of the next regular session. HJ 111 was reported from House Privileges and Elections. A similar but not identical measure, [SJ 69 \(Vogel\)](#), was passed by indefinitely in Senate Privileges and Elections and referred to the Joint Commission on Administrative Rules.

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### **House and Senate presumption bills advance**

**VACo opposed** legislation that would raise costs to local governments by increasing the number of instances in which worker’s compensation for firefighters, local police, and other public safety employees would be paid. VACo testified before the Senate Commerce and Labor Committee in opposition to this legislation.

[SB 642 \(McPike\)](#) adds colon cancer to the existing list of conditions presumed to be an occupational disease when developed by certain public safety employees, and therefore covers those conditions under the Virginia Workers' Compensation Act. Furthermore, SB 642 eliminates a requirement that the covered employee who develops cancer have had contact with a toxic substance in the line of duty. The bill was continued to 2019 by the Senate Finance Committee on February 6.

[SB 352 \(Peake\)](#) adds lymphoma, non-Hodgkin lymphoma, and other cancers to the existing list of conditions presumed to be an occupational disease when developed by certain public safety employees, and therefore covers those conditions under the Virginia Workers' Compensation Act. Additionally, this bill reduces to five years the minimum amount of continuous service such public safety employees are required to have completed to qualify for a presumption that their condition is an occupational disease suffered in the line of duty. The bill was continued to 2019 by the Senate Finance Committee on February 6.

[HB 107 \(Bell, John\)](#) adds correctional officers to the list of public safety officers eligible for a presumption that their hypertension, heart disease, and certain other conditions are occupational diseases under the Virginia Workers' Compensation Act. This bill was reported and referred to the House Appropriations Committee by the House Committee on Labor and Commerce on January 25 by a vote of 20-1. This legislation now awaits action by the [House Appropriations Committee](#).

[HB 1245 \(Hugo\)](#) adds new cancers to the existing list of conditions currently presumed to be an occupational disease when developed by certain public safety employees and therefore covered by the Virginia Workers' Compensation Act. Furthermore, HB 1245 eliminates a requirement that the covered employee who develops cancer have had contact with a toxic substance in the line of duty. This bill was reported and referred to the House Appropriations Committee by the House Committee on Labor and Commerce on January 25 by a 21-0 vote. This legislation now awaits action by the [House Appropriations Committee](#).

## Health and Human Resources Steering Committee

### **Support helpful Children's Services Act bills**

Several bills have been introduced that seek to address localities' interest in flexibility in serving children with high-level needs. Local governments provide a share of the costs to fund private day or residential placements on a sum-sufficient basis for mandated children through the Children's Services Act. As costs for these placements have risen in recent years (particularly for private day placements), local governments have been interested in finding ways that children with high-level needs can be served in their local school divisions with appropriate supports, while recognizing that private day or residential placements are the most appropriate option for some children. Currently, CSA funds can only be used to fund private placements for these children and "wraparound" services that are provided at home or in the community. Any additional supports beyond the locality's special education funds are provided at local expense.

[HB 176 \(Bell, Richard P.\)/SB 975 \(Vogel\)](#) requires the Department of Education to implement a pilot program in two school divisions to determine what resources would be needed to transition students currently served in private school back to the public school setting, and recommend a



process for redirecting state funding to the local school division to provide the appropriate supports to serve the students in the local school division.

[HB 1346 \(Thomas\)/SB 205 \(Stuart\)](#) would allow CSA funds to be used for students who transfer from an approved private school special education program to a public school special education program established within Planning District 16 when the public school program is able to provide comparable services and the student would require placement in an approved private school special education program but for the availability of the public school special education program. Accompanying budget amendment language would require the Office of Children's Services to report on service utilization and funding for affected students.

**VACo supports** these bills, which take a measured approach to the issue of how children with high-level needs can be served in their local school divisions. HB 176 has been referred to the [House Appropriations Committee](#), and HB 1346 is expected to receive a similar referral later this week; SB 205 is before the [Senate Finance Committee](#), and SB 975 is awaiting a hearing in the [Senate Rules Committee](#).

## **KEY POINTS**

- VACo supports exploring options to serve children in their local school divisions, which can help meet the goal of serving children in the least restrictive environment as well as potentially averting costly private placements.
- The legislation allows for careful study of what resources would be needed to serve children in their local school divisions and the results of the pilot projects could be helpful to other school divisions and localities.

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## **Legislation requires Community Services Boards to provide mental health and substance abuse services in jails**

[HB 1487 \(Stolle\)/SB 878 \(Dunnivant\)](#) require local Community Services Boards (CSBs), upon request of the local sheriff or regional jail superintendent, to provide mental health and substance abuse services for individuals incarcerated in local and regional jails. To address re-entry planning, the bills also provide that an individual who is discharged from a local or regional jail may continue to receive services from the CSB that provided services in the jail or the CSB serving the locality in which the individual will reside after being released from the jail. As introduced, the bills do not have a delayed effective date, but contain language providing for the Board of Corrections to establish standards for the provision of mental health and substance abuse services in jails. The bills provide that the CSB will bill the local or regional jail for its services.

The issue of health care in jails and prisons is currently under review by the Joint Commission on Health Care, which provided an interim report on its two-year study in September 2017. The preliminary report noted that jails take varying approaches to the provision of health care, with some jails contracting for physical and mental health care and some jails working with their local

CSBs to provide mental health and substance abuse treatment services. The Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21<sup>st</sup> Century is also examining the appropriate structure and financing of the CSB system.

VACo recognizes the need to provide health care, including mental health care, in jails in a cost-effective manner. Local and regional jails receive state assistance with jail costs via state funding for salaries provided through the Compensation Board and per diem payments to assist with housing inmates, but localities bear a substantial portion of costs for inmate care, including mental health and substance abuse treatment. Localities also contribute substantially to their local CSBs. VACo has expressed concern about how state funding would support the provision of services as envisioned in the bill. Two major questions that are still unanswered are whether state funding would be provided to the CSBs to support the costs of providing these services, or if the services would be expected to be funded out of existing allocations, and how funding these services through the CSBs would affect the local contributions to the jails.

SB 878 was heard in the Senate Finance Committee's Health and Human Resources Subcommittee on February 5, and in the full Senate Finance Committee on February 6 and reported with "the clause" attached to the bill (funding contingency language that provides that the bill will not take effect without an accompanying appropriation). Subcommittee members expressed an interest in working to accomplish the bill's goals, but agreed that implementation questions remain; the funding contingency language is intended to allow the issue to be discussed in conjunction with the larger conversation underway on expansion of Medicaid. HB 1487 was heard in the House Appropriations Committee's Health and Human Resources Subcommittee on February 6 and recommended to be continued to 2019 with a letter from the Committee Chair to the Joint Subcommittee to Study Mental Health Services in the 21<sup>st</sup> Century.

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### **Bills address air ambulance services**

Legislation in 2017 directed the creation of a workgroup to examine the issue of dispatch of air transportation services providers in response to emergency medical situations, including differences in billing affecting individuals transported by air ambulances. As a result of the discussions in the workgroup, [HB 778 \(Ransone\)](#) has been introduced; the bill requires hospitals to establish protocols for informing a patient in a non-emergency situation that the patient may have a choice between air and ground transportation and that the patient may be responsible for charges in the event that the transportation provider is not in his or her insurance network. The bill has passed the House and is before the [Senate Education and Health Committee](#).

[HB 777 \(Ransone\)](#) deals with information to be provided to a patient by emergency medical services personnel and, as reported by the House Health, Welfare, and Institutions Committee, would require that EMS personnel obtain consent from the patient before initiating transportation by air, unless the patient is unable to provide consent or the EMS personnel determine that delay might jeopardize the patient's health or safety. The bill also would require that the state Office of Emergency Medical Services develop a protocol for obtaining this consent, as well as a statewide protocol for air transportation dispatch. **VACo supports** consumer protections for individuals transported by air ambulance, but expressed concerns to the patron that were brought



forward by member counties about the potential liability the bill could create for EMS providers. HB 777 was sent back to committee from the floor and has been continued to 2019 in House Health, Welfare, and Institutions Committee for further discussion.

## Transportation Steering Committee

### VACo supports increased revenue for transportation

Unless the 2018 General Assembly confronts the funding challenges facing Virginia's transportation systems, the Commonwealth will continue to face a congestion and mobility crisis that is strangling economic growth, threatening public safety, and negatively affecting the quality of life of all residents. Several legislative initiatives have the potential to address these concerns, including providing dedicated funding for transit (including Metro) and shoring up the Northern Virginia and Hampton Roads regional motor fuels sales tax.

[SB 856 \(Saslaw\)](#) and [HB 1319 \(Sullivan\)](#) are omnibus transportation funding bills that make numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority (WMATA), the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. These bills also set a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. Additionally, the bills raise the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit.

SB 856 is in the [Senate Finance Committee](#) and may be heard in committee on Thursday afternoon. HB 1319 will be heard in the [House Transportation Committee](#) on Thursday morning.

### KEY POINTS

- More funding is needed to address the secondary road needs of counties, as such funding has been vastly reduced over the last 10 years.
- Existing funding levels for transit must be maintained. Due to the depletion of transportation there will be annual average revenue gap of \$130 million over the next ten years for transit capital needs.
- The State should provide sustainable funding today, and in the future, for Metro and give localities the authority to create dedicated funding sources for operating and capital expenses for WMATA contributions.

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### **VACo opposes using county road construction funds for broadband expansion**

[SB 857 \(Chafin\)](#) would divert half of all annual revenue collected by VDOT from telecommunication companies for use of the right-of-way and make it available for the expansion of broadband to unserved areas. Currently 100 percent of the revenue (approximately \$16 million annually) is allocated to the construction of county secondary roads. While VACo supports efforts by the Commonwealth to deploy universal broadband services to all areas where it does not exist, it should not be at the expense of the secondary road construction program. The bill will be voted on [Senate Finance Committee](#) on Thursday afternoon.

### **VACo opposes heavier trucks in Virginia**

[SB 504 \(Carrico\)](#) and [HB 1276 \(Garrett\)](#) authorize the Commissioner of Highways, with the approval of the Governor, to allow for heavier, six-axle tractor trucks to travel Virginia roads as part of any federal pilot program, for a period of up to 15 years. Counties, in partnership with VDOT, make significant investments in road construction and maintenance. Such investments need to be properly safeguarded from any undue acceleration in wear and tear. Increases in truck weight beyond current federal standards, even of limited duration, will put highways, roads, and bridges at increased risk of damage and deterioration.

SB 504 was heard in Senate Transportation Committee on January 31 and carried over for the week after initially failing to report out of committee. The bill is expected to be voted on again in the [Senate Transportation Committee](#) on Wednesday. HB 1276 was reported out of subcommittee by a 4-2 vote on February 1.

## Abbreviated Schedule of Committee Meetings

<b>Thursday February 8</b>	1/2 hr aft	<b>Senate Education and Health Subcommittee on Public Education;</b> Subcommittee Room #1, 5th Floor, Pocahontas Building ( <a href="#">subcommittee info</a> )
	15 min aft	<b>House General Laws - Subcommittee #1;</b> House Room 3, The Capitol - 15 minutes after adjournment of House ( <a href="#">subcommittee info</a> )
	15 min aft	<b>House General Laws - Subcommittee #2;</b> House Room 3, The Capitol - 15 minutes after adjournment of Subcommittee #1 ( <a href="#">subcommittee info</a> )
	1/2 hr aft	<b>House General Laws;</b> House Room 3, The Capitol - 1/2 hour after adjournment of Subcommittee #2 ( <a href="#">committee info</a> )
	1/2 hr aft	<b>House Commerce and Labor;</b> House Committee Room, Ground Floor, Room W011, Pocahontas Building - 1/2 hour after adjournment of House ( <a href="#">committee info</a> )
	1/2 hr aft	<b>Senate Agriculture, Conservation and Natural Resources;</b> Senate Room A, Pocahontas Building - 1/2 hour after adjournment ( <a href="#">committee info</a> )
	3 p.m.	<b>Senate Finance - Education Subcommittee;</b> Subcommittee Room #1, 5th Floor, Pocahontas Building ( <a href="#">sub-committee info</a> )
	3 p.m.	<b>House Appropriations - Compensation and Retirement Subcommittee;</b> House Conference A, Third Floor, Room E300-A, Pocahontas Building ( <a href="#">subcommittee info</a> )
	4 p.m.	<b>House Appropriations - Public Safety Subcommittee;</b> House Conference A, Third Floor, Room E300-A, Pocahontas Building ( <a href="#">sub-committee info</a> )
	Adj Sub	<b>House Appropriations - Transportation Subcommittee;</b> House Conference A, Third Floor, Room E300-A, Pocahontas Building - Immediately upon adjournment of the Public Safety Subcommittee ( <a href="#">subcommittee info</a> )
	4 p.m.	<b>Virginia Latino Caucus;</b> House Subcommittee 2, Second Floor, Room E200-B, Pocahontas Building
	4:30 p.m.	<b>Senate Finance;</b> Committee Room B, Ground Floor, Pocahontas Building ( <a href="#">committee info</a> )
	6 p.m.	<b>Virginia Legislative Black Caucus;</b> Subcommittee 1, Second Floor, Room E200-A, Pocahontas Building

<b>Friday February 9</b>	7:30 a.m.	<b>House Finance - Subcommittee #3</b> ; House Conference A, Third Floor, Room E300-A, Pocahontas Building ( <a href="#">sub-committee info</a> )
	8 a.m.	<b>House Counties, Cities and Towns</b> ; Shared Committee Room, Ground Floor, Room E007, Pocahontas Building ( <a href="#">committee info</a> )
	8:30 a.m.	<b>Senate Rehabilitation and Social Services</b> ; Senate Room A, Pocahontas Building ( <a href="#">committee info</a> )
	9 a.m.	<b>House Militia, Police and Public Safety</b> ; House Committee Room, Ground Floor, Room W011, Pocahontas Building ( <a href="#">committee info</a> )
	9:30 a.m.	<b>House Privileges and Elections</b> ; House Room 3, The Capitol ( <a href="#">committee info</a> )
	1/2 hr aft	<b>House Appropriations</b> ; Shared Committee Room, Ground Floor, Room E007, Pocahontas Building - 1/2 hour after adjournment of House ( <a href="#">committee info</a> )
	1/2 hr aft	<b>House Courts of Justice</b> ; House Room 3, The Capitol - 1/2 hour after adjournment of House ( <a href="#">committee info</a> )
		Please note that sometimes meetings are subject to change on short notice. Please check this link for up-to-date information. <a href="https://lis.virginia.gov/cgi-bin/legp604.exe?181+oth+MTG">https://lis.virginia.gov/cgi-bin/legp604.exe?181+oth+MTG</a>

**GROUND FLOOR [MAIN STREET]**

Main House and Senate Committee Rooms  
 HCO - Committee Operations  
 House Briefing Room  
 Capitol Police Desk

**1<sup>ST</sup> FLOOR [BANK STREET]**

Senate Committee Operations  
 Capitol Police Desk  
 DLAS Bill Room

**2<sup>ND</sup> FLOOR**

House Member Offices  
 HCO - Post Office  
 HCO - Copy & Folding Center  
 House Subcommittee Rooms 200 A & B

**3<sup>RD</sup> FLOOR**

House Member Offices  
 House Subcommittee Rooms 300 A & B

**4<sup>TH</sup> FLOOR**

House Member Offices  
 House Subcommittee Rooms 400 A, B & C

**5<sup>TH</sup> FLOOR**

Senate Member Offices  
 Senate Briefing Room  
 Senate Subcommittee Rooms 1, 2 & 3  
 Division of Legislative Automated Systems [DLAS]

**6<sup>TH</sup> FLOOR**

House & Senate Leadership  
 Speaker's Conference Room  
 Senate Leadership Conference Room  
 Senate Member Offices  
 Senate Technology  
 Senate Support Services  
 Senate Post Office

**7<sup>TH</sup> FLOOR**

HCO - Support Services

**DLAS - Division of Legislative Automated Systems**  
**DLS - Division of Legislative Services**  
**HCO - House Clerk's Office**

**8<sup>TH</sup> FLOOR**

**DIVISION OF LEGISLATIVE SERVICES [DLS]**

Director's Office  
 Special Projects & Resolutions

**DLS STAFF FOR:**

- Commerce & Labor
- Courts of Justice
- Education
- Elections
- Health & Social Services
- Judicial Selection
- Militia & Police

**9<sup>TH</sup> FLOOR**

**DIVISION OF LEGISLATIVE SERVICES**

Conference Room  
 Computer Mapping & Redistricting  
 Editing Staff  
 Ethics Council

**10<sup>TH</sup> FLOOR**

**DIVISION OF LEGISLATIVE SERVICES**

Fiscal Office  
 Freedom of Information Advisory Council  
 Housing Commission  
 Joint Commission on Technology & Science

**DLS STAFF FOR:**

- Agriculture & Natural Resources
- Finance & Taxation
- General Laws
- Local Government
- Transportation

**11<sup>TH</sup> FLOOR**

**DIVISION OF LEGISLATIVE SERVICES**

Chesapeake Bay Commission  
 Code Commission  
 Commission on Administrative Rules  
 Commission on Youth  
 Legislative Reference Center

**12<sup>TH</sup> FLOOR**

HCO - Information Technology & Telecommunications  
 HCO - Human Resources & Finance

**13<sup>TH</sup> FLOOR**

House Appropriations Staff  
 Chair, House Appropriations  
 Vice-Chair, House Appropriations

**14<sup>TH</sup> FLOOR**

Senate Finance Committee