

Capitol Contact

Virginia General Assembly

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Monday, January 22, 2018

VACo-Requested Budget Amendments Introduced

VACo worked with members of the General Assembly to introduce budget amendments that seek to address key priorities of local government. Member budget amendments were released on Thursday, January 18, and will be considered over the coming weeks as the “money committees” prepare to report their respective budgets on February 18. VACo is grateful to budget amendment patrons for working to ensure that localities’ priorities are under consideration during the budget deliberation process.

VACo encourages members to contact their legislators in support of these amendments, particularly if your Delegate or Senator serves on the [House Appropriations Committee](#), or the [House Finance Committee](#), or the [Senate Finance Committee](#).

Below is a summary of the amendments introduced at VACo’s request:

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 (at which time the local-responsible payment was reduced 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). The amendment also includes language directing per diems to be adjusted for inflation in future budgets.

Sheriffs’ deputies with law enforcement responsibility

[Item 66 #4h \(Thomas\)](#)/[Item 66 #3 \(Vogel\)](#) provide funding 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.

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.

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. 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. 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.

Streamlining Medicaid enrollment for incarcerated persons

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

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.

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.

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.

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.

VACo Contact: [Katie Boyle](#)

Problematic Grievance Bill Will Mandate Change in Local Procedures

VACo opposes [HB 1471 \(Hugo\)](#), which is a refiling of similar bills defeated during the 2013, 2014, 2015, and 2016 legislative sessions. HB 1471 seeks to make several changes to the local grievance procedures that apply to all localities throughout the Commonwealth. The bill, which also has some provisions regarding local school board grievances, has been assigned to [House Counties, Cities and Towns Committee](#).

HB 1471 seeks changes to the local government grievance procedures that make the process more cumbersome, lengthy, and subject to inconsistent outcomes. Currently, many localities use a hearing officer or existing 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 also eliminates a number of longstanding impartial grievance panels used by localities that currently work well. In addition, the bill would shift interpretation of local government policy from the Chief Administrative Officer of the locality to the Commonwealth's Attorney, who may have no knowledge or experience in employment policy.

The main proponent of this bill in the past has been the Police Benevolent Society, and it is important to note that law enforcement employees have the option to choose either the local grievance process or the process provided under the Law Enforcement Officers Procedural Guarantee Act, thus making the change to the local grievance procedure unnecessary.

VACo Contact: [Phyllis Errico, Esq., CAE](#)

House Rules Committee Update

On January 19, the [House Rules Committee](#) held its first hearing of the 2018 General Assembly Session. Among other bills, the Committee considered a measure to designate October 15, 2018, and in each year forward as General Thaddeus Kosciuszko Day; legislation to revise appointing authorities for the members of the Secure and Resilient Commonwealth Panel; and a bill to increase the number of Delegates appointed to the Commission on Employee Retirement Security and Pension Reform.

The Committee also discussed legislation pertaining to the Virginia Commission on Intergovernmental Cooperation – [HB 530 \(Thomas\)](#) revises current law to allow the Speaker of the House of Delegates to make appointments to various intergovernmental boards, committees, and commissions. HB 530 changes current law, which mandates such appointments be made by the Commission on Interstate Cooperation of the House of Delegates.

VACo Contact: [Angela Inglett](#)

Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that sets the [schedule](#) for the 2018 General Assembly session. Although the procedural resolution will be considered by the full House and Senate in January, typically it is agreed upon without amendments. Key dates in the procedural resolution are as follows:

- **January 10:** General Assembly convenes at noon. Prefiled legislation must be submitted by 10 a.m.; this is also the last day to file bills dealing with the Virginia Retirement System or legislation creating or continuing a study.
- **January 12:** Budget amendments by General Assembly members must be submitted by 5 p.m.
- **January 19:** All bills must be filed by 3 p.m.
- **February 13:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 18:** The Senate Finance and House Appropriations Committees must report their respective budgets.
- **February 22:** Deadline for each chamber to complete work on its budget
- **March 5:** Deadline for committee action on legislation
- **March 10:** Scheduled adjournment *sine die*
- **April 18:** Reconvened session to consider the Governor's amendments and vetoes

VACo Contact: [Katie Boyle](#)

Advocate for Your Locality at VACo County Government Day

February 8, 2018 | Omni Richmond Hotel
[Registration Form](#) | [Register Online](#)

This is our day to advocate for counties at the 2018 General Assembly Session. Join us for VACo County Government Day on Thursday, February 8!

Registration opens at 11 a.m. and the event kicks off with lunch at noon. Governor-Elect Ralph Northam has been invited to speak on issues that affect counties. VACo staff will provide legislative briefs before inviting all present to meet with their General Assembly representatives that afternoon.

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member listings websites. Find information about VACo's positions in the [2018 Legislative Program](#). We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - listen to briefs about the issues and speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1:30 p.m.

Register for [VACo County Government Day online](#) or by faxing in a [registration form](#) to 804.788.0083. Register early and get involved in the legislative process.

VACo Contact: [Dean Lynch, CAE](#)