

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
www.vaco.org • 804.788.6652



Tuesday, January 30, 2018

School Boards Bill Rereferred to Senate Courts of Justice

[SB 440 \(Wexton\)](#) exempts elected local school boards from receiving prior authorization from their local governing body prior to instituting any legal action against another government body.

On January 29, the Senate rereferred the bill to the Courts of Justice Committee.

Action Required – Contact members of the [Senate Courts of Justice Committee](#) now to oppose SB 440. The bill has been placed on the January 31 agenda.

TALKING POINTS

- Currently, all school boards must receive authorization from their local governing body before instituting any legal action or expending any funds towards such legal action.
- Most of the school boards – more than 82 percent – are elected and not appointed.
- The bill is a dramatic policy change that affects most local governing bodies negatively, both financially and in their relationships and interactions with other governmental entities.
- The local governing body is responsible for appropriation of funds to the school board and should be involved in this type of decision.

KEY CONTACTS

Senate Courts of Justice Committee: [Obenshain \(Chairman\)](#), [Saslaw](#), [Norment](#), [Howell](#), [Lucas](#), [Edwards](#), [McDougle](#), [Stuart](#), [Stanley](#), [Reeves](#), [Chafin](#), [Deeds](#), [Sturtevant](#), [Petersen](#), [Peake](#)

VACo Contact: [Chris McDonald, Esq.](#)

VACo Opposes Proposal to Allow for Heavier Trucks in Virginia

[SB 504 \(Carrico\)](#) and [HB 1276 \(Garrett\)](#) would 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.

Action Required - Please contact your legislators now to oppose SB 504 and HB 1276. SB 504 will be heard in [Senate Transportation Committee](#) on January 31. HB 1276 has been assigned to [House Transportation Committee's Subcommittee #2](#) which meets February 1 (no agenda yet).

TALKING POINTS

- Counties, in partnership with VDOT, make significant investments in road construction and maintenance. Such investments need to be properly safeguarded from any unanticipated 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.

KEY CONTACTS

Senate Transportation Committee: [Carrico \(Chairman\)](#), [Newman](#), [Deeds](#), [Marsden](#), [Favola](#), [Cosgrove](#), [Edwards](#), [Wexton](#), [DeSteph](#), [Chase](#), [Suetterlein](#), [McClellan](#), [Peake](#)

House Transportation Committee's Subcommittee #2: [Pillion \(Chairman\)](#), [Davis](#), [LaRock](#), [Collins](#), [Miyares](#), [McQuinn](#), [Jones, J.C.](#), [Reid](#), [Yancey](#)

VACo Contact: [Joe Lerch, AICP](#)

Bills Addressing Opioid Addiction Crisis Move Forward

VACo is following many bills that focus on the problem of opioid addiction. Several bills that address the issue of prescription opioid misuse have been reported from the [Senate Education and Health Committee's Health Professions Subcommittee](#), and now move to consideration by the full Senate.

[SB 226 \(Stanley\)](#) requires veterinarians to register with the Prescription Monitoring Program (PMP) and report certain information to the PMP when dispensing controlled substances to animals as part of a course of treatment lasting more than seven days.

[SB 632 \(Dunnivant\)](#) requires that when starting a new course of treatment for surgical or invasive procedures, a prescriber must request certain information from the PMP for a course of opioids lasting more than seven days. Current law requires the prescriber to consult the PMP for opioids lasting for more than 14 days as part of treatment for a surgical or invasive procedure. A similar bill, [HB 1173 \(Pillion\)](#), was reported from the [House Health, Welfare and Institutions Committee](#).

[SB 728 \(Dunnivant\)](#) requires the Director of the Department of Health Professions, in consultation with representatives from relevant health regulatory boards, to report annually to the Joint Commission on Health Care on controlled substance prescribing and dispensing patterns, including any necessary changes to the criteria for unusual patterns of prescribing and dispensing.

Two bills are no longer under consideration, but their subject matter will be incorporated into letters from Senator Stephen Newman, Chair of the [Senate Education and Health Committee](#). A letter addressing [SB 464 \(Reeves\)](#) will direct the Department of Health Professions to come up with guidelines for including methadone clinics in the PMP; a letter addressing [SB 635 \(Dunnivant\)](#) will ask the Department to embed in the process of streamlining the PMP notice of the administration of naloxone between primary and emergency care providers.

A variety of other approaches to the problem of addiction are also under consideration this year.

[HB 1157 \(Pillion\)](#) requires the development of a plan for services for substance-exposed infants. The Department of Health is to lead the development of the plan in collaboration with affected state agencies and stakeholders and report annually to the General Assembly regarding implementation of the plan. The bill has been reported from the House Health, Welfare, and Institutions Committee and is now before the House Appropriations Committee. A companion bill, [SB 389 \(Chafin\)](#), has been reported from Senate Education and Health Committee and referred to the [Senate Finance Committee](#).

[HB 1172 \(Pillion\)](#) establishes a state team to review overdose deaths in the Commonwealth and authorizes the establishment of local or regional teams to review local overdose deaths; a similar bill, [SB 399 \(Lewis\)](#), authorizes the establishment of local or regional review teams. HB 1172 is now before the [House Appropriations Committee](#); SB 399 is on the Senate floor.

[HB 1401 \(Herring\)](#) authorizes correctional and probation officers who have completed a training program to possess and administer naloxone; a similar bill, [HB 322 \(Bourne\)](#), provides this authority to correctional officers and Department of Corrections employees designated as probation or parole officers. HB 1401 is before [House Health, Welfare and Institutions Committee](#); HB 322 has passed the House and has been referred to [Senate Education and Health Committee](#).

VACo Contacts: [Khaki LaRiviere](#) and [Katie Boyle](#)

Virginia Grocery Investment Fund Passes Senate

The Virginia Grocery Investment Fund and Program (VGIF) passed the Senate this week in a 36-4 vote. [SB 37 \(Stanley\)](#) will now await referral to the appropriate House of Delegates committee.

The House companion bill, [HB 85 \(Bell, Richard/McQuinn\)](#), has been referred to the [House Appropriations Committee](#) but has not yet been placed on an agenda. As it did on behalf of SB 37, VACo is eager to support HB 85.

VACo Contact: [Chris McDonald, Esq.](#)

Communications Sales and Use Tax Update – Fails to Proceed in House Finance

[HB 1051 \(Watts\)](#) would have [updated the Communications Sales and Use Tax \(CSUT\)](#), which was established in 2006 to replace a variety of local telecommunications taxes, to reflect modern consumer choices. The bill would have placed similar services on a level playing field by eliminating the current exemptions for streaming and prepaid wireless services. As discussed in [a 2015 report completed by the Department of Taxation](#) at the request of the General Assembly, eliminating these carveouts would treat similar services similarly and help to address the CSUT's disappointing performance as a revenue source for localities. The CSUT generated approximately \$75 million less for distribution to localities in FY 2015 than it did in FY 2008.

VACo Executive Director Dean Lynch spoke in favor of the legislation in front of the [House Finance Committee](#) on January 29. Lynch said that modernizing the CSUT is necessary after 12 years of changes in technology have eroded its tax base. In the end, the Committee rejected the proposal even though the CSUT has seen a decline in annual revenue from \$472 million in 2008 to \$392 million in 2015, according to the report.

VACo is grateful to Delegate Watts for initiating the conversation on what a fair telecommunications tax structure should look like in the 21st century and looks forward to continuing the discussion as legislators consider overall changes to the state's tax system.

VACo Contacts: [Dean Lynch, CAE](#), [Katie Boyle](#) and [Joe Lerch, AICP](#)

Dredging Bills Advance

Several dredging bills introduced by Delegate Keith Hodges have begun gaining momentum as they move through the General Assembly.

[HB 1095 \(Hodges\)](#) authorizes the Middle Peninsula Chesapeake Bay Public Access Authority and Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those authorities, as well as the Eastern Shore Water Access Authority, to work together and cooperatively undertake dredging projects in any of their jurisdictions. The bill unanimously reported out of the House Counties, Cities and Towns Committee (21-0) and ultimately passed the House by a 97-0-1 margin. HB 1095 will now head to the Senate.

[HB 1092 \(Hodges\)](#) adds dredging projects to the definition of “development project area” for the purposes of tax increment financing. Tax increment financing is a program whereby a local government works with a developer to provide financing through local bonds for projects designed to revitalize or redevelop designated areas. House Finance Subcommittee #1 unanimously (10-0) recommended reporting the bill with an amendment specifying that for the purposes of this bill, dredging projects shall not include those undertaken by the Virginia Port Authority. HB 1092 unanimously (22-0) reported out of the House Finance Committee and will be heard on the House floor later this week.

[HB 1096 \(Hodges\)](#) directs the Department of Environmental Quality (DEQ), with assistance from the Marine Resources Commission (MRC) and Virginia Institute of Marine Science (VIMS), to develop a fast-track regulatory permitting program for the selection and use of appropriate sites for the disposal of dredged material. This bill has been referred to the [House Agriculture, Chesapeake and Natural Resources Committee's Subcommittee #3](#) and placed on the January 30 docket.

VACo Contact: [Chris McDonald, Esq.](#)

School Bus Advertising Moves Out of Committee

[HB 809 \(O'Quinn\)](#), which allows local school boards to sell advertising space on school buses, reported out of the full [House Education Committee](#) by a vote of 18-

2. Introduced by [Delegate Israel O'Quinn](#), the bill permits school boards to sell commercial ad space on the sides and rear of a bus as well as between the rear wheels.

The legislation was narrowly tailored to restrict what kind of advertising is allowed. Specifically, the advertising material cannot (1) obstruct the name of the school division or the number of the school bus; (2) be sexually explicit; or (3) pertain to alcohol; food or beverages that do not meet the nutrition standards of the Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school; gambling; politics; or tobacco. Additionally, the bill was amended in Committee to stipulate that only “commercial” advertising would be permitted, addressing possible concerns about religious, political, or nonprofit advertising that may run into First Amendment concerns.

HB 809 will now be placed on the House Calendar and will reach the floor later this week.

VACo Contact: [Chris McDonald, Esq.](#)

Senate Committee Advances Presumption Legislation

The [Senate Commerce and Labor Committee](#) referred to the [Senate Finance Committee](#), two pieces of legislation impacting worker’s compensation for firefighters and local police.

[SB 642 \(McPike\)](#) adds colon cancer 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, SB 642 eliminates a requirement that the covered employee who develops cancer have had contact with a toxic substance in the line of duty. SB 642 was reported and referred by the Committee on January 29 by a 15-0 vote.

[SB 352 \(Peake\)](#) adds lymphoma, non-Hodgkin lymphoma, and other 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. Additionally, this bill reduces to five years the minimum amount of continuous service such public safety employees are required to have completed in order to qualify for a presumption that their condition is an occupational disease suffered in the line of duty. SB 352 was reported and referred by the Committee on January 29 by a 15-0 vote.

VACo Executive Director, Dean Lynch, addressed the Committee regarding both pieces of legislation, expressing VACo's concerns regarding the fiscal impact of these bills upon Virginia counties.

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

Several Helpful Measures Reported from House Finance

The [House Finance Committee](#) reported a couple of helpful bills on January 29.

[HB 119 \(Thomas\)](#) creates a separate class of merchants' capital for certain wholesaler inventory, which would allow localities that impose a merchants' capital tax to impose a lower tax rate on that inventory.

[HB 495 \(Hodges\)](#) allows local commissioners of the revenue, treasurers, and directors of finance (in those localities that have abolished the offices of commissioner and treasurer) to disclose tax information to third-party contractors (other than outside auditors), who would be prohibited from further disclosure of the information. The bill largely grants localities the same authority as that currently afforded to the state Department of Taxation and will be helpful for those localities undertaking projects, such as IT upgrades, that require outside expertise.

VACo Contact: [Katie Boyle](#)

Governor Ralph Northam to Speak 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 Ralph Northam will 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 Governor Northam share his vision for how we can work together to advance policies beneficial to Virginia localities. Also hear the VACo Team talk about the issues and then go speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1-1:30 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](#)

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:

- **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](#)