

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, February 12, 2019

Oppose Home Instruction JROTC Bill

[SB 1275 \(Black\)](#) requires any local school board that offers a Junior Reserve Officers Training Corps (JROTC) program to make it available to any student residing in the local school division receiving home instruction. The bill is problematic because it prohibits the local school board from requiring any such student to enroll part- or full-time in the local school division or to meet any other eligibility requirements.

Action Required – VACo members please contact your [Delegates](#) to oppose SB 1275. The bill has been referred to the [House Education Committee](#) and will be heard at 9 a.m. on Wednesday, February 13.

SB 1275 advanced on a narrow 3-2 vote in the Senate Education and Health Committee's Public Education Subcommittee and was reported from the Senate Education and Health Committee on a 9-5 vote, and then escaped the Senate on a vote of 22-18.

The bill was referred to the House Education Committee Subcommittee #3, where it was heard on February 11. VACo spoke in opposition, as did representatives from numerous school organizations, including the Virginia School Board Association (VSBA) and the Virginia Association of School Superintendents (VASS). At the subcommittee meeting, the bill initially failed to be recommended for reporting on a 2-5 vote. The Chairman of the Subcommittee exercised his privilege to bring the measure up again later in the meeting, having voted with the majority. This use of parliamentary procedure, the absence of a subcommittee member who had voted in opposition, and the switching of the Chairman's vote in favor of the measure allowed the bill to be recommended for reporting on a narrow 4-3 vote.

KEY POINTS

- VACo has historically opposed measures that would divert public funding to students not enrolled to receive public instruction (such as the "Tim Tebow Bill").

- This bill imposes an unfunded mandate on localities.

JROTC programs receive federal funds for partial reimbursement of program expenses. All other expenses incurred in the running of the program by a local school division are the responsibility of the locality.

KEY CONTACTS

House Education Committee: [Landes \(Chairman\)](#), [Bell, Richard P. \(Vice Chair\)](#), [Cole](#), [Pogge](#), [Robinson](#), [Yancey](#), [Davis](#), [Leftwich](#), [LaRock](#), [Helsel](#), [Collins](#), [McGuire](#), [Tyler](#), [Bulova](#), [Keam](#), [Bagby](#), [Bourne](#), [Hurst](#), [VanValkenburg](#), [Turpin](#), [Rodman](#), [Sullivan](#)

VACo Contact: [Jeremy Bennett](#)

ABC reform bills inch closer to law

Bills authorizing the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages in any county, town, or supervisor's election district have continue to move ever closer to law, as each has now cleared the latest hurdle in their journey through the 2019 General Assembly session.

If passed and signed into law, [SB 1110 \(Reeves\)](#) and [HB 2634 \(Hurst\)](#) would allow the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held, and a majority of votes prohibit such sales. Today, state law prohibits such sales in a locality unless they have been approved through a local referendum process. These bills would essentially flip a presumption of "dry" to "wet," while still affording localities the chance to hold a referendum to remain "dry."

The legislation includes a grandfathering provision that allows the granting of a mixed beverage license to any specific establishment that was in effect prior to the effective date of this bill, notwithstanding the provisions of the bills related to local referendums but subject to other applicable laws and regulations. The legislation also provides that the result of any referendum held prior to the effective date of the bill shall remain valid and enforceable. Finally, the bills have a delayed effective date of July 1, 2020, to allow localities a full year to adapt to the new law or make plans for a referendum.

SB 1110 progressed through committees in each chamber with breakneck speed, passing the Senate 23-17 on January 23 and the House 66-32 on February 8. HB 2634 has moved slower but has been similarly successful, passing the House 67-

30-1 on January 30. HB 2634 was referred to the Senate Rehabilitation and Social Services Committee, where it reported 12-3. It will now be up for final vote on the Senate floor on February 13.

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

Legislation to foster sidewalk construction during development takes step forward

VACo supports legislation that will, if adopted, provide an additional tool to counties to facilitate the construction of sidewalks to connect pedestrian networks.

[SB 1663 \(Barker\)](#) has passed both chambers and awaits the Governor's signature. It's companion, [HB 1913 \(Bulova\)](#), will be heard [Senate Local Government Committee](#) on February 12.

HB 1913 and SB 1663 authorize localities to adopt a provision to require a sidewalk on lots being developed or subdivided if “...*the provision of a sidewalk [the need for which is substantially generated and reasonably required by the proposed development and] is in accordance with the locality's adopted comprehensive plan.*” Currently a locality may only require a sidewalk if a “... *lot being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk.*”

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

No-excuse absentee in-person voting moving forward

[HB 2790 \(Rush\)](#) allows voters to cast absentee ballots in person during the week before an election (from the second Saturday before the election through 5 p.m. on the Saturday immediately preceding the election) without requiring that they meet one of the existing statutory excuses for voting absentee. Absentee in-person voting for voters meeting one of the excuses would be allowed beginning on the 45th day before the election and running through the second Friday before the election. Absentee in-person voting would be conducted in the office of the general registrar or secretary of the electoral board, with additional satellite locations available at local option.

[SB 1026 \(Spruill\)](#) contains similar provisions; as passed by the Senate, the bill contains a delayed enactment clause and a requirement for the State Board of

Elections to report to the Governor and the Chairs of the House and Senate Privileges and Elections Committees on implementation plans as well as recommendations for additional legislation that may be necessary. It is expected that a similar delayed enactment clause will be added to HB 2790 in the Senate.

Legislation to expand absentee voting has been attempted many times over the past decade and beyond, but generally has not been viewed favorably by the House. HB 2790 and SB 1026 scale back other proposals under consideration in recent years, which would have provided for additional weeks of no-excuse absentee in-person voting. VACo has been in discussions with general registrars about potential resource implications of the measures and will be part of discussions with interested parties after the conclusion of the session. VACo worked with House and Senate patrons to introduce budget amendments this session that sought to convene a workgroup on the costs of election administration overall and ways for the state to provide greater support for this increasingly complex area of government; the amendments were unsuccessful, but the work to implement the early-voting legislation provides another opportunity to advocate for additional state resources to localities to carry out the important, shared responsibility of election administration.

VACo Contact: [Katie Boyle](#)

Local government solar bill heads to Senate floor

[HB 2792 \(Tran\)](#), a local government solar energy bill, unanimously reported out of the Senate Commerce and Labor Committee on February 11 and will now head to the Senate floor.

The bill, which VACo drafted with Delegate Tran and other local government representatives, establishes a six-year pilot program that allows a locality to use excess energy generated by a renewable energy project to be credited towards electric bills for other municipal accounts.

Under the program, a county could install solar panels or wind turbines “. . . located on airports, landfills, parking lots, parks, post-mine land, or a reservoir that is owned, operated, or leased by the municipality” and use excess energy generated at the facility to be credited to other metered accounts. The result will be a reduction in the amount of electricity for which the county is billed by the utility.

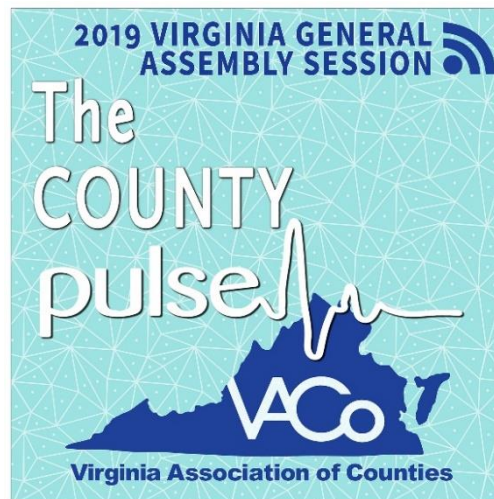
HB 2792 previously passed the House 78-1 and will be heard and voted on by the Senate by the end of this week.

The Senate counterpart to this legislation, [SB 1779 \(Ebbin\)](#), previously passed the Senate unanimously (40-0) and is scheduled to be heard by the House Commerce and Labor Committee on the afternoon of February 12.

VACo supports HB 2792 and SB 1779 and looks forward to their eventual passage.

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

VACo County Pulse | 2019 General Assembly Edition | Part 3



Welcome to the VACo County Pulse. VACo Lobbyists Joe Lerch and Chris McDonald talk about a variety of issues, including alcohol reform, I-81 improvements, industrial hemp, casinos, proffers, and more.

[Listen to the Podcast.](#)

VACo Contact: [Dean Lynch](#)

Key Dates for 2019 General Assembly Session

In accordance with the [procedural resolution](#) adopted by the House and Senate on January 9, key dates for the 2019 General Assembly Session are as follows:

- **January 9:** General Assembly convenes at noon. Bills that are “prefiled” must be submitted by 10 a.m. House bills affecting the Virginia Retirement System or creating or continuing a study must be filed before adjournment of the House; a

similar deadline applies to Senate bills. The House and Senate will meet in Joint Assembly, typically at 7 p.m., for the Governor's "State of the Commonwealth" address.

- **January 11:** Budget amendments from General Assembly members must be submitted to the House Appropriations and Senate Finance Committees by 5 p.m.
- **January 18:** All bills must be filed by 3 p.m. (bills may be introduced after the deadline by unanimous consent)
- **February 3:** House Appropriations and Senate Finance Committees report their respective budgets by midnight.
- **February 5:** "Crossover" deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bills)
- **February 7:** Deadline for each chamber to complete work on its budget
- **February 13:** Deadline for each chamber to complete work on the other chamber's budget and appoint budget conferees; also the deadline for each chamber to act on revenue bills from the other chamber and appoint conferees.
- **February 18:** Deadline for committee action on bills
- **February 23:** Scheduled adjournment *sine die*
- **April 3:** Reconvened session to consider gubernatorial amendments and vetoes

VACo Contact: [Katie Boyle](#)