

Capitol Contact

Virginia General Assembly

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Tuesday, February 19, 2019

Items under discussion in Budget Conference

The House and Senate budgets were officially placed in conference on February 13 and conferees will be working to resolve differences between the two proposals in advance of the session's scheduled adjournment on Saturday, February 23. Both proposals contain elements of interest to local governments; a short list of priority items is provided below. Amendments labeled "h" are in the House budget; amendments labeled "s" are in the Senate budget.

ACTION REQUIRED – VACo encourages members to contact budget conferees and members of your delegation about the following items. VACo would appreciate receiving copies of your correspondence if you contact your legislators in writing.

House Conferees: [House Appropriations Chairman Jones](#); [Delegate Landes](#), [Delegate Peace](#), [Delegate Knight](#), [Delegate Garrett](#), [Delegate Torian](#), [Delegate Sickles](#)

Senate Conferees: [Senate Finance Co-Chairman Norment](#), [Senate Finance Co-Chairman Hanger](#), [Senator Saslaw](#), [Senator Howell](#), [Senator Newman](#), [Senator Ruff](#), [Senator Wagner](#)

Items VACo Opposes

Machinery and Tools Tax Workgroup ([Item 255 #1s](#)): Language in this amendment directs the Secretary of Finance to convene a workgroup of stakeholders to develop a proposal to eliminate machinery and tools taxes on new equipment for its first five years, and reimburse localities for up to \$50 million per year in foregone revenues. VACo and VML proposed amendments to the language to allow for other options to be considered, but thus far the amendments have not been accepted;

approaches that would leave the tax in place but allow for the taxpayer to be compensated by the state would be preferable.

ACTION REQUIRED – Please contact conferees and request that the language be eliminated.

KEY POINTS

- The language of the amendment is prescriptive and contemplates no alternatives to its proposed model of tax relief.
- Under the current language, the proposal to be developed would leave localities reliant on the state to maintain its commitment in future years to reimburse localities for lost revenue associated with eliminating machinery and tools taxes for new equipment.

Diversion of Communication Sales and Use Tax Funds ([Item 3-1.01 #1s](#)): VACo strongly opposes this amendment, which would override the statutory provisions governing distribution of funds from the Communications Sales and Use Tax Trust Fund by diverting \$2 million per year to the General Fund. The diversion of funds originally occurred in the 2018 Appropriations Act, reflecting savings in costs for the telecommunications relay services contract, which is funded through the Trust Fund before the remaining revenues are distributed to localities. VACo objected to this transfer and requested that the Governor eliminate it in his introduced budget. The introduced budget eliminated the transfer in FY 2020, an action VACo welcomed. The Senate budget reverses the Governor’s action. In the House budget, the Governor’s action is also reversed, and the budget proposes to transfer the \$2 million per year to the Virginia Telecommunication Initiative (rather than the General Fund). ([Item 3-1.01 #6h](#))

ACTION REQUIRED – Please contact conferees and request that the transfer be eliminated.

KEY POINTS

- When localities agreed to the restructuring of telecommunications taxes in 2006, there was an understanding that the revenues generated by the new statewide Communications Sales and Use Tax would be held in trust for localities.
- Taking these funds for general state purposes is not in keeping with this agreement and sets a troubling precedent for future diversions from the Trust Fund.
- Although VACo strongly supports state funding to enhance broadband access in unserved and underserved areas, the state removing funding from the Trust Fund and redirecting it to a priority determined by the state still sets a worrisome

precedent, as there is no guarantee that future diversions from the Fund will be used to support local priorities.

Items VACo Supports

Staffing for Commonwealth’s Attorneys’ Offices ([Item 70 #1h](#)): Funding provided in this amendment, paired with funding provided in the introduced budget, would address 20 percent of the unfunded positions in Commonwealth’s Attorneys’ offices.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- Staffing standards determined by the Compensation Board have not been fully funded since FY 2008.
- State support for existing unfunded positions is particularly important given language in the Senate budget ([Item 73 #1s](#)) (reflecting a workgroup report prepared in accordance with 2018 Appropriations Act language) that would provide for localities to fund new positions in accordance with a specified ratio to address workload issues resulting from the use of body-worn cameras, unless an alternative arrangement could be worked out with the local Commonwealth’s Attorney. Before localities provide additional staff at local expense, the state needs to meet its obligations to fund positions in accordance with its own staffing standards.

Additional lottery per-pupil funding ([Item 136 #11h](#)): Funding provided in this amendment provides an additional \$27.4 million in FY 2020 for the Supplemental Lottery Per Pupil Allocation to bring that allocation to 45 percent of lottery funds.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- Lottery Per Pupil Allocation is allocated by student and gives school divisions total flexibility as to how the funds may be budgeted. There is no local funding match required.
- The Governor’s introduced budget proposes an increase to the Supplemental Lottery Per Pupil Amount in fiscal years 2019 and 2020, from \$336.08 per pupil to \$364.15 per pupil in fiscal year 2019, and from \$341.96 per pupil to \$367.44 per pupil in fiscal year 2020. This proposal adds additional funding to increase

the Per Pupil Amount by almost \$40.00, from \$367.44 to an estimated \$406.90 in FY 2020.

At-Risk Add-On funding: The Governor's introduced budget proposes an additional \$21.1 million in fiscal year 2019 and \$14.3 million in fiscal year 2020 in at-risk add-on funding. This increases supplemental state funding to support services for students from low-income families up to 1-16% more per student eligible for free lunch.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- VACo supports efforts to increase at-risk children's access to high-quality, enriching learning environments. At-Risk Add-on funding can be used flexibly to attract and train teachers, reduce class size, emphasize math and reading, prevent students from dropping out and offer after school wrap-around services.
- The House version does not include this increase and the Senate proposal provides \$10.7 million in General Funds to increase the at-risk add-on percentages to 14.5 percent in FY 2019 and 15.5 percent in FY 2020.
- The House and Senate proposed funding version may increase through the budget conference process in an effort to promote more funding that addresses equity issues.

Literary Fund School Construction interest Rate Subsidy ([Item 136 #8s](#)): Funding provided in this amendment increases maintains \$70.0 million in the Literary Fund for school construction support from the introduced budget funding level of \$80 million.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- The Literary Fund is a permanent and perpetual school fund established in the Constitution of Virginia. The Literary Fund provides low-interest loans for school construction among other provisions, but currently has 18 projects pending on a priority waiting list due to lack of funds.
- Of the \$70 million reserved for this purpose, \$32.5 million will be used for Literary Fund loans for projects on the First Priority Waiting List. Another \$32.5 million will be used for an interest rate subsidy program for projects on the First Priority Waiting List, and \$5 million will be used for an interest rate subsidy

program based upon the provisions in [SB 1093 \(Ruff\)](#). SB 1093 offers a 100 percent interest rate subsidy for school divisions with a Composite Index of 0.2500 or below, and a 50 percent interest rate subsidy for school divisions with a Composite Index greater than 0.2500 but less than 0.4000.

School Resource Officer (SRO) Incentive Grant Program ([Item 395 #2h](#)): Funding provided in this amendment adds \$3 million in FY 2020 to the [SRO Incentive Grant Program](#) which provides funding to place school resource and security officers in K-12 schools where none currently exist.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- This amendment brings the total funding for the program up to \$4.7 million in FY 2020 and should cover the cost of 44 additional positions funded through the grant.
- This is a recommendation of the House Select Committee on School Safety.
- VACo supports dedicated state funding that serves as an incentive for school divisions to hire additional Resource Officers.

School Security Grant ([Item 136 #13h](#)): Funding provided in this amendment increases the [School Security Equipment Grant](#) annual allocation from \$6.0 million to \$12.0 million in FY 2020.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- School Security equipment may include but is not limited to: Intercom systems, Hurricane or Ballistic Security window film, Electronic access control systems, Surveillance equipment and cameras, and Classroom security door locks among other items.
- [HB 2720 \(Gooditis\)](#) would further expand eligible security upgrades.
- VACo supports dedicated state funding to improve school security for both capital and operational costs.

Grow Your Own Teachers ([Item 141 #3h](#)): Funding provided in this amendment provides ~\$0.2 million in fiscal year 2020 for the Grow Your Own Teacher pilot program.

ACTION REQUIRED – Support the inclusion of this funding in the conference report.

KEY POINTS

- Virginia currently has approximately 1,000 unfilled K-12 teaching positions across the Commonwealth.
- VACo supports strategies that address the teacher shortage in the Commonwealth and programs aimed at reducing student debt for teaching in public schools.
- This amendment directs the Virginia Department of Education to establish a process by which local school divisions may apply for grants to provide scholarships no greater than \$7,500 to high school graduates that attend a Virginia state institution of higher learning and subsequently teach in a high-need public school within their division of residence among other conditions.
- This budget language mirrors [HB 1724 \(Krizek\)](#).

Impact of Medicaid Expansion on Community Services Boards ([Item 310 #2s](#)): The Senate budget contains language requested by VACo, VML, and the Virginia Association of Community Services Boards that adjusts provisions in the introduced budget that would allow the Department of Behavioral Health and Developmental Services (DBHDS) to make funds available from certain balances to CSBs whose Medicaid billings for newly-insured clients fall short of their General Fund reductions incorporated in the 2018 Appropriations Act.

ACTION REQUIRED – Request that this language amendment be incorporated into the conference report.

KEY POINTS

- Some CSBs are concerned that their Medicaid billings for previously-uninsured clients will not make up for the reductions in General Fund support, particularly in the current fiscal year, when CSBs and managed care organizations have needed to develop and perfect billing processes and an influx of newly-eligible people must be enrolled in Medicaid.
- From VACo’s perspective, the Senate language improves on the introduced budget by allowing the funds to be made available prior to the end of the fiscal year, and requiring reporting on how the expected General Fund savings compare

to actual Medicaid payments for FY 2019 so that adjustments may be made for FY 2020.

Stormwater Local Assistance Fund (SLAF) ([Item 368 #1s](#)): The Senate budget provides \$10 million for SLAF in FY 2020. The Governor’s introduced budget included an additional \$50 million in FY 2020 for SLAF, but the House and Senate both initially struck this funding from their budget proposals, with the Senate ultimately opting to include \$10 million for SLAF in FY 2020. This new \$10 million would be in addition to the \$20 million already in place for FY 2019.

ACTION REQUIRED – Support the additional SLAF funding.

KEY POINTS

- VACo has historically supported robust funding for SLAF, which provides dollar-for-dollar matching grants to local governments for the planning, design and implementation for stormwater management improvement projects.

VACo Contact: [VACo Legislative Team](#)

General Assembly sends local government solar bills to the Governor for signing

After months of debate and testimony, the General Assembly has seen the light. Legislation expanding municipal net metering to local governments successfully ended its journey through the General Assembly late last week and will now head to the Governor to be signed into law.

[HB 2792 \(Tran\)](#) and [SB 1779 \(Ebbin\)](#) establish 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.

VACo spent several months prior to the legislative session working with the patrons to draft and refine these bills. **VACo was pleased to support** and speak on behalf of these bills as they made their way through each chamber. Ultimately, SB 1779 passed the Senate 40-0 and the House 85-12, while HB 2792 passed the Senate 39-1 and the House 78-21.

We thank Senator Adam Ebbin and Delegate Kathy Tran, as well as all the other local government representatives and stakeholders who tirelessly worked on this bill for their efforts and support.

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

School security personnel, a tale of two sets of bills

School Security issues continue to make their way through the General Assembly. Currently, two types of school security personnel are used in Virginia Schools – School Resource Officers (SROs) and School Security Officers (SSOs). According to the Virginia Center for School and Campus Safety (VCSCS), School Resource Officer is defined in § 9.1-101 of the Code of Virginia as “a certified law enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.” SROs are supervised by local law enforcement agencies and work in partnership with local schools. School security officers are employed by local school boards and are primarily charged are often used when the situation deems an additional security presence is merited yet the full functions of a School Resource Officer may not be suitable. School Security Officer is an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

We have previously reported on two sets of bills that pertain to the hiring and training of school security personnel. The first set of bills have passed both chambers and are headed for a conference committee to reconcile differences in language:

[SB 1130 \(Locke\)](#) originally required each school resource officer (SRO) to be trained and certified by the Virginia Center for School and Campus Safety, which is not current practice and expanded the topics on which school security officers are required to be trained. VACo initially expressed concerns that additional training requirements would impose an unfunded mandate on localities and worked with the patron and members of the subcommittee to amend language allowing for more permissive training standards to be determined by the Criminal Justice Services Board, and for additional local training options.

[HB 2609 \(Jones, J.C.\)](#) also establishes compulsory training standards for school resource officers as established by the Criminal Justice Services Board. VACo also

initially expressed concerns about any potential unfunded mandates that could result from the bill.

The second set of bills create a new category of school security personnel:

[SB 1207 \(Stuart\)](#) / [HB 2142 \(Thomas\)](#) provide additional local flexibility to localities struggling to hire for lack of funds or available qualified labor School Resource Officers (SROs) or School Security Officers (SSOs), by creating a new class of school security personnel called “school protection officers.” These individuals must be retired law-enforcement officers hired on a part or full-time basis by local enforcement agencies to provide school security. The Criminal Justice Services Board is directed to establish minimum training standards for these individuals, that includes local options. The House version of the bill passed both chambers, and the Senate version awaits a final vote on the floor of the House.

VACo will continue to track these bills and advocate for local flexibility and against unfunded mandates as it pertains to school security personnel.

VACo Contact: [Jeremy Bennett](#)

Boundary mapping bills chart course straight to Governor’s desk

Bills providing an important tool to localities working to make voluntary boundary line adjustments have each now passed both chambers of the General Assembly and await the Governor’s signature.

[HB 1649 \(Fowler\)](#) and [SB 1594 \(Dunnivant\)](#) allow all localities to make voluntary boundary line adjustments using Geographic Information System (GIS) surveys. GIS mapping provides users an effective, efficient manner of recording and resolving boundaries and can be a more streamlined and less costly approach than completing an expensive “metes and bounds” survey. HB 1649 and SB 1594 would empower all localities to use this important tool.

SB 1594 passed the Senate 39-1 and the House unanimously on February 11. HB 1649 passed the House unanimously on January 24 and the Senate, 39-1, on February 15. The bills now await action from the Governor.

VACo included a position on GIS mapping in their 2019 Legislative Program and was pleased to support these bills before the General Assembly.

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

Mark your calendars, more local flexibility to school start dates potentially coming soon

As in previous years, several school calendar bills were introduced with the intent of giving local school divisions greater autonomy over determining the opening of the school calendar year. These bills subvert the existing so-called “King’s Dominion Law,” which mandates that local school divisions start after Labor Day unless they are eligible to apply for a waiver from the Virginia Department of Education after missing eight days in a school year and other circumstances. The law was originally created to aid the tourism industry by ensuring that summer extended to Labor Day, however advocates for overturning the provision often cite the need for increased local flexibility and an earlier school start date to help students prepare for assessments.

[HB 1652 \(Robinson\)](#) / [SB 1005 \(Chase\)](#) allow local school boards to set the opening day of the school year no earlier than 14 days before Labor Day and grandfather existing “good cause” scenarios for which the Board of Education has granted waivers allowing for school openings prior to Labor Day. Schools must be closed the Friday before Labor Day, except for school divisions that granted a waiver via 2012 Acts of Assembly. These schools have the option to close or remain open on that Friday.

In short, localities where schools currently have start dates before Labor Day will see little impact. Localities that have school divisions currently starting school after Labor Day have the option to start two weeks prior with the condition that school is closed the Friday before Labor Day weekend.

These bills are on their way to the Governor’s desk and have the potential to overturn 34 years of existing policy enacted after passage of the King’s Dominion Law.

VACo Contact: [Jeremy Bennett](#)

Important water quality funding bill heads to Senate floor

An important water quality bill that will equip localities with an additional tool for wastewater treatment as well as highlight the significant needs for greater funding made it out of committee unscathed and will now be heard on the Senate floor.

[HB 1822 \(Bulova\)](#) allows the Director of the Department of Environmental Quality (DEQ) to authorize WQIF grants for the design and installation of certain

wastewater conveyance infrastructure. Current law would prohibit WQIF funding for this conveyance (piping) infrastructure, and instead only the treatment facilities would be eligible for funding to upgrade their systems. This bill provides localities a much more efficient and cost-effective means to accomplish their wastewater treatment goals.

Also of great importance to local governments, HB 1822 directs the DEQ to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from WQIF and the Stormwater Local Assistance Fund (SLAF) and to submit those estimates to the Governor as part of a biennial funding report and an annual progress report that are required by current law. This will be an effective way to annually highlight to the General Assembly and Governor's Office just how great the need for SLAF and WQIF funding is, and how little localities have access to.

HB 1822 initially passed the House Agriculture, Chesapeake and Natural Resources Committee and the House unanimously. HB 1922 similarly passed out of the Senate Agriculture, Conservation and Natural Resources Committee unanimously and will now be voted on by the Senate.

VACo supports this legislation and has been pleased to speak on behalf of the bill before the committee.

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

VACo supports pilot program to facilitate development of regional business parks

[HB 1840 \(Marshall\)](#) directs the Virginia Economic Development Partnership (VEDP) to conduct a pilot program in the APCo and Dominion service territories to allow each electric utility to construct transmission lines and associated substations to serve regional business parks.

Qualifying projects must meet the following requirements:

- The business park must be at least 100 acres in size and classified as a Tier 4 site under [VEDP's Business Ready Sites program](#) and under the ownership of an Industrial Development Authority (IDA) pursuant to [§ 15.2-4903](#);
- The business park must be located within a qualified "opportunity zone" per federal tax law (For location of such zones in Virginia go to this [interactive map](#) on the DHCD website); and

- Qualifying projects must have revenue sharing agreements between two or more localities.

The pilot expires at the end of the calendar year 2023 and each utility is limited to construct three such transmission lines (no more than seven miles in length) to serve a business park. After adoption by the House, HB 1840 passed unanimously in the Senate Commerce and Labor Committee on February 18 and will be up for final passage on the Senate floor this week.

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

Children’s Services Act legislation fails in House Appropriations; JLARC to take up issue later this year

The two bills related to private special education day placements remaining under consideration after “crossover” failed to survive hearings in subcommittees of House Appropriations last week. [SB 1104 \(Peake\)](#), as passed by the Senate, would have allowed the current, capped allocation for special education “wraparound” services to be used for services within the public school setting. Currently, based on the Virginia Department of Education’s interpretation of federal law, these funds may be used only for services provided before or after school; some CSA coordinators have expressed interest in making better use of the funds, which have historically been under-utilized. VACo testified in favor of the bill when it was heard in the Health and Human Resources Subcommittee, expressing support for mechanisms to enhance local school divisions’ capacity to serve children with higher-level needs.

VACo offered similar support for [SB 1576 \(Suetterlein\)](#) when it was heard in the Elementary and Secondary Education Subcommittee. The bill would have authorized the creation of pilot programs in several local school divisions to determine the resources needed to transition students from private day placements to the public school setting. It also required reporting on the results of the pilot programs. The Senate budget includes some funding to support this effort, but the subcommittee expressed concern as to whether that funding was adequate to the task.

Both bills were passed by indefinitely after members expressed a preference for the issues to be discussed in the context of the Joint Legislative Audit and Review Commission’s (JLARC) upcoming study of special education in Virginia, which is to include the effectiveness of the process by which private day placements are made and the performance of programs and services for children with special needs. JLARC Director Hal Greer, in response to questions by members of the Health and Human Resources Subcommittee, explained that the study is

expected to begin in the fall of 2019. He also told the subcommittee that the new health and human resources oversight unit at JLARC has been requested to undertake a general study of CSA.

VACo will be communicating with JLARC to ensure that particular attention is paid during the two studies to the issue of how schools' ability to meet children's needs can be bolstered.

VACo Contacts: [Katie Boyle](#) and [Jeremy Bennett](#)

Limited additional taxing authority to Halifax County for school construction bill continues to advance

[HB 1634 \(Edmunds\)](#) originally authorized all counties and cities to impose an additional local sales and use tax at a rate as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. Revenue from the tax would be used solely for capital projects for the construction or improvement of schools.

While **VACo was supportive** of the original bill, it has since been amended on several occasions to only apply to Halifax County and for any additional sales tax to not exceed 1 percent. On February 19, the bill passed the Senate as amended on a 29-11 vote. The bill had previously passed the House of Delegates on a vote of 74-23, which is where it will now return for the latest round of Senate amendments to be considered.

VACo has written at length that many localities face significant challenges in raising enough funds to undertake capital school construction or renovation projects. According to a 2013 [report](#), more than 40 percent of Virginia's public school buildings and facilities were built at least 50 years ago and another 20 percent were constructed at least 40 years ago. The condition of the facilities in which children are educated has a direct impact on their ability to learn. **VACo supports** additional state resources and additional funding options for localities for capital and school construction projects.

VACo Contact: [Jeremy Bennett](#)

Alcohol reform bills head to Governor's desk

Pending a final signature from the Governor, Virginia is poised to hop back off the wagon. Two 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 passed the House and Senate and now await action from the Governor.

[SB 1110 \(Reeves\)](#) and [HB 2634 \(Hurst\)](#) 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 for a period of five years. 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.

Currently, there are nine remaining dry counties in Virginia: Bland, Buchanan, Charlotte, Craig, Grayson, Highland, Lee, Patrick and Russell. The Code of Virginia has become rife with special exceptions for specific establishments, and current law does allow for alcohol referendums to be held for specific magisterial districts, so beyond these nine totally dry counties, portions of an additional 31 counties are also dry.

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

Changes to optional process for approving child day care in residential neighborhoods passes

Under current law a locality may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a "family day home" accommodating 5 to 12 children under the age of 13.

[SB 1094 \(Favola\)](#) and [HB 2569 \(LaRock\)](#) modify this provision in state code (see [15.2-2292](#)) in two ways. First, it changes "may" to "shall" so that if no written objections to a proposed daycare for 5 to 12 children are received, then the zoning administrator must issue the permit. Second, new language lays out a process whereby the zoning administrator may issue or deny the permit if objections are received, or (if required by ordinance) kick the decision up to the local governing body for consideration.

VACo supported an amendment to the legislation that clarifies an application must also comply all other applicable local ordinances to be administratively approved by the zoning administrator.

Both bills have passed each chamber unanimously and the Governor is expected to sign them into law with an effective date of July 1, 2019. Counties that utilize this optional provision to issue zoning permits should review these changes and consider how to proceed in updating their approval process.

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

Rural stormwater bill dries up in subcommittee

Senator Emmett Hanger's rural stormwater bill met an untimely demise on February 18 as it failed to advance from the formidable House Appropriations Committee.

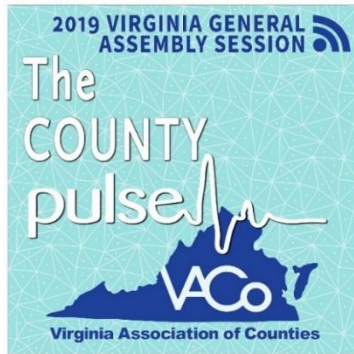
[SB 1328 \(Hanger\)](#) authorizes the Department of Environmental Quality (DEQ) to designate a portion (up to 20 percent) of Stormwater Local Assistance Fund (SLAF) grants to smaller, rural localities that are not regulated under municipal separate storm sewer (MS4) permits for stormwater management. The bill directs DEQ to prioritize grants for projects that are regional in scope. SB 1328 also provides that any funds remaining after allocation to qualifying projects proposed by non-MS4 localities shall be made available for additional projects of MS4 localities, and directs DEQ to seek stakeholder input and public comment in developing eligibility criteria and to submit such criteria by January 1, 2020, for consideration by the State Water Control Board.

SB 1328 enjoyed a great deal of success in the General Assembly until the very last minute. The bill previously passed the Senate Agriculture, Conservation and Natural Resources Committee unanimously (13-0) as well as the Senate unanimously (40-0). SB 1328 fared well in the House as well, reporting from the House Agriculture, Chesapeake and Natural Resources Committee unanimously (22-0) before suddenly being re-referred to the House Appropriations Committee. There, it was heard late Monday afternoon by the Commerce, Agriculture, Natural Resources and Technology Subcommittee, whose members ultimately voted party-line, 5-3, to kill the bill.

VACo was pleased to support SB 1328 and testified in favor of the bill numerous times throughout the 2019 session, including one last time on Monday before the subcommittee.

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

VACo County Pulse | 2019 General Assembly Edition | Part 4



Welcome to the County Pulse. Host Chris McDonald talks with VACo General Counsel Phyllis Errico and VACo Lobbyist Jeremy Bennett about a variety of issues, including agritourism, school modernization, school safety, FOIA, COIA and much more.

[Listen to the Podcast.](#)

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

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](#)