

Capitol Contact

Virginia General Assembly

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Effort to Secure Funding to Fix I-81 Runs Out of Gas

In the closing days of the legislative session, lawmakers and representatives from the Northam administration attempted to craft a compromise to secure a new funding stream to address a more than \$2 billion plan to remove bottlenecks on the Interstate 81 corridor. However, ultimately conferees for [HB 2718 \(Landes\)](#) and [SB 1716 \(Obenshain\)](#) were unable to muster support for raising the necessary revenue to implement the [Interstate 81 Corridor Improvement Plan](#).

As introduced the bills authorized the Commonwealth Transportation Board (CTB) to impose tolls along I-81 to finance improvements. But the legislation was modified in both chambers to remove the tolling authority and create a committee to further study the improvement plan and report to next year's legislature recommendations to implement it.

In a floor speech late last week, Delegate Steve Landes cited opposition from the Virginia Manufacturers Association and those in the trucking industry for scuttling proposals to broker a deal to secure a new funding source.

Both bills now head to the Governor and the potential for a last ditch effort to continue negotiations should he propose amendments for consideration when the legislature reconvenes in April for the veto session.

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

Constitutional amendment on car tax exemption passes as mandate

[HJ 676 \(Filler-Corn\)](#) and [SJ 278 \(Reeves\)](#) began and ended the session as mandatory personal property tax exemptions for one motor vehicle owned by a veteran with a 100 percent service-connected, permanent, and total disability, despite attempts to provide instead for a local option. **VACo and VML objected** to creating another mandatory tax exemption, citing the current mandatory real property tax exemptions for disabled veterans and their surviving spouses and the surviving spouses of servicemembers who are killed in action, which together represented a \$50 million revenue loss to localities statewide in 2018.

The House amended both resolutions to provide instead for a local option, but the Senate preferred the mandatory version. The conference committee swiftly adopted the mandatory version, which was subsequently approved by the House and Senate. During floor debate, senior members of the House strongly encouraged the patron to place parameters around eligibility in the implementing legislation that would be enacted in 2021 (assuming the resolution passes the 2020 General Assembly and is approved by the voters), such as by limiting the eligibility based on income or value of the motor vehicle exempted from taxation.

VACo Contact: [Katie Boyle](#)

School security officer return to work bills left in House Appropriations

Several bills this session sought to allow retired law-enforcement officers to continue to receive service retirement allowances through the Virginia Retirement System (VRS) during a subsequent period of employment by a local school division as a school security officer (SSO). These bills sought to incentivize the recruitment of these individuals with law-enforcement experience to increase the ability of a school division to provide security to students and staff. Current law limits retired law-enforcement officers to a maximum of 80 percent of full-time employment after qualifying for retirement.

As defined by code, a law enforcement officer means any full or part-time employee of a police department or sheriff's office and any full or part-time employee of a private police department responsible for the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of the Commonwealth.

An SSO 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. This is different from a school resource officer, who is an individual hired by local law-enforcement agency to provide security services at a school.

Testimony and debate on these bills focused on the potential fiscal impact to the state to implement changes to the retirement system, the potential to indirectly incentivize early retirement by local law-enforcement officers, and the potential to increase unfunded liability in VRS and add uncertainty to long-term planning.

The following bills were unanimously recommended to be laid on the table by the House Appropriations Committee's Compensation & Retirement Subcommittee: [HB 1631 \(Leftwich\)](#), [HB 1765 \(Yancey\)](#), [HB 2024 \(Murphy\)](#), [HB 2785 \(Gilbert\)](#), [SB 1023 \(Cosgrove\)](#), [SB 1203 \(Stuart\)](#), [SB 1582 \(Suetterlein\)](#)

These bills are not entirely without precedent. In the face of Virginia's teacher shortage, past General Assemblies have authorized the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and permits licensed retirees to teach full-time in critical shortage positions with the ability to receive full VRS benefits if certain other eligibility conditions are met. The provisions of this arrangement were extended to July 1, 2025, unanimously by the General Assembly via [SB 1227 \(Chase\)](#).

VACo Contact: [Jeremy Bennett](#)

General Assembly releases the brakes on parking ordinance bill

[HB 1818 \(Delaney\)](#) and [SB 1044 \(Black\)](#) grant the same authority to counties of a population of at least 40,000 the same authority cities have to contract with uniformed personnel to issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. VACo supports additional authority that would allow localities with parking ordinances the ability to enforce such ordinances using law enforcement, uniformed local employees, or uniformed personnel under contract with the locality.

The Senate amended both the bills in committee to limit all possible fines under local parking ordinances to \$75. VACo opposed the amendment as there are

instances where existing fines for violations (such as for illegal parking in handicapped spots or fire lanes) are higher for legitimate public safety concerns.

Ultimately, the House rejected the Senate amendments, and conference committee agreed to strip this \$75 limit from the final bill. HB 1818 and SB 1044 now head to the governor's desk in their original forms.

VACo was pleased to support this legislation and looks forward to the Governor signing these important bills into law.

VACo Contacts: [Joe Lerch, AICP](#) and [Chris McDonald, Esq.](#)

FOIA training bill passes with helpful amendments

The conference committee considered [SB 1431 \(Obenshain\)](#) and agreed with the House amendments giving local government attorneys the authority to conduct Freedom of Information Act (FOIA) training for local elected officials in addition to the option of FOIA Council training. The final bill requires local elected officials to complete FOIA training, either by the local government attorney or through the FOIA Council training that may be online, within two months of taking office and once every two years while in office. No penalty shall be imposed for failing to complete a training session. The bill also eliminates the three-day notice requirement for a hearing alleging an open meeting violation of the act. The bill has a delayed effective date of July 1, 2020.

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

Redistricting reform measure passes; problematic local component removed

The General Assembly passed a compromise redistricting reform measure on Saturday that combines elements of [HJ 615 \(Cole\)](#) and [SJ 306 \(Barker\)](#), but does not include language affecting local government redistricting that was initially included in HJ 615. This language would have required any locality in which members of the governing body are elected from districts to establish a local independent redistricting commission, which would be composed of four representatives from the political parties. The commission would submit one or more proposed plans to the governing body, which would be required to consider any plan as a proposed ordinance. **VACo opposed** the inclusion of local governing bodies in the state redistricting measure, as the language regarding the local commission could have the unintended consequence of limiting existing

efforts to provide for community participation in redistricting. Many localities already create local advisory commissions with membership that extends beyond party representatives.

The compromise proposal passed over the weekend does not include the provisions dealing with local redistricting. Instead it focuses on the establishment of state Senate, House of Delegates, and Congressional districts. The resolution requires a 16-member commission to be convened in 2020 and every ten years thereafter, with eight legislators (four Senators and four Delegates, with equal representation between the parties in each chamber) and eight citizen members (to be selected by a committee of retired circuit court judges from lists submitted by majority and minority party leadership in each chamber). The Commission must submit plans to the legislature (plans must receive majority votes from legislators and citizen members in order to be submitted). Plans for General Assembly districts will be considered as a single bill, which is not subject to amendment and not subject to gubernatorial amendment or veto. If the General Assembly does not adopt the plan, the Commission must submit a new proposal; if that option is not adopted, the Supreme Court of Virginia will draw the districts. The resolution contains several transparency provisions: commission meetings must be public, the Commission is required to hold at least three public hearings in different parts of the Commonwealth, and all records and documents associated with the Commission's work are public information.

VACo Contact: [Katie Boyle](#)

FOIA penalty bill amended in conference committee

[SB 1554 \(Surovell\)](#) allows a court to add an additional penalty when a public record cannot be produced because it was altered or destroyed in order to avoid FOIA provisions. As amended in conference and passed by both chambers the bill also provides that if an improper closed session was held, and the local government attorney was present, that the court may impose a penalty of up to \$1,000.

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

Tax court study expanded

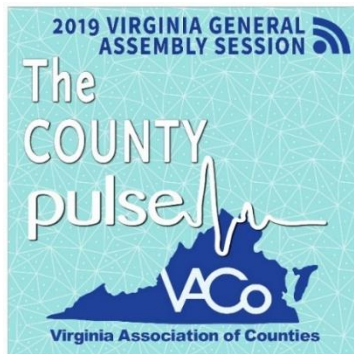
[HJ 687 \(Kearm\)](#), as introduced, requested the Office of the Executive Secretary of the Virginia Supreme Court to study options for a special tax court system in Virginia. The patron is interested in determining whether some specialization in

tax matters among the judiciary might make the appeals process easier for the taxpayer. In the Senate Rules Committee, the resolution was completely rewritten to provide instead for a joint legislative subcommittee to study the establishment of a tax court or streamlined procedures for appealing tax assessment decisions.

The version that emerged from conference on Saturday directs the Small Business Commission to study the establishment of a tax court or streamlined process for appeals of decisions by a local board of equalization. The resolution directs the Small Business Commission to seek information from stakeholders, including local government representatives and state and local tax administrators, as well as property ownership and management associations and the judicial branch. VACo will be an active participant in these discussions.

VACo Contact: [Katie Boyle](#)

VACo County Pulse | 2019 General Assembly Edition | Part 5



Welcome to the County Pulse. In this episode, VACo Lobbyists Joe Lerch and Katie Boyle talk about the final days of the 2019 General Assembly Session – the conference process, what’s next for the state budget, and some bills of interest to counties.

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