

Capitol Contact

Virginia General Assembly

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Monday, March 16, 2020

General Assembly Adopts Budget



The General Assembly approved compromise conference reports on the FY 2020 “caboose” and 2020-2022 biennium budgets on Thursday, March 12. Conferees struck an agreement on the budgets late on Saturday, March 7, and legislators agreed to return on March 12 in order to allow time for members to review the conference report prior to voting on it. Both budget bills passed by comfortable margins; however, several members of the Senate expressed concern in floor debate about potential economic repercussions of the coronavirus outbreak and urged that the legislature pause to reassess market conditions before approving the budget and sending it to the Governor. Senate Finance and Appropriations Chair Janet Howell suggested that the budget

conferees continue to meet in advance of the April reconvened session to prepare recommendations for the Governor to revise the budget in case revenue projections need to be reassessed. It is important to note that the compensation actions included in the budget are contingent on revenues meeting projections.

Below is a summary of the key provisions of the budget conference report of interest to county governments. In addition, an analysis of the conference report's provisions related to Constitutional officers prepared by the Executive Secretary of the Compensation Board is available at [this link](#). The Superintendent of Public Instruction's memorandum of March 13, 2020, is available at [this link](#); calculation templates for projected state payments are available at [this link](#). VACo will provide FY 2021 estimates of local option sales and use tax and recordation and grantor's taxes to be distributed to localities when those estimates are available from the Department of Taxation.

The Governor's deadline for action on the budget and on bills that passed the General Assembly in the last week of the session is midnight on April 11. The General Assembly is scheduled to meet on April 22 to consider the Governor's amendments and vetoes.

K-12 Education

- Subject to revenue contingency language providing that no downward revision of the biennium revenue forecast is made after the close of FY 2020, provides for 2 percent salary increases in each year for the state share of funded SOQ instructional and support positions. The state share of the salary increases would be given to school divisions that certify that increases of at least an average of 2 percent have been or will have been provided during each year of the 2020-2022 biennium, either in the first year or in the second year, or through a combination over both years. Provides \$95.2 million General Fund (GF) in FY 2021 and \$49.9 million GF in FY 2022 to the compensation adjustment proposed in the Governor's introduced budget. This is not intended as a mandate to increase salaries. ([Item 145 #21c](#))
- Provides \$8.7 million in GF in the second year to increase the at-risk add-on from 25 percent to 26 percent. This is in addition to the Governor's investment of \$50.1 million in FY 2021 and \$90 million in FY 2022. ([Item 145 #16c](#))
- Amends the Lottery Proceeds forecast to \$657.9 million in FY 2021 and \$666.1 million in FY 2022 following the prohibition of Games of Skill pursuant to [HB 881 \(Bulova\)](#) / [SB 971 \(Howell\)](#) and increases following the implementation of online lottery tickets sales pursuant to [HB 1383 \(Sickles\)](#) / [SB 922 \(Norment\)](#). Provides \$0.5 million GF in FY 2021 and \$19.7 million GF in FY 2022 and \$41.8 million Non-General Fund (NGF) in FY 2021 and \$43.8 million NGF in FY 2022. ([Item 145 #22c](#))
- Provides \$9.6 million GF in FY 2021 and \$10 million GF in FY 2022 to partially restore Cost of Competing Adjustment (COCA) funds to eligible school divisions (nine school divisions in Planning District 8 and nine adjacent school divisions). ([Item 145 #12c](#))
- Provides relief to school divisions with fewer than 10,000 students experiencing unexpected enrollment loss greater 2 percent over the summer between school

years. Provides \$2.5 million GF in FY 2021 and \$2.1 million GF in FY 2022. ([Item 145 #15c](#))

- Provides for the state share of an increased ratio of one counselor for every 325 students for K-12 for FY 2022 and thereafter. This provides for approximately 615 additional school counselors pursuant to [HB 1508 \(McQuinn\)](#) / [SB 880 \(Locke\)](#) and is \$53.2 million GF in FY 2022 less than the Governor's original proposal for a ratio of one counselor for every 250 students. ([Item 145 #14c](#)).
- Provides \$6.7 million GF in the first year and \$14.3 million in the second year, pursuant to the passage of [HB 975 \(Guzman\)](#) / [SB 910 \(Hashmi\)](#). This will provide funding to increase the English Language Learner student-teacher ratios from 17 positions per 1,000 students to 18.5 positions per 1,000 students in fiscal year 2021, and to 20 positions per 1,000 students in fiscal year 2022 and thereafter. ([Item 145 #13c](#)).
- Directs the Superintendent of Public Instruction to convene a workgroup to establish a plan to transfer the Child Care Development Fund grant from the Virginia Department of Social Services to the Virginia Department of Education by July 1, 2021. This amendment includes the same participants from the workgroup created by [HB 1012 \(Bulova\)](#) to oversee planning and implementation of a statewide unified early childhood care and education system. ([Item 137 #3c](#))
- Provides \$34,000 GF in each year to establish the Commission on School Construction and Modernization, pursuant to [SB 888 \(McClellan\)](#). ([Item 27.10 #1c](#))
- Provides \$5 million GF in each year to support mixed-delivery of pre-kindergarten pilot programs for at least 500 at-risk three- and four-year-olds. No local funding match is required for these slots. The amendment also requires pilot program applications to address how each pilot will transition to a level of state support similar to the state support provided for VPI slots. ([Item 144 #9c](#)).
- Directs the Department of Education to develop a mechanism to allocate regional alternative education program slots to participating school divisions. Allocation of the existing slots to participating divisions shall be based upon the number of students in a division requiring regional alternative education. The Department will report the planned allocation by August 1, 2021. ([Item 145 #2c](#)).
- Waives certain staffing standards for several categories of instructional positions the first year only and requires school divisions to report the extent which these flexibility provisions were utilized to waive staffing standards. This amendment partially restores waivers for the first year that had been included in the Appropriation Act since 2010 that were eliminated in the introduced budget. VACo requested restoration of this language. ([Item 145 #18c](#)).
- Modifies Lottery Proceeds funding to establish the Infrastructure and Operations Per Pupil Fund, which would provide \$263.0 million the first year and \$266.2 million the second year from the Lottery Proceeds fund to provide the state share of per-pupil payments of \$375.27 the first year and \$378.52 the second year, and payments to ensure that each school division receives at least a \$200,000 payment. Unlike current Lottery Proceeds funding, this language would require local matching funds based on composite index of local ability to pay (LCI) and

require certain percentages be used for non-recurring and recurring costs. VACo has expressed concerns over this language. ([Item 145 #17c](#)).

Compensation and Retirement

- Provides \$837,291 GF in FY 2021 and \$993,932 GF in FY 2022 to fund the state share of costs associated with providing a retiree health insurance credit of \$1.50 per year of service to certain retired school division employees who are not teachers, pursuant to [HB 1513 \(McQuinn\)](#). ([Item 145 #8c](#))
- Provides \$3.9 million GF in FY 2021 and \$4 million GF in FY 2022 to reduce the amortization period for the retiree health care credit for state employees by five years. ([Item 477 #3c](#))
- Subject to revenue contingency language providing that no downward revision of the biennium revenue forecast is made after the close of FY 2020, funds the following compensation actions:
 - For state employees, provides a three percent bonus effective December 1, 2020, and a three percent salary increase effective June 10, 2021.
 - For Constitutional officers and their employees and state-supported local employees, provides a two percent bonus, effective December 1, 2020, and a three percent salary increase, effective July 1, 2021.
 - For sworn employees of the Department of State Police with three or more years of continuous state service, provides \$110 for each year of service up to 30 years, effective August 10, 2020, as well as a two percent salary increase effective the same date. ([Item 477 #5c](#))
- Directs the Chief Workforce Development Advisory and the Secretary of Commerce and Trade to study the development of a statewide paid family and medical leave program for all employers. ([Item 111 #1c](#))
- Provides \$144,000 in each year pursuant to passage of [HB 1495 \(Torian\)](#) / [SB 54 \(Cosgrove\)](#) to allow retired law-enforcement personnel to return to work as school security officers. ([Item 477 #6c](#)).

Judiciary/Public Safety

- Provides \$3.9 million GF per year, in addition to the \$5.6 million over the biennium included in the introduced budget, to hire a total of 120 new deputy district court clerks over the biennium. The additional funding in the conference report is generated by an increase in general district court filing fees. ([Item 42 #2c](#), [Item 4-14 #1c](#))
- Continues the workgroup convened by the Secretary of Public Safety and Homeland Security on the effects of body-worn cameras on the state's public safety and judicial agencies. ([Item 391 #3c](#))
- Provides \$8.6 million GF per year in state aid to localities with police departments ("HB 599" funding). ([Item 408 #1c](#))
- Provides \$2.5 million in FY 2021 for the Emergency Shelter Upgrade Assistance Fund ([SB 350 \(Lucas\)](#)), which provides funding to local governments in proactively preparing for emergency sheltering situations. ([Item 410 #1c](#)).
- Provides \$4.5 million GF in FY 2021 and \$1.5 million GF in FY 2022 for the Community Policing Act, which requires certain data related to motor vehicle or

investigatory stops to be collected by law enforcement ([HB 1250 \(Torian\)](#)). ([Item 425 #5c](#))

Agriculture and Forestry

- Provides \$1.1 million GF in FY 2021 and \$125,000 GF in FY 2022 for the Virginia Food Access Investment Fund (VFAIF), as created by [HB 1509 \(McQuinn\)](#)/[SB 1073 \(McClellan\)](#). ([Item 97 #3c](#))

Elections

- Retains the Governor's proposal to include \$2.5 million GF per year in FY 2021 and FY 2022 to provide full reimbursement for the salaries of general registrars and electoral board members, as well as \$5.9 million GF in FY 2020 to fund costs associated with the presidential primary.
- Directs the federal Help America Vote Act funding awarded to Virginia in December 2019 to be used for replacement of the Virginia Election and Registration Information System (VERIS) and provides required state match. Permits the Department of Elections to consider using any leftover funds to assist localities in complying with the IT security standards established as part of 2019 legislation. Budget amendments had been introduced in the House and Senate at VACo's request to direct these funds to localities to assist with IT compliance, but were not successful. ([Item 83 #2c in caboose](#), [Item 86 #3c in biennium budget](#))

Economic Development

- Provides an additional \$10.5 million GF in FY 2021 for the Virginia Business Ready Sites Program; reduces funding in FY 2022 by \$3 million, for a total of \$12.5 million over the biennium when added to funding levels in the introduced budget. ([Item 130 #3c](#))
- Provides \$250,000 GF per year for the Enterprise Zone Grant program in order to reduce proration of the Real Property Improvement Grant program. ([Item 115 #1c](#))
- Reverts \$12.7 million in unused FY 2018 and FY 2019 balances for competitive GO Virginia grant funds and reduces GO Virginia funding by \$4.5 million GF in FY 2022. Directs the Department of Housing and Community Development to report quarterly on grant awards and expenditures from the Virginia Growth and Opportunity Fund. ([Item 3-1.01 #2c in the caboose](#), [Item 114 #1c](#) and [Item 114 #5c](#) in the biennium)
- Increases funding for the Industrial Revitalization Fund by \$500,000 GF per year. ([Item 114 #6c](#))
- Consolidates the Innovation Entrepreneurship Investment Authority (IEIA) and the Virginia Research Investment Council (VRIC) into one newly created entity, the Virginia Innovative Partnership Authority (VIPA), pursuant to [HB 1017/SB 576](#). Funding for VIPA includes proceeds from the sale of the Center for Innovative Technology (CIT) building, including \$10.0 million from the non-general fund allocated to the Commonwealth Commercialization Fund and \$10.0 million from the non-general fund allocated to the Commonwealth Cyber Initiative. ([Item 135 #1c](#))

Broadband

- Retains Governor's proposal for additional appropriations to the Virginia Telecommunication Initiative (VATI) of \$16 million GF per year, for total funding levels of \$35 million per year; sets aside additional \$275,000 per year from this appropriation for administrative costs. ([Item 114 #2c](#))
- Includes language specifying that language specifying that appropriate levels of investment from private sector partners are to be part of the criteria for making Virginia Telecommunication Initiative awards. ([Item 114 #2c](#))

Housing Trust Fund

- Reduces proposed deposit to the Housing Trust Fund by \$10 million, which would result in a total deposit of \$30 million in each year. Adds the expansion of permanent supportive housing as a priority in awarding grants from the Trust Fund. ([Item 113 #4c](#), [Item 113 #2c](#))

Aid to Local Public Libraries

- Provides \$1 million GF per year in additional aid to local public libraries. Eliminates \$500,000 per year set-aside for the Eastern Shore Public Library. ([Item 247 #1c](#))

Children's Services Act

- Removes two percent cap on growth in rates for private special education day placements in FY 2022. Moves funding for a second round of data collection for the rate study that was partially completed in 2019 from the second year of the biennium to the first year and directs the Office of Children's Services to implement statewide rate-setting, effective July 1, 2021. ([Item 292 #2c](#), [Item 293 #1c](#))

Behavioral Health

- Eliminates proposed supplemental payment to incentivize private hospitals to accept more individuals under Temporary Detention Orders (TDOs) and instead provides \$7.5 million GF per year for the Department of Behavioral Health and Developmental Services (DBHDS) to fund pilot projects to reduce census pressures on state hospitals. Provides \$150,000 GF per year for a pilot project to provide for the transportation costs of patients discharged from a state hospital. Authorizes DBHDS to accept proposals from private providers for a pilot project for acquisition of housing options for individuals ready to leave state hospitals or to prevent unnecessary hospitalizations. Removes funding in the introduced budget for additional beds at Catawba Hospital; provides up to \$5 million in special funds for transition costs. ([Item 313 #34c](#), [Item 320 #5c](#), [Item 321 #3c](#), [Item 321 #2c](#), [Item 326 #1c](#))
- Funds an additional 250 Family and Individual Support Medicaid waiver slots in FY 2022. Requires DBHDS to report quarterly on the allocation of waiver slots by Community Services Board ([Item 313 #15c](#), [Item 320 #10c](#))

- Directs DBHDS to develop a plan to convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day operations and move toward regional CITAC sites. ([Item 320 #9c](#))
- Eliminates language in the introduced budget allowing DBHDS to establish up to 20 new child and adolescent inpatient psychiatric beds at a state hospital if alternatives are not developed by September 1, 2020. Directs DBHDS to develop a Memorandum of Understanding with the Children’s Hospital of the King’s Daughters to dedicate a portion of future bed capacity of a 60-bed mental health hospital for use in treating children who might otherwise be admitted to the Commonwealth Center for Children and Adolescents ([Item 321 #5c](#), [Item 320 #13c](#))
- Provides \$5.6 million GF in FY 2021 and \$11.4 million GF in FY 2022 for permanent supportive housing for individuals with serious mental illness. ([Item 322 #1c](#))
- Directs the Department of Medical Assistance Services to review the reimbursement of services provided by local education agencies to Medicaid-eligible children, including evaluating options to allow school divisions to draw down additional federal resources. ([Item 313 #38c](#))

Social Services

- Reduces proposed funding for salary increases for staff in local departments of social services by \$3.4 million GF per year and \$3.5 million NGF per year, leaving \$2.2 million GF and \$2.2 million NGF per year to provide a pay band minimum increase in FY 2021 of 20 percent for family services positions and 15 percent for benefit program services, self-sufficiency services, and administration positions, as well as \$3.4 million GF and \$3.5 million GF per year for a 1.5 percent salary increase in FY 2021 for all positions in local departments. State-supported local employees in local departments are eligible for the FY 2021 bonus and FY 2022 salary increase discussed in the “Compensation and Retirement” section earlier. ([Item 351 #1c](#))
- Reduces funding in the introduced budget that was included to assist local departments of social services in hiring staff to create prevention departments as part of the changes to federal foster care funding included in the Family First Prevention Services Act. The conference report reduces proposed funding by approximately \$20 million GF and \$6.4 million NGF over the biennium, leaving funding of \$30 million GF and \$9.4 million NGF over the biennium. ([Item 351 #2c](#))
- Requires the Commissioner of Social Services to establish a five-year plan to prevent child abuse and neglect. ([Item 354 #7c](#))
- Directs the Department of Social Services to develop a plan to provide access statewide to a Kinship Navigator Program to help support kinship caregivers. Provides \$75,000 GF per year for the development of an emergency approval process for kinship caregivers and the development of foster home certification standards for kinship caregivers. ([Item 354 #1c](#), [Item 354 #3c](#))

- Provides \$1.5 million in Temporary Assistance to Needy Families funding per year for a third round of competitive grants for community employment and training programs. ([Item 356 #2c](#))

Natural Resources

- Provides \$50 million for the Stormwater Local Assistance Fund (SLAF). ([Item C-70 #1c](#))
- Provides \$231,000 GF in FY 2021 and \$231,000 GF in FY 2022 for regional water resource planning activities at DEQ, pursuant to [HB 542 \(Carr\)](#). ([Item 377 #3c](#))
- Directs DEQ to convene a workgroup to review the assumptions used in estimating the effluent nutrient concentrations and trends of wastewater facilities and to identify cost-effective options to achieve wastewater nutrient load levels with reasonable assurance consistent with the needs of the Chesapeake Bay TMDL Phase III Watershed Implementation Plan (WIP). ([Item 377 #6c](#))
- Directs DEQ to assess alternative reimbursement models and reimbursement amounts for nutrient removal grants provided to projects serving a locality or localities with: (i) high fiscal stress as defined by the Composite Fiscal Stress Index; (ii) median household incomes below the Commonwealth's average; and (iii) the capacity of ratepayers to absorb the additional costs of financing nutrient removal projects. ([Item 377 #5c](#))
- Directs DEQ to analyze current provisions of the Virginia Erosion and Sediment Control Act, Storm Water Management Act, and the Chesapeake Bay Preservation Act and identify any areas of inconsistency, conflict, and duplication within and among the existing administrative regulations across the three regulatory programs and assess the impact on locally administered programs for MS4 permit localities under the Virginia Stormwater Management Act. ([Item 377 #2c](#))

Transportation

- Directs the Secretary of Transportation and the Secretary of Natural Resources to evaluate the issue of drainage outfalls originating from VDOT-maintained roads without an assigned maintaining entity and recommend cost-effective funding solutions. VACo requested this study language. ([Item 430 #3c](#))
- Provides \$47.1 million NGF in FY 2021 and \$51.4 million NGF in FY 2022 pursuant to the passage of [HB 1541 \(McQuinn\)](#) which creates the Central Virginia Transportation Authority, composed of the counties and cities located in Planning District 15, which will administer transportation funding generated through an additional regional sales and use tax and wholesale gas tax. ([Item 440 #1c](#)).

Reserves

- Corrects amount appropriated for a voluntary deposit to the Revenue Reserve Fund to reflect a reduction in the deposit of \$74 million in FY 2020. ([Item 266 #1c in caboose](#))

- Deposits an additional \$182 million to the Revenue Reserve Fund in FY 2020, which may be used for any mandatory deposit to the Revenue Stabilization Fund if necessary. When added to the deposits proposed in the 2019 Appropriations Act and the Governor's introduced budget, a total of \$601.2 million would be deposited in the Revenue Cash Reserve. ([Item 266 #2c](#))

Other

- Directs the Secretary of Finance and the Secretary of Administration to convene a workgroup to study collective bargaining for state employees and report by November 1, 2020. ([Item 264 #1c](#))
- Directs the Secretary of Finance to convene a workgroup to examine procedures and requirements necessary for entities with the authority to issue state tax-supported debt to report to the Debt Capacity Advisory Committee prior to issuing such debt. ([Item 264 #2c](#))
- Provides \$294,000 GF per year in additional support for Planning District Commissions ([Item 114 #7c](#))
- Provides \$78,000 in GF each year for the Line of Duty Act premiums to reflect the passage of [HB 169 \(Tyler\)](#) / [SB 345 \(Bell\)](#), [HB 783 \(Askew\)](#) / [SB 9 \(Saslaw\)](#), and [HB 438 \(Heretick\)](#) / [SB 561\(Vogel\)](#), legislation related to workers' compensation.
- Provides \$418,000 in GF each year for increased Workers' Compensation Claims related to Post-Traumatic-Stress- Disorder to reflect passage of [HB 438 \(Heretick\)](#) / [SB 561\(Vogel\)](#).
- Provides \$1.3 million in GF in FY 2021 and \$4.6 million in FY 2022 to fund the impact on state agencies from the increase in the minimum wage. ([Item 477 #4c](#)).

VACo Contacts: [Katie Boyle](#); [Jeremy Bennett](#); [Chris McDonald, Esq.](#); [Joe Lerch, AICP](#)

Revenue fairness bills headed to the Governor's desk

[HB 785 \(Watts and Kilgore\)](#) and [SB 588 \(Hanger and Favola\)](#) passed the General Assembly on Sunday, March 8, and are headed to the Governor for final action. The bills, which incorporated related measures by Delegate Krizek and Senators Lewis, Locke, and Mason, are now identical after a compromise was negotiated in a conference committee.

Key provisions of the bill as passed by the General Assembly:

- Authorizes all Counties to levy a tax on admissions at a rate not to exceed 10 percent, with the exception of Counties in the Historic Triangle where an additional state sales and use tax is imposed.

- Authorizes all Counties to levy transient occupancy taxes at rates exceeding 2 percent. The revenue derived from rates greater than 2 percent would be spent either (1) for purposes previously authorized or (2) for rates between 2 and 5 percent, for tourism promotion (as is currently required for the Counties that secured the authority to impose taxes up to 5 percent under Virginia Code 58.1-3819). Revenue from rates greater than 5 percent could be used for general purposes.
- Authorizes all Counties to impose cigarette taxes at a rate not to exceed 40 cents per pack. This authority would take effect July 1, 2021. In the interim, the Department of Taxation is required to convene a stakeholder workgroup to make recommendations to modernize the process for collection of cigarette taxes. Cities and Towns with rates higher than 40 cents per pack would be grandfathered at the rates in effect as of January 1, 2020.
- Authorizes all Counties to impose meals taxes at a rate not to exceed 6 percent and eliminates the referendum requirement. A locality in which a meals tax referendum failed prior to July 1, 2020, would have to wait six years after the date of the failed referendum to impose the tax.
- The Division of Legislative Services is tasked with convening a workgroup of stakeholders to recommend any additional technical amendments necessary to effectuate the bill's provisions and to review the legal authorities and responsibilities of Cities and Counties and report by October 31, 2020.
- The bill's provisions (with the exception of the cigarette tax) take effect July 1, 2020.

VACo is extremely grateful for the hard work of the bill patrons and for the support of our members who contacted their legislators on behalf of additional revenue options for Counties.

VACo Contact: [Katie Boyle](#)

Collective bargaining legislation conference report

Legislation changing provisions of the Code related to collective bargaining for public employers and employees came out of conference committee and passed the House and Senate with language preserving local option for local public employers. [HB 582 \(Guzman\)](#)/[SB 939 \(Saslaw\)](#) were substituted in conference committee with language that preserves the prohibition on striking by public employees. The legislation allows Counties, Cities, Towns, and school boards to allow their employees to engage in collective bargaining via ordinance or

resolution, but still excludes constitutional officers and their employees. Any such ordinance or resolution authorizing collective bargaining would be required to provide a process for the certification and decertification of exclusive bargaining representatives. Additional language added in conference committee requires a local governing body to vote within 120 days of receipt of any certification from a majority of public employees in a collective bargaining unit whether or not to adopt an ordinance or resolution to allow for collective bargaining for said unit of employees.

As previously [reported](#), VACo opposes any effort to mandate collective bargaining for public employees, which the bill's language in its current modified form does not mandate. The legislation now awaits action from Governor Ralph Northam. Thank you to everyone who responded to our action alerts on this issue.

VACo Contact: [Jeremy R. Bennett](#)

Key transportation legislation updates

Signature legislation supported by Governor Ralph Northam to make major changes to the state's transportation funding system survived conference committee and was approved by both the House and Senate. [HB 1414 \(Filler-Corn\)](#)/[SB 890 \(Saslaw\)](#) were filed by the Speaker of the House and Majority Leader of the Senate and would generate an estimated \$700 million in additional transportation funding revenue over the biennium primarily raised through increases to fuel taxes.

As previously [reported](#), the legislation seeks to address decreases or declines in revenues collected from the existing gas tax even as the overall vehicle miles traveled (VMT) on Virginia roadways increases. Analysis contracted by the Virginia Department of Transportation forecasts that unless changes are made, gas tax collections are expected to be reduced by 31% by 2030. These reductions are primarily to be caused by the increased proliferation of electric and fuel-efficient vehicles. When including higher regional gas taxes paid by Northern Virginia and Hampton Roads, Virginia currently ranks as the state with the ninth lowest gas tax. Gas and diesel taxes currently represent the third largest source of revenue into the Commonwealth Transportation Trust Fund after retail sales tax and motor vehicle sales tax.

The conference report legislation raises the Commonwealth's gas tax 5 cents per gallon per year for two years beginning on July 1, 2020, and after July 1, 2022, adjusts the rate to the United States Average Consumer Price Index for all items, all urban consumers ([CPI-U](#)), which is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services, published by the U.S. Bureau of Labor Statistics for the U.S. Department of Labor. The legislation similarly raises diesel fuel taxes to 27 cents

per gallon by July 1, 2021, and pegs it to CPI-U. This represents a compromise as the House originally proposed raising fuel taxes 4 cents per gallon per year for three years, while the Senate only proposed doing the same increase for two years.

The legislation also imposes a 7.6 cent per gallon tax on gas distributors in any County or City that currently does not have a regional fuel tax such as the ones existing in Northern Virginia, Hampton Roads, and the I-81 corridor effective July 1, 2021, and also pegs it to CPI-U. This incorporates language from [SB 452 \(Edwards\)](#), which was left in the House Appropriations Committee.

The conference report legislation also creates a new highway use fee on fuel-efficient vehicles. This new fee would require fuel-efficient vehicles to pay 85 percent of the difference between the fuel tax paid by an average vehicle and what the fuel-efficient vehicle pays. The fee would be collected at the time of vehicle registration. The bills also would create a mileage-based user fee program to allow owners of fuel-efficient vehicles to voluntarily pay a mileage-based fee in lieu of the highway use fee. These fees are meant to provide equity in that fuel-efficient vehicles have the same impact on Virginia roadways as traditional vehicles but pay less into the maintenance of the system through reduced gasoline consumption.

VACo supports expedited action to address the causes for declining growth in transportation revenues and to develop recommendations to grow revenue over time to meet increasing demands for new construction and maintenance for existing transportation infrastructure.

The conference report legislation also reduces the state's annual vehicle registration fee for motor vehicles by \$10. This is compromise language which is \$10 less than the proposal from the original House version and \$10 more than the Senate's proposal. Most importantly, the legislation maintains existing local authority to levy fees up to the current rate of \$40.75 for vehicles weighing below 4,000 pounds. As previously [written](#), this is a win for local governments.

The conference report legislation also raises the Transient Occupancy Tax (TOT) in Northern Virginia from 2 percent to 3 percent, effective July 1, 2020. This is expected to yield approximately \$30 million funds for transportation projects in that region. The legislation also imposes a 10 cent Grantor's tax in Northern Virginia directed to the Northern Virginia Transportation Authority for congestion relief, while also lowering the existing regional transportation improvement fee from the 15 cent Grantor's tax to 10 cents.

The conference report legislation also maintains language creating a new entity known as the Virginia Passenger Rail Authority, whose purpose is to develop, maintain, and improve passenger rail facilities and increase passenger rail capacity in the Commonwealth, among other duties. This proposed Authority would be integral to the Governor Northam's \$3.7 billion [proposal](#) between the

Commonwealth and CSX to build a new Long Bridge across the Potomac River to improve rail capacity at an existing freight and passenger choke point as well the acquisition of 350 miles of railroad right-of-way and 225 miles of track to expand rail service capacity across the state. The Board of Directors of the Authority was expanded to include 15 members. The Authority would be able to issue bonds and acquire rights-of-way, among other authorities.

The conference report legislation also streamlines the existing complicated transportation funding system by diverting all existing and proposed revenues into a single account known as the Commonwealth Transportation Fund. With exception of certain set asides, 51 percent of transportation revenues would be allocated to the Highway Maintenance and Operating Fund (HMOF) used for maintenance and 49 percent would be allocated to the Transportation Trust Fund (TTF) used for construction. Of the funds available annually to the TTF, 53 percent are to be used for construction, 23 percent for Mass Transit, 7.5 percent for Rail, 2.5 percent for Ports, 1.5 percent for Aviation, 1 percent for Space Flight, 10.5 percent for priority transportation projects, and 1 percent for the Department of Motor Vehicles.

Additional Legislation

Several bills addressed transportation safety concerns. [HB 874 \(Bourne\)](#) / [SB 160 \(Surovell\)](#) were signed by Governor Northam and prohibit the use of handheld personal communications devices while driving a motor vehicle with certain exceptions. [HB 1439 \(Jones\)](#) / [SB 907 \(Lucas\)](#) were companion language to HB 1414 / SB 890, and originally contained several safety provisions also contained in HB 1414. Disagreements over the scope of the legislation sent it to a conference committee where it was amended to mandate that all passengers of a motor vehicle wear seatbelts, not just passengers in the front seat and allow local governing bodies to lower speed limits to 15 miles per hour on highways within business or residential districts within their jurisdiction, however the conference report was rejected by the Senate. Proposals to change the state vehicle inspection requirement did not progress.

[HB 1541 \(McQuinn\)](#) as previously [reported](#), this legislation creates the Central Virginia Transportation Authority, composed of the Counties and Cities located in Planning District 15 (Goochland, Powhatan, Chesterfield/Colonial Heights, Henrico, Hanover, New Kent, Charles City, Richmond City). The authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and 7.6 cent per gallon gas tax and 7.7 cents per gallon diesel fuel tax pegged to CPI-U. This authority follows similar authorities created in Northern Virginia and Hampton Roads. VACo supports this bill, which passed the House and Senate and awaits action from Governor Northam.

VACo Contact: [Jeremy R. Bennett](#)

Virginia Food Access and Investment Fund finally approved and funded by General Assembly

After years of effort, the Virginia Food Access Investment Fund (VFAIF) has finally been approved and funded by the General Assembly.

The VFAIF is designed to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities. The effort is a refreshed and revamped form of a bill Delegate Delores McQuinn and numerous other lawmakers have introduced numerous times the past several years seeking to create the Virginia Grocery Investment Fund (VGIF). While the VGIF sought exclusively to provide funding for public-private partnerships that would aid in opening and expanding grocery stores in underserved communities (“food deserts”), the VFAIF has two components, one focusing on infrastructure and one focusing on nutrition efforts.

- The VFAIF will provide funding for the construction, rehabilitation, equipment upgrades, and/or expansion of grocery stores, small food retailers, and innovative small food retail projects in underserved communities.
- On the nutrition incentive side, the Virginia Department of Agriculture and Consumer Services (VDACS) will team up with public and private sector partners to increase the number of Supplemental Nutrition Assistance Program (SNAP) retailers who participate in the Virginia Fresh Match Incentive Program. The Incentive Program provides SNAP recipients with a \$1 to \$1 match for nutritious fruits and vegetables.

Delegate McQuinn’s legislation as well as Senator Jennifer McClellan’s Senate counterpart bill each saw broad support in the General Assembly. Both [HB 1509 \(McQuinn\)](#) and [SB 1073 \(McClellan\)](#) passed the House and Senate by wide margins and are now ready to be signed into law by the Governor. In the final budget proposal voted on March 12, the General Assembly agreed to fund the VFAIF with \$1,125,000 in FY 2021 and an additional \$125,000 in FY 2022.

VACo is proud to have supported this legislation and is grateful to Delegate McQuinn and Senator McClellan for all their hard work in making the VFAIF a reality.

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

Split precincts bill passes with amendments

[SB 740 \(Obenshain and Barker\)](#) seeks to address the issue of split precincts, in which one polling place serves voters in more than one state House or Senate or congressional district. As [reported in an earlier edition of Capitol Contact](#), similar legislation has been considered and passed by the Senate in the last several years. VACo has historically supported a different approach to the issue, which would permit the General Assembly to make technical adjustments to district lines in order to “reunite” split precincts, but bills to authorize such a process have been vetoed in recent years, and a Constitutional amendment on the topic failed to emerge from subcommittee this session. SB 740 would instead place the responsibility on localities to make changes to local precinct lines after the completion of General Assembly redistricting in order to ensure that no precincts are split; the local governing body would need to apply for a waiver from the State Board of Elections to operate a split precinct if it was unable to draw precinct lines so as to avoid operating a precinct with fewer than the statutory minimum number of voters.

VACo has raised concerns about the bill’s assumption that localities can wait until the completion of General Assembly redistricting to undertake local redistricting efforts. Counties with local elections in November 2021 will need to begin work on redrawing local district lines as soon as Census data is available (which is expected in February) in order to be prepared for the November general election and potentially also August primaries. If the General Assembly redistricting is not completed in a timely manner, localities would be challenged to fix any precinct splits created by state redistricting (or seek waivers to operate split precincts), notify voters of any changes in precinct assignments, and make other preparations for an August primary and early voting for the November general election, which would start in mid-September.

Amendments were offered in committee that intend to allow localities in such a situation to use the state district lines as they stood as of a certain date to adjust their precinct splits (rather than having to wait until the state redistricting process is complete), so that preparations for the August primary and November general election would not be delayed if General Assembly redistricting were delayed. Additional amendments are necessary to clarify this concept and ensure that localities that do not have local elections in November 2021 would be able to complete their local redistricting processes on a more flexible timeline.

VACo Contact: [Katie Boyle](#)

Minimum wage legislation conference report

The House and Senate have agreed on the details of legislation to raise the minimum wage for workers in Virginia from the current rate of \$7.25 per hour to

\$9.50 per hour beginning on January 1, 2021. The conference report for [HB 395 \(Ward\)](#)/[SB 7 \(Saslaw\)](#) represents a compromise between the House and Senate, a majority of whose members had previously committed to raising the minimum wage, but had disagreed on the details of doing so. The legislation now awaits action by Governor Ralph Northam.

As previously [reported](#), both the House and Senate bills going into conference incrementally raised the state's minimum wage, but significant differences remained between the legislation. These differences mainly consisted of how soon to begin the incremental increases, the establishment of wage regions based on similar median household incomes and the costs of living, and the types of employees exempted from the provisions of the wage increases. The House version took a more aggressive approach in its timelines for implementation, while the Senate proposed the regional wage system.

The bill as it leaves conference resolves these differences and proposes to increase the minimum wage to \$9.50 per hour on January 1, 2021, then to \$11 per hour on January 1, 2022, and \$12 per hour on January 1, 2023. Beginning on January 1, 2022 the Virginia Department of Housing and Community Development (DHCD), the Virginia Economic Development Partnership Authority, and the Virginia Employment Commission are directed to conduct a joint review of the feasibility and potential impact of instituting a regional minimum wage that shall consider factors such as cost of living, impact to employers, and the experience of other states that have implemented a minimum wage, among other factors. The agencies are directed to submit their report to the General Assembly by December 1, 2023.

The conference report legislation also includes a re-enactment clause that prevents further incremental state-wide increases of the minimum wage to \$13.50 per hour by January 1, 2025, and \$15 per hour by January 1, 2026, unless the General Assembly votes to do so prior to July 1, 2024. If the General Assembly fails to re-enact these clauses, the Commissioner of Labor and Industry is directed to establish by October 1, 2026, an annually adjusted state hourly minimum wage pegged to the United States Average Consumer Price Index for all items, all urban consumers ([CPI-U](#)).

VACo Contact: [Jeremy R. Bennett](#)

Redistricting Constitutional amendment and criteria bills pass

After intense debate on the House floor, [SJ 18 \(Barker\)](#), the Constitutional amendment establishing a bipartisan commission to draw district lines, passed by a vote of 54-46 in the waning days of the session. The amendment had already passed the Senate in mid-February by a large margin. House members also

considered, but ultimately rejected, a floor substitute that would have taken a different approach, in an effort to alleviate some members' concerns about the involvement of legislators in the Commission and the potential role of the Supreme Court in drawing district lines. Since this was the General Assembly's second time considering the amendment in identical form (with an intervening election), the amendment will be before the voters at the November general election.

Key elements of the amendment

- Establishes a 16-member Virginia Redistricting Commission, which would consist of eight legislators and eight citizen members.
- Requires the Commission to submit plans for General Assembly districts no later than 45 days after the receipt of Census data, and to submit plans for Congressional districts either 60 days following the receipt of Census data or by the first day of July, whichever is later. Plans must be supported by six of the eight legislators and six of the eight citizen members in order to be considered.
- The General Assembly would consider plans for the House of Delegates and Senate in a single bill, without amendments. If the General Assembly fails to approve the bill within 15 days of receipt, the Commission must submit a new plan within 14 days, which the General Assembly must vote on within seven days of receipt. If the General Assembly still fails to approve the plan, the Supreme Court of Virginia will draw the districts. Similarly, if the Commission fails to submit a plan before its deadline, it has 14 days to submit a plan; if it fails to do so, the Supreme Court would draw the districts.
- Commission meetings must be open to the public and the Commission must hold three public hearings in different parts of the state prior to proposing any redistricting plans, and all records will be considered public information.

Accompanying legislation that would have provided additional detail and parameters around the provisions of the Constitutional amendment failed to emerge from conference on the last day of the session. These bills would have specified criteria for selection of members of the committee of retired circuit court judges who would select commissioners, as well as for selection of commissioners themselves. The bills would also have set out a process for the Supreme Court to follow in establishing districts.

Legislation establishing criteria for the drawing of districts was successful, and, if signed by the Governor, would take effect July 1, 2020. [HB 1255 \(Price\)/SB 717 \(McClellan\)](#) require the following criteria in drawing congressional and state legislative districts:

- Districts must provide for representation in proportion to population, with a deviation of up to 5 percent allowed for state legislative districts.

- Districts must comply with the Constitution and relevant laws and judicial decisions regarding racial and ethnic fairness; the bills state explicitly that no district may be drawn to deny or abridge voting rights on account or race, color, or membership in a language minority group, and that districts must allow racial and language minorities an equal opportunity to participate in the political process.
- Districts shall be drawn to preserve communities of interest, meaning neighborhoods or other geographically defined group of people with similar interests, and districts must be contiguous and compact.
- When considered on a statewide basis, districts must not unduly favor or disfavor any political party.
- Individuals who are incarcerated in a federal, state, or local correctional facility are to be counted for redistricting purposes in the localities in which they resided prior to their incarceration, if they resided in Virginia (if an individual resided outside the state or his/her address cannot be determined, the individual will be counted at the correctional facility).

VACo Contact: [Katie Boyle](#)

General Assembly green lights marijuana decriminalization

The General Assembly has officially voted to decriminalize the possession of small amounts of marijuana. After two months of amendments, hearings, and floor debate, Senator Adam Ebbin's [SB 2](#) finally passed both the Senate and House of Delegates on March 8, and will now be sent to Governor Ralph Northam for consideration.

Under current law in Virginia, possession of a half-ounce or less of marijuana is punishable by a fine of \$500 and up to 30 days in jail for the first offense, and subsequent offenses are considered class 1 misdemeanors. Furthermore, possession of derivative products such as hash or concentrated oils is punishable as a felony.

Under [SB 2 \(Ebbin\)](#), possession of up to one ounce of marijuana – either in plant form or in products derived from it – will still be illegal but will no longer be punishable with criminal penalties. Instead, it will only be punishable by a civil fine of \$25. Persons who are charged with a first offense of possession of one ounce or more are eligible to be placed on probation. Additionally, SB 2 seals records of past and future convictions and prohibits employers and educational

institutes from inquiring about such violations (except for law enforcement agencies).

Advocates for decriminalization argued that this legislation will greatly reduce arrest records and will help prevent unnecessary or overly harsh criminal convictions. Recent data shows that in 2018, arrests for marijuana possession reached its highest level in over 20 years. A recent [Virginia Mercury article](#) revealed that law enforcement agencies reported approximately 29,000 marijuana-related arrests in 2018, up 3.5 percent from 2017.

In recent years, as similar decriminalization efforts have stalled in the General Assembly, some local Commonwealth's Attorneys – as well as candidates for that office – have announced that they will no longer prosecute simple possession cases. While the legality of this practice of discretionary prosecution has been called into question and legally challenged, Senator Ebbin's bill effectively renders the debate moot.

While SB 2 earned fairly broad, bipartisan support in both chambers, there were some lawmakers who didn't think this bill went far enough and instead pushed for full legalization. As a result, Senator Ebbin's bill was amended to direct the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana.

This new workgroup is tasked with reviewing the legal and regulatory frameworks that have been established in states that have legalized the sale and personal use of marijuana and is directed to examine not merely the feasibility of legalizing marijuana, but also the potential revenue impact of legalization on the Commonwealth, the legal and regulatory framework necessary to successfully implement legalization in the Commonwealth, and the health effects of marijuana use. The work group is required to report its findings to the Governor and the General Assembly no later than November 30, 2020, which provides enough time to prepare for possible legislation for 2021.

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

School support staff health insurance credit bill headed to Governor's desk

Legislation requiring school divisions to provide a health insurance credit (HIC) of \$1.50 per year of service to all retired members of local school divisions (other than teachers) with at least 15 years of credible service will now be acted upon by Governor Ralph Northam. [HB 1513 \(McQuinn\)](#) requires school divisions to provide a health insurance credit of \$1.50 per year of service and gives local

school divisions the option of providing an additional \$1 per year for a total credit of \$2.50, as well as removing the \$45 cap for monthly payments to eligible employees. The bill was amended in conference committee to remove the Senate's financial contingency clause and to have a delayed enactment date of July 1, 2021.

As previously [reported](#), a HIC is provided to eligible retirees as a reimbursement to assist with the cost of employee health insurance premiums. Retirees are reimbursed based on their number of years of service and the credit amount per year of service. The HIC for non-teacher local employees is currently set at \$1.50 per year of service, but participation is optional for localities and school divisions. Currently, 37 school divisions have opted to provide this HIC to their eligible employees. The legislation as written would require the remaining 96 school divisions to provide this HIC.

The conference report budget proposal contains an [amendment](#) providing approximately \$1 million in General Funds in each year of the biennium for the state share of the expanded HIC proposed. HB 1513 would impose an unfunded mandate on localities and VACo has expressed concerns over this legislation for that reason.

VACo Contact: [Jeremy R. Bennett](#)

Preclearance bill fails to emerge from conference committee

[HB 761 \(VanValkenburg\)](#) will not move forward in 2020 after a conference committee failed to reconcile differences between the House and Senate versions of the bill. The bill would have established a state-level preclearance process to replace the federal preclearance that was previously required under the Voting Rights Act. For affected localities (any County or City containing two or more racial or ethnic groups that each constitute at least 20 percent of its voting-age population), the bill would have required certain election-related practices to be submitted for state approval. This approval would be granted via a declaratory judgment issued by the Circuit Court of the City of Richmond that the practice would not limit the exercise of voting rights by members of racial, ethnic, or language minority groups, or a certification by the Attorney General that he does not object to the practice. Practices that would need to be precleared included changes to the method of election of members of a governing body, changes to election districts, and changes to polling places, including relocation of polling places. The Attorney General would make an annual determination of which localities would be covered by the preclearance requirements.

VACo objected to the bill as it moved through the process, as it would require even minor changes to polling place locations to be precleared and does not apply

to the state, which plays a major role in the conduct of elections by prescribing voter qualifications and many voting-related practices either by statute or regulation.

The bill was amended in the Senate Privileges and Elections Committee to provide for a delayed effective date for the entire bill of January 1, 2022, and a delay in its applicability to changes in election district boundaries until July 1, 2022. The bill was further amended in the Senate Finance and Appropriations Committee to include language making the bill's provisions contingent on an appropriation of funding in the state budget to cover the state's costs to implement the bill (staffing in the Attorney General's office); the House budget contained that funding, but the Senate did not. The bill was further amended on the Senate floor to exempt localities that had "bailed out" from federal preclearance by demonstrating compliance with voting rights laws. The House accepted the Senate amendments, with the exception of the revenue contingency language, which sent the bill to conference. No funding was included in the final budget conference report, so the bill did not emerge from the conference committee before the deadline for consideration of conference reports on Sunday, March 8. While the bill will not move forward in 2020, VACo expects this concept to return in future legislation.

VACo Contact: [Katie Boyle](#)

Bill expanding municipal net metering for solar installations is limited to Fairfax County

[HB 572 \(Kearney\)](#) and [SB 710 \(McClellan\)](#) as introduced would have allowed any locality to install up to a 5 megawatt (MW) solar, or wind, electric generating facility, and use all the electricity generated to credit any metered accounts of the locality regardless of whether such accounts serve building or facilities "*... located at the same site where the electric generation facility is located or at a site contiguous thereto.*" This aggregation of locality accounts for credit is commonly referred to as "municipal net-metering." The legislation also allowed the facility to be owned and operated by a third-party power producer under contract with the locality. Such arrangements are more commonly known as power purchase agreements or PPAs.

The final legislation being sent to the Governor for consideration limited the scope of this proposal so that it only applies to a locality within the Dominion Energy Service Territory that is located within Planning District 8 with a population more than 1 million. Only Fairfax County meets these criteria for application.

Under a municipal net-metering pilot program approved by the General Assembly in 2019 any locality may install up to a 2 MW renewable energy

generating facility so long as the aggregate of such facilities does not exceed 25 MW within the Dominion Service Territory, or 10 MW in the Appalachian Power Company (APCo) Service Territory. The pilot program does not allow for PPA arrangements.

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

Earned sick leave bill fails to pass

Legislation requiring public and private employers with 15 or more employees to provide employees with earned paid sick time failed to pass the Senate. [SB 481 \(Favola\)](#) would have required that employees accrue a minimum of one hour of earned paid sick time for every 30 hours worked, up to a minimum of 40 hours earned paid sick time per year. The measure had a delayed effective date of January 1, 2021. The legislation faced opposition from business groups concerned over the cost implications, however, advocates argued that passage would allow workers currently without access to these benefits the ability to stay home when sick without fear of lost wages thereby reducing likelihood of transmission of communicable diseases. The bill was revised numerous times after initial passage before it passed the House 52-45 and no further action was taken by the Senate. [HB 898 \(Guzman\)](#) was companion legislation in the House that was left in the House Appropriations Committee on February 11. Federal legislation addressing this issue was also recently [introduced](#) in response to the spread of the Coronavirus.

VACo Contact: [Jeremy R. Bennett](#)

Local governments granted authority to remove Confederate monuments

Legislation granting local governments the authority to remove, relocate, or alter Confederate monuments owned by the locality has passed the General Assembly and will be signed into law by Governor Ralph Northam.

[HB 1537 \(McQuinn\)](#) provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans located in its public space, regardless of when erected. Currently, state law disallows localities from disturbing or interfering with such monuments or memorials and makes it unlawful for a locality to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials.

This legislation is the result of several years' worth of efforts by several localities seeking to move or replace confederate monuments located on government property. While HB 1537 is the first time these efforts have succeeded in the General Assembly, the legislation does offer several guidelines.

First, the local governing body is required to provide a 30-day notice of their intent to remove, relocate, contextualize, or cover any public owned monument or memorial and is required to hold a public hearing that includes a public comment period. Localities may also elect to hold a referendum on the issue.

Second, should the locality decide to follow through with their intent to remove, relocate, contextualize, or cover any monument, the local governing body shall, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. Ultimately, however, the local government will have the final say as to where the monument will go.

Third, localities are prohibited from destroying any monument or memorial that they elect to remove.

Finally, the Virginia Board of Historic Resources has been directed to establish regulations governing the way any monument or memorial may be contextualized, if the locality has elected to do so.

HB 1537 was one of the last bills to be finalized during the 2020 legislative session. On Saturday, March 7, the bill passed the House of Delegates by a vote of 52-43, and on Sunday, March 8, the Senate approved the measure 23-15. HB 1537 now heads to the Governor's desk, where he has 30 days to act on the measure.

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

General Assembly okays bills granting greater authority to localities for control of firearms

The General Assembly has approved legislation pertaining to expanded control of firearms by local governments.

[SB 35 \(Surovell\)](#)/[HB 421 \(Price\)](#) authorizes any locality to adopt an ordinance to prohibit the possession or carrying of firearms, ammunition, or components in:

- (i) Any building, or part thereof, owned or used by such locality for governmental purposes;
- (ii) In any public park owned by the locality; or

- (iii) In any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

In addition, this legislation repeals certain code provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others. Finally, the bill also provides any firearm received by the locality pursuant to gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold.

SB 35/HB 421 passed both chambers of the General Assembly and have now been communicated to the Governor's office. Governor Ralph Northam has until April to sign or amend this legislation.

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