



Executive Committee Meeting  
General Francis Marion Hotel  
107 East Main Street, Marion  
May 17, 2014 at 9:00 a.m.

### Action Agenda

- I. Call to Order
- II. Additions to Agenda
- III. Consideration of Minutes from February 6, 2014 & March 24, 2014 [Tab 1]
- IV. Consideration of 2014 – 2015 Budget [Tab 2]
- V. Proposal for 2015 Local Government Day [Tab 3]
- VI. Creation of a Past Presidents Advisory Committee [Tab 4]

### Information/Discussion Agenda

- VII. Executive Director's Quarterly Report [Tab 5]
- VIII. Staff Implementation Plan for the Strategic Vision and Goals [Tab 6]
- IX. Staff Report on 2014 General Assembly [Tab 7]
- X. Staff Report on Federal Issues [Tab 8]
- XI. Staff Report on Amicus Briefs [Tab 9]
- XII. 2014 Regional Suppers [Tab 10]
- XIII. Future Meetings: [Tab 11]
  - a. August 15 (dinner); 16 (meeting) Lexington Dinner w/VMLIP Board
  - b. October 5 (meeting) Roanoke
- XIV. Items Proposed for Discussion at August and October Meetings
- XV. Other Matters
- XVI. Adjournment



Executive Committee Meeting  
Marriott Hotel, Salons 2 & 3 (Lower Level)  
500 E. Broad St., Richmond  
February 6, 2014

***In attendance:*** President David Helms, President-Elect William Euille, Vice President Ron Rordam, Immediate Past President Ed Daley, Robert Coiner, Katie Hammler, Mary Hynes, Ceasor Johnson, Edythe Kelleher, Patricia Woodbury, Faye Prichard, Mimi Elrod, and Anita Price. ***Staff:*** Kim Winn, Mark Flynn, Mary Jo Fields, and Janet Areson.

- I. **Call to Order.** President Helms called the meeting to order at 9:30 a.m.
- II. **Introductions.** New board members were introduced.
- III. **Additions to Agenda.** Ron Rordam moved and Ceasor Johnson second a motion to approve the agenda as presented. Motion was approved without objection.
- IV. **Consideration of Minutes from October 13, 2013.** Mary Hynes moved and Mimi Elrod seconded a motion to approve the minutes as presented. Motion was approved without objection.
- V. **Consideration of Strategic Vision Statement.** After a brief discussion and two suggested changes, Edythe Kelleher moved and Ceasor Johnson seconded a motion to approve the Strategic Vision Statement as amended. Motion was approved without objection.
- VI. **VML Budget Committee Preliminary Recommendations for 2014 – 2015.** President Helms presented the report of the Budget Committee. Ceasor Johnson moved and Ed Daley seconded a motion to direct staff to develop a 2014 - 2015 budget that includes no dues increase for localities. Motion was approved without objection.
- VII. **Executive Director's Quarterly Report.** Executive Director Kim Winn reviewed her activities since beginning with VML on January 1, 2014. There has been a focus on modernizing certain financial processes and meeting with the existing staff. Of particular note is the new purchasing card agreement with Suntrust. At the first meeting of the officers in January, the concept of the plan was proposed and staff was directed to work out the details of the agreement with the bank. While all agreed it was an administrative decision that did not need specific authorization from the Executive Committee, the selected program was presented to the Budget Committee who indicated their support for moving forward with the program.

Executive Director Kim Winn and General Counsel Mark Flynn will be the authorized administrators of the program.

- VIII. **Consideration of Services to be provided by VMLIP.** After a general discussion regarding the relationship between VML and VMLIP, Ceasor Johnson moved and Mary Hynes seconded a motion to approve the agreement as presented. After further discussion, Ed Daley made a motion to call the question. Motion was approved without objection.
- IX. **Overview of 2014 Local Government Day.** Mary Jo Fields reviewed the schedule for the day and discussed the strategy to focus on a few key issues this year. There was also a discussing of changing the format of Legislative Day. Staff will consider various proposals and bring those back to the Executive Committee for further discussion at the next meeting.
- X. **Staff Report on 2014 General Assembly.** Mark Flynn reviewed the major issues and answered questions posed by the Executive Committee. Mary Jo Fields also highlighted key budget issues. There was a discussion regarding communications following the session focusing on making sure that local government officials understand what was accomplished and that their contacts made a difference.
- XI. **Staff Report on Federal Issues.** Janet Areson reviewed the top issues at the federal level. Kim Winn discussed the upcoming NLC Congressional Cities Conference and the VML briefing.
- XII. **Staff Report on Amicus Briefs.** Mark Flynn reviewed the *James City County* case regarding attorneys fees. In addition, he discussed *Boren v. Northwestern Regional Jail Authority* regarding sovereign immunity.
- XIII. **Future Meetings:**
- a. May 16 (dinner); 17 (meeting) Marion
  - b. August 15 (dinner); 16 (meeting) Lexington Dinner w/VMLIP Board
  - c. October 5 (meeting) Roanoke
- XIV. **Items Proposed for Discussion at May and August Meetings.** None were requested.
- XV. **Other Matters.** None were discussed.
- XVI. **Adjournment.** There being no other business to come before the body, the meeting was adjourned at 10:55 a.m.

Respectfully Submitted,

Kimberly A. Winn  
Executive Director



Executive Committee Meeting  
Via Conference Call  
March 24, 2014

***In attendance:*** President David Helms, Vice President Ron Rordam, Immediate Past President Ed Daley, Robert Coiner, Katie Hammler, Ceasor Johnson, Edythe Kelleher, Patricia Woodbury. ***Staff:*** Kim Winn, Mary Jo Fields, Neal Menkes, Joe Lerch, and Janet Areson.

- I. **Call to Order.** President Helms called the meeting to order at 3:02 p.m.
- II. **Medicaid Expansion/Budget Issue.** This meeting was called to discuss VML's role in the current Medicaid Expansion/Budget issue at the state level. Because VML does not have a specific policy position on Medicaid Expansion, the Executive Committee is charged with making a determination as to VML's legislative activity in this area (See VML Constitution Article IV).

Neal Menkes provided an overview of the current budget stalemate. In short, the Governor and other Democrats will not consider a budget that fails to expand Medicaid pursuant to the federal Affordable Care Act. Republicans will not consider a budget that includes Medicaid Expansion. VML and our member localities have been asked by parties on both sides of the issue to become active participants in the debate.

Following a discussion by the body, Ed Daley moved and Ron Rordam seconded a motion to direct VML to send out budget-related information to keep our members informed, but to take no specific position with regard to Medicaid Expansion. The motion was approved unanimously.

- III. **Adjournment.** There being no other business to come before the body, the meeting was adjourned at 3:32 p.m.

Respectfully Submitted,

Kimberly A. Winn  
Executive Director

# Virginia Municipal League 2014 – 2015 Proposed Budget

The following comments are provided for your information in reviewing the proposed budget (attached).

In meeting with the officers, it was brought to my attention that previous budget reports did not include historical information to be used in making budget determinations. Using prior audits and help from Jeff Nickey, I have developed a budget format that includes data from previous years and a forecast for the 2013 – 2014 fiscal year. The challenge we face is that the chart of accounts and the audit information do not match the budget categories. Further, my thoughts as to where a particular revenue or expenditure should be included in the budget may vary from my predecessor. So, it may take a budget cycle or two to really hone in on the specifics.

After the budget is approved, I plan to establish a chart of accounts to begin July 1, 2014 that matches the budget categories. That way, I can provide timely financial information throughout the year. I hope you find this additional information helpful to you.

## Revenue

**The proposed budget includes an overall increase in revenues from a project \$2,453,176 in the current fiscal year to \$2,616,000. This can be attributed to the increase in revenues received pursuant to the VMLIP agreement.**

- Membership Dues consist of regular dues, associate dues, and sustaining memberships (see below for the dues for your locality). As directed, the 2014 – 2015 budget reflects no dues increase.

### 10-Year Dues History

2005	4	%
2006	4	%
2007	4	%
2008	4	%
2009	0	%
2010	0	%
2011	0	%
2012	3	%
2013	3	%
2014	0	%
10-Year Average	2.2	%

## Dues for VML Executive Committee Localities

Locality	2013-2014		2014-2015	
	Population	Dues	Population	Dues
Alexandria	147,391	37,474	151,218	38,171
Arlington	220,565	52,005	227,146	53,206
Ashland	7,256	4,738	7,289	4,754
Blacksburg	42,600	14,590	42,627	14,597
Emporia	5,932	4,069	6,170	4,189
Gordonsville	1,517	845	1,529	845
Hopewell	22,845	9,782	22,707	9,748
Leesburg	44,400	15,028	45,936	15,402
Lexington	7,356	4,788	7,332	4,776
Lynchburg	77,203	22,991	77,376	23,036
Marion	5,936	4,071	5,869	4,037
Newport News	183,331	44,037	183,412	44,050
Roanoke	98,641	28,657	98,913	28,729
Vienna	15,964	8,107	16,188	8,161

- Annual Conference revenues are left at the same budget level as 2013 – 2014.
- Workshops/Seminars includes charges to participants for attending various VML workshops. The actual revenues have varied significantly, so the proposed number is in the mid-range.
- Advocacy is a new category created to capture revenues received in relationship to our legislative advocacy (primarily rent from our space at Old City Hall). There is a corresponding expense category.
- Interest is a self-explanatory category and is projected to remain stable (and very low).
- Publications is a newly created line item that includes revenues related to *Virginia Town & City* and other VML publications. This line shows a decrease to bring it closer to actuals in recent years.
- Insurance Program is the revenue received from VMLIP pursuant to our agreement.
- Sponsorships include the U.S. Communities purchasing program and the VML/VACo pooled financing program. These revenues are expected to remain constant.
- Affiliated Groups include secretariat fees for VBCOA, VLGMA, MEPAV, and the Southern Municipal Conference. These revenues are expected to remain constant.
- Other Administration Fees include administration fees for VEPGA and AEP groups. These revenues are expected to remain constant.
- Miscellaneous includes revenues from all other sources and is expected to remain constant.

## Expenses

The proposed budget includes an increase in overall expense from \$2,214,677 in the current fiscal year to \$2,563,000.

- Compensation and benefits includes all salaries and benefit related expenses. This number incorporates the increase in benefits (est. \$42,000) resulting from the separation between VMLIP and VML. It also includes a 3% adjustment for existing employees and the addition of a conference/marketing position. Staff received no increase in 2013 – 2014.

### Staff Salary Adjustments

2008-09	4 %
2009-10	0 %
2010-11	0 %
2011-12	3 %
2012-13	2 %
2013-14	0 %

- Annual Conference includes all conference related expenses and has been increased to reflect actual expenditures in recent years.
- Workshops/Seminars corresponds to the revenue line of the same name. This has been set to reflect recent expenditures and the newly added regional suppliers.
- HR & Financial Services reflects the agreement between VML and VMLIP for these services.
- Travel includes all staff travel including travel for various VML events as well as professional development travel. This number has been increased in order to allow the FLSA-exempt staff members (10) to attend at least one national conference each.
- Office Supplies & Postage are being decreased to reflect actual expenditures in recent years.
- Office Maintenance & Equipment includes expenses for copiers, postage machines, and other leased equipment. We are projecting an increase in this line item as our existing agreement for copiers needs to be updated to reflect current printing needs. With the addition of newer equipment, we plan to run more publications and printing in-house.
- Office Rent reflects expenses for rental storage space.
- Building Expenses & Utilities is a new category that combines two prior expenses lines involving building expenses and utilities. This line is expected to remain constant.
- Computer Services includes non-capitalized computer related expenses and has been increased as a result of out-sourcing our technical services that were previously provided by VMLIP staff.

- Dues and Subscriptions includes various memberships and publications for VML and VML staff. This line is expected to remain constant.
- National League of Cities Dues includes the exact amount of our dues to NLC for the upcoming fiscal year.
- Insurance reflects expected costs for non-employee related insurance.
- Professional Fees includes expenses for professional services (such as finance services). This line is expected to remain constant.
- Advocacy is the line that corresponds to the revenue line of the same name. It includes payments to various policy advocates and the costs associated with the VML lobbyists. This line is expected to remain constant.
- Publications is the line that corresponds to the revenue line of the same name. It includes expense relating to publications including Virginia Town & City. We are proposing a budget that matches the 2013 – 2014 forecast number.
- Executive Committee includes all expenses related to the Executive Committee. We are proposing a budget that reflects the current forecast.
- Depreciation is expected to remain constant.
- Miscellaneous is expected to remain constant.
- Interest is included because the auditors have sometimes included this line item as an expense.
- Property Taxes reflects property taxes paid for the property at 13 E. Franklin.
- Accumulated Leave Earned is included because the auditors have included it in the past.

## Capital Expenditures

Capital expenditures are not reflected in the operations budget and will be funded through current net assets. Planned capital expenditures include the replacement of the VML vehicle, the replacement of the roof at 13 E. Franklin, and an energy audit for the building. I am proposing approval for capital expenditures for these purposes not to exceed \$65,000.

In addition, the existing phone system is no longer supported by tech services and is not really workable going forward. After sending out an RFP and interviewing three companies, we believe that we can install a new phone system with a number of features that will contribute to the overall efficiency and effectiveness of staff. I am proposing approval for the purchase of a new phone system not to exceed \$25,000 in initial costs. The cost of ongoing dial tone and internet service is included in the operational budget.

## Net Assets

Checking (as of 5/5/2014) = \$205,570.49

Invested Reserve (as of 4/30/2014) = \$2,268,147

## Virginia Municipal League

Proposed Budget

July 1, 2014 to June 30, 2015

	2011-2012 Actuals	2012-2013 Actuals	2013-2014 Budget	2013-2014 Forecast	2014-2015 Proposed
<b>REVENUE</b>					
Membership Dues	1,111,378	1,158,266	1,136,000	1,135,621	1,136,000
Annual Conference	218,548	239,750	245,000	202,456	245,000
Workshops/Seminars	14,768	29,801	17,500	15,000	20,000
Advocacy	40,980	9,935	10,000	10,000	25,000
Interest	2,542	2,923	2,000	2,000	2,000
Publications	73,032	56,659	76,000	55,038	61,000
Insurance Program	616,540	616,645	610,000	786,416	867,000
Sponsorships	160,198	161,239	149,500	140,000	150,000
Affiliated Groups	45,631	47,789	48,000	50,667	50,000
Other Administration Fees	34,056	35,002	35,750	35,978	35,000
Miscellaneous	34,100	30,453	10,000	20,000	25,000
<b>Total Revenue</b>	<b>2,351,773</b>	<b>2,388,462</b>	<b>2,339,750</b>	<b>2,453,176</b>	<b>2,616,000</b>
<b>EXPENSES</b>					
Compensation and Benefits	1,455,549	1,467,668	1,460,053	1,418,786	1,680,000
Annual Conference	172,749	181,306	150,000	188,768	180,000
Workshops/Seminars	17,043	29,346	40,000	13,872	35,000
HR & Financial Services	2,625	2,700	12,400	2,800	18,000
Travel	42,899	42,981	50,000	42,402	60,000
Office Supplies & Postage	45,787	35,849	45,000	35,000	40,000
Office Maintenance & Equipment	17,636	13,958	20,000	25,000	30,000
Office Rent	5,008	10,386	3,500	11,692	11,000
Building Repairs & Utilities	18,658	18,678	22,500	20,000	40,000
Computer Services	4,660	3,890	7,500	15,000	20,000
Dues and Subscriptions	18,118	21,018	20,000	20,000	22,000
National League of Cities Dues	21,192	24,223	22,000	22,048	22,048
Insurance	14,383	14,763	18,000	17,500	18,000
Professional Fees	97,044	49,578	45,000	46,000	46,000
Advocacy	131,705	84,856	118,000	118,000	118,000
Publications	67,986	57,959	75,000	100,000	100,000
Executive Committee	25,011	24,666	17,500	38,884	40,000
Depreciation	25,004	26,934	30,000	32,500	30,000
Miscellaneous	27,768	23,174	20,000	20,000	20,000
Interest	4,288	3,242	-	-	3,000
Property taxes	6,913	6,913	7,100	6,976	7,000
Accumulated Leave Earned	7,626	2,146	20,000	19,449	20,000
<b>Total Expenditures</b>	<b>2,229,652</b>	<b>2,146,234</b>	<b>2,203,553</b>	<b>2,214,677</b>	<b>2,560,048</b>
<b>Budget Surplus</b>	<b>122,122</b>	<b>242,227</b>	<b>136,197</b>	<b>238,499</b>	<b>55,952</b>
<b>Checking (as of 5/5/14)</b>	<b>205,570</b>				
<b>Invested Reserve (as of 4/30/14)</b>	<b>2,268,147</b>				

## Proposal for Local Government Day 2015

**Partnership with VACo.** I met with the VACo Executive Director and Deputy Director to discuss future options for Local Government Day. They are very much committed to working together and they are agreeable to making some changes to make the day even more effective.

**Timing.** Many attendees expressed frustration that delegates and senators are not able to meet with them because the week before cross-over is just too busy. It has been suggested that we move Local Government Day forward one week so it would be the Thursday following cross-over (**February 12, 2015**) rather than the Thursday prior to cross-over. This should provide more time for local officials to meet with their legislators and we will certainly have more information regarding the key issues that are still alive for the session.

**Cost.** We would set the cost at \$50 (it was \$45 in 2014). This should cover afternoon snacks/drinks and the cost of a nice reception.

### Structure of the Day.

Thurs AM	Encourage local officials to visit with their delegates and senators during this time (this means we will need to send the bulletin and talking points in advance).
12 – 3	Board meetings over lunch (Marriott)
3 – 5	Presentations (Marriott) Keynote Budget Overview Other Issues
5:30 – 7:00	Reception (State Library or other location near the Capitol) Invite all attendees, delegates, and senators for a NICE reception.
Friday AM	For those who are staying overnight, they will have another opportunity to visit with delegates and senators.

## Creation of a Past Presidents Advisory Committee

**Background.** The officers have discussed the need to retain and utilize the institutional memory of VML Past Presidents. The idea of leaving them to serve on the Executive Committee was considered. However, this would require a change in the VML Constitution and could significantly expand the size of the Executive Committee.

As an alternative, the idea of a Past Presidents Advisory Committee was considered. This could be established by the President or by action of the Executive Committee. It would not require a change in the Constitution and could be as flexible as needed.

**Questions to be Considered.** The Executive Committee needs to discuss the following:

- 1) Do you want to establish a Past Presidents Advisory Committee?
- 2) If so, would it be an ongoing standing committee or an ad hoc committee that is called up only when a need arises?
- 3) What would be the primary purpose/role of the Committee?
- 4) Are there specific projects that could be addressed by this group?
  - VML Constitution Review and Update?
  - Federal Advocacy?
  - Civics Education?
  - Others?

**List of Current VML Past Presidents.** There are currently 21 VML Past Presidents as follows:

Locality	LastName	FirstName
City of Franklin	Councill	James
Town of Wytheville	Crewe	Trenton
City of Emporia	Daley	Edwin
City of Fredericksburg	Davies	Lawrence
County of James City	Edwards	Jack
County of Arlington	Fisette	Jay
City of Danville	Hamlin	John
	Hanley	Katherine
City of Emporia	Harris	F. Woodrow
Town of Blacksburg	Lewis	Joyce
Town of Abingdon	Moore	French
City of Martinsville	Oakes	L. D.
City of Virginia Beach	Oberndorf	Meyera
Town of Blacksburg	Parsons	Frances
Town of Vienna	Polychrones	Michael
City of Danville	Reynolds	Earl
City of Hampton	Spencer	Turner
City of Radford	Starnes	Thomas
Town of Floyd	Terpenny	Lance
Town of Altavista	Webb	Rayetta
City of Virginia Beach	Wilson	Rosemary



**OFFICERS**

**PRESIDENT**

DAVID P. HELMS

MARION MAYOR

**PRESIDENT-ELECT**

WILLIAM D. EUILLE

ALEXANDRIA MAYOR

**VICE PRESIDENT**

RON RORDAM

BLACKSBURG MAYOR

**IMMEDIATE PAST PRESIDENT**

EDWIN C. DALEY

HOPEWELL

**EXECUTIVE DIRECTOR**

KIMBERLY A. WINN

**MAGAZINE**

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To: VML Executive Committee  
From: Kim Winn, Executive Director  
Date: May 6, 2014  
Re: Quarterly Director's Report

It has been a busy few months as I am settling in here in Virginia and at VML. Areas of focus have included:

**Finances.** I have spent a great deal of time working on VML financial structures and budgeting. I have prepared the budget for your consideration at this meeting and developed a number of internal steps to simplify this process in the future. The purchasing card system is in place and seems to be running smoothly. I recently completed the final steps for our merchant account so that VML can accept credit cards. This should be fully operational in time for Annual Conference registrations.

I have also instituted some internal changes with regard to review of bank statements and accounts. The next step in this area is to establish the chart of accounts that corresponds with the budget. This will enable up-to-date financial information for all staff and the Executive Committee.

**Personnel.** In the past few months, I have worked on a number of personnel-related issues. General Counsel Mark Flynn and I reviewed and made updates to the Personnel Policies and Guidelines. I also coordinated the establishment of the online accumulated leave system to replace our existing hard copy system for tracking leave. We had one workers compensation issue during this time period. The claim is not yet closed, but it has been handled smoothly by our insurer.

I arranged for a staff retreat with a professional facilitator to include all staff in the development of the Implementation Plan for the Strategic Vision. This was a very successful event that resulted in key ideas for the strategic vision as well as significant team building.

Finally, as I mentioned in one of my updates, I have shifted an existing staff member to the position of Director of Information Management to coordinate the database, the website, and other needs in this area. Following the adoption of the budget, I plan to advertise for a Conference/Marketing Coordinator to focus on our event planning and marketing efforts.

**Outreach.** I have made it a priority to meet as many individuals as possible and to attend as many events as possible. In addition to numerous legislative functions, I have attended the following events: Virginia Local Government Managers Association Conference, the Local Government Attorneys

Conference, the Southern Municipal Conference, and the NLC-RISC conference.

I have also had personal meetings with the Secretary of Transportation, facilitated a conference call for Senator Warner, and met with the Virginia Housing Development Authority. I am looking forward to continuing my outreach efforts through the summer regional suppers throughout the state.

**Technology.** We continue to make huge strides in this area. You will soon see a new VML website. In addition, individuals will be able to utilize credit cards to register for VML events. Registration data will automatically dump into a database as well.

As I mentioned in the budget memo, we have been investigating new phone systems. The new phone system will have the ability to forward calls and voice mail message to cell phones. This will provide a significant efficiency for staff and a quicker response for our membership.

Finally, I am exploring options to replace our existing two copiers with a single machine that is capable of producing more publications in-house. This should result in increased capacity and ultimately a significant cost savings.



The following Vision Statement and Strategic Goals (in black text) were established by the VML Executive Committee. The Implementation Steps (in blue text) were developed by VML staff during a staff retreat. All VML staff will be charged with carrying out the implementation steps to achieve these goals. The initials (in gold text) identify the person(s) that are primarily responsible for making sure that the implementation is achieved.

## Mission

*“The Virginia Municipal League is a statewide, nonprofit, nonpartisan association of city, town and county governments established in 1905 to improve and assist local governments through legislative advocacy, research, education and other services.”*

## Vision Statement

VML Shall:

- Work to build strong relationships among local, state, and federal officials;
- Serve as a communications hub for local governments;
- Facilitate the engagement of our members with the organization and facilitate the engagement of citizens with their local governments; and
- Maintain a financially stable organization that is staffed to serve the needs of the membership.

## Strategic Goals & Implementation Plan

### Building Relationships

Relationships are the critical foundation upon which successful organizations must be built. VML is committed to forming and maintaining relationships in order to provide excellent service to the membership and to promote the principles of good government.

- VML will develop and maintain strong working relationships with members of the General Assembly, the State Administration, and the Federal Delegation.

- 1) Build a system to enable members to more effectively lobby the federal delegation [KW & JA];
  - 2) Coordinate site visits with local officials and members of the General Assembly (off season) [MF];
  - 3) Invite members of the General Assembly to participate in the VML Annual Conference [MJF & Conference/Marketing Coordinator];
  - 4) Continue to serve as the primary source of information for state and federal legislators, state administrators, and our members [DP & Lobbying Staff].
- VML will facilitate networking among the membership and between VML and local government officials.
    - 1) Explore the possibility of developing list serves to connect people with similar interests [KP];
    - 2) Utilize social media to report and analyze local government news [KP];
    - 3) Host regional meetings on a regular basis [KW & All Staff].
  - VML will build and maintain partnerships with peer associations, the business community, and other groups with mutual interests.
    - 1) Participate in the activities of appropriate organizations (including the Chamber of Commerce, LEAD VA, Sorensen Institute, SEI, NLC, SMC, and others)[KW & All staff];
    - 2) Consider a “bring 5 program” to encourage elected officials to deliver a joint message to their legislators [MJF];
    - 3) Review and consider changes to Local Government Day to enhance the effectiveness of the advocacy effort [KW].
  - The VML Executive Committee will promote and implement principles of ethical and effective leadership throughout the organization.
    - 1) Conduct an annual board training/orientation session [KW];
    - 2) Conduct an annual planning session for the Executive Committee [KW];
    - 3) Ask Executive Committee members to serve as “hosts” for regional meetings [KW];
    - 4) Engage Executive Committee members directly in meeting with members of the General Assembly, the State Administration, and the federal delegation [KW & MF].

## Communications

Timely and substantive communication is critical to the overall mission of VML. As such we are committed to establishing both print and electronic communications to achieve the research, training, and advocacy goals of the organization.

- VML will develop a comprehensive communications strategy in order to tell the local government story and to establish VML as the primary information hub for local government officials.
  - 1) Survey the membership regarding their communications needs and interests [DP];
  - 2) Develop a comprehensive communications strategy [DP];
  - 3) Develop an annual “State of the Cities” report to provide a snapshot of what’s trending and key issues facing localities [KW & DP];
  - 4) Enhance the VML website [KP & MT].

- VML will explore and maximize ways to use communications in order to promote the legislative agenda of the organization.
  - 1) Establish a relational database to facilitate quick and effective communication to the membership [KP];
  - 2) Identify the most effective ways to educate the membership on key issues (League News, Legislative Alerts, etc.) [DP & Lobbying Staff];
  - 3) Develop a strategy to mobilize members on critical votes [Lobbying Staff].
- VML will develop a comprehensive marketing strategy in order to build stronger relationships with the business community and to provide appropriate avenues for businesses to offer their services to the VML membership.
  - 1) Hire a conference/marketing coordinator [KW];
  - 2) Identify potential partnerships with businesses and other associations [Conference/Marketing Coordinator];
  - 3) Develop marketing packages to enhance participation of businesses and sustaining members [Conference/Marketing Coordinator].
- VML will work to educate and assist the membership in learning to tell their story in a manner that effectively demonstrates the community building accomplished by local governments.
  - 1) Conduct trainings on storytelling and develop a strategy to assist local governments in communicating their story [DP];
  - 2) Include workshops on marketing local government successes at the VML Annual Conference [MJF];
  - 3) Plan and conduct a workshop in dealing with the news media and social media [DP & KP].

## Engagement

Developing and maintaining an engaged membership is vital to both the short and long term success of VML. We will actively seek ways to engage our membership and to support citizen engagement in our local governments.

- VML will evaluate new ways to demonstrate the value of membership in VML along with the value of being an active participant in the association and our conferences.
  - 1) Develop a “Value of VML” document and distribute to membership (possibly with dues billing) [KW & DP];
  - 2) Run substantive articles written by VML staff in *Virginia Town & City* [All Lobbying Staff];
  - 3) Utilize communications strategy to engage members in a variety of different ways (magazine, electronic communications, social media, trainings, etc.) [DP & KP].
- VML will work to identify ways to improve citizen engagement, including ways to enhance the civics knowledge of Virginia’s students.
  - 1) Establish an “If I Were Mayor” essay contest [KW & MJF];
  - 2) Work with local government partners to identify the most effective way to develop a comprehensive civics education program [KW];

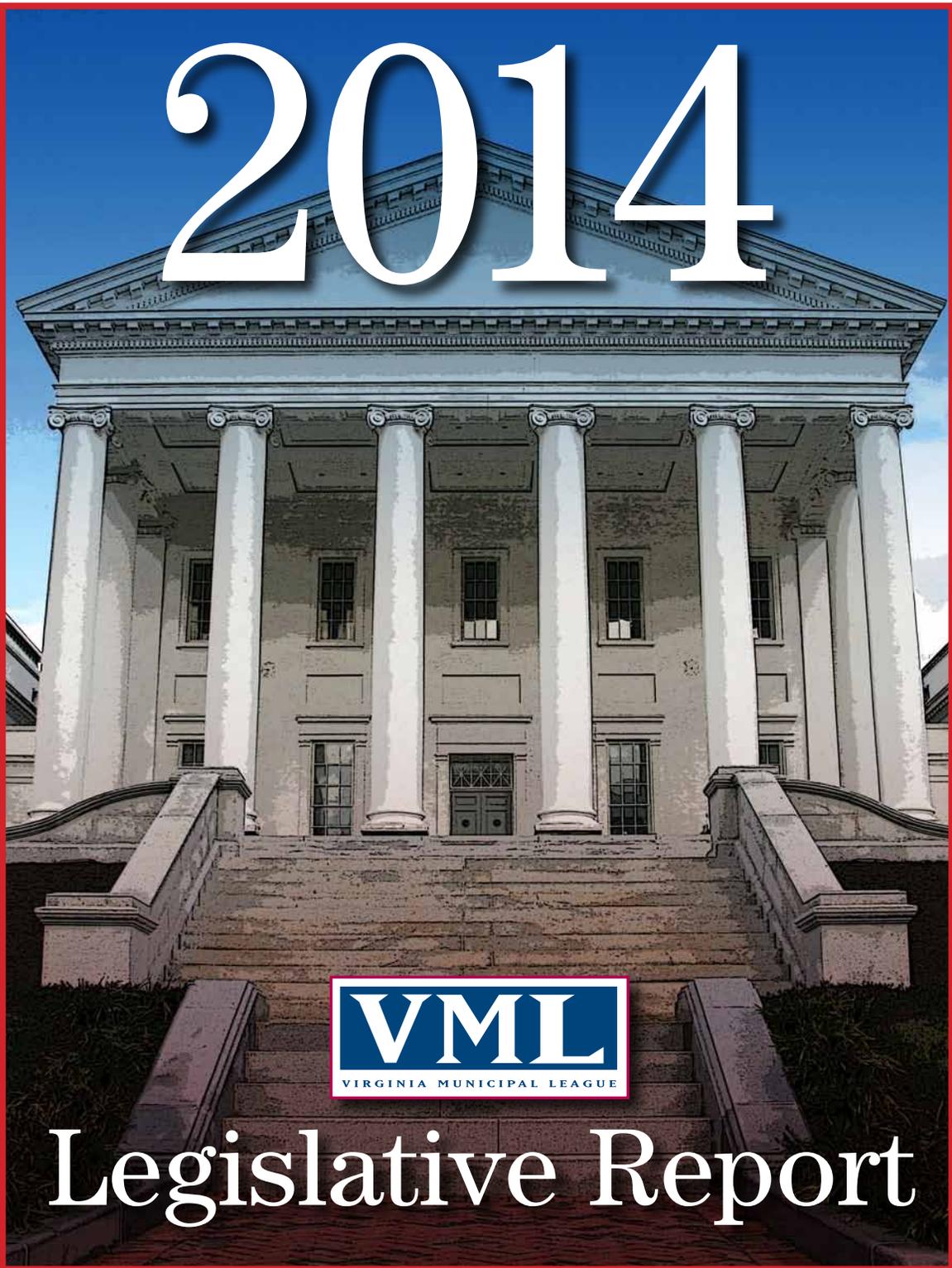
- 3) Consider the development of a mentoring program for newly elected officials to be paired with seasoned veterans [MJF];
- VML will identify and implement programs to encourage the membership to play a more active role in advocacy at both the state and federal level.
  - 1) Consider using the business meeting at the Annual Conference to educate about being an effective advocate (and possibly changing the time of the business meeting) [MJF & JA];
  - 2) Explore new ways to engage local officials in Local Government Day [KW & Lobbying Staff];
  - 3) Consider having the Legislative Committee meet as part of Local Government Day [JA];
  - 4) Develop a comprehensive strategy to motivate, educate, and engage the whole membership throughout the legislative session [MF, DP, & Lobbying Staff].

## Finance

In order to evaluate existing programs and plan for the future of the organization, VML must maintain a strong financial position. VML is committed to maintaining and modernizing accurate and appropriate financial systems.

- VML will evaluate existing programs, seek efficiencies, and make recommendations for staffing changes in order to accomplish the strategic goals of the organization.
  - 1) Meet with each VML staff member to discuss existing job duties, needs for the future, and expectations [KW];
  - 2) Monitor the budget impact of VML programs [KW & All Staff];
  - 3) Survey the membership after each event and regarding various programs [All Staff];
  - 4) Develop succession planning strategies [KW].
- VML will seek strategic partnerships, where possible, in order to enhance our ability to provide top quality programming and services for the membership.
  - 1) Consider ways to partner with educational institutions throughout the state [KW & MJF];
  - 2) Seek partnerships that provide valuable services to our membership [KW & Conference/Marketing Coordinator];
- VML will enhance financial reporting and modernize financial systems where appropriate.
  - 1) Prepare data and information for the Executive Committee to use in making budgetary decisions [KW];
  - 2) Alter the chart of accounts to match the budget categories (establish appropriate sub-categories) [KW];
  - 3) Develop the ability for VML staff to use credit cards and establish appropriate accounting and monitoring for such usage [KW];
  - 4) Establish a merchant account so that VML can accept credit card payments [KW].

# 2014



# Legislative Report



May 6, 2014

The Virginia Municipal League is pleased to present its *2014 Legislative Report* on legislation affecting local governments.

The report is presented as follows:

Bills and Resolutions Enacted in 2014 session

Titles of Bills and Resolutions Enacted By Subject Matter ..... i

Summaries of Bills and Resolutions Enacted By Subject Matter ..... 1

Bill summaries are taken from the summary prepared by the Virginia Division of Legislative Services and distributed over the Internet and in their publication, 2014 Session Summary (available at <http://dls.virginia.gov/pubs/summary/2014/summary2014.pdf> ). Bill status and summaries also can be checked through the Legislative Information System at this web address: <http://lis.virginia.gov/cgi-bin/legp604.exe?141+men+BJL>. League staff members have reviewed the summaries and made revisions where appropriate to reflect local government interests. The summaries also reflect amendments accepted by the legislature at the April 23 session. The bill numbers are hyperlinked to Legislative Information System's website.

The General Assembly rejected gubernatorial amendments to the following bills of interest to localities:

- [HB 1191](#) Secretary of Commerce and Trade; annual reports evaluating the effectiveness of certain economic development incentive programs.
- [HB 199](#) Legislation affecting local government expenditures or reductions.
- [HB 377](#) Adjustment or relocation of billboard signs.

These bills have been returned to the governor, who may sign them as enacted, not sign (in which case they become law), or veto them.

Legislation is effective July 1, 2014 with two exceptions. First, emergency legislation is effective upon signature by the governor. Second, some bills, or even parts of bills, have delayed effective dates. The summaries show effective dates in these cases.

As of the time of the distribution of this document, the General Assembly had not adopted a budget for the 2014-2016 biennium. Information on the budget, when adopted, will be distributed via e-mail, and will be posted on the VML website at [www.vml.org](http://www.vml.org). Simply follow the Legislative Bulletin link and look at the budget links.

Thank you for your help in promoting the interests of local government during the 2014 session of the General Assembly.

Sincerely,

Kimberly A. Winn  
Executive Director

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## 2014 Report on Legislation Affecting Local Government

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## VML 2014 Legislative Report

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### Agriculture, Animal Care, and Food

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**HB54 Compensation for livestock or poultry.** Establishes a \$750 cap on the fair market value that the owner of livestock that has been killed or injured by dogs or hybrid canines is entitled to receive as compensation, provided certain procedures are followed. Currently, such compensation cannot exceed \$400 per animal. This bill is identical to SB 432-McDougle.

*Patron - Hodges*

**HB740 Duty to seize or kill a dog killing or injuring livestock or poultry.** Provides that a local animal control officer or other officer shall have a duty to seize or kill a dog found in the act of killing or injuring livestock or poultry. Current law provides that the officer shall have a duty to kill the dog.

*Patron - McClellan*

**SB444 Hybrid canines.** Authorizes any locality to prohibit by ordinance the keeping of hybrid canines. The bill alters the definition of hybrid canine and makes technical amendments.

*Patron - Norment*

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### Alcoholic Beverage Control Act

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**HB283 Alcoholic beverage control; suspension of license for local tax delinquency.** Authorizes the ABC Board to suspend or revoke the license of a licensee who is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by the same locality to settle the outstanding liability.

*Patron - Albo*

**HB507 Alcoholic beverage control; annual banquet license for wine and beer.** Expands the annual mixed beverage special events license to a duly organized private nonprofit corporation or association operating an art education and exhibition facility.

*Patron - Hodges*

**HB1141 Alcoholic beverage control; annual arts venue event license.** Creates a new annual arts venue event license and sets out the privileges of this new license and the state and local license taxes. The bill defines an arts venue as a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

*Patron - Knight*

**SB430 Alcoholic beverage control; limited brewery license created; local regulation of certain activities.** Creates a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm in the Commonwealth, and use agricultural products that are grown on the farm in the manufacture of their beer. The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery.

*Patron - Watkins*

**SB502 Alcoholic beverage control; limited mixed beverage restaurant licenses.** Allows limited mixed beverage restaurant licensees to sell and serve wine, beer, and champagne for on-premises consumption, provided the sale of such alcoholic beverages, together with the sale of dessert wines and liqueur-based drinks, does not exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

*Patron - Favola*

**SB596 Alcoholic beverage control; state and local license taxes on certain brewery licensees.** Imposes a state license tax of \$350 and a local license tax of \$250 for breweries that manufacture no more than 500 barrels of beer during the licensing year.

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## Behavioral Health and Developmental Services

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**HB293 Determining facility of temporary detention.** Provides that an individual for whom a temporary detention order is issued shall be detained in a state facility unless the state facility or an employee or designee of the community services board is able to identify an alternative facility that is able and willing to provide temporary detention. The bill also provides that under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention unless an alternative facility has agreed to accept the individual. The Department of Behavioral Health and Development Services shall submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the bill.

*Patron - Bell, Robert B.*

**HB323 Temporary detention order; transportation.** Provides that a magistrate may specify any willing law-enforcement agency that has agreed to provide transportation to execute a temporary detention order and transport the person who is the subject of the order. Currently, the magistrate must specify the law-enforcement agency of the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located.

*Patron - O'Bannon*

**HB478 Emergency custody orders; duration; notification.** Extends the time that a person may be held pursuant to an emergency custody order from four hours with a possible two-hour extension to eight hours. The bill also provides that a representative of the law-enforcement agency that takes the person into emergency custody or executes an emergency custody order must notify the local community services board as soon as practicable after the person is taken into custody or the order is executed. The bill also requires that a person who is the subject of an emergency custody order or temporary detention order be given a written summary of the procedures and statutory protections associated with such custody or detention. Finally, the bill directs the Governor's Mental Health Task Force to study issues associated with law enforcement's involvement in the admission process and make recommendations designed to reduce the burden on law-enforcement resources.

*Patron - Villanueva*

**HB520 State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership.** Removes the Governor's Special Advisor on Children's Services from and adds a juvenile and domestic relations district court judge to be appointed by the Governor to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

*Patron - Bell, Richard P.*

**HB522 Comprehensive Services for At-Risk Youth and Families; appeals.** Requires community policy and management teams to establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided to the youth and family pursuant to an individual family services plan.

*Patron - Bell, Richard P.*

**HB574 Temporary detention; duration; mandatory outpatient treatment.** Extends the period that a person may be held pursuant to a temporary detention order from 48 hours to 72 hours. The bill also provides that the community services board required to monitor a person who is the subject of a mandatory outpatient treatment order shall acknowledge receipt of the order within five business days. If the person's case is transferred to another jurisdiction, the community services board serving that jurisdiction shall acknowledge the transfer and receipt of the order within five business days. This bill is identical to SB 439 - Barker.

*Patron - Yost*

**HB722 Location of methadone clinics near schools and day care centers; exemptions for existing facilities and providers.** Provides that licensed providers of methadone treatment that are exempt from restrictions regarding proximity to a school or day care center do not retain the exemption when relocating an existing facility or establishing a new facility. The bill provides an exception to location requirements for certain facilities operated by a community services board and located in a city in Planning District 23. This bill is identical to SB 117-Watkins.

*Patron - McClellan*

**HB743 Mental health; prohibition of firearms.** Requires the district court judge or special justice to file any order from a commitment hearing for involuntary admission or involuntary outpatient treatment or any certification of voluntary admission subsequent to a temporary detention order with the district court clerk for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing. The bill also amends guardianship provisions to require that a copy of the court's findings that a person is incapacitated or has been restored to capacity or a copy of any order appointing a conservator or guardian shall be filed by the judge with the clerk of the circuit court for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing. Current law does not specify in which county or city the copy shall be filed, nor does it provide a deadline. The bill also changes the deadline for a clerk to certify and forward to the Central Criminal Records Exchange a copy of any order adjudicating a person incapacitated, any order appointing a conservator or guardian, or any order of restoration of capacity to as soon as practicable, but no later than the close of business on the following day instead of the current requirement that a clerk perform these actions "forthwith." This bill is identical to SB 576-McEachin.

*Patron - McClellan*

**HB1172 Temporary detention; transfer.** Establishes a procedure for transferring custody of a person who is the subject of a temporary detention order from one facility to another facility.

*Patron - Bell, Robert B.*

**HB1216 DBHDS; evaluate qualifications and training of individuals performing evaluations of individuals subject to emergency custody orders; report.** Directs the Department of Behavioral Health and Developmental Services to review requirements for qualifications, training, and oversight of individuals designated by community services boards to perform evaluations of individuals subject to emergency custody orders and to make recommendations for changes to such requirements. The Department shall report its findings by December 1, 2014. This bill is identical to SB 261-Deeds.

*Patron - Bell, Robert B.*

**HB1222 Mental health information and training for first responders and others.** Provides that the Secretary of Public Safety and the Secretary of Health and Human Resources shall encourage the dissemination of information about specialized training in evidence-based strategies to prevent and minimize mental health crises in all jurisdictions. The information shall be disseminated to law-enforcement personnel, other first responders, hospital emergency department personnel, school personnel, and other interested parties.

*Patron - Watts*

**HB1232 Acute psychiatric bed registry; create.** Directs the Department of Behavioral Health and Developmental Services to establish an acute psychiatric bed registry that will provide real-time information on the availability of beds in public and private psychiatric facilities and residential crisis stabilization units for individuals who meet the criteria for temporary detention. The bill contains an emergency clause.

*Patron - Cline*

**SB260 Emergency custody and temporary detention; duration; facility of temporary detention; acute psychiatric bed registry.** Extends the time that a person may be held pursuant to an emergency custody order from four hours with a possible two-hour extension to eight hours. The bill also provides that a representative of the law-enforcement agency that takes the person into emergency custody or executes an emergency custody order must notify the local community services board as soon as practicable after the person is taken into custody or the order is executed. The bill provides further that an individual for whom a temporary detention order is issued shall be detained in a state facility unless the state facility or an employee or designee of the community services board is able to identify an alternative facility that is able and willing to provide temporary detention. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention unless an alternative facility has agreed to accept the individual. The state facility and the local community services board may continue to look for an alternative facility for an additional four hours. The provisions of this bill allowing for this additional four-hour period expire on June 30, 2018. The bill also requires that a person who is the subject of an emergency custody order or temporary detention order be given a written summary of the procedures and statutory protections associated with such custody or detention. The bill also directs the Department of Behavioral Health and Developmental Services to establish an acute psychiatric bed registry that will provide real-time information on the availability of beds in public and private psychiatric facilities and residential crisis stabilization units for individuals who meet the criteria for temporary detention. The provisions of the bill establishing such registry are subject to an emergency clause. The Department of Behavioral Health and

Development Services shall submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the provisions of the bill. Finally, the bill directs the Governor's Mental Health Task Force to study issues associated with law enforcement's involvement in the admission process and make recommendations designed to reduce the burden on law-enforcement resources.

*Patron - Deeds*

**SB627 Department of Behavioral Health and Developmental Services; training center residents; quality of care; disclosure.** Requires the Department of Behavioral Health and Developmental Services to provide a training center resident who is to be transferred to another training center or to community-based care with written certification that (i) the receiving training center or community-based option provides a quality of care that is comparable to that provided in the resident's current training center regarding medical, health, developmental, and behavioral care and safety and (ii) all permissible placement options available have been disclosed to the resident. The bill also requires the Department to convene a work group of interested stakeholders to consider options for expanding the number of training centers that remain open, in whole or in part, in the Commonwealth.

*Patron - Newman*

**SJ47 Study; joint subcommittee to study the mental health services in the Commonwealth; report.** Establishes a joint subcommittee to study mental health services in the Commonwealth in the 21st century. The joint subcommittee shall consist of 12 legislative members. The joint subcommittee may appoint work groups to assist it with its work. In conducting its study, the joint subcommittee shall (i) review and coordinate with the work of the Governor's Task Force on Improving Mental Health Services and Crisis Response; (ii) review the laws of the Commonwealth governing the provision of mental health services, including involuntary commitment of persons in need of mental health care; (iii) assess the systems of publicly funded mental health services, including emergency, forensic, and long-term mental health care and the services provided by local and regional jails and juvenile detention facilities; (iv) identify gaps in services and the types of facilities and services that will be needed to serve the needs of the Commonwealth in the 21st century; (v) examine and incorporate the objectives of House Joint Resolution 240 (1996) and House Joint Resolution 225 (1998) into its study; (vi) review and consider the report *The Behavioral Health Services Study Commission: A Study of Virginia's Publicly Funded Behavioral Health Services in the 21st Century*; and (vii) recommend statutory or regulatory changes needed to improve access to services, the quality of services, and outcomes for individuals in need of services. In reviewing the need for facility beds at the community level, the joint subcommittee shall give consideration to whether the current fiscal incentives for expanding regional jail capacity should be eliminated and replaced with a new incentive for construction, renovation, or enlargement of community mental health facilities or programs, which may or may not be co-located with selected jails on a regional basis. The joint subcommittee shall consider the appropriate location of such facilities; cooperative arrangements with community services boards, behavioral health authorities, and public and private hospitals; licensing, staffing, and funding requirements; and the statutory and administrative arrangements for the governance of such facilities. The joint subcommittee shall give consideration to the development of such facilities or programs on a pilot basis. The joint subcommittee must submit its report to the Governor and the 2018 Regular Session of the General Assembly.

*Patron - Deeds*

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## Commonwealth Public Safety

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**HB1049 Independent criminal justice academies; fee.** Delays the date by which a locality must have been operating a certified independent criminal justice academy from July 1, 2010, to July 1, 2012, to allow certain localities to charge a fee for operating their criminal justice academies. This bill is identical to SB 597-Locke.

*Patron - Helsel*

**SB641 Exemption from reporting citizenship status of prisoners for certain correctional facilities.** Provides that a sheriff or other officer in charge of a jail shall communicate the results of any immigration alien query that confirm that a person committed to the jail is illegally present in the United States to the Local Inmate Data System. Currently, the sheriff or other officer must communicate the results of such queries regardless of whether it confirms that such person is illegally present in the United States.

*Patron - McDougle*

**SB654 Department of Criminal Justice Services; human trafficking policy.** Requires the Department of Criminal Justice Services to publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement

personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses.

*Patron - Obenshain*

**SB658 Inventory of physical evidence recovery kits.** Requires all local and state law-enforcement agencies to report an inventory of all physical evidence recovery kits in their custody that may contain biological evidence that were collected but not submitted to the Department of Forensic Science for analysis prior to July 1, 2014. The Department shall establish the form of and timeline for such inventory, receive the reports from the law-enforcement agencies, and report the results of the inventory to the General Assembly by July 1, 2015. The bill does not become effective unless an appropriation effectuating the purposes of the bill is included in the general appropriation act passed in 2014 by the General Assembly that becomes law.

*Patron - Black*

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## Conservation

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**HB1006 Update of the Probable Maximum Precipitation level.** Directs the Department of Conservation and Recreation to utilize a storm-based approach to calculate the Probable Maximum Precipitation (PMP) for various locations in or affecting Virginia. The methodology for a storm-based approach shall be completed by December 1, 2015. Owners of impounding structures with spillway design inadequacies who maintain coverage under the conditional certificate are not required to rehabilitate the spillway until the PMP analysis is completed and reviewed by the Virginia Soil and Water Conservation Board. The bill requires the Board to consider the results of the PMP analysis in its decision of whether to authorize replacement of the current PMP values. The Department of Conservation and Recreation is authorized to expend up to \$500,000 in unobligated balances from two agency funds to finance the analysis. The bill contains an emergency clause. This bill is identical to SB 582-Garrett.

*Patron - Byron*

**HB1034 Liability of owners of certain dams.** Protects owners of land upon which dams that are owned, maintained, or operated by soil and water conservation districts are situated from liability for damages to the property of others or the injury to persons resulting from the failure of the dam. However, this protection is not afforded to the landowner if the damage to others is a result of an act or omission by the landowner that is unrelated to ownership, maintenance, or operation of the dam. This bill is identical to SB 466-Watkins.

*Patron - Orrock*

**SB431 Remediation fees.** Removes the \$5,000 cap on registration fees collected by the Department of Environmental Quality from persons conducting voluntary remediation on contaminated properties. The fees defray the costs of administering the voluntary remediation program. The bill also exempts the Virginia Waste Management Board from the regulatory requirements of the Administrative Process Act (APA) so that new regulations needed to adjust the fee schedule will be in place by July 1, 2014. The bill requires any subsequent adjustment to the fee schedule to be in compliance with the APA.

*Patron - Watkins*

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## Counties, Cities and Towns

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**HB143 Courthouse; posting of notices; website.** Provides that documents required to be posted by a clerk on or at the front door of a courthouse or on a public bulletin board at a courthouse may instead be posted on the public government website of the locality served by the court.

*Patron - Minchew*

**HB177 Cutting of grass; statewide application.** Makes current grass-cutting provisions applicable statewide for all localities.

*Patron - Farrell*

**HB199 Legislation affecting local government expenditures or reductions.** Requires the Division of Legislative Services to identify and forward to the Commission on Local Government joint resolutions introduced calling for a study of local government expenditures or revenues. The bill also authorizes the Department of Planning and Budget and the Department of Taxation to forward to the COLG bills introduced requiring additional local government expenditures or a reduction in local government revenues. *Gov.'s amendments rejected.*

*Patron - Landes*

**HB208 Vested rights.** Amends the existing vested rights statute by clarifying that structures that meet certain conditions shall be considered nonconforming. Additional changes make clear that a requirement under existing law to bring certain structures into compliance with the Uniform Statewide Building Code shall not affect the nonconforming status of those structures.

*Patron - Marshall, D.W.*

**HB209 Preliminary subdivision plats.** Provides that localities may mandate the submission of preliminary subdivision plats for tentative approval only for plats involving more than 50 lots.

*Patron - Marshall, D.W.*

**HB255 "Photo-red" traffic light enforcement systems.** Requires that all "photo-red" systems have yellow light signal lengths of at least three seconds.

*Patron - Lingamfelter*

**HB268 Agricultural operations; local regulation of certain activities.** Protects certain activities at agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting the listed activities to a special-use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating the sound produced by the listed activities. The bill provides that its provisions shall not affect an entity licensed in accordance with the alcoholic beverage control laws, affect the provisions of the Right to Farm Act, alter the provisions of § 15.2-2288.3 (licensed farm wineries), or restrict the taxation authority of any locality. This bill is identical to SB 51-Stuart.

*Patron - Orrock*

**HB296 Comprehensive plans; alignment of transportation services with accessible housing and other community services.** Requires localities to take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services when developing the transportation component of the comprehensive plan for the physical development of the territory. The bill is identical to SB 58-Marsden.

*Patron - Villanueva*

**HB494 Localities; personnel policies related to the use of public property.** Requires all localities, except those with a population of less than 3,500 that do not have a personnel policy, to establish personnel policies covering the use of public property by officers and employees of the locality. Such policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities.

*Patron - Lingamfelter*

**HB527 Group homes; zoning.** Provides that for purposes of zoning, a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, shall be considered residential occupancy by a single family. Currently, such facilities are required to have one or more resident counselors or other staff persons to qualify for this zoning designation.

*Patron - Pogge*

**HB614 Landlord and tenant law; energy submetering; local government fees.** Provides that in lieu of increasing the rent, the owner, manager, or operator of a commercial or residential building or campground may employ a program that utilizes a mathematical formula for allocating the actual or anticipated local government fees billed to the building or campground owner among the tenants in such building or campground if clearly stated in the rental agreement or lease. Such owner, manager, or operator of a commercial or residential building or campground may also charge and collect from each tenant additional service charges, including monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses for administration of such a program. If the building is residential and is subject to the Virginia Residential Landlord and Tenant Act, such local government fees and administrative expenses shall be deemed to be rent. The bill defines the term "local government fees" as any local government charges or fees assessed against a commercial or residential building or campground, including stormwater, recycling, trash collection, elevator testing, fire or life safety testing, or residential rental inspection programs.

*Patron - Miller*

**HB652 Boundary adjustments; notice.** Provides that all affected landowners shall be given notice of a proposed voluntary boundary adjustment. The bill authorizes landowners to file a petition to intervene in the action under certain circumstances.

*Patron - LaRock*

**HB872 Interjurisdictional law-enforcement agreements.** Provides that interjurisdictional law-enforcement agreements may allow the loan of unmarked police vehicles.

*Patron - Rush*

**HB997 Proceedings for the removal and relocation of human remains.** Provides that should any locality acquires land on which an abandoned graveyard is located and initiates plans to use that land for purposes other than to maintain the graveyard, such locality shall, prior to completion of said plans, develop and engage in active public notice and participation regarding efforts to avoid adverse impacts to the graveyard or to remove the remains interred in such graveyard to an alternative repository. The notice shall include, at minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies, and at least one public hearing, and notice to the Department of Historic Resources (Department) and any local historical commission or organization. In addition, if a locality has acquired land on which an abandoned cemetery or gravesite of Virginians held as slaves at the time of their deaths is located, the locality must notify the Department of the location of such cemetery or gravesite. The Department shall maintain as a public record a listing of all locations of all abandoned cemeteries and gravesites of Virginians held as slaves at the time of their deaths that have been submitted to the Department.

*Patron - Anderson*

**HB1011 Commission on Local Government; local mandates.** Extends from July 1, 2014, to July 1, 2018, the task force appointed by the Governor to review state mandates on localities.

*Patron - Byron*

**HB1051 Constitutional officers.** Includes electronic or other systems among those items that a local governing body shall provide for the use of clerks of all courts of record as in the governing body's judgment may be reasonably necessary for the proper conduct of such offices. The bill also provides that if a proposed local budget reduces funding for a constitutional officer at a rate greater than the average rate of reduced funding for other agencies, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget, and the local governing body shall consider any written objection of the officer made within seven days of the notice. This bill is identical to SB 124-Lucas.

*Patron - Knight*

**HB1075 Audits of certain political subdivisions.** Provides that no audit shall be required for certain political subdivisions, the members of whose governing body are not elected by popular vote, for any fiscal year during which such entity's financial transactions did not exceed the sum of \$25,000. The current threshold is \$5,000.

*Patron - Jones*

**HB1084 Damages, attorney fees, and costs for unconstitutional grant or denial by locality of certain permits and approvals.** Provides that an applicant aggrieved by the grant or denial by a locality of any approval or permit, where such grant included, or denial was based upon an unconstitutional condition, shall be entitled to an award of compensatory damages and may be awarded reasonable attorney fees and costs. Provides that an applicant aggrieved by the grant or denial by a locality of any approval or permit, where such grant included, or denial was based upon, an unconstitutional condition, shall be entitled to an award of compensatory damages and may be awarded reasonable attorney fees and costs. The bill also creates a presumption that a condition proven to be unconstitutional was a factor in the grant or denial of the permit, and it provides that the applicant shall be entitled to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition. Any action brought pursuant to this bill shall be filed within the applicable time period, as set forth in the Code, after the grant or denial of the application, and the provisions of this bill shall only apply to approvals or permits that are granted or denied on or after July 1, 2014. This bill is identical to SB 578-Obenshain.

*Patron - Morris*

**HB1089 Zoning; agricultural products.** Clarifies the definition of agricultural products.

*Patron - Morris*

**HB1209 Family day homes.** Clarifies that a local governing body may, after notice and a public hearing, either approve, subject to such conditions as agreed upon by the applicant and the locality, or deny a zoning permit application for a family day home serving six through 12 children.

*Patron - Torian*

**HB1210 Community improvement district.** Allows for the creation of a community improvement district in any locality by ordinance. The bill provides that the locality's governing board will have all of the powers with respect to the district that it has with respect to a standard service district. The bill also requires that if the locality contracts for any government services on behalf of the district, it shall do so with a nonprofit corporation, a majority of whose board members own property in the district.

*Patron - Hester*

**SB77 Disposition of remains; absence of next of kin.** Provides that, in the absence of a next of kin, a person designated to make arrangements for disposition of a decedent's remains, an agent named in an advance directive, or a guardian who exercises powers conferred in an order of appointment, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent's remains, any person who is 18 years of age or older who is able to provide identification of the deceased and willing to pay the costs of disposition of the remains may make arrangements for such disposition and may authorize cremation. The bill also provides that a funeral service establishment or funeral service licensee who makes arrangements in accordance with the provisions of this act shall be immune from civil liability absent bad faith or malicious intent.

*Patron - Martin*

**SB241 Transfer of development rights.** Provides that a locality may require that development comply with any prior locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur.

*Patron - Stuart*

**SB304 Disposition of dead bodies.** Establishes a process for the disposition of unclaimed dead bodies. The bill contains an emergency clause.

*Patron - Alexander*

**SB312 Annexation Moratorium Statute; continuation of the moratorium on annexation by cities.** Extends the temporary restrictions on granting city charters, filing annexation notices, and instituting annexation proceedings and county immunity proceedings until July 1 following the 2014-2016 biennium.

*Patron - Vogel*

**SB496 Special police officers in localities.** Repeals the provisions of the Code allowing a circuit court for any locality to appoint special police officers for such locality upon application of the sheriff or chief of police. Under current law, appointments made pursuant to these provisions became void on Sept. 15, 2004. The changes in this bill do not affect a sheriff's or chief of police's ability to request appointment of a special conservator of the peace.

*Patron - Norment*

**SB549 Donations by localities; emergency relief.** Provides that a locality may make gifts and donations to any nonprofit tax-exempt organization that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

*Patron - Puckett*

**SB631 Authorities for development of former federal areas; dissolution.** Provides that such authorities that are created by proclamation of the Governor prior to January 1, 1997, may be dissolved by the affected locality or localities without a proclamation of the Governor. The bill has an expiration date of July 1, 2016.

*Patron - Vogel*

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## Courts, Crimes, Criminal Procedure

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**HB17 Warrant requirement for certain telecommunications records; real-time location data.** Provides that a provider of electronic communication service or remote computing service shall not disclose real-time location data to an investigative or law-enforcement officer except pursuant to a search warrant, subject to certain exceptions. The

bill defines "real-time location data" as data or information concerning the current location of an electronic device that is generated, derived from, or obtained by the operation of the device.

*Patron - Marshall, R.G.*

**HB86 Inpatient psychiatric hospital admission from local correctional facility; criteria.** Repeals the second enactment of the 2012 act that amended the criteria for the psychiatric admission of inmates from local correctional facilities to add mentally ill inmates for whom there exists a substantial likelihood that they will suffer serious harm due to their lack of capacity to protect themselves from harm. The second enactment provides that the use of this additional criterion shall expire on July 1, 2014.

*Patron - Stolle*

**HB186 Drugs and paraphernalia forfeited to law enforcement.** Provides that seized drugs and drug paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, may be forfeited to a law-enforcement agency for training purposes pursuant to a court order. Current law limits such forfeiture to the Department of Forensic Science for research and training purposes. Limitations are placed on the amount of drugs that a law-enforcement agency may retain and monthly inventories must be submitted to the chief law-enforcement officer in writing. Drugs must be destroyed within 12 months of being obtained and time, place, and manner of destruction must be certified to the court. This bill is identical to SB 349-Cosgrove.

*Patron - Knight*

**HB420 Misuse of public assets.** Allows localities to adopt an ordinance that provides that a non-full-time officer, agent, employee, or elected official who misuses public assets when the value of such use exceeds \$1,000 in a 12-month period is guilty of a Class 1 misdemeanor.

*Patron - Minchew*

**HB477 Electronic summons system; fees.** Allows counties and cities to assess a fee not to exceed \$5 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.

*Patron - Villanueva*

**HB745 Internet publication of personal information; prohibition; attorneys for the Commonwealth.** Adds attorneys for the Commonwealth to the current provision prohibiting a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer or state or federal judge or justice if such official has made a written demand and obtains a court order.

*Patron - Bell, Robert B.*

**HB885 Criminal Injuries Compensation Fund.** Allows the Fund to extend the time for filing a claim if the attorney for the Commonwealth submits written notice that the crime is being investigated as a result of newly discovered evidence. This provision applies to crimes committed on or after July 1, 1977, because under current law, the only claims that can be accepted are those for crimes that occurred on or after that date, and does not apply to crimes committed on or after July 1, 2001, because legislation that became effective on July 1, 2001, allowed the Virginia Workers' Compensation Commission, which administers the Fund, to extend the time for filing for good cause shown. The bill raises from \$2,000 to \$3,000 the maximum amount of an emergency award, from \$1,000 to \$2,000 the maximum moving expenses, and from \$2,500 to \$3,500 the maximum reimbursement for mental health counseling for relatives of homicide victims. The bill also requires the Virginia State Crime Commission to convene a stakeholder workgroup to support an efficient and comprehensive streamlining of current federal and state sexual and domestic violence victim service agency funding.

*Patron - Peace*

**SB31 Methamphetamine cleanup; certification.** Requires the Board of Health, in consultation with the Department of Environmental Quality and other entities, to establish a program certifying that a building that was previously a methamphetamine manufacturing site is at or below the post-cleanup target. Current law requires the convicted person to pay cleanup costs.

*Patron - Stanley*

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## Education

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**HB134 Care of students who have been diagnosed with diabetes.** Requires local school boards to permit students who are diagnosed with diabetes to (i) carry with them and use supplies, including a reasonable and

appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and (ii) self-check their blood glucose levels on a school bus, on school property, and at a school-sponsored activity. This bill is identical to SB 532-Stuart.

*Patron - Cole*

**HB198 Elementary and secondary school students; expulsion.** Clarifies that students who have committed certain weapons or drugs offenses are not required to be expelled regardless of the facts of the particular situation. This bill is identical to HB 752-Rust and SB 441-Garrett.

*Patron - Landes*

**HB364 Commission on Civics Education reestablished.** Reestablishes the Commission on Civics Education, which expired on June 30, 2013. The purposes of the Commission are to educate students on the importance of citizen involvement in a constitutional republic, promote the study of state and local government among the Commonwealth's citizenry, and enhance communication and collaboration among organizations in the Commonwealth that conduct civics education. The Commission shall have a total of 15 members.

*Patron - Anderson*

**HB410 Student-athletes; concussion policies.** Requires each non-interscholastic youth sports program using public school property to (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures or the Board's Guidelines for Policies on Concussions in Student-Athletes, or (ii) follow the local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes. The bill also adds information on the effects of concussions on academic performance to the Board's Guidelines for Policies on Concussions in Student-Athletes. This bill is identical to SB 172-Stuart.

*Patron - Anderson*

**HB751 Expulsion of students for certain drugs offenses.** Provides that a school administrator, pursuant to school board policy, may determine that a disciplinary action other than expulsion is appropriate for drug offenses and clarifies that students who have committed drug offenses are not required to be expelled regardless of the facts of the particular situation.

*Patron - Rust*

**HB930 Standards of Learning assessments; reform.** Provides that the number and type of Standards of Learning assessments shall not exceed 17 specified assessments in grades three through eight. The bill requires each local school board to certify that it has provided instruction and administered an alternative assessment, in conformance with Board guidelines, for each subject area in which the Standards of Learning assessment was not administered. The bill also requires the Secretary of Education to establish the Standards of Learning Innovation Committee to periodically review the Standards of Learning and assessments. This bill is identical to SB 306-Deeds.

*Patron - Greason*

**HB1086 Special education; full-time virtual school programs.** Requires each local school board to provide free and appropriate special education for each student with a disability who attends a full-time virtual school program in the school division but resides in another school division in the Commonwealth. The bill provides that the school division in which the student resides shall (i) be released from the obligation to provide free and appropriate special education for such student and (ii) transfer to the school division in which the student attends a full-time virtual school program state and federal funds for the education of such students.

*Patron - Bell, Richard P.*

**HB1110 Children placed in child-caring institutions or group homes; reimbursement of costs to educate.** Requires a school division to be reimbursed by the school division in which a child's custodial parent or guardian or most recent custodial parent or guardian resides for the costs of educating such child, whether disabled or not, who has been placed, not solely for school purposes, in foster care or a licensed child-caring institution or group home that is located within the geographical boundaries of the school division to be reimbursed.

*Patron - Toscano*

**HB1229 Public schools; individual school performance grading system; delay.** Delays the implementation of the A-to-F school performance grading system by two years, to October 1, 2016. The bill also requires the Board of Education to develop a preliminary plan for the school performance grading system and provide public notice and solicit public comment on the system. This bill is identical to SB 324-Miller.

*Patron - Landes*

**SB270 Third grade SOLs; math and English only.** Directs the Board of Education to require only math and English reading Standards of Learning assessments for third graders.

*Patron - Miller*

**SB624 Emergency care; school board employees.** Provides that employees of a school board or a local health department approved by the local governing body to provide health services that render certain acts of emergency care, including emergency first aid, cardiopulmonary resuscitation (CPR), or use of an automated external defibrillator (AED), shall not be liable for ordinary negligence in acts or omissions on the part of such employee while engaged in such acts of emergency care.

*Patron - Newman*

**HJ196 Study; Public and private educational placements of students with disabilities; report.** Directs the Commission of Youth to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities. In conducting its study, the Commission on Youth shall (i) examine the use of CSA and Medicaid funds for private day and private residential special education placements; (ii) gather local and statewide data on the extent to which youth are placed in settings that are segregated from nondisabled students; (iii) determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including, but not limited to, those students with intellectual and developmental disabilities currently in segregated settings in the Commonwealth; and (iv) consider any other matters as it deems appropriate to meet the objectives of this study.

*Patron - Adams*

**SR35 Study; full-day kindergarten; report.** Directs the Senate Committee on Education and Health and the Senate Committee on Finance to study the potential effects of the Commonwealth's mandating full-day kindergarten programs.

*Patron - Barker*

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## **Elections**

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**HB275 Local electoral boards; meetings, proceedings, and records.** Provides that the general registrar shall determine a reasonable charge, not to exceed the statutory amount set for copies of court records, for copies made of local electoral board books, papers, and records.

*Patron - Krupicka*

**HB451 Elections; elected and certain appointed officers; removal from office.** Adds sexual battery, attempted sexual battery, consensual intercourse with a child 15 years of age or older, indecent exposure, and peeping to the list of offenses for which a circuit court, upon petition, may remove from office an elected officer or officer appointed to fill an elective office.

*Patron - Bell, Robert B.*

**HB632 Elections; substitution of officers of election.** Requires the electoral board to appoint a substitute officer of election for any election if an appointed officer of election is the spouse, parent, grandparent, child, or grandchild of a candidate in that election. The bill as passed by the House does not require notice of the substitution. Currently, a candidate may request the removal of an officer of election for these grounds. The substitute holds office and serves only for that election.

*Patron - Kilgore*

**HB956 Elections; filings by candidates and political parties.** Streamlines the process by which information regarding candidates' filing of required statements of economic interests is transmitted to the State Board of Elections or local electoral boards. The bill also requires the date a candidate is nominated by a method other than a primary to be certified to the State Board; currently only the name of the candidate so nominated has to be certified.

*Patron - Chafin*

**HB1024 Elections; vacancies in elected constitutional and local offices.** Requires the court to order a special election for a vacancy in any elected constitutional or local office to be held on the date of the next general election, unless the governing body filing the petition for the writ requests in its petition a different date for the special election that precedes the next general election. In that case the court is required to order the election be held on that

date if it complies with current law regarding times for special elections. However, if the vacancy occurs within 90 days of the next general election, the special election shall be held on the second general election, unless otherwise requested in the petition.

*Patron – Ingram*

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## **Eminent Domain**

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**HB990 Scope of Relocation Assistance and Real Property Acquisition Policies; replacement housing for homeowners and tenants.** Provides that relocation assistance and real property acquisition policies of the Commonwealth apply in the case of transportation projects funded in whole or in part with state or federal funds unless compliance would jeopardize the receipt and expenditure of all or a portion of federal funds that would otherwise be available for transportation projects. The bill also raises the authorized payment to a displaced homeowner from \$22,500 to \$31,000 and reduces from 180 to 90 the number of days that may pass between displacement and negotiations for the acquisition of property before such payment is authorized. The bill also increases from \$5,250 to \$7,200 the maximum payment permitted to a person leasing or renting a comparable replacement dwelling for a period of 42 months. The provisions of the bill relating to such payments and time period have a delayed effective date of October 1, 2014.

*Patron - Fowler*

**SB194 Date of valuation; inverse condemnation proceeding.** Provides that the "date of valuation" of property in an inverse condemnation proceeding is the date determined by the court to be the date the property was taken or damaged. Restates existing law.

*Patron - Black*

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## **Fisheries and Habitat of the Tidal Waters**

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**HB390 Sand replenishment.** Provides that when sand or other material is placed on state-owned bottomlands seaward of the mean low-water mark in order to provide beach nourishment or storm protection or as a result of a dredging project, the deposited material shall be deemed accretion. The public has a right of use and maintenance of the area as previously existed on the adjacent land above the mean low-water mark. The bill affects sand placement projects of the specified type beginning January 1, 2009. This bill is identical to SB 209-McWaters.

*Patron - Stolle*

**HB572 Wetlands zoning ordinance; local credit for in-lieu fees.** Requires a local wetlands board to give a permit applicant credit toward local in-lieu fees in the amount of the fee he has paid, as an agreed-upon permit condition, to the Virginia Aquatic Resources Trust Fund or another dedicated wetlands restoration fund.

*Patron - DeSteph*

**HB911 Living shorelines general permit.** Requires regulations for the issuance of general permits for living shoreline projects to include an expedited review process. The bill allows construction of such projects under the local wetlands and coastal primary sand dunes ordinances. A living shoreline is a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, and fill. This bill is identical to SB 569-Stuart.

*Patron - Knight*

**HB1092 Condemnation of oyster grounds.** Prohibits localities from exercising the right of eminent domain to condemn privately leased riparian and general oyster planting grounds. These planting grounds are assigned to persons under a lease agreement approved by the Virginia Marine Resources Commission. An exception to the condemnation prohibition is made for permitted water-dependent linear wastewater projects where there is no practical alternative. This bill is identical to SB 603-Stuart.

*Patron - Ransone*

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## **FOIA/COIA**

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**HB193 Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters.** Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to

have adopted a written policy allowing for and governing participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. This bill is identical to SB 161-Favola.

*Patron - Minchew*

**HB380 Virginia Freedom of Information Act (FOIA); disclosure pursuant to court order or subpoena.**

Provides that nothing in FOIA shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena, nor shall any discretionary exemption from mandatory disclosure be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law. (Does not change existing law.)

*Patron - Surovell*

**HB1211 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council.** Establishes the Virginia Conflict of Interest and Ethics Advisory Council composed of 15 members: four appointments each by the Speaker of the House of Delegates, Senate Committee on Rules, and Governor; one designee of the Attorney General, one representative of the Virginia Association of Counties, and one representative of the Virginia Municipal League. The Council will review and post online the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and provide formal opinions and informal advice, education, and training. The bill requires the filing of the disclosure forms twice a year. The Division of Legislative Services will staff the Council, and the Council will transmit complaints of conflict law violations to the ethics advisory panels of the House of Delegates and Senate. The bill prohibits tangible gifts with a value of more than \$250 or a combination of tangible gifts with a value of more than \$250 to certain officers and employees of state or local governmental or advisory agencies or to legislators from a lobbyist; lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts. The bill also clarifies the distinction between gifts and other things of value received for travel, reduces a number of disclosure provision thresholds from \$10,000 to \$5,000, and requires the disclosure of gifts to immediate family members. Gifts from a relative or personal friend are not subject to disclosure, but a lobbyist; lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts cannot be considered a personal friend. Finally, the bill provides that the provisions of the conflict of interests acts do not preclude prosecution for any criminal law violation, including bribery. This bill is identical to SB 649-Norment.

*Patron - Gilbert*

**HJ96 Study; Virginia Freedom of Information Act; report.** Directs the Virginia Freedom of Information Advisory Council to study all exemptions contained in the Virginia Freedom of Information Act to determine the continued applicability or appropriateness of such exemptions and whether the Virginia Freedom of Information Act should be amended to eliminate any exemption from the Virginia Freedom of Information Act that the Virginia Freedom of Information Advisory Council determines is no longer applicable or appropriate. The bill requires the FOIA Council to report its findings and recommendations by December 1, 2016.

*Patron - LeMunyon*

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## **Game, Inland Fisheries and Boating**

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**HB376 Spotlighting of deer; exemption from restrictions.** Allows the employment of lights by localities for the observation of deer (spotlighting) for certain activities authorized by the Department of Game and Inland Fisheries.

*Patron - Bulova*

**HB1237 Hunting on Sundays.** Allows hunting on Sundays under certain circumstances. A person may hunt waterfowl, subject to restrictions imposed by the Director of the Department of Game and Inland Fisheries, and a landowner and his immediate family or a person with written permission from the landowner may hunt or kill any wild bird or wild animal, including nuisance species, on the landowner's property. However, the aforementioned hunting activities cannot occur within 200 yards of a house of worship. The bill prohibits the hunting of deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs on Sunday. This bill is identical to SB 154-Puckett.

*Patron - Gilbert*

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## Health

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**HB305 Payment for certain immunizations.** Requires the Department of Health to provide certain vaccines for children free of charge to the parent of the child if the child is eligible for the Vaccines for Children Program or the child is eligible for Medicare, Medicaid, CHIP, or CHAMPUS. In cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement for all allowable costs associated with the provision of the vaccine.

*Patron - O'Bannon*

**HB450 Background checks; employment prior to receipt of results.** Provides that no person shall be employed in a position that involves direct contact with a patient of, or person or child receiving services from, a nursing home, home health organization, hospice, assisted living facility, adult day care, child welfare agency, or family day home approved by a family day system until the results of a criminal history background check have been received, unless the person works under the direct supervision of a person for whom a background check has been performed.

*Patron - Bell, Robert B.*

**HB476 Home care organizations; inspections.** Requires state agencies that inspect home care organizations to coordinate inspections both among subdivisions of the agency and with other agencies and to accept equivalent inspections performed by other agencies or subdivisions of agencies in lieu of performing their own inspections to the extent possible.

*Patron - Head*

**HB586 Family Access to Medical Insurance Security Plan; eligibility.** Eliminates the requirement that an individual under the age of 19 must have been without health insurance for at least four months or must meet the requirements set forth in the Virginia Plan for Title XXI of the Social Security Act (Children's Health Insurance Program) to be eligible for assistance under the Family Access to Medical Insurance Security Plan. The bill requires regulations to be promulgated within 280 days of enactment and is identical to SB 416-Hanger.

*Patron - O'Bannon*

**HB674 Water supplies and waterworks; human consumption.** Defines "human consumption" as used in the context of water supplies and waterworks.

*Patron - Poindexter*

**HB702 Uniform assessments; qualified assessors.** Requires the Department of Medical Assistance Services to enter into contracts with public and private entities to conduct community-based and institutional screenings in jurisdictions in which the screening team has been unable to complete screenings within 30 days of an individual's application. The bill also provides that every individual who requests a screening for the purpose of enrollment in a PACE plan shall be eligible for such screening, regardless of whether the individual is eligible under the state plan for medical assistance. The bill requires the Board of Medical Assistance Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

*Patron - Head*

**HB924 Office of the Chief Medical Examiner; medicolegal death examinations.** Clarifies the powers and duties of the Office of the Chief Medical Examiner, the Chief Medical Examiner, Assistant Chief Medical Examiners, and appointed local medical examiners related to investigations of deaths.

*Patron - O'Bannon*

**HB1177 Safe drinking water; local private well testing requirements.** Adds the County of Bedford to the list of localities, the governing bodies of which may establish reasonable testing requirements to determine compliance with existing drinking water quality standards prior to the issuance of building permits.

*Patron - Austin*

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## Highways, Bridges and Ferries

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**HB2 Allocations within highway construction districts.** Provides for the development of a prioritization process for projects funded by the Commonwealth Transportation Board. Such prioritization shall weight factors such as congestion mitigation, economic development, accessibility, safety, and environmental quality and be applied within each highway construction district.

*Patron - Stolle*

**HB340 Alternative Fuel Vehicle Conversion Fund.** Allows moneys in the Fund to be used by local governments, local governmental agencies, and local school divisions for the purpose of assisting with the incremental cost of local government-owned alternative fuel vehicles.

*Patron - Taylor*

**HB377 Adjustment or relocation of billboard signs.** Includes the erection of a sound barrier as an action that allows relocation of a billboard sign. The bill also allows a billboard to remain in its original location until the Commissioner of Highways or other condemnor gives notice to its owner that the sign must be removed. This bill is identical to SB 295-Puckett. Gov. amendments to HB 377 were rejected.

*Patron - Anderson*

**HB396 Funding of Department of Rail and Public Transportation.** Codifies appropriation act language dealing with funding of the Department of Rail and Public Transportation. This bill is identical to SB 298-Watkins.

*Patron - O'Bannon*

**HB904 Transportation projects; notice of public hearing.** Requires VDOT, at least 30 days prior to any public hearing regarding a transportation project valued in excess of \$100 million, to provide notice of the hearing by regular mail to all owners of property within and adjacent to such project study corridor.

*Patron - Hugo*

**HB978 Public-Private Transportation Act of 1995; utility crossings.** Requires a locality or political subdivision whose facilities are to be crossed or affected by a project under the Public-Private Transportation Act of 1995 to cooperate fully with other entities in planning and arranging the manner of the crossing or relocation of the facilities. If the locality or political subdivision and the private entity are not able to agree upon a plan for the crossing or relocation, the private entity is authorized to request the Commonwealth Transportation Board to resolve the matter. The measure also requires requests for approval of a transportation facility to include a list of the locality's or political subdivision's facilities that will be crossed by the transportation facility and a statement of plans to accommodate the crossings.

*Patron - Rust*

**HB1048 Funding among highway systems.** Includes primary state highway system extensions, the part of the primary highway that runs through a city or town, in the list of highways that receive the 25 percent for reconstruction of deteriorated highways of the amount allocated each year by the Commonwealth Transportation Board. The bill also reduces the number of vehicles per day on unpaved roads from 200 to 50 for the unpaved roads that may be considered for five percent of the annual allocation. This bill is identical to SB 518-Wagner.

*Patron - Rust*

**SB156 Electronic tolling facilities; fees.** Directs VDOT to develop and implement a plan to eliminate E-ZPass transponder maintenance fees and encourages the Secretary of Transportation to examine and improve the retail distribution of E-ZPass transponders.

*Patron - Miller*

**HJ122 Statewide transportation technology goals and plan of action.** Requests the Secretary of Transportation and VDOT to create and implement statewide transportation technology goals and a five-year plan of action. Such goals and plan are to be directed to enhancing the efficiency, safety, and convenience of all modes of transportation throughout the Commonwealth.

*Patron - LeMunyon*

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## **Military and Emergency Laws**

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**HB310 First informer broadcaster.** Provides that state and local governmental agencies shall grant first informer broadcasters access to their broadcasting station or television system within an area declared a state of emergency area by the Governor for the purpose of provision of news, public service and public safety information, and repairing or resupplying their facility or equipment. A first informer is defined as the critical personnel of a radio or television broadcast station engaged in (i) the process of broadcasting; (ii) the maintenance or repair of broadcast station equipment, transmitters, and generators; or (iii) the transportation of fuel for generators of broadcast stations.

*Patron - Lingamfelter*

**HB559 Virginia Defense Force; localities may appropriate money for.** Authorizes a locality to appropriate

such sums of money and real and personal property as it may deem proper to the Virginia Defense Force, when that organization is maintained within the limits of the locality. This bill is identical to SB 546-Ruff.

*Patron – Anderson*

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## Mines and Mining

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**HB1025 Biofuels Production Incentive Grant Program.** Changes the amount of the grant for biofuels produced in the Commonwealth from \$0.10 for each gallon produced and subsequently sold to (i) \$0.04 for each gallon sold in calendar year 2014, (ii) \$0.03 for each gallon sold in calendar year 2015, and (iii) \$0.025 for each gallon sold in calendar year 2016 and during the period January 1, 2017, through June 30, 2017. Each producer applying for a grant for 2015 production of biofuels is required to make a good faith effort to produce such biofuels using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. No grant will be awarded for biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant. The bill provides for maximum of \$1.5 million in grants to be awarded in each of fiscal years 2014-2015, 2015-2016, and 2016-2017. The bill changes current law that provides for no grant to be awarded for sales of biofuels made subsequent to December 31, 2016.

*Patron - Ingram*

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## Motor Vehicles

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**HB122 New vehicle classification; autocycle.** Defines a new class of vehicle, known as an autocycle, and provides for examination of drivers, registration fees, safety, inspection, and other requirements pursuant to creating this new class of vehicle. The bill contains technical amendments. This bill is identical to SB 383-Reeves.

*Patron - Scott*

**HB369 Parking management companies.** Expands the powers of parking management companies operating under contracts with local governments to enforce local parking restrictions and reduces the population requirement of a city that allows the city to provide by ordinance that law-enforcement officers or uniformed city employees or personnel may issue summonses or tickets for parking violations from 100,000 to 90,000.

*Patron - Head*

**HB415 Overweight permits for truck cranes.** Allows the DMV Commissioner and cities and towns to authorize overweight permits for truck cranes. This bill is identical to SB 402-McDouble.

*Patron - Scott*

**HB733 Parking in front of mailboxes.** Allows localities by ordinance to prohibit vehicle parking that blocks access to mailboxes.

*Patron - Lingamfelter*

**HB854 Maximum speed limit on nonsurface-treated highways.** Applies statewide the 35 mph maximum speed limit on nonsurface-treated highways that is currently applied only in Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe Counties and in any other county whose governing body adopts an ordinance to do so. This bill is identical to SB 470-Smith.

*Patron - Garrett*

**SB97 Minimum clearance for passing bicycles, etc.** Increases from two to three feet the minimum clearance between a passing vehicle and a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

*Patron - Reeves*

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## Pensions, Benefits, and Retirement

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**SB87 Virginia Retirement System.** Makes technical amendments to the programs administered by the Virginia Retirement System.

*Patron - Watkins*

**SB188 Deferred compensation plans for state and local employees.** Authorizes the inclusion of a Roth

contribution program in deferred compensation retirement plans for state and local government employees beginning July 1, 2015.

*Patron - McDougle*

**HJ103 Study; JLARC; Virginia's Line of Duty Act; report.** Directs the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

*Patron - Jones*

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## Persons with Disabilities

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**HB240 Office of the State Long-Term Care Ombudsman.** Provides that the entity designated by the Department for Aging and Rehabilitative Services to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to facilities, clients, patients, individuals receiving services, and the records of such clients, patients, and individuals in licensed assisted living facilities, licensed adult day care centers, home care organizations, hospice facilities, certified nursing facilities and nursing homes, providers as defined in § 37.2-403, state hospitals operated by the Department of Behavioral Health and Developmental Services, and providers of services by an area agency on aging or any private nonprofit or proprietary agency whenever the entity has the consent of the client, patient, or individual receiving services or his legal representative. The bill provides that if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal representative, and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. The bill provides that access also shall be granted if a legal representative of the client, patient, or individual receiving services refuses to give consent and the entity has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. This bill is identical to SB 572-Barker.

*Patron - O'Bannon*

**SB177 Definition of "service dog."** Expands the definition of "service dog" to include dogs trained to assist persons suffering from a physical, sensory, intellectual, developmental, or mental disability or mental illness. The current definition is limited to dogs assisting a mobility-impaired person. The definition affects the rights of persons with disabilities who use trained service dogs with regard to dog license taxes, public accommodations, and housing. The bill contains technical amendments.

*Patron - Reeves*

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## Professions and Occupations

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**HB192 Precious metals dealers; waiver of permit for certain merchants.** Allows the chief law-enforcement officer to waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers, provided (i) the retail merchant has a permanent place of business and (ii) the purchases of precious metals or gems do not exceed five percent of the retail merchant's total business revenue. This bill is identical to SB 95-Black.

*Patron - Minchew*

**SB657 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage installers and operators.** Directs the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to extend one time and deem to be valid interim licenses as an alternative onsite sewage system installer held by an individual at such time as the individual applies to take the examination required for issuance of an alternative onsite sewage system installer license. A license extended in accordance with this act shall be valid until such time as the individual receives a passing score on the examination required for issuance of a license as an alternative onsite sewage system installer or for a period of six months, whichever occurs sooner. This bill contains an emergency clause.

*Patron - Black*

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## Taxation

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**HB44 Personal property tax; classification.** Creates a separate personal property tax classification for a motor vehicle owned or leased by a uniformed member of the Virginia Defense Force and used by the uniformed member of the Virginia Defense Force to respond to his official duties. Any locality is authorized to set a personal property

tax rate for such motor vehicles less than the rate applicable to the general class of tangible personal property.  
*Patron - Cole*

**HB99 Unlawful dissemination or publication of tax information.** Changes the unlawful dissemination or publication of tax information from a Class 2 to a Class 1 misdemeanor.  
*Patron - Lingamfelter*

**HB131 Tax contributions for restoration of the Chesapeake Bay.** Requires the Secretary of Natural Resources to submit a report to the committees of oversight and the Virginia delegation to the Chesapeake Bay Commission by November 1 of each year describing how the moneys from the voluntary income tax check-off for Chesapeake Bay restoration activities were expended. The bill requires the report to be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grants, beginning with awards granted on or after July 1, 2014. This bill is identical to SB 414-Hanger.  
*Patron - Lingamfelter*

**HB149 Real property tax; board of equalization.** Provides that an alternate member be appointed to a board of equalization if a regular member applies to the board for relief.  
*Patron - Minchew*

**HB156 Real property tax exemption for religious bodies.** Clarifies the meaning of real property used exclusively for religious worship for determining the real property tax exemption for religious bodies. This bill is identical to SB 175-Black.  
*Patron - Minchew*

**HB187 Real and personal property tax exemption; aviation museum.** Permits any locality to exempt any real or personal property the legal title to which is not held by a nonprofit entity but is subject to the sole use and occupancy of a nonprofit entity, as long as the nonprofit entity uses such property solely to (i) exhibit or display certain military aircraft to the general public or (ii) use such aircraft for educational purposes. The bill is identical to SB 508-Wagner.  
*Patron - Knight*

**HB331 First-time home buyer savings plans.** Establishes first-time home buyer savings accounts that are to be used for saving funds for the purchase of homes by first-time home buyers. Moneys in the account are required to be used solely for the down payment and closing costs for the purchase of a home by a first-time home buyer. The bill establishes an individual income tax subtraction for income earned on contributions to the account. However, if moneys are withdrawn from the account for purposes other than to pay eligible costs, any income previously subtracted would be subject to recapture by the Commonwealth and a five percent penalty would be imposed. There would be no recapture and addition to taxable income if the amounts withdrawn were (i) withdrawn because of the death or disability of the account beneficiary, (ii) a disbursement of assets pursuant to a filing for protection under federal bankruptcy laws, or (iii) transferred to another first-time home buyer savings account. The bill limits the amount of principal that can be contributed to any account to \$50,000 and limits the total amount that can be retained in an account at any time to \$150,000. Persons would be allowed to contribute only cash or marketable securities to a first-time home buyer savings account.  
*Patron - Greason*

**HB497 BPOL; appeal of business license tax classification.** Permits a taxpayer to appeal to the Tax Commissioner or request a written ruling from him with regard to the classification of the business for BPOL tax purposes, regardless of whether the locality has conducted an audit, issued an assessment, or taken any other action.  
*Patron - Head*

**HB499 Real property tax; nonjudicial sale of certain delinquent property.** Reduces the number of years of delinquency in payment of taxes from five years to three years before a locality may sell real property that (i) measures less than 4,000 square feet or (ii) is determined to be unsuitable for building.  
*Patron - Yost*

**HB525 Real property tax; notice of assessment.** Requires every notice of assessment to set forth (i) the new and prior two appraised values of land and appraised value of improvements, and the assessed values of such if different from the appraised values; (ii) the new tax rate and the rates for the prior two tax years; (iii) the total new tax levy and the tax levies for the prior two years; and (iv) the percentage changes in such levies. Under current law, such

information is required for the current year and the prior year. The bill also requires the notice to inform each property owner of his right to review and make copies of records maintained by the local assessment office. SB 480 will supersede HB 525, as it was signed later by the governor. For item (i) above, SB 480 replaces the word "appraised" with "assessed."

*Patron - Pogge*

**HB589 Personal property tax; exemption for household goods.** Provides that the personal property tax exemption for household goods includes property primarily used for household purposes, including electronic devices such as cell phones, tablets, and personal computers.

*Patron - Davis*

**HB617 Personal property tax; classification.** Authorizes a locality to establish lower personal property tax rates on the tangible property of businesses that locate for the first time in the locality. The lower rates would apply for the first two tax years that the business is subject to the personal property tax. If a locality has enacted an exemption from the local license tax or fee (BPOL) for beginning businesses, only those beginning businesses that qualify for such exemption may be eligible for the lower personal property tax rates.

*Patron - Davis*

**HB663 Technical correction; judicial sale of real estate.** Removes obsolete language that referred to the judicial sale of abandoned real estate. The term "abandoned" is no longer used to describe any class of real estate in Title 58.1.

*Patron - Brink*

**HB737 Neighborhood Assistance tax credits; percentage increase.** Increases the percentage of persons served by a neighborhood organization and who are low-income, as defined in § 58.1-439.18, from 40% to 50%, for purposes of applying to the Department of Social Services for an allocation of neighborhood assistance tax credits for use by business firms making donations to the neighborhood organization.

*Patron - O'Bannon*

**HB829 Automated sales suppression device; penalties.** Makes it a Class 1 misdemeanor to willfully utilize any device or software to falsify the electronic records of cash registers or manipulate transaction records that affect any state or local tax liability. The bill provides that any violation shall result in a civil penalty of \$20,000. This bill is identical to SB 611-Saslaw.

*Patron - Keam*

**HB853 Administration and enforcement of cigarette laws.** Modifies several provisions relating to the administration and enforcement of Virginia's cigarette laws by providing that (i) violations of cigarette tax laws may be investigated by a multijurisdiction grand jury; (ii) counterfeit or unstamped cigarettes or cigarettes in the possession of an unauthorized holder may be assigned by court order for use by a law-enforcement undercover operation; (iii) a person convicted of possessing unstamped cigarettes would be ineligible to be an authorized holder of cigarettes; (iv) members of federal, state, and local law enforcement would be exempt from cigarette taxes when the cigarettes are used in the performance of investigatory duties; (v) manufacturers and distributors of cigarettes would be allowed to ship or deliver unstamped cigarettes to a law-enforcement agency for use in the performance of its duties; and (vi) where a sealed pack is labeled as containing cigarettes, such labeling would constitute prima facie evidence that the pack is a pack of cigarettes. The bill also substantially increases the civil penalties for possession with intent to distribute tax-paid contraband cigarettes by a person other than an authorized holder. Penalties are graduated based on the number of offenses and the amount that is currently the maximum fine is the minimum fine under the bill.

*Patron - Gilbert*

**HB898 Civil penalty; untaxed tobacco products.** Creates a civil penalty for the import, transport, possession, or resale of untaxed tobacco products and delineates the respective penalty for first, second, and third or subsequent offenses. The bill also specifies a civil penalty for willful intent to defraud the Commonwealth of taxes levied on tobacco products. This bill is identical to SB 285-Howell.

*Patron - Peace*

**HB975 Annual license tax on hybrid electric motor vehicles.** Repeals the \$64 annual license tax on hybrid electric motor vehicles that was first imposed beginning July 1, 2013. The bill also provides for refunds of the license tax paid on hybrid electric motor vehicles for registration years beginning on or after July 1, 2014. This bill

is identical to SB 127-Newman.

*Patron - Rust*

**HB1000 Real property tax exemption; elderly and disabled.** Provides that the real property tax exemption for the sole dwelling of the elderly and disabled includes dwellings held by certain trusts. The bill also provides that if a locality establishes income restrictions for the exemption, then the locality shall exclude (i) the income of relatives living in the dwelling providing caregiving services, whether or not they are compensated, and (ii) the income of non-relative caregivers living in the home, whether or not they are compensated.

*Patron - Minchew*

**HB1028 Gas severance tax.** Extends the sunset date from December 31, 2014, to December 31, 2015, for the local gas severance tax that is dedicated to (i) the Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and gas lines. This bill is identical to SB 552-Carrico.

*Patron - Morefield*

**HB1099 Local meals tax and food and beverage tax.** Exempts nonprofit entities from collecting meals tax or food and beverage tax on the first \$100,000 of otherwise taxable fundraising sales.

*Patron - Farrell*

**HB1179 Proposals for neighborhood assistance tax credits; emergency.** Allows neighborhood organizations to submit the required financial audit, review, or compilation within the 30-day period immediately following any deadline established for the submission of neighborhood organization proposals for tax credits. So long as the proposal was otherwise complete by the deadline, the proposal would be timely filed if the audit, review, or compilation is submitted within such 30-day period. The bill contains an emergency clause. This bill is identical to SB 591-Barker.

*Patron - Hugo*

**HB1202 Local property and license taxes on mineral lands.** Permits a commissioner of the revenue to enter into agreements with taxpayers regarding the fair market value of mineral lands and deems any such agreements entered into on or after January 1, 2013, but prior to July 1, 2014, valid and enforceable. The bill states that it is declaratory of existing law. This bill is identical to SB 338-Puckett.

*Patron - O'Quinn*

**HB1239 Real and personal property tax exemption; solar energy equipment, facilities, or devices.** Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy. This bill is identical to SB 418-Hanger.

*Patron - Hugo*

**SB68 Real estate with delinquent taxes.** Changes, under certain circumstances, the criteria for transferring certain tax-delinquent real property to localities through a special commissioner in the Cities of Norfolk, Richmond, Hopewell, Newport News, Petersburg, Lynchburg, and Hampton by reducing the percentage of taxes and liens from exceeding 35 percent to 20 percent and of taxes alone from 15 percent to 10 percent, respectively, and including parcels with an assessed value of \$100,000 or less. The reduced criteria apply only if the locality enters into an agreement to sell the property to a nonprofit entity to renovate or construct housing to be sold to a low-income person.

*Patron - Marsh*

**SB269 Education Improvement Scholarships Tax Credits.** Provides that tax credits issued for monetary or marketable securities donations made beginning in taxable year 2014 can be claimed for the taxable year of the donation. Under current law, Education Improvement Scholarships Tax Credits may be first claimed for the taxable year following the taxable year of the donation.

*Patron - Stanley*

**SB365 Forfeiture of counterfeit and contraband cigarettes; use by law enforcement.** Provides that counterfeit and contraband cigarettes that have been forfeited to law enforcement do not have to be destroyed, but may be used by law enforcement for the conduct of undercover operations. The bill also allows law-enforcement agencies to possess for investigative purposes cigarettes without tax stamps.

*Patron - Reeves*

**SB480 Real property tax; notice of assessment.** Requires every notice of assessment to set forth (i) the new and prior two assessed values of land and assessed value of improvements, and the assessed values of such if different from the appraised values; (ii) the new tax rate and the rates for the prior two tax years; (iii) the total new tax levy and the tax levies for the prior two years; and (iv) the percentage changes in such levies. Under current law, such information is required for the current year and the prior year. The bill also requires the notice to inform each property owner of his right to review and make copies of records maintained by the local assessment office.

*Patron - Norment*

**SB563 Neighborhood Assistance Act Tax Credit Program.** Increases by \$500,000 in each of fiscal years 2015 and 2016 the amount of tax credits that may be issued under the tax credit program for both donations supporting education programs and donations supporting other than education programs. After the phase-in is completed, each fiscal year \$9 million in tax credits could be issued for donations supporting education programs and \$8 million in tax credits could be issued for donations supporting other than education programs. The bill also grants a five-year exemption from current eligibility requirements relating to persons served by the neighborhood organization and the use of the organization's revenues. Only those organizations that received neighborhood assistance tax credits for fiscal year 2011-2012 would benefit from the exemption.

*Patron - Stosch*

**SB673 Entitlement to sales tax revenue; public facility.** Allows the entitlement to sales tax revenue to begin quarterly with the first quarter in which revenue is generated in a building or structure within the public facility.

*Patron - Puckett*

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## Unemployment Compensation

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**HB22 Unemployment compensation; benefit ratio.** Provides that an employer's payroll, for purposes of calculating its benefit ratio and state unemployment tax rate, shall be deemed to be \$1 when the employer's taxable payroll for the applicable 12-month period is not more than \$1. The measure eliminates the necessity of dividing the employer's benefit charges by a payroll amount of \$0, which produces an infinite benefit ratio and results in an assessment of state unemployment taxes at the highest rate.

*Patron - Kory*

**HB389 Unemployment compensation; voluntary separation presumed.** Establishes a rebuttable presumption that an individual left work voluntarily if the individual was a graduate student whose employment commenced and ended between spring and fall semesters of his academic program and he returned to his academic program following his separation from employment.

*Patron - Minchew*

**SB18 Unemployment compensation; quit to follow military spouse.** Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision, unless the transfer involves members of the Virginia National Guard relocated within the Commonwealth. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. The measure also repeals Chapter 878 of the 2009 Acts of Assembly, which is similar to this measure but did not take effect because the contingency in its third enactment was not satisfied. The measure will expire on December 31, 2020. The Virginia Employment Commission is required to report to the Commission on Unemployment Compensation regarding the effects of allowing such claimants to be eligible for unemployment benefits.

*Patron - Locke*

**SB110 Unemployment compensation; short-time compensation program.** Establishes a short-time compensation program that provides employers with the option of reducing the hours worked by employees, while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees and that employees' health and retirement benefits cannot be reduced or eliminated under the plan. An employer is not eligible to participate in the program if it has negative unemployment experience, is assigned the maximum experience rating tax rate, is assigned the tax rate for new employers, or reduced its workforce by 20 percent or more during the preceding six months. Participating employers are required to provide information regarding whether the plan is intended to be a transition to permanent layoffs.

The measure requires the Commission to submit reports on the program's implementation and accomplishments, with recommendations to improve its effectiveness. The measure becomes effective January 1, 2015. The bill has an expiration date of January 1, 2020; however, if federal grants covering certain costs of establishing the program are not received by the Commission by July 1, 2016, the bill will expire on that date.

*Patron - Stanley*

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## **Waters of the State, Ports and Harbors**

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**HB1173 Stormwater management programs; optional for some localities.** Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. The bill exempts single-family residences from payment of the Department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill contains an emergency clause. This bill is identical to SB 423-Hanger.

*Patron - Hodges*

**HB1217 Chesapeake Bay Preservation Areas; documentation in lieu of proof of septic tank pump-out.** Directs the State Water Control Board to adopt certain criteria for use by local governments in evaluating development in Chesapeake Bay Preservation Areas. The bill provides that any locality allowing owners of certain on-site sewage treatment systems to submit documentation in lieu of proof of septic tank pump-out shall require that such documentation be certified by a licensed or certified on-site sewage system operator or soil evaluator.

*Patron - Morris*

**HJ16 Study; recurrent flooding; report.** Establishes an 11-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. The joint subcommittee must submit its report to the Governor and the 2016 Regular Session of the General Assembly. This bill is identical to SJR 3-Locke.

*Patron - Stolle*

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## **Welfare (Social Services)**

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**HB215 Withdrawal from district board of social services.** Establishes a process for withdrawal from a district board of social services by the local governing body of a county or city.

*Patron - Tyler*

**HB262 Local boards; appointment of members of boards of supervisors.** Provides that in cases in which a member of a local board of social services is also a member of the board of supervisors of a county represented by the local board, he shall serve on the local board at the pleasure of the board of supervisors of which he is a member or until such time as he ceases to be a member of the board of supervisors. This bill is identical to SB 316-Vogel.

*Patron - Scott*

**HB264 Authority of local boards of social services to employ in-house counsel.** Authorizes local boards of social services to employ in-house counsel to provide general legal advice and representation related to specific actions. This bill is identical to SB 417-Hanger.

*Patron - Bell, Richard P.*

**HB405 Suspected abuse or neglect of a child; reports to law enforcement.** Requires the local department of social services to notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse and neglect involving certain injuries or criminal acts immediately upon receipt of the complaint, but in no case more than two hours from receipt of the complaint. The bill also requires the local

department to complete a written report on a form provided by the Board of Social Services for such purpose for each case in which a local law-enforcement agency is notified of a case of suspected child abuse or neglect. This bill is identical to SB 332-Howell.

*Patron - Bell, Robert B.*

**HB468 Child day program licensure exemptions.** Exempts from the child day program licensure requirement any summer instructional or athletic experience operated by an accredited private elementary, middle, or high school.

*Patron - Massie*

**HB668 Independent living services; individuals between 18 and 21 years of age.** Requires local departments of social services and child-placing agencies to provide independent living services to any person between 18 and 21 years of age who is transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency when such individual was in the custody of the local department of social services immediately prior to his commitment, provides written notice of his intent to receive independent living services, and enters into a written agreement for independent living services with the local board of social services or child-placing agency within 60 days of his release. Currently, local departments and child-placing agencies may, but are not required to, provide independent living services to such individuals. This bill is identical to SB 134-Favola.

*Patron - Brink*

**HB683 Investigation of alleged child abuse and neglect; agreements with school divisions.** Requires local departments of social services and local school divisions to develop written interagency agreements for the investigation of all complaints of child abuse or neglect. Currently, local departments and local school divisions must enter into written interagency agreements for investigation of complaints of child abuse and neglect involving school personnel only.

*Patron - Herring*

**HB709 Child abuse and neglect investigations; time for determination.** Provides for an extension of the time period during which a local department of social services must determine if a report of child abuse or neglect is founded from 60 to 90 days in cases in which the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant.

*Patron - Gilbert*

**HB890 Social worker.** Allows family-services specialists and qualified equivalent workers to perform tasks currently limited to social workers. The bill expands the authority of the Adult Protective Services Unit to establish minimum standards of training and educational opportunities for all workers in the field of adult protective services, which minimum standards currently apply to social workers. The bill changes the Department of Medical Assistance Services (DMAS) employment requirement for a baccalaureate degree from "social work" positions to "family-services specialist" positions. The bill adds family-services specialists to the list of individuals required to report suspicions of child abuse or neglect and allows DMAS-designated assessors to serve in place of social workers on community-based screening teams. The bill contains an emergency clause.

*Patron - Peace*

**SB284 Kinship care; regulations.** Directs the Department of Social Services to review current policies governing kinship care placements, propose regulations governing kinship care placements, and review the fiscal impact of the proposed regulations. The bill directs the Department of Social Services to report its recommendations and findings to the Governor, the General Assembly, and the Board of Social Services by January 1, 2016.

*Patron - Howell*

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## **Workers' Compensation**

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**HB458 Workers' compensation; civil penalties; collection costs.** Increases the maximum civil penalty that may be assessed against an employer for failure to obtain workers' compensation insurance or provide evidence of compliance with the Virginia Workers' Compensation Act to \$50,000. Currently, noncompliant employers are subject to a civil penalty of not less than \$500 nor more than \$5,000. The measure provides that, subject to the maximum, the penalty for each day of noncompliance will be no more than \$250. The measure also provides that (i) civil penalties will be allocated equally between the Workers' Compensation Commission's administrative fund and the Uninsured Employer's Fund and (ii) the Commission may add the costs of collecting the civil penalty to the aggregate civil penalty, with the collected costs to be paid into the administrative fund.

*Patron - Kilgore*

**HB1083 Workers' compensation; payment for medical services.** Limits the liability of an employer for medical treatment provided to an injured person that is rendered by a nurse practitioner or physician assistant serving as an assistant-at surgery to no more than 20 percent of the reimbursement due to the physician performing the surgery and the liability for treatment provided by an assistant surgeon in the same specialty as the primary surgeon to no more than 50 percent of the reimbursement due to the physician performing the surgery. The measure requires multiple procedures completed on a single surgical site associated with medical, surgical, and hospital services rendered on or after July 1, 2014, to be coded and billed with appropriate Current Procedural Terminology modifiers and paid according to the National Correct Coding Initiative rules and hospital in-patient care to be coded and billed through the International Statistical Classification of Diseases and Related Health Problems. The measure also (i) establishes prompt payment requirements with respect to health care services provided under the Workers' Compensation Act; (ii) prohibits an employer or insurer from seeking recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, absent fraud, unless recovery is sought less than one year from the date payment was made; (iii) prohibits a health care provider from submitting a claim to the Workers' Compensation Commission contesting the sufficiency of payment for health care services rendered to a claimant on or after July 1, 2014, unless such claim is filed within one year from the date the last payment is received by the provider or the date the medical award for a specific item or treatment that is denied or contested by the employer becomes final; (iv) provides that health care providers located outside of the Commonwealth shall be reimbursed according to these prompt payment and claims limitations and the "same community" shall be deemed the principal place of business of the employer if located in the Commonwealth or, if no such location exists, the location where the Commission hearing regarding the dispute is conducted; and (v) clarifies the application of the balance billing prohibition.

*Patron - Ware*

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## Constitutional Amendments

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**HB46 Constitutional amendment (voter referendum) and implementing legislation; property tax exemption for surviving spouses of soldiers killed in action.** Provides for a referendum at the November 4, 2014, election to approve or reject an amendment to allow the General Assembly to exempt from taxation the real property of the surviving spouse of a soldier killed in action. The constitutional amendment provides that the surviving spouse must occupy the real property as his or her principal place of residence and any exemption ceases if the surviving spouse remarries. If the amendment is approved, the bill provides that beginning with tax year 2015 the exemption would apply to a dwelling with an assessed value in the most recently ended tax year that does not exceed the average assessed value for such year for dwellings in the locality that are zoned as single family residential. The exemption would apply for the dwelling and the land upon which it is situated, not exceeding one acre.

*Patron - Ramadan*

**HJ8 Constitutional amendment (second resolution); real property tax exemption for spouses of soldiers killed in action.** Provides that the General Assembly may provide a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action. Such tax exemption may not be claimed by a surviving spouse who has remarried.

*Patron - Ramadan*

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## Charters and Bills of Limited Application

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**HB9 Regulation or prohibition of parking of certain vehicles.** Adds the Town of Blackstone to the list of counties and towns that may regulate or prohibit the parking of certain vehicles. This bill is identical to SB 80-Ruff.

*Patron - Wright*

**HB165 Charter; Town of Culpeper; November elections, town council, vice-mayor.** Moves the date of election for the members of the town council, the mayor, and the vice-mayor from May to November beginning in 2017. The bill also substitutes the general law for certain charter provisions dealing with vacancies on the town council and in the office of mayor and substitutes "council member" for "councilman."

*Patron - Scott*

**HB210 City of Martinsville; city reversion.** Provides that any reversion initiated by the Martinsville City Council shall require that each elected member of the city council vote, unless otherwise prohibited by law, on the motion to initiate the reversion process.

*Patron - Marshall, D.W.*

**HB225 Reassessment of real estate and equalization of assessments; City of Richmond.** Allows the City of Richmond by ordinance to provide for a board of equalization or a permanent board of equalization instead of a board of review. This bill is identical to SB 66-Marsh.

*Patron - McQuinn*

**HB322 Charter; Town of Monterey.** Reduces the total number of council members from seven to four, beginning in 2014. The bill contains an emergency clause.

*Patron - Bell, Richard P.*

**HB328 Charter; City of Alexandria.** Shifts dates related to the election of the council and the school board to reflect the City's change to November elections. The bill provides that the city attorney may be the legal advisor to the school board with the concurrence of both the council and the school board. This bill is identical to SB 321-Ebbin.

*Patron - Krupicka*

**HB374 Charter; City of Fairfax.** Makes numerous technical changes to the City Charter. The bill also clarifies the duties and organization of the fire department and requires members of the elected school board to have lived in the city for one year prior to their election. This bill is identical to SB 238-Petersen.

*Patron - Bulova*

**HB399 Charter; City of Norfolk; council meetings and deputy police chief.** Requires the city council to hold regular meetings on at least a monthly basis rather than at least 36 weekly meetings per year and creates the position of deputy chief of police as an appointee of the city manager. This bill is identical to SB 198-Alexander.

*Patron - Howell, A.T.*

**HB416 Rural gravel road network in Loudoun County.** Provides specific goals for VDOT's maintenance of the rural gravel road network in Loudoun County. This bill is identical to SB 397-Vogel

*Patron - Minchew*

**HB470 Charter; City of Manassas.** Updates the city's charter to reflect a shift in the time of local elections from May to November. This bill is identical to SB 567-Colgan.

*Patron - Miller*

**HB488 Golf carts and utility vehicles.** Adds the Town of Clifton to the list of towns without their own police departments that may permit operation of golf carts and utility vehicles on their highways.

*Patron - Hugo*

**HB503 Charter; Town of Victoria.** Establishes a new charter for the Town of Victoria and repeals the current charter. The proposed charter contains powers typically granted to towns. This bill is identical to SB 544-Ruff.

*Patron - Wright*

**HB534 King William County and the Town of West Point; allocation of revenues for schools.** Creates a special school tax district in King William County and governs the allocation of revenue for schools in King William County and the Town of West Point as a means of continuing the "split levy" of King William County's taxes in the Town of West Point and outside the Town. The bill is identical to SB 488-Norment. The bill contains an emergency clause.

*Patron - Hodges*

**HB570 Charter; City of Colonial Heights.** Repeals outdated provisions in the charter related to courts and provides that the city shall have separate courts and clerks for the General District Court and the Juvenile and Domestic Relations District Court.

*Patron - Cox*

**HB579 Charter; City of Falls Church.** Updates the charter to reflect the shift from May to November city elections. This bill is identical to SB 363-Saslaw.

*Patron - Simon*

**HB597 Richmond Metropolitan Authority; name; composition of Board of Directors; powers.** Renames the Authority as the Richmond Metropolitan Transportation Authority and equalizes Board representation among the City of Richmond, Chesterfield County, and Henrico County. The bill requires that certain actions of the Authority

related to construction or acquisition of limited access highways or acquisition of rights to operate existing toll roads receive approval from the local governing bodies and the Richmond Mayor. Local approval also is required for the issuance of bonds by the Authority. The bill allows the governing body of each locality to appoint one of its own members as a member of the Board of the Authority, clarifies the appointment process for the three Richmond representatives on the Board, and prohibits Board members from receiving health insurance or other benefits as compensation for their service on the Board.

*Patron - Loupassi*

**HB666 County manager plan.** Alters the time frame for special elections to fill board vacancies in counties that have adopted the county manager plan (Arlington County).

*Patron - Brink*

**HB701 Inoperable motor vehicles.** Adds the City of Hopewell and Prince George County to the list of localities that may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer, or semitrailer that is inoperable. This bill is identical to SB 64-Marsh.

*Patron - Ingram*

**HB793 Transportation planning.** Requires the Department of Transportation, when reviewing certain proposed comprehensive plan amendments from localities in Planning District 8 (Northern Virginia), to recommend specific transportation improvements to the Northern Virginia Transportation Authority, the Commonwealth Transportation Board, and the appropriate locality that are necessary to ameliorate congestion.

*Patron - LeMunyon*

**HB866 Charter; Town of Christiansburg.** Updates the town boundary description. Other changes alter the method for filling vacancies on council or in the office of mayor, require an annual audit of the town's financial records, delete or update numerous obsolete provisions, and make technical corrections.

*Patron - Rush*

**HB1012 City of Suffolk; ordinance providing that charges for water and sewer shall be a lien on real estate.** Adds the City of Suffolk to the list of localities permitted to provide by ordinance that charges for water and sewer shall be a lien on the real estate served by such waterline or sewer.

*Patron - Spruill*

**HB1149 Charter; Town of Tazewell.** Makes numerous technical changes to the town's charter and revises or repeals many outdated provisions. This bill is identical to SB 196-Puckett.

*Patron - Morefield*

**HB1195 Charter; Town of Rural Retreat.** Provides a new charter for the Town of Rural Retreat containing powers typically granted to towns.

*Patron - Campbell*

**HB1253 Hampton Roads Transportation Accountability Commission created.** Creates the Hampton Roads Transportation Accountability Commission, comprised of the chief elected officers of the governing bodies of the 14 localities in Planning District 23, two senators, three delegates, and four nonvoting ex officio members. The bill also moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Transportation Planning Organization to the Hampton Roads Transportation Accountability Commission. The bill also directs the Hampton Roads Transportation Planning Organization and VDOT to assist the new Commission in its formation. This bill is identical to SB 513-Wagner.

*Patron - Jones*

**HB1267 Virginia Beach arena.** Allows the City of Virginia Beach to use its Arena Financing Fund to contract for the construction and operation of facilities and prohibits the pledging of the faith and credit of the Commonwealth to meet the city's contractual obligations. The bill also provides that if the City issues bonds for a facility or enters into a contract with regard to a facility, it shall use its Arena Financing Fund to collect proceeds from the sale of bonds and revenues from other state sources. Expenditures from the Fund shall be used to pay the bonds, meet contractual obligations, and pay reasonable expenses relating to the facility. This bill is identical to SB 571-Wagner.

*Patron - Knight*

**SB10 Discounted fees and charges for certain low-income and disabled customers; Town of Louisa.** Permits the Town of Louisa by ordinance to develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers. Current law allows only a locality that owns a water and sewer system and has a population density of no more than 200 persons per square mile to develop such criteria.

*Patron - Garrett*

**SB67 Discounted fees and charges for certain customers; City of Richmond.** Allows the City to develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, and disabled customers.

*Patron - Marsh*

**SB72 Tourist Train Development Authority.** Reinstates the Authority and its board, repealed by the General Assembly in 2011, consisting of representatives from the governing bodies of Tazewell County, the Town of Bluefield, and the Town of Pocahontas; four citizen members; and two legislators. The bill authorizes the Authority to cooperate with any private or governmental entity in West Virginia in the development of a tourist train.

*Patron - Puckett*

**SB75 Charter; Town of Honaker; November elections and mayoral term.** Moves town council elections from May to November and extends the term of the mayor from two years to four years beginning with the mayor elected in November 2014. This bill contains an emergency clause.

*Patron - Puckett*

**SB98 Water and sewer system; City of Richmond.** Provides that the City of Richmond may develop criteria for financial assistance to customers for plumbing repairs and the replacement of water-inefficient appliances.

*Patron - Marsh*

**SB237 Optional provisions in subdivision ordinances; sidewalk improvements.** Adds to the list of optional provisions in local subdivision ordinances a provision allowing any town in the Northern Virginia Transportation District to require the dedication of land for sidewalk improvements where the property being developed is designated for such improvements on the locality's pedestrian plan.

*Patron - Petersen*

**SB290 Real property lien; water and sewer charges.** Adds Prince George and Smyth Counties to those localities in which charges for water and sewer constitute a lien against the real property.

*Patron - Carrico*

**SB579 Sales and use tax; revenues from certain baseball facilities.** Adds to the definition of "public facility," for the purpose of entitlement to certain sales tax revenues, a sports complex consisting of a minor league baseball stadium and related facilities, a part of which is owned by the City of Fredericksburg. The entitlement to sales tax revenues would be limited to the repayment of bonds issued for the municipality-owned component of the complex. The bill eliminates from the definition of "public facility" a sports facility that is designed for use primarily as a baseball stadium for a minor league professional baseball team.

*Patron - Stuart*

**SB593 Urban county executive form of government; Loudoun County; disclosure in land use proceedings.** Alters disclosure provisions for land use proceedings in counties with the urban county executive form of government (Fairfax County) and Loudoun County. A reference to "business or financial interest" is replaced by a reference to "employee-employer, agent-principal, or attorney-client" relationship.

*Patron - Marsden*

**SB601 Transportation District Commission of Hampton Roads.** Staggers the terms of the Governor's appointments to the commission and extends for two years the terms of appointees from the Cities of Chesapeake, Hampton, and Norfolk. Also subjects the Governor's appointments to confirmation by the General Assembly.

*Patron - Cosgrove*

**SB609 Charter; City of Covington.** Updates the city's charter to reflect a shift to November municipal elections. The bill also deletes outdated provisions and contains an emergency clause.

*Patron - Deeds*



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May 5, 2014

To: VML Executive Committee Members

From: Janet Areson

Subject: Federal issues update

Marketplace fairness. The National League of Cities believes that the Marketplace Fairness legislation may have a chance of passing the House of Representatives this year. A key member whose support is necessary for House action is Congressman Bob Goodlatte, Chairman of the House Judiciary Committee, which has jurisdiction over this issue.

A year ago, the Senate passed the Marketplace Fairness Act of 2013 (S. 743) introduced by Sen. Michael Enzi (R-WY). This bill seeks to remedy the competitive disadvantage that Main Street businesses face compared with Internet-based businesses. Internet-based businesses do not have to collect and remit state and local sales taxes from on-line customers unless the business has a physical presence in a state. While a companion bill was introduced in the House, (H.R. 684, introduced by Rep. Steve Womack (R-AR), no action was taken by the House last year.

NLC compiled a chart outlining the uncollected sales & use taxes from all remote sales in 2012. Virginia lost \$422.7 million in tax revenue that year. States overall lost a total of \$23.3 billion.

On March 12, Goodlatte and the House Judiciary Committee held a hearing on "Exploring Alternative Solutions on the Internet Sales Tax Issue." NLC President Chris Coleman, Mayor of St. Paul, MN, testified before the committee in support of a Marketplace Fairness bill, telling the Committee: "Our nation's cities rely heavily on sales taxes to fund vital programs and services that serve our communities. Marketplace Fairness is not about enacting new taxes; rather, it levels the playing field for Main Street business to compete with online retailers and allows city governments to collect taxes that are already owed.

"Cities need a Marketplace Fairness bill this year that protects the brick-and-mortar businesses that are an important part of a vibrant community. Our cities' businesses provide a foundation for local economies by employing many of our residents, giving back to charities and community organizations and providing a variety of choices for consumers. But with today's unequal tax rules for online purchases, local businesses are struggling to compete with their online counterparts."

NLC hopes to work in cooperation with VML to arrange a meeting with Chairman Goodlatte in the coming months to encourage action on this legislation, which is broadly supported by 174 trade associations and dozens of retail giants such as The Home Depot and Amazon.com, as well as state and local government associations.

If the House fails to address the legislation this year, the entire process will have to start over when a new Congress is sworn in next year.

Transportation reauthorization. Federal legislation authorizing surface transportation programs, called MAP-21 (Moving American Forward for Progress in the 21st Century), will expire Sept. 30. House and Senate members have begun initial discussions of how to renew the current program given the federal transportation revenue shortfalls. According to the U.S. Department of Transportation, federal funds through the Highway Trust Fund will start to run dry as early as July. The Congressional Budget Office gives the Trust Fund until August. It also projects that it would take \$100 billion in addition to the revenues expected from the existing federal gas tax to provide sufficient revenues to pay for a long-term transportation bill.

This looming deadline puts additional pressure on Congress to try to work on a bill sooner, rather than later, as has been the experience during the last few reauthorizations.

Funding and transparency in transportation decisions are of great interest to the Senate in particular. At a hearing last month, Senator Barbara Boxer noted that the current MAP-21 provides states with great flexibility to make spending decisions, without specifying the involvement of local officials or metropolitan planning organizations.

The Obama Administration is pushing for an expedited process as well. Transportation Secretary Anthony Foxx recently hit the road on a national bus tour to highlight the need for a new program as well as the impending shortfall in revenue. Foxx is emphasizing the critical role of transportation in the local and national economy and the need to maintain a federal commitment to investing in transportation infrastructure.

The National League of Cities encourages local officials to let their members of Congress know how important MAP-21 programs are to their communities, and the need to ensure that local officials are a part of the decision-making on the future of transportation networks. NLC would also like to hear from local governments if their community has a key project at risk of being delayed or cancelled if Highway Trust Fund resources are depleted. Leslie Wollack of NLC is tracking this issue. Her email is [wollack@nlc.org](mailto:wollack@nlc.org).

Federal oversight of state and local finances. The National League of Cities reports that the U.S. Department of Treasury has announced the creation of a new Office of State and Local Finance that will focus on state and local finance issues, including distressed municipalities and their management of pensions and other unfunded liabilities. Treasury said the new office, which will be operational in mid-May will “[liaise with] state and municipal officials and associations, monitor developments in the bond markets, support policies to improve the management of public pensions and other liabilities, and develop potential federal policy responses to issues that emerge in municipal financing markets.” Kent Kiteshew, formerly of JPMorgan Chase, will head the office. NLC is already planning a meeting with Kiteshew to gain a better understanding of the office’s role and scope.

In a statement announcing the office, Treasury indicated that the idea for the office originated after the White House received requests for assistance by “troubled local governments,” but lacked a centralized way of responding.

While the new office will look into state and local debt, it will not have the authority to adopt or enforce rules for the municipal bond market such as done by the Securities and Exchange Commission (SEC). According to Frank Shafroth at GMU, the SEC, which is the municipal-bond market’s primary regulator, also has ramped up its scrutiny of the sector and is conducting a review of past disclosures by financially-stressed states and municipalities to determine if they may have misled investors about their financial condition. The SEC sets disclosure rules for state and local governments that issue bonds, and is pushing for additional authority from Congress to impose new mandates and penalties on states and local governments that do not meet what the federal government wants with regard to disclosure

NLC believes that the heightened attention to notable cases of municipal fiscal stress has created a number of misperceptions regarding the overall financial condition of state and local governments, in particular, issues concerning bankruptcy, bonds, and pensions. As a result, NLC and the national organizations representing state and local governments and officials jointly released the 2014 edition of *Facts You Should Know: State and Municipal Bankruptcy, Municipal Bonds, State and Local Pensions*. The report details facts related to these issues and the degree to which they are having a financial impact on state and local governments. It also provides links to reports documenting the fiscal health of states and localities, as well as the primary drivers of financial distress, where it exists



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VIRGINIA TOWN & CITY

**Amicus report**

To: VML Executive Committee  
From: Mark Flynn, General Counsel  
Re: Amicus report  
Date: 06 May 2014

**Boren v. Northwestern Regional Jail Authority**

I have reported on the Boren case previously. We await the consideration and decision by the federal 4<sup>th</sup> Circuit Court of Appeals.

The issue in this case involving treatment of an inmate at a regional jail is how sovereign immunity works in Virginia in jail and other local government entities. The case was decided by the federal district court, which found that the jail authority was not clothed with sovereign immunity. That issue is now on appeal to the 4<sup>th</sup> Circuit.

The US District Court ruled that for sovereign immunity to apply to a Virginia governmental authority it must prove all six particular attributes in sovereign immunity law. Local governments have understood for some time that not all six elements must be proven in every case.

If the 4<sup>th</sup> Circuit agrees with the district court, many of the authorities, boards and commissions that local governments create could be at risk for liability for the governmental actions they take due to losing sovereign immunity. That loss of sovereign immunity would be extremely costly for VML's members.

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May 5, 2014

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## U.S. Supreme Court rules in favor of prayer at council meetings

The U.S. Supreme Court ruled this morning that opening prayers at council meetings are allowed under the First Amendment, even if a majority of those speaking the prayers are from one religion. The case – *Greece v Galloway* – involved the town of Greece, N.Y. There, the governing body maintained a list: the “chaplain of the month.” All faiths were able to participate by being put on the list. In practice, however, most prayers were delivered by Christians.

The court reasoned the ceremonial prayers are proper, even if one religious group does most of the praying. The majority opinion states that “ceremonial prayer is but a recognition that, since this nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond that authority of government to alter or define.” The majority opinion goes on to state that “The inclusion of a brief, ceremonial prayer as part of a larger exercise in civic recognition suggests that its purpose and effect are to acknowledge religious leaders and the institutions they represent, rather than to exclude or coerce nonbelievers.”

This decision has an effect on Virginia’s local governments. In Virginia, which is in the federal 4<sup>th</sup> Circuit, prayers must be nonsectarian – the locality’s rules must promote nonsectarian prayers and its practice must ensure that nonsectarian prayers are used. Today’s decision specifically rejects the rule that opening prayers must be nonsectarian. The majority opinion quotes one prayer delivered “in the name of our brother Jesus. Amen.”

Today’s decision does not mean that Virginia’s cities, towns and counties automatically must revise or abolish their policies. The Supreme Court’s decision, however, does appear to shift the balance of rights and obligations. The 4<sup>th</sup> Circuit has consistently ruled that opening or ceremonial prayers are “official prayers” and therefore subject to strict standards to ensure they do not promote one religion over another. That is, as official prayers, they may not tend to promote one religion over another (This is the establishment clause of the 1<sup>st</sup> Amendment). With the Supreme Court diminishing the significance of opening prayers, then the 1<sup>st</sup> Amendment rights of the people doing the praying begins taking precedence over the establishment clause.

In light to today’s ruling, Virginia localities should evaluate their prayer policies to make sure they comply with the U.S. Supreme Court’s decision. VML will evaluate the decision in more detail and report on its ramifications for the prayer policies of Virginia’s local governments.

... Mark Flynn, [mflynn@vml.org](mailto:mflynn@vml.org)



# Regional Suppers

## Save the date!

THROUGHOUT THE SUMMER, VML will be hosting Regional Suppers across the state. It is our hope that elected and appointed officials from VML member localities will join Executive Director Kim Winn and other staff for at least one of these informative evenings.

VML staff wants to hear about issues affecting your community and how it can better serve your needs. The staff will also share information on several timely topics, including a legislative wrap-up. Each supper also will include a specific key topic of importance to your region.

Details on the suppers, including their location, will be forthcoming. In the meantime, please save one of the dates below. Regional Suppers will be held in Northern Virginia and Hampton Roads in the fall.

**Regional Suppers begin at 5:30 p.m. and conclude by 8. Cost will be \$25.**

Date	Location
Thursday, June 5	Town of Gordonsville
Wednesday, June 11	City of Lexington
Thursday, June 12	City of Lynchburg
Wednesday, June 25	Town of Marion
Thursday, June 26	Town of Blacksburg
Wednesday, July 9	Town of Ashland

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Save the dates  
Oct. 5-7