

## LEGISLATIVE REPORT #3

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January 10, 2019

**HB 2071** - Del. John Bell, Fairfax County – **RE: Procurement Act-Job Order Contracting** – to amend Section 2.2-4303.2 to increase the maximum threshold amount at \$7 million and then provide for an annual recalculation. Also, to provide that notwithstanding the max threshold, no individual job order shall exceed \$500,000; to allow job order contracting for safety improvements or traffic calming measures that have been recommended as part of a professional engineering analysis and approved or endorsed by VDOT.

IN HOUSE GENERAL LAWS COMMITTEE

**HB 2072** - Del. John Bell – **RE: Procurement Act-Competitive Negotiation for Professional Services** – to allow negotiations simultaneously with the top 2 ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the RFP.

IN HOUSE GENERAL LAWS COMMITTEE

**SB 1284** - Sen. George Barker, Alexandria – **RE: City and County Voting Precincts** – to prohibit Split Precincts.

IN SENATE COMMITTEE ON PRIVILEGES & ELECTIONS

**SB 1291** - Sen. Louise Lucas, Portsmouth – **RE: State Holidays** – to trade Lee-Jackson Day for Election Day (Same as **HB 1984**).

**SB 1301** - Sen. John Edwards, Roanoke – **RE: Treasurers** – to amend Section 58.1-3919.1 to allow Treasurers, with local governing body approval, to employ private collection agents to assist with collection of any delinquent local taxes or other amounts due to the locality.

IN SENATE FINANCE COMMITTEE

**SB 1305** - Sen. Edwards – **RE: Unpaid Recycling & Waste Disposal Fees-Lien** – to amend Section 15.2-928 to provide for interest on charges not paid. Delinquent charges shall constitute a lien against the property; to allow localities to combine the billings with those for water, sewer, stormwater, real estate tax or other billings.

IN SENATE LOCAL GOVERNMENT COMMITTEE

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**SB 1312** - Sen. Emmett Hanger, Augusta County – **RE: Town Audits** – to amend Section 15.2-2511 to provide that if towns not required to have an audit voluntarily have an audit, a copy of the audit must be provided to the State APA.

#### IN SENATE LOCAL GOVERNMENT COMMITTEE

**HB 2188** - Del. Terry Kilgore, Scott County – **RE: Social Services Employees** – to allow local departments to pay monetary bonuses to officers and employees upon approval of the local social services board, to be paid solely with local or federal funds.

#### IN HOUSE \_\_\_\_\_

**HB 2198** - Del. Todd Gilbert, Shenandoah County – **RE: Procurement Act** – to amend Section 2.2-4343 to require localities to procure professional services through competitive negotiation when cost is expected to exceed \$80,000.

#### IN HOUSE GENERAL LAWS COMMITTEE

**HB 2281** - Del. Eileen Filler-Corn, Fairfax County – **RE: Workers' Comp-PTSD** – a presumption for firefighters, law enforcement officers, hazardous materials officers, animal protection police officers, 911 call takers, dispatchers with certain documentation.

#### IN HOUSE \_\_\_\_\_

## ECONOMIC DEVELOPMENT

**SB 1316** - Sen. Hanger – **RE: the MEI Project Approval Commission** – to amend Section 30-309 to add tourism projects and film projects for review; the Commission would not review projects if the only incentives to be provided are nondiscretionary tax credits or exemptions available to any qualified taxpayer; to amend Section 30-310 to add that additional information to be supplied includes: total amount of incentives received by the sponsor of the project in the past; and a list of all other existing, nondiscretionary tax credits or exemptions for which the sponsor may qualify; to provide to the Commission an aggregate list of all discretionary incentives currently committed by the Commonwealth for the next 10 years, including anticipated requests for appropriations to satisfy those commitments.

#### IN SENATE RULES COMMITTEE

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**SB 1317** - Sen. Edwards – **RE: Broadband for Rural Areas** – to direct the Tobacco Commission to make available at least \$10 million in each fy for grants for purchase and installation of wireless & broadband equipment in rural service areas; to provide a Sales Tax exemption for telecom companies.

IN SENATE COMMERCE & LABOR COMMITTEE

**HB 2182** - Del. Terry Austin, Buchanan County – **RE: State Surplus Property** – to provide Section 2.2-1156 that prior to offering surplus property for sale, the CAO of the locality and any economic development entity for the locality would be notified of the pending disposition, and give them an opportunity to hold for no more than 5 years an option to purchase for use with a bona fide economic development activity. If the option is exercised, the price shall be fair market value or other reasonable price agreed upon.

IN HOUSE \_\_\_\_\_

**HB 2185** - Del. Kilgore – to establish the **Virginia Rural Information Technology Apprenticeship Grant Fund & Program** – to award grants to small, rural information technology businesses in certain Southside & Southwest localities.

IN HOUSE \_\_\_\_\_

**HB 2190** - Del. Nick Rush, Montgomery County – **RE: Tobacco Commission** – to amend Section 3.2-3103 & 3108 to give the Tobacco Commission power to invest up to 10% of funds in Virginia venture capital accounts.

IN HOUSE \_\_\_\_\_

**HB 2237** - Del. Mike Webert, Fauquier County – **RE: Economic Development Incentives** – to require that the essential terms of an incentive package must be disclosed to the public at least 21 days ahead of a project review by the state’s MEI Commission. Information that must be provided to the public: aggregate amount of incentives, timeframe for repayment, no. of new jobs to be created, average wages, and any agreement between the state and the recipient re: the FOI Act.

IN HOUSE \_\_\_\_\_

**HB 2314** - Del. Keith Hodges, Middlesex County – **RE: Enterprise Zones-Traffic Plans** – to amend Section 58.1-3245.12 to require that once an enterprise zone is adopted, VDOT & VEDP and local economic officials shall develop a traffic plan to encourage business development in the zone. Must consider speed limit reduction, business & parking lot entrances, traffic control devices and any other relevant issues.

IN HOUSE \_\_\_\_\_

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**HB 2348** - Del. Charniele Herring, Alexandria – **RE: Small Business Jobs Grant Funds & Virginia Jobs Investment Program & Fund** – to increase the minimum wage requirement from 135 percent to 175 percent of the federal minimum wage for new jobs to be eligible for incentives under these 2 programs.

IN HOUSE \_\_\_\_\_

**EDUCATION**

**HJR 643** - Del. Michael Webert, Fauquier County – **RE: Composite Index** – to ask the Virginia Department of Education to study the effect of local use value taxation on the composite index for each locality that uses it.

IN HOUSE \_\_\_\_\_

**SB 1299; HB 2291** - Sen. Barker; Del. Schuyler VanValkenburg, Henrico County – **RE: School Resource Officers** – MOU between school board and law enforcement. (Same as HB 1733, SBs 1130, 1214).

IN SENATE EDUCATION & HEALTH & HOUSE \_\_\_\_\_ COMMITTEES

**HB 2102** - Del. Nick Freitas, Culpeper – to allow **Home-School Students** to participate in interscholastic sports. Reasonable fees may be charged. Sunsets 7-1-2024.

IN HOUSE \_\_\_\_\_

**HB 2140** - Del. Bob Thomas, Fredericksburg – **RE: School Calendar** – to allow school boards to decide.

IN HOUSE \_\_\_\_\_

**HB 2142** - Del. Thomas – Definition of **School Protection Officer** – Same as **SB 1207**.

IN HOUSE \_\_\_\_\_

**HB 2147** - Del. Cheryl Turpin, Virginia Beach – **RE: School Not Meeting Requirements** – to direct the Department of Education to cause an academic or other review to be conducted to assist the schools; to require local school boards to report the review results and the required annual progress reports in public session; the local school boards shall implement any actions identified. A corrective action plan may be required. If progress is not demonstrated there shall be an MOU with the Board of Education.

IN HOUSE EDUCATION COMMITTEE

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**HB 2168** - Del. David Yancey, Newport News – to **establish** the **Commission on School Innovation, Modernization & Competitiveness**.

IN HOUSE \_\_\_\_\_

**HB 2192** - Del. Rush – **RE: School Modernization** – to allow a public body to use competitive negotiation to procure modernization of public buildings or facilities; to add section 22.1-141.1 to require that public school buildings and facilities be designed, constructed, maintained and operated in accordance with standards and lists what those standards shall facilitate. A new Section 22.1-141.2 would allow a school division to lease with a private developer to assist in meeting the standards. It provides what might be included in a lease. To authorize the Virginia Resources Authority to partially fund school modernization projects (effective 1-1-2020).

IN HOUSE \_\_\_\_\_

**HB 2416** - Del. Glenn Davis, Virginia Beach – to establish **Yellow Public Charter Schools** – a category in which additional services are provided: health care, dental care, after-school support, nutritional support. Provisions allowing for appeals of petitions for such schools.

IN HOUSE \_\_\_\_\_

**ENVIRONMENT**

**HB 2095** - Del. Elizabeth Guzman, Prince William County – **RE: Plastic Products, Bags** – to allow localities to prohibit the purchase, sale, provision of any single use product that is not recyclable or compostable, and for which there is a suitable and cost effective alternative. It also would allow localities to put a 5 cents tax on disposable plastic bags.

IN HOUSE \_\_\_\_\_

**HB 2103** - Del. Freitas – **RE: Stormwater Management Plans, Erosion & Sediment Control Plan** – to amend Section 62.1-44.15:28 to direct the SWCB to establish a procedure that allows an operator to submit stormwater management plans that are sufficient for a particular proposed land disturbing activity without requiring such plans to cover any subsequent land disturbing activity anticipated at the same location or an adjacent location; another provision (same language) for erosion and sediment control and stormwater management plan.

IN HOUSE \_\_\_\_\_

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**HB 2146; HB 2333** - Del. Turpin; Del. Mark Keam, Fairfax County – **Re: Land**

**Development, Trees** – to amend Sections 15.2-961 and 961.1 to allow any locality to adopt an ordinance providing for the planting and replacement of trees during the development process. **2333** would allow requiring tree preservation, planting that exceeds the requirements to achieve specific water quality or quantity goals including achieving Chesapeake Bay TMDLs, or MS4 permit requirements.

IN HOUSE \_\_\_\_\_

**LAND USE**

**HB 2139** - Del. Thomas – **RE: Transfer of Development Rights** – to amend Section 15.2-2316.2D. to allow a locality to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality.

IN HOUSE COUNTIES, CITIES & TOWNS COMMITTEE

**HB 2229** - Del. Lamont Bagby, Richmond – **RE: Affordable Housing** – to amend Section 15.2-958.4 to allow a locality to waive building permit and other local fees associated with housing construction, rehab or renovation by a private sector entity that is doing an affordable housing development.

IN HOUSE \_\_\_\_\_

**HB 2276** - Del. Kathleen Murphy, Fairfax County – **RE: Conditional Rezoning Proffers** – to amend Section 15.2-2303.4 to provide that any locality may by ordinance exercise conditional zoning authority under Sections 15.2-2297, 2298, 2303 and 2303.1 and not be subject to this section (2303.4). To do this a locality shall establish a stakeholder advisory committee, to include reps of real estate development, home builders and realtors, citizens, and a planning commission member and local staff. The local planning commission and governing body must consider committee recommendations prior to adopting or amending an ordinance. The ordinance adopted shall include provisions for credits or offsets against any recommended cash contributions for in-kind contributions such as land dedication, public facility construction, affordable housing units and for the underlying density prior to rezoning. Also, any offsite proffers would be required to bear, at a minimum, reasonable relationship to the projected impacts of the new or proposed residential development on local public infrastructure and facilities.

IN HOUSE COUNTIES, CITIES & TOWNS COMMITTEE

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**HB 2342; SBs 1373, 1524** - Del. Thomas; Sen. Barbara Favola, Arlington; Sen. Dick Black, Loudoun County – **RE: Conditional Rezoning Proffers** – to amend Section 15.2-2303.4 B. to provide that no local governing body shall require any unreasonable proffer; it allows submission of an offsite proffer that the owner and applicant deem reasonable and appropriate; failure to submit proffers shall not be a basis for denial of any rezoning or proffer condition amendment; actions to contest a local governing body action in violation of this section shall be brought only by the aggrieved applicant or property owner provided that the applicant objected in writing to the governing body re: a proposed condition prior to the governing body's grant or denial of the rezoning; provides for an order to amend the proffer to bring it into compliance. Local governing body would have to amend or bring into compliance in 90 days. Provisions were added to provide for communication between applicants or owners and the locality- pre- and post-filing discussions.

IN HOUSE COUNTIES, CITIES & TOWNS & SENATE LOCAL GOVERNMENT COMMITTEES

### MISCELLANEOUS

**HB 2157** - Del. Ken Plum, Fairfax County – to increase **Minimum Wage**.

IN HOUSE \_\_\_\_\_

**HB 2402** - Del. Lashrecse Aird, Petersburg – **“Ban the Box” Bill** – Same as **SB 1199** (Report #2).

IN HOUSE \_\_\_\_\_

### PUBLIC SAFETY

**SB 1303** - Sen. Edwards – **RE: Guns** – to allow localities to prohibit at regular or special local governing body meetings.

IN SENATE COMMITTEE FOR COURTS OF JUSTICE

### TAXATION

**HB 2090; SB 1267; SB 1294** – Del. Vivian Watts; Sen. Janet Howell, Fairfax County; Sen. Richard Stuart, Northern Neck – to require **Remote Sellers** to collect the **Sales Tax** if the seller has more than \$100,000 in annual gross revenue, or at least 200 sales transactions in Virginia.

IN HOUSE \_\_\_\_\_ & SENATE FINANCE COMMITTEES

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**HB 2189** - Del. Kilgore – **Equal Taxing Authority** – effective 7-1-2020 in order to have the Joint Subcommittee on Local Government Fiscal Stress review the bill and make any amendments.

IN HOUSE \_\_\_\_\_

**HB 2365** - Del. Barry Knight, Virginia Beach – **RE: Use Value Assessment** – to amend Section 58.1-3231 to say that such ordinance may provide that the annual increase in the assessed value of property within the classes of eligible property shall not exceed a specified dollar amount.

IN HOUSE FINANCE COMMITTEE

**TRANSPORTATION**

**HB 2265** - Del. Charles Poindexter, Franklin County – **RE: Arterial Preservation Program** – to direct VDOT to review this program and consider its effect on economic development projects in rural communities and solicit input from local and state economic officials.

IN HOUSE \_\_\_\_\_

**HB 2315** - Del. Hodges – to direct VDOT, working with the Commonwealth Center for Recurrent Flooding Resiliency, to identify transportation infrastructure at risk of flooding or deterioration due to flooding, develop a plan and cost estimates for managing the infrastructure.

IN HOUSE \_\_\_\_\_

**HB 2326** - Del. Emily Brewer, Isle of Wight County – **RE: SMART SCALE** – to amend Section 33.2-214.1 B.1 to add to considerations in the prioritization process: maintenance of primary evacuation routes.

IN HOUSE \_\_\_\_\_