

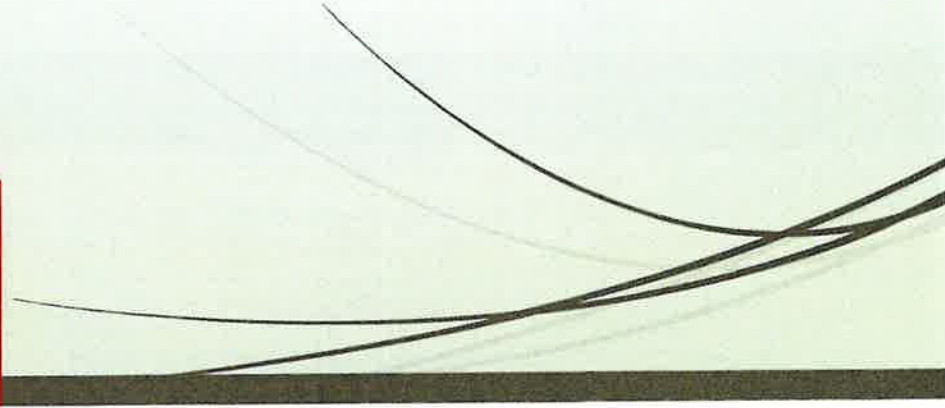
Virginia General Assembly Update

Dan Whitten,
County Attorney

9/13/22



Optional Bills for Consideration by the County



HB 199 - Land preservation program.


- Allows a locality, by ordinance, to provide that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.



HB267/SB12 -

Local taxes; surplus revenues.

- ▶ Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues.



HB368 - Refunds of local taxes; authority of treasurer.

- Increases from \$5,000 to \$10,000 the maximum amount that the governing body of a locality may authorize its treasurer to approve and issue for a refund of taxes paid as a result of an erroneous tax assessment.
- Commissioner of Revenue and Treasurer agree with this change to the County Code.



HB616 - Board of zoning appeals; funding.

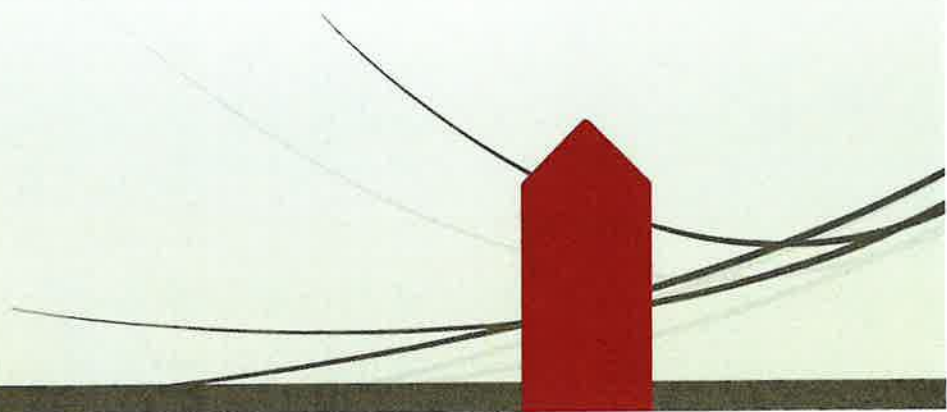
- Provides that upon request of the board of zoning appeals (BZA), a governing body shall consider appropriation of funds so that the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The bill also provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZA's request. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."



HB648 - Real property tax; exemption for the elderly and handicapped.

- Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.
- Commissioner of Revenue would prefer to keep the August 1st deadline.

Mandatory Bills for the County



HB150 - Virginia Freedom of Information Act; posting of minutes; local public bodies.

- Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.



HB167 - Publication of notice by localities.

- Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.

HB179/SB186 - Department of Motor Vehicles; permanent farm use placard.

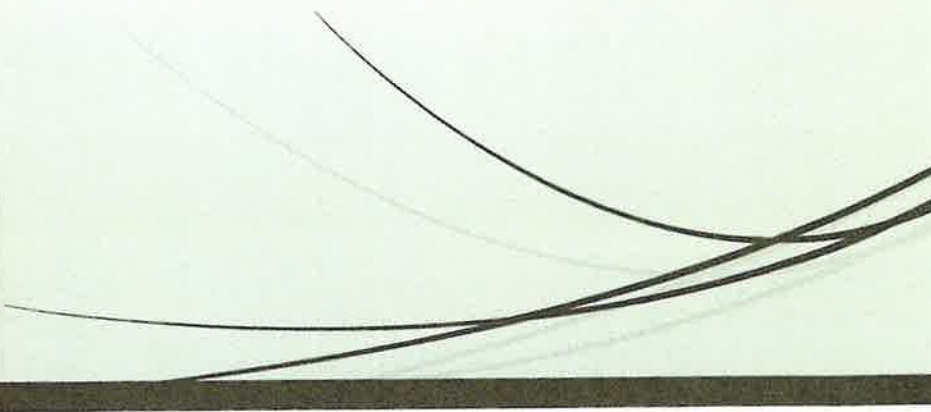
- Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023.

HB206 - Small renewable energy projects; impact on natural resources.

- Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.



HB216/SB57 - State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.

- ▶ Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.
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HB231 - Military personnel; leaves of absence.

- Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth.



HB272/SB501 - Local land use approvals; extension of approvals to address the COVID-19 pandemic.

- ▶ Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.

HB307 - Virginia Freedom of Information Act; estimated charges; exception for certain scholastic records.

- Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost; however, no such public body shall charge for the provision of certain scholastic records, outlined in the bill. The bill requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. Finally, the bill provides that any costs incurred by a public body in estimating the cost of supplying requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such records.

HB429/SB2225 - Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.

- Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits.

HB444 - Virginia Freedom of Information Act; meetings conducted through electronic communication means.

- Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.

HB518 - Sales and transient occupancy taxes; accommodations intermediaries.

- Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

HB677- Posting of notices; electronic posting.

- Requires any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse to also be posted on the public government website of the locality served by the court or on the website of the circuit court clerk. Under current law, the website posting is sufficient when such official document is required to be posted at the courthouse. The bill has a delayed effective date of July 1, 2024.



HB710 - Local government hiring; people with disabilities.

- Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.

HB734 - Virginia Freedom of Information Act; disclosure of certain criminal records.

Provides that (j) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (j) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

HB873 - Virginia Public Procurement Act; methods of procurement; submitting bids electronically.

- Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option. The bill has a delayed effective date of July 1, 2023.

HB964 - Sex offenders in emergency shelters; notification registration.

- Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

HB1080 - Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.

- Requires, in the case of any public elementary or secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.

HB1010 - Real property taxes; notice of proposed increase.

- Adjusts the notice requirements for public hearings held to increase property taxes in localities that conduct their reassessment of real estate more than once every four years. The bill requires such localities to provide notice of any such hearing on a different day and in a different notice from any notice published for the annual budget hearing. Under current law, such hearings are required when a locality seeks to raise its property tax rate above a rate that would collect more than 101 percent of the amount of taxes collected for the previous year.

HB1087 - Local taxation for solar photovoltaic projects five megawatts or less.

- Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.



HB1130/SB207 - Purchase of service handguns or other weapons by retired sworn law-enforcement officers.

- Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.

HB1088 - Planning; subdivision of land and zoning.

- Changes the definition of "subdivision" to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

HB1173/SB631 - Fair Labor Standards Act; overtime; employer liability.

- Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022

HB1191/SB361 - Marcus alert system; participation.

- Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Commission on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers.

HB1290/SB764 - Public bodies; security of government databases and data communications.

- Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt. The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022

SB152 - Virginia Freedom of Information Act and Virginia Freedom of Information Advisory Council; definition; official public government website.

- ▀ Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.



SB172 - County boards of supervisors; salaries.

- Requires county boards of supervisors, prior to July 1 of each year, to set a maximum annual compensation, which will become effective as of January 1 of the year following the next regularly scheduled elections

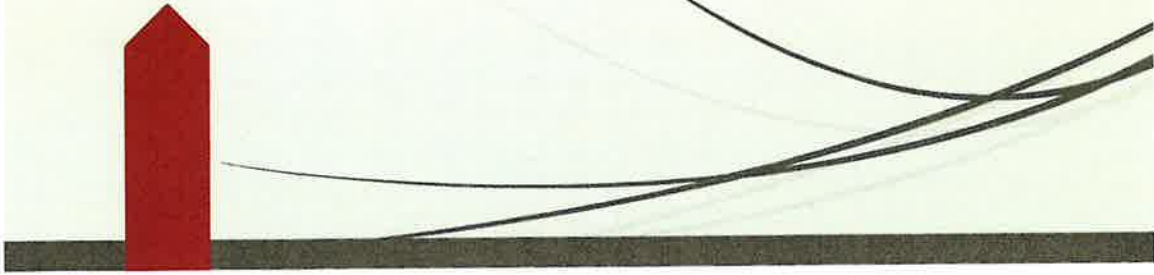
SB268 - Emergency custody and temporary detention; transportation; transfer of custody.

- ▀ Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.



Sb362 - Bicycles and certain other vehicles; riding two abreast.

- Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.



Sb593 - Custody and transportation of persons subject to emergency custody or temporary detention order; alternative custody; auxiliary police officers.

- ▀ Allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.

Sb649 - Juvenile law-enforcement records; disclosures to school principals.

- Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

SB686 - Local tax; solar facility exemption.

- Provides that any solar facility installed (i) on the roof of a residential dwelling or a structure on an agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and (ii) pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.



SB777 - Front and rear bumper height limits; emergency.

- ▀ Provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.



Legislative Priorities for the 2023 General Assembly Session



Freedom of Information Act

- ▶ VACo opposes changes to the Virginia Freedom of Information Act that would impose additional burdens on localities. VACo supports the option for local and regional bodies to meet electronically. VACo supports protecting the confidentiality of citizen complainant's personal information from disclosure under FOIA.



Grievance Hearings

- ▶ VACo supports providing immunity to local government employees, officers, volunteers, and panel members for claims arising out of participation in personnel grievance procedures.




Interoperability

- VACo supports the state's goal that agencies and their representatives at the local, regional, state and federal levels be able to communicate using compatible systems to respond more effectively during day to day operations and major emergencies. VACo supports the Commonwealths transition to Next Generation 9-1-1 in a way that does not unfairly burden localities.



Pretrial Services

- ▶ VACo supports increased funding for and expansion of pretrial services. If the Commonwealth adopts a funding formula for pretrial services, it must hold harmless the localities currently participating.



Public Notice, Public Hearing and Public Procurement

- VA Co supports legislation to streamline required newspaper advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative.



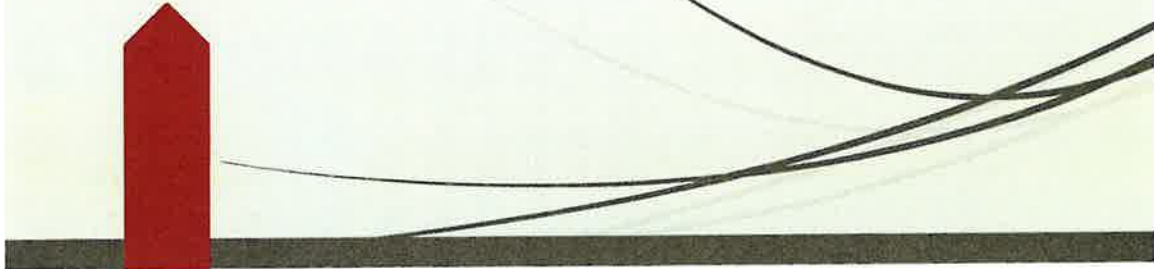
Sovereign Immunity

- ▶ VACo opposes any substantive change in local government's present defense of qualified immunity and sovereign immunity. VACo opposes bringing counties under the Virginia Tort Claims Act.



Impacts of Federal and Military Facilities

- VA Co supports maintaining federal and state funding and technical assistance to mitigate the impacts on counties affected by federal budget cuts and to sustain current and future federal facilities in Virginia. VA Co supports state and local partnerships that work to prevent encroachment and non-compatible land uses next to military installations.



Public Sector Role in Onsite Sewer Program

- ▶ VACo supports an onsite sewage program at the Virginia Dept of Health that protects public health and the environment. The Commonwealth should focus on addressing failing septic systems and allow localities authority to develop and implement policies that support the states program. VACo supports the private sector providing onsite sewage system design, installation and repair services as long as VDH provides direct services also.



Siting of Transmission Lines

- ▶ VACo supports requiring utilities to seek input from localities and property owners before any actions to construct, modify or enlarge transmission facilities.



Electric Grid Capacity Planning

- ▶ VACo supports legislation and policy that requires electric grid operators to share with localities where current and planned infrastructure to transmit and store energy exists that may feasibly accommodate the development of large scale renewable energy facilities.



Devolution of Secondary Roads

- ▶ VACo opposes legislative or administrative initiatives that would transfer to counties the responsibility for the construction, maintenance or operation of new and existing roads.



Orphaned Drainage Outfalls

- VACo supports the recommendations of the Evaluation of Drainage Outfalls Final Report to mitigate the impacts of drainage outfalls with no assigned maintaining entity.

**2022 Virginia General Assembly
Legislation Affecting the County**

I. Optional or Discretionary Bills Affecting the County

<u>Item No.</u>	<u>Bill No.</u>	<u>Bill Description</u>	<u>Staff Recommendation</u>
(1)	HB199	Land preservation program. Allows a locality, by ordinance, to provide that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.	
(2)	HB267/ SB12	Local taxes; surplus revenues. Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues.	Board discretion
(3)	HB368	Refunds of local taxes; authority of treasurer. Increases from \$5,000 to \$10,000 the maximum amount that the governing body of a locality may authorize its treasurer to approve and issue for a refund of taxes paid as a result of an erroneous tax assessment.	COR recommends change in amount
(4)	HB616	Board of zoning appeals; funding. Provides that upon request of the board of zoning appeals (BZA), a governing body shall consider appropriation of funds so that the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The bill also provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZA's request. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."	Staff does not currently recommend additional funds based on the caseload of the BZA
(5)	SB648	Real property tax; exemption for the elderly and handicapped. Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the	COR would prefer to keep current deadline of August 1

elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

II. Mandatory Bills Affecting the County

Item No.	Bill No.	<u>Bill Description</u>	Staff Recommendation
(6)	HB150	Virginia Freedom of Information Act; posting of minutes; local public bodies. Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to <u>post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes.</u> The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.	
(7)	HB167	Publication of notice by localities. Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.	
(8)	HB179/ SB186	Department of Motor Vehicles; permanent farm use placard. Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023.	

- (9) **HB206** **Small renewable energy projects; impact on natural resources.** Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.
- (10) **HB216/
SB57** **State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.** Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.
- (11) **HB231** **Military personnel; leaves of absence.** Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth.
- (12) **HB272/
SB501** **Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.
- (13) **HB307** **Virginia Freedom of Information Act; estimated charges; exception for certain scholastic records.** Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost; however, no such public body shall charge for the provision of certain scholastic records, outlined in the bill. The bill requires a public body, prior to conducting a search for records,

to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. Finally, the bill provides that any costs incurred by a public body in estimating the cost of supplying requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such records.

- (14) **HB429/
SB225** **Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.** Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits.
- (15) **HB444** **Virginia Freedom of Information Act; meetings conducted through electronic communication means.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.
- (16) **HB518** **Sales and transient occupancy taxes; accommodations intermediaries.** Changes the process by which sales and transient occupancy taxes are collected from accommodations sales

involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

- (17) **HB677** **Posting of notices; electronic posting.** Requires any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse to also be posted on the public government website of the locality served by the court or on the website of the circuit court clerk. Under current law, the website posting is sufficient when such official document is required to be posted at the courthouse. The bill has a delayed effective date of July 1, 2024.
- (18) **HB710** **Local government hiring; people with disabilities.** Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.
- (19) **HB734** **Virginia Freedom of Information Act; disclosure of certain criminal records.** Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of

interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

- (20) **HB873 Virginia Public Procurement Act; methods of procurement; submitting bids electronically.** Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option. The bill has a delayed effective date of July 1, 2023.
- (21) **HB964 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.
- (22) **HB1080 Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.** Requires, in the case of any public elementary or

secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.

- (23) **HB1010 Real property taxes; notice of proposed increase.** Adjusts the notice requirements for public hearings held to increase property taxes in localities that conduct their reassessment of real estate more than once every four years. The bill requires such localities to provide notice of any such hearing on a different day and in a different notice from any notice published for the annual budget hearing. Under current law, such hearings are required when a locality seeks to raise its property tax rate above a rate that would collect more than 101 percent of the amount of taxes collected for the previous year.
- (24) **HB1087 Local taxation for solar photovoltaic projects five megawatts or less.** Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.
- (25) **HB1088 Planning; subdivision of land and zoning.** Changes the definition of "subdivision" to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's

resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

- (26) **HB1130/ SB207** **Purchase of service handguns or other weapons by retired sworn law-enforcement officers.** Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.
- (27) **HB1173/ SB631** **Fair Labor Standards Act; overtime; employer liability.** Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. Reinstates the ability of public employers to issue compensatory leave.
- (28) **HB1191/ SB361** **Marcus alert system; participation.** Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to

include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers.

- (29) **HB1290/
SB764** **Public bodies; security of government databases and data communications.** Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt.
- (30) **SB152** **Virginia Freedom of Information Act and Virginia Freedom of Information Advisory Council; definition; official public government website.** Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.
- (31) **SB172** **County boards of supervisors; salaries.** Requires county boards of supervisors, prior to July 1 of each year, to set a maximum annual compensation, which will become effective as of January 1 of the year following the next regularly scheduled elections.
- (32) **SB268** **Emergency custody and temporary detention; transportation; transfer of custody.** Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative

transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available

- (33) **SB362** **Bicycles and certain other vehicles; riding two abreast.** Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.
- (34) **SB593** **Custody and transportation of persons subject to emergency custody or temporary detention order; alternative custody; auxiliary police officers.** Allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.
- (35) **SB649** **Juvenile law-enforcement records; disclosures to school principals.** Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.
- (36) **SB686** **Local tax; solar facility exemption.** Provides that any solar facility installed (i) on the roof of a residential dwelling or a structure on an

agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and (ii) pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.

(37)

SB777

Front and rear bumper height limits; emergency. Provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.

