

City of Chesapeake 2020 Virginia General Assembly Legislative Report January 7, 2020

The 2020 Session of the General Assembly begins Wednesday, January 8th. The deadline for introducing prefile legislation is Wednesday, January 8th at 10:00am. The procedural rules that establish other important deadlines will be adopted in the early days of the session, which is expected to end on March 7. The legislative team has secured patrons for all of Council's legislative requests and has been working with the City's legislative delegation on the bill drafts prior to introduction. Several of the bills have been introduced, while the rest will be introduced on Wednesday. As of 5:00 pm Monday, 1,085 bills have been introduced. That number will likely triple in the coming days and weeks.

This report includes the status of the City's legislative initiatives and budget priorities, a summary of the introduced budget, and a list of bills related to firearms regulations. Future reports will include other bills of relevance to the City on issues such as land use and zoning, transportation, taxation and finance, education, environment, etc.

Priority Legislative Requests/Initiatives

Pro rata reimbursement to developers for water and sewer facilities; (Not yet introduced). Seek amendments to VA. Code 15.2-2243 to allow developers to recover a pro rate portion of costs from subsequent developers or subdivisions, for water and sewer infrastructure investments made by the initial developer.

Amend Land Bank Entities Act to be consistent with State and Local Government Conflict of Interests Act; (Not yet introduced). The Virginia Land Bank Entities Act, Va. Code Section 15.2-7500 et seq., empower the City to establish a land bank entity to address vacant, abandoned, and tax delinquent properties. The City adopted an ordinance establishing a land bank authority in 2018. As the City has worked through forming the land bank authority, Section 15.2-7505(B) has been problematic. This section states that "no member of a board or employees of a land bank entity shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by" the land bank. This standard has been interpreted as more stringent than the one imposed by the State and Local Government Conflict of Interest Act. To this end, Chesapeake requested that Section 15.2-7505(B) be amended to remove the unduly burdensome conflict standard and instead state that members of the board or employees of the land bank are subject to the provisions of the State and Local Government Conflict of Interests Act.

Increase motorized scooter age requirement to 16. [Senate Bill 228 \(Spruill\)](#) has been introduced and has been referred to the Committee on Transportation. This bill seeks to amend Virginia Code

Section 46.2-908.1 by increasing from 14 to 16 the age at which a person is permitted to operate a motorized skateboard or scooter without adult supervision.

Summit Pointe development incentives. [Senate Bill 163 \(Spruill\)](#) has been introduced and has been referred to the Committee on Finance. This bill seeks to add the City of Chesapeake to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. The bill adds outdoor amphitheater to the list of authorized public facilities and extends until July 1, 2024, the period of time during which authorized localities may issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expires on July 1, 2020.

Post-employment insurance benefits for employees of City Commissions; (Not yet introduced). Seek amendment of VA Code Section 15.2-1517 to extend option of a locality to extend group life, accident, and health insurance programs to retired employees of boards, commissions, agencies, or authorities that are separate political subdivisions, but work closely with the locality. Currently, the statute provides express authority to extend benefits only to retirees that were directly employed by the locality and constitutional officers and their employees.

City Budget Priorities

Fentress Development Encroachment Mitigation Funds

- Current proposed budget [maintains](#) original \$1.7 million for encroachment mitigation activities in the vicinity of Naval Auxiliary Landing Field Fentress.
- Current proposed budget [redirects](#) an additional \$250,000 in balances in the encroachment mitigation program to encroachment mitigation activities around Fentress.

State Funding for City Jail Expansion

- Current proposed budget [maintains](#) the state reimbursement of eligible project costs for the Chesapeake City Jail to the tune of \$6,860,886.

Behavioral Health Funds

- Current proposed budget [designates](#) \$68,490,045 from the general fund the second year for services by Community Services Boards and Behavioral Health Authorities pursuant to the STEP-VA process.

Other Legislative Priorities

Retired Law Enforcement Officers Serving as School Security Officers – VRS Benefits. [SB 54 \(Cosgrove\)](#) seeks to allow a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer.

2020 General Assembly Introduced Budget Summary

General Fund Revenue Available for Appropriation

The current budget (2018-2020 biennium) included a planned carryover balance from FY 2019 to FY 2020 of \$229.9 million, which is the starting point in determining available general fund resources for the 2020-2022 biennium. However, \$535.1 million in new funds was actually available to carry forward for spending, which was more than double the previously projected balance.

The caboose budget bill (House Bill 29/Senate Bill 29 - which amends the existing 2018-2020 budget) proposed by the Governor contains amendments that result in a net decrease in general fund spending of \$20.4 million in FY 2020. After adjusting for all resource and spending changes, the caboose bill produces a \$563.0 million balance that rolls into the 2020-2022 biennium budget, a slight increase over the amounts available at the end of FY 2019.

Virginia will also have continuing revenue growth in the 2020-2022 biennium. General fund revenues are projected to increase by 4.3% in FY 21 and 3.6% in FY 22. The result is a significant increase in general fund amounts available for appropriation. The Governor's budget (House Bill 30/Senate Bill 30) proposes a net increase of \$2.7 billion in total spending over the 2020-2022 biennium.

*All amounts are increases (new funding) over the existing base budget level unless otherwise shown.

JUDICIAL

Court System

- \$1.9 million the first year and \$3.7 million the second year GF for 60 additional district court clerk positions to assist with workload demands in district courts across the Commonwealth.
- \$2.7 million GF each year for 59 additional public defenders and support staff positions to meet increase workload demands in offices across the Commonwealth.

HOUSING and COMMUNITY DEVELOPMENT

Department of Housing and Community Development

- \$3.3 million GF and 3.0 positions each year to establish an Eviction Prevention and Diversion Pilot Program with the aim of reducing evictions throughout the Commonwealth.
- \$23.0 million GF increase the first year and \$33.0 million GF the second year to the Virginia Housing Trust Fund, bringing state support for the trust fund to \$30.0 million in FY 2021 and \$40.0 million in FY 2022.

Broadband Funding Increased

- \$16.0 million GF each year for the Virginia Telecommunication Initiative (VATI) bringing state support for the program to \$35.0 million in each year. VATI is a matching grant program supporting broadband deployment in the Commonwealth through local public private partnerships.

PUBLIC EDUCATION

The top 5 issues in K-12 public education total \$1.2 billion for the biennium:

- \$808.5 million to update the state cost of Direct Aid to Public Education for the 2020-2022 biennium. These updates address changes in enrollment, fringe benefits, composite index data, sales tax, prevailing cost data, and other technical revisions supporting Standards of Quality and other related education programs.
- \$145.1 million to increase salaries for funded Standards of Quality instructional and support positions by 3.0 percent, effective July 1, 2021.
- \$99.3 million for additional school counselors. This includes \$42.6 million for the school counselor staffing ratios authorized in the Standards of Quality by the 2019 General Assembly and a second amount of \$56.7 million to lower the standard to one school counselor per 250 students in grades kindergarten through 12.
- \$94.7 million to maximize pre-kindergarten access for at-risk three- and four-year-old children, to attract and retain early childhood educators in hard-to-serve preschool classrooms, and to increase pre-kindergarten classroom observations and teacher professional development.
- \$52.6 million to support educationally at-risk students. Additionally, \$87.8 million of Lottery Per Pupil payments are reallocated to the At-Risk Add-On program. The per pupil allocation is backfilled with \$125.0 million from proposed “Games of Skill” revenue, a funding source that does not currently exist and is contingent upon action by the General Assembly to regulate and tax this industry.
- Remaining amendments in K-12 public education total \$69.0 million.

HEALTH AND HUMAN SERVICES

Children’s Services Act (CSA)

- \$18.0 million GF the first year and \$25.9 million GF the second year for the projected growth of approximately 2 percent in each year, assuming 7.4 percent growth expected in FY 2020 as a result of significant growth in private day expenditures. Other areas of growth are Therapeutic Foster Care and Community-based Services.

Department of Health

- \$1.6 million GF each year to expand the distribution of NARCAN and personal protection equipment with to Virginia’s most at-risk populations, related to the opioid epidemic, through the local health departments and community services boards by providing general fund support to purchase kits and other medical supplies.
- \$3.1 million GF each year for nicotine cessation counseling through an evidence-based

"quitline" program known as Quit Now Virginia (QNV). The emphasis will be on supporting nicotine cessation for Virginia Medicaid clients with a goal of helping to reduce Medicaid costs from smoking and tobacco related illnesses for both children and adults.

Department of Medical Assistance Services (Medicaid)

- Extends Medicaid postpartum coverage for FAMIS MOMS from 60 days to 12 months. Currently, women up to 205 percent of the federal poverty level are eligible for coverage during their pregnancy and up to 60 days postpartum from the delivery date on file.
- Implements a home visiting benefit for pregnant and post-partum women at risk of poor health outcomes effective July 1, 2021. Prior to implementation, DMAS shall engage all relevant stakeholders in the development of the benefit and gaining the necessary federal approvals.
- Allows FAMIS MOMS to access medically necessary treatment for a substance use disorder in an Institution for Mental Diseases (IMD) under the Addiction and Recovery Treatment Services (ARTS) waiver.

Department of Behavioral Health and Developmental Services

- \$1.7 million GF and \$5.0 million NGF the first year and \$2.2 million GF the second year for 12 positions to aid in the implementation and management of STEP-VA services. Additional funds are provided for training and certification for peer support services and for the development and maintenance of a statewide crisis hotline. Funding for the one-time costs of developing the crisis hotline comes from the Behavioral Health and Developmental Services Trust Fund.
- \$19.7 million GF the first year and \$30.1 million GF the second year for the partial implementation of STEP-VA by adding funds for outpatient services, veterans' services, peer support services, and mobile crisis teams. The remaining services (targeted case management, care coordination, and psychiatric rehabilitation) will be delayed until the next biennium.
- Consolidates various agency reports related to children's crisis services and Same Day Access into an annual STEP-VA report that is required in the code. These reports are duplicative and increase administrative burden on the agency.
- \$2.9 million GF the first year and \$5.6 million GF the second year for permanent supportive housing funds for individuals being discharged from state behavioral health facilities.
- \$3.8 million NGF the first year and \$5.0 million GF the second year for 350 new rental assistance slots for individuals with intellectual and developmental disabilities. In the first year, the costs of the subsidies are paid for using balances from the sale of intellectual disability training centers in the Behavioral Health and Developmental Services Trust Fund.

- \$1.4 million GF the first year and \$2.1 million GF the second year for forensic discharge planning for individuals with serious mental illness at three additional jails. Funds provided in FY 2020 allowed for discharge planning programs at two jails, bringing the total number to five.

Department of Social Services

- \$9.0 million GF and \$9.1 million NGF each year to increase local salary minimums in order to address turnover rates at local departments. Also adds a three percent compression increase.
- \$3.0 million NGF the first year to support the Federation of Virginia Food Banks from the Temporary Assistance for Needy Families (TANF) block grant to strengthen outreach to food-insecure children throughout the Commonwealth.
- \$7.7 million the first year and \$5.0 million the second year in TANF funding for a summer food program pilot. Provides \$50 on a family's EBT card each month during the summer for meals purchases.
- \$49,296 the first year and \$98,592 the second year to provide TANF benefits to people previously deemed ineligible to receive benefits because they had drug- related felonies on their record.
- \$1.0 million NGF each year to the Virginia Transit Association to offer competitive grants to public transit companies in order to provide transit passes to low-income families.
- Removes the family cap restriction for families receiving TANF benefits. Children born more than ten months after their family begins receiving benefits will be able to be claimed as part of the family assistance unit.
- \$3.3 million NGF and \$0.3 million GF each year to increase of TANF cash benefits equal to five percent, effective July 1, 2020. Additionally, this package also funds the same increase for TANF Unemployed Parents (UP) recipients.
- Increases the auxiliary grant by \$80 beginning July 1, 2020. This action, when coupled with the required \$12 SSI increase that will occur January 1, 2019, will raise the current grant rate by \$92 or approximately seven percent. Based on the most recent cost and population projections, the recommended increase is expected to cost approximately \$3.3 million general fund; however, this increase can be offset by expected balances in the program.
- \$24.9 million GF and \$7.9 million NGF each year for local departments of social services to begin hiring staff and creating their prevention services departments in response to the federal Family First Prevention Services Act (FFPSA).

- \$1.1 million GF and \$1.1 million NGF each year for start-up fees, program development, curriculum materials, and implementation and sustainability support for evidence-based programming through the federal Family First Prevention Services Act (FFPSA). This includes funding for two additional staff to oversee the statewide contracts for evidence-based prevention services.
- \$8.4 million GF and \$8.4 million NGF each year for evidence-based and trauma-informed mental health, substance use disorder, and in-home parent skill-based training to children at imminent risk of entering foster care and their families. The reimbursable services are included in the federal title IV-E Prevention Services Clearinghouse.
- \$4.1 million NGF and \$0.7 million GF each year to cover the cost of providing foster care and adoption subsidy payments. Based on recent expenditure trends and the impact of child welfare policy changes, this amendment adjusts the appropriation to cover the necessary costs of providing payments to foster care and adoptive families.
- Changes the definition of "kin" to include "fictive kin" for purposes of foster care placement. Fictive kin can include church members, neighbors, family friends, etc. The agency can absorb the estimated costs in this biennium.
- \$8.5 million NGF each year for an increase for relative support payments for relatives caring for children outside the foster care system.
- \$2.3 million GF and \$1.8 million NGF each year to raise maximum maintenance payments made to foster family homes on behalf of foster children by five percent. Appropriation Act language requires an automatic adjustment for inflation be applied to the maximum room and board rates paid to foster parents in the fiscal year following a state employee pay raise. Because state employees received up to a five percent raise in June 2019, this addendum provides a similar percent increase to foster care rates. This increase is also assumed for adoption subsidy funding to ensure that adoption subsidies keep pace with foster family rates and to avoid any disincentives to adoption.
- Adds language directing the Department of Social Services to study the resource cliff faced by families receiving public assistance when income increases enough to reduce or terminate the family's eligibility for public assistance.

NATURAL RESOURCES

Department of Conservation and Recreation

- \$47.0 million GF each year for the mandatory deposit to the Water Quality Improvement Fund (WQIF) associated with the FY 2019 year-end surplus designated for deposit to the WQIF and WQIF Reserve.

- \$41.8 million GF the second year for a discretionary deposit to the Water Quality Improvement Fund (WQIF). Of the amount provided, \$39.6 million is designated for the Virginia Natural Resources Commitment Fund, a subfund of WQIF, of which \$35.0 million is for the implementation of Agricultural Best Management Practices (BMP) and \$4.6 million is for the Soil and Water Conservation Districts to assist in the implementation of the BMPs.

Department of Historic Resources

- \$45,345 GF the first year and \$95,345 GF the second year support for the care and maintenance of historical African American cemeteries and graves. Legislation to be considered during the 2020 legislative session will establish a non-reverting fund, the Historical African American Resources Fund, for both codified and additional certified historical African American cemeteries and graves.
- Removes \$83,570 GF each year previously provided for the care and maintenance of Confederate graves by the United Daughters of the Confederacy.
- \$100,000 GF the first year to digitize highway markers for the Virginia African American History Trail.

Department of Mines, Minerals and Energy

- \$10.0 million GF to capitalize and establish a clean energy financing program consisting of a revolving loan fund and a loan loss reserve fund to support public and private sector projects. The funds would leverage a larger amount of private capital to finance diverse projects throughout the Commonwealth. Potential public and private sector projects include large commercial energy infrastructure or building retrofits.

PUBLIC SAFETY AND HOMELAND SECURITY

Department of Criminal Justice Services

- \$17.0 million NGF the first year and \$21.3 million NGF the second year for the Victims of Crime Act (VOCA) program. The federal funding for this program has increased. VOCA funds support grants to local programs that provide services to victims of domestic abuse, sexual assault, victim witness program, and child abuse.
- \$2.6 million and two positions in FY 2021 and two positions in FY 2022 to support evidence-based gun violence intervention and prevention initiatives in five localities. The agency is directed to review the implementation and effectiveness of the program and issue a report on November 1, 2021.
- \$150,00 for grants to five localities (Hampton, Newport News, Norfolk, Richmond, and Petersburg), to conduct community assessments for youth and gang violence prevention initiatives.

- \$2.3 million GF each year for the expansion of pretrial and local probation services. The additional funding will enable these services to be provided in localities which currently do not have these services.
- \$1.5 million GF each year for competitive grants to localities to assist with security measures intended to address vulnerabilities related to hate crimes.

Other Relevant Legislation

Regulation of Firearms

- [HB 2 \(Plum\)](#) - Firearm transfers; criminal history record information checks; penalty.
- [HB 9 \(Bourne\)](#) - Reporting lost or stolen firearms; civil penalty.
- [HB 72 \(Kory\)](#) - Allowing access to firearms by children; recklessly leaving loaded, unsecured firearm in manner that endangers child under 14; penalty.
- [HB 78 \(Kory\)](#) - Purchase, possession, and transport of firearms following certain convictions; permit to restore rights; penalty.
- [HB 142 \(Davis\)](#) - Concealed handgun permits; demonstration of competence.
- [HB 144 \(Cole\)](#) - Official emblems and designations; state firearm.
- [HB 161 \(McGuire\)](#) - Carrying a concealed handgun; permit not required.
- [HB 162 \(McGuire\)](#) - Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.
- [HB 192 \(Orrock\)](#) - Firearm purchases; proof of demonstration of competence with a firearm.
- [HB 224 \(Freitas\)](#) - Carrying a concealed handgun; permit not required.
- [HB 260 \(Lopez\)](#) - Transfer of firearms; criminal history record check delay; penalty.
- [HB 264 \(Lopez\)](#) - Concealed handgun permits; demonstration of competence.
- [HB 318 \(Kory\)](#) - Possession of ammunition on school property; penalty.
- [HB 355 \(Kory\)](#) - Firearm transfers; criminal history record information checks; penalty.
- [HB 373 \(McGuire\)](#) - Carrying dangerous weapon to place of religious worship.
- [HB 421 \(Price\)](#) - Control of firearms by localities.
- [HB 423 \(Price\)](#) - Gun Violence Survivor Assistance Fund and Grant Program.
- [HB 425 \(Simon\)](#) - Transfer of multiple firearms; report to the Department of State Police.
- [HB 426 \(Simon\)](#) - Prohibited public carrying of certain firearms; penalty.
- [HB 427 \(Simon\)](#) - Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty.
- [HB 450 \(Levine\)](#) - Appeal of involuntary admission order; possession of firearms; penalty.

- [HB 458 \(Sullivan\)](#) - Purchase, possession, and transportation of firearms; fugitives; penalty.
- [HB 459 \(Sullivan\)](#) - Possession or transportation of firearms following convictions for certain misdemeanor crimes; restoration of rights; penalty.
- [HB 463 \(Hayes\)](#) - Allowing access to firearms by minors; penalty.
- [HB 568 \(Helmer\)](#) - Carrying or storing firearms in motor vehicles and vessels; exceptions; penalty.
- [HB 569 \(Helmer\)](#) - Out-of-state concealed handgun permits; reciprocity.
- [HB 599 \(Murphy\)](#) - Carrying weapon into building owned or leased by the Commonwealth; penalty.
- [HB 600 \(Hope\)](#) - Family day homes; storage of firearms.
- [HJ 10 \(Kory\)](#) - Gun Violence Awareness Day.
- [SB 12 \(Saslaw\)](#) - Firearm transfers; criminal history record information checks; penalty.
- [SB 13 \(Ebbin\)](#) - Possessing or transporting a weapon within Capitol Square; penalty.
- [SB 14 \(Saslaw\)](#) - Trigger activators; prohibition; penalty.
- [SB 15 \(Ebbin\)](#) - Carrying weapon into building owned or leased by the Commonwealth; penalty.
- [SB 16 \(Saslaw\)](#) - Prohibiting sale, transport, etc., of assault firearms and certain firearm magazines; penalties.
- [SB 18 \(Saslaw\)](#) - Firearms; criminal history record information checks; age requirement; penalty.
- [SB 22 \(Saslaw\)](#) - Purchase of handguns; limitation on handgun purchases; penalty.
- [SB 35 \(Surovell\)](#) - Control of firearms by localities; permitted events.
- [SB 51 \(Spruill\)](#) - Carrying a concealed handgun; consumption of alcohol in a public park; penalty.
- [SB 67 \(McClellan\)](#) - Reporting lost or stolen firearms; civil penalty.
- [SB 69 \(Locke\)](#) - Purchase of handguns; limitation on handgun purchases; penalty.
- [SB 70 \(Lucas\)](#) - Firearm transfers; criminal history record information checks; penalty.
- [SB 71 \(Lucas\)](#) -Firearms on school property.
- [SB 75 \(Howell\)](#) - Allowing access to firearms by minors; penalty.
- [SB 76 \(Howell\)](#) - Protective orders; possession of firearms; penalty.
- [SB 82 \(De Steph\)](#) - Violation of protective order; armed with firearm or other deadly weapon; mandatory minimum sentence; penalty.
- [SB 83 \(De Steph\)](#) - Brandishing a firearm; law-enforcement officer; penalty.
- [SB 85 \(De Steph\)](#) - Stolen firearms; penalties.
- [SB 86 \(De Steph\)](#) - Use or display of firearm in committing felony; penalty.
- [SB 88 \(De Steph\)](#) - Discharging firearm; penalty.
- [SB 89 \(De Steph\)](#) - Violation of protective order while armed with firearm or other deadly weapon; mandatory minimum sentence; penalty.
- [SB 129 \(Norment\)](#) - Public schools; firearm safety education program.

- [SB 173 \(Hanger\)](#) - Prohibition on possession of stun weapon on school property; exemption for holder of concealed handgun permit.
- [SB 207 \(Petersen\)](#) - Purchase of service handguns or other weapons by retired sworn law-enforcement officers.
- [SB 240 \(Barker\)](#) - Firearms; removal from persons posing substantial risk; penalties.
- [SB 248 \(Favola\)](#) - Virginia Gun Violence Intervention and Prevention Fund.
- [SB 263 \(Bell\)](#) - Concealed handgun permits; demonstration of competence.