

VACo General Government Steering Committee

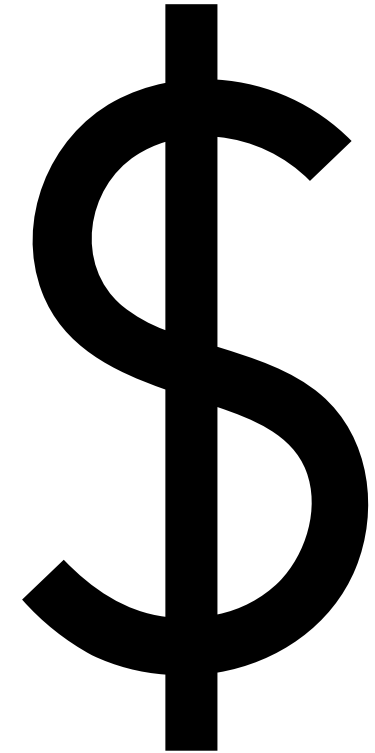
August 15, 2024

2024 General Assembly Session Review of Relevant Issues



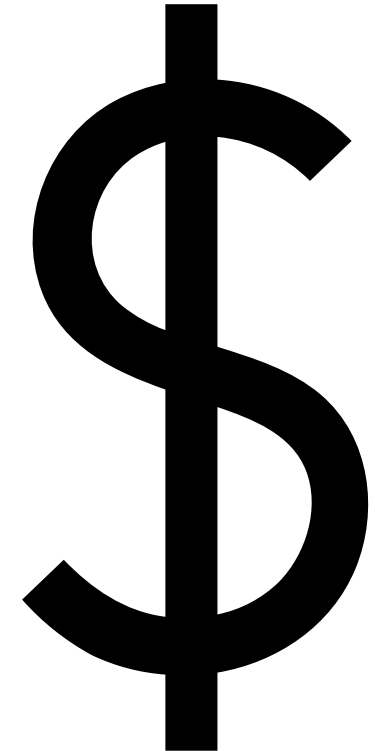
Key Provisions of the 2024-2026 Biennial Budget

- Aid to Localities with Police Departments (“HB 599”): Provides an increase of \$10 million per year in base funding for the HB 599 program.
- Fire and EMS Funding: Directs the Secretary of Public Safety and Homeland Security to assess the sufficiency of fire and emergency medical services funding in the Commonwealth. VACo is named as a participant in the stakeholder group that is directed to be convened as part of the review. Provides \$150,000 in FY 2025 for procurement of technical expertise to complete the review.
- Directs the Secretary of Public Safety to evaluate the establishment of statutory authority for local civilian-led units to handle calls for services related to minor traffic accidents and other duties as assigned. Budget language calls for VACo’s assistance in developing the report, along with the participation of VML, the Virginia Sheriffs’ Association, the Virginia Association of Chiefs of Police, and other appropriate stakeholders.
- Authorizes the Virginia State Crime Commission to access records and facilities of state entities and political subdivisions in order to carry out its duties.
- Funds School Resource Officer Incentive Grants at \$23.1 million in FY 2025 and \$20.4 million in FY 2026 (a reduction of \$4.1 million in FY 2025 and \$6.8 million in FY 2026 from the September 2023 budget spending levels, which were maintained in the December 2023 introduced budget). Eliminates language that would have waived matching requirements in FY 2025.



Key Provisions of the 2024-2026 Biennial Budget (cont.)

- Provides an additional \$2 million in FY 2025 for grants to combat hate crimes; adds language directing DCJS to disseminate information to stakeholders about the grant opportunity and allowing localities in partnerships with institutions or nonprofits that have been targets of hate crimes, or are at risk of being targets, to be eligible to apply.
- Authorizes a Treasury loan for the VEC for the start-up costs associated with the implementation of a paid family and medical leave program as contemplated in legislation that passed the General Assembly (but was subsequently vetoed). Directs the VEC to update its 2021 study on paid family and medical leave to assess the budgetary impacts of expanding benefits to state employees, Constitutional officers and their employees, and school division employees.
- Directs the Department of Human Resource Management to gather data from localities concerning Workers Compensation claims regarding post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by law-enforcement officers and firefighters.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Administration of Government

- **HB 69 Vacancies in elected local offices; interim appointments, notice requirement**
 - Requires the local governing body or elected school board making an interim appointment to fill a vacancy in its membership to hold a public meeting at least seven days prior to making such appointment. The bill specifies that at such meeting, the body or board shall announce the names of all persons being proposed for the interim appointment and shall make available for inspection each person's resume and any other materials required by the body or board.
- **HB 311 Virginia Public Procurement Act; submissions of bids or proposals on electronic procurement system.**
 - Mandates that all local public bodies provide an option to submit bids or proposals for procurement contracts through the Commonwealth's statewide electronic procurement system, known as eVA, or other electronic means. Current law only encourages local public bodies to use eVA for such submissions. The bill has a delayed effective date of January 1, 2025.
- **HB 1116 Virginia Public Procurement Act; methods of procurement, certain construction projects.**
 - Allows a public body to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for non-transportation-related construction projects if the aggregate or the sum of all phases is not expected to exceed \$300,000. Current law places the limit at \$200,000.
- **SB 487 Artificial intelligence by public bodies; Joint Commission on Technology & Science to examine use.**
 - Directs the Joint Commission on Technology and Science (JCOTS), in consultation with relevant stakeholders, to conduct an analysis of the use of artificial intelligence by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence. JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

FOIA / Public Notice

- **HB 264 / SB 157 Legal notices and publications; online-only news publications, requirements.**
 - Provides that where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online-only news publication subject to certain requirements specified in the bill. The bill sets out a process by which an online only news publication shall petition the circuit court of the appropriate jurisdiction to publish such ordinances, resolutions, notices, or advertisements and authorizes the court to grant such online-only news publication the authority to publish such ordinances, resolutions, notices, or advertisements for a period of one year. The bill also describes the process by which an online-only news publication may continue renewing such authority to publish in each successive year.
- **HB 816 / SB 244 FOIA; meetings held through electronic communication during declared states of emergency.**
 - Provides that the provisions for conducting a meeting by electronic means due to a state of emergency stated in the Virginia Freedom of Information Act (FOIA) are declarative of existing law since March 20, 2020, with respect to the Governor's declared state of emergency due to COVID-19. Under the bill, any meeting by a public body using electronic communication means occurring from that date until July 1, 2021, and any otherwise lawful action taken at it is validated with respect to FOIA if the body provided public notice, public access, and public comment commensurate with the requirements of existing FOIA provisions regarding electronic and closed meetings. The bill is a response to the case *Berry v. Bd. of Supervisors* (Va. 2023) and is a recommendation of the Virginia Freedom of Information Advisory Council.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

FOIA / Public Notice (cont.)

- **HB 818 / SB 36 Virginia Freedom of Information Act; amends definition of meeting, provisions of Act.**
 - Amends the definition of “meeting” as it relates to the Virginia Freedom of Information Act (FOIA) to clarify that a gathering of two or more members of a public body is not a meeting if there is no discussion or transaction of any public business by the members of the public body and that certain educational trainings are not meetings subject to FOIA. The bill is in response to the decision of the Supreme Court of Virginia in *Gloss v. Wheeler* (2023) and is a recommendation of the Virginia Freedom of Information Advisory Council.
- **HB 1338 Courthouses; website posting of notices.**
 - Provides that if any notice, summons, order, or other official document of any type is required to be posted pursuant to a provision of the Code on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if such document is (i) posted on the public government website of the locality served by the court or the website of any court, court clerk, sheriff, or commissioner of accounts of the locality or (ii) posted with such other documents at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated. Under current law, the document must be posted on either the public government website of the locality served by the court or the website of the circuit court clerk.
- **HB 1412 Virginia Freedom of Information Act; exemption for complainant personal contact information.**
 - Amends an existing exemption from mandatory disclosure under the Virginia Freedom of Information Act for names, addresses, and phone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code made to a local governing body to exempt personal contact information of such complainants as defined in the bill.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

FOIA / Public Notice (cont.)

- **HB 1488 / SB 413 Local government; standardization of public notice requirements for certain meetings, hearings, etc.**
 - Standardizes the frequency with which and length of time in which notices of certain meetings, hearings, and other intended actions of localities must be published. The notice provisions included in the bill are organized into three groups: (i) publication required at least seven days before the meeting, hearing, or intended action; (ii) publication required twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the meeting, hearing, or intended action; and (iii) publication required three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the meeting, hearing, or intended action. The bill also standardizes descriptive information in such notices related to (a) proposing, amending, or repealing ordinances; (b) local budget adoption; and (c) zoning ordinances and planning-related actions.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

FOIA / Public Notice (cont.)

- **SB 324 Virginia Freedom of Information Act; charges for production of public records.**
 - Prohibits a public body from charging a requester for any costs incurred during the first hour spent accessing, duplicating, supplying, or searching for records requested in conjunction with the requester's first request. The bill provides that for any additional time spent accessing, duplicating, supplying, or searching for such records, or for any additional record requests, the public body shall not charge an hourly rate for accessing, duplicating, supplying, or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$40 per hour. The bill allows a public body to petition the appropriate court for relief from the \$40-per-hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$40 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. The bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition. The bill directs the Virginia Freedom of Information Advisory Council to study whether public bodies should charge requesters pursuant to the bill and report on its findings by December 2024. The provisions of the bill amending the Code of Virginia do not become effective unless reenacted by the 2025 Session of the General Assembly.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Labor / Employment

- **HB 70 / SB 458 Virginia Retirement System; plan credits and accounts.**
 - Allows members of the Virginia Retirement System to purchase service credit for prior full-time active duty military service of at least 180 consecutive days in any federally established branch of the armed services, among other provisions.
- **HB 149 / SB 391 Employee protections; medicinal use of cannabis oil.**
 - Amends the provision that prohibits an employer from discriminating against an employee for such employee's lawful use of medical cannabis oil, with certain exceptions, by specifying that such use must conform to the laws of the Commonwealth and by including the employees, other than law-enforcement officers, of the Commonwealth and other public bodies in such protections.
- **HB 279 / SB 401 Military leaves of absence for employees of the Commonwealth, etc.; includes prof. firefighters.**
 - Provides that any person who is employed by the Commonwealth or a political subdivision of the Commonwealth as a professional firefighter shall receive paid leaves of absence for up to 388 work hours that a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year, during which such person is engaged in federally funded military duty, to include training duty, or is called forth by the Governor for military duty. Under current law, employees of the Commonwealth or a political subdivision of the Commonwealth are limited to an eighthour, 21-workday cap, which equates to seven workdays for such employees working in 24-hour shifts. The 388-work-hour cap would provide leave for a little over 16 workdays for such employees working in 24-hour shifts.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Labor / Employment (cont.)

- **HB 321 / SB 649 Line of Duty Act; increases payment of benefits.**
 - Amends and reenacts § 9.1-402 of the Code of Virginia, to increase from \$25,000 to \$75,000 the death benefit payout under the Virginia Line of Duty Act for a death caused by occupational cancer, respiratory disease, or hypertension or heart disease for those deaths that will occur on or after January 1, 2025.
- **HB 1433 Line of Duty Act; clarifies definition of eligible dependent.**
 - Provides that for purposes of continued health insurance pursuant to the Line of Duty Act, an eligible dependent includes a child that was born or adopted prior to the employee's claim approval date. Under current law, an eligible dependent includes a child born or adopted prior to the time of the employee's death or disability.
- **SB 241 Workers' compensation; notice of right to dispute claim.**
 - Requires that when an employee's workers' compensation claim is denied, an employer or insurer shall include in its letter denying benefits a notice that the employee has a right to dispute the claim denial through the Virginia Workers' Compensation Commission.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Public Safety

- **HB 444 / SB 169 Virginia Rap Back Service; criminal history record monitoring.**
 - Changes the time frame for which a participating entity in the Virginia Record of Arrest and Prosecution (Rap) Back Service is required to disenroll any individual who is deceased or no longer qualifies as an individual for the purposes of the Virginia Rap Back Service from within 30 days to within five business days. The bill also removes the provision stating that an individual who moves from one participating entity in the Virginia Rap Back Service to another need not be refingerprinted.
- **HB 586 Law-enforcement officers; training standards.**
 - Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel on the use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination with statewide naloxone training programs developed by the Department of Behavioral Health and Developmental Services and the Virginia Department of Health.
- **HB 852 Local government ordinances related to fire departments; billing on behalf of volunteer fire depts.**
 - Provides that the governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of such fire departments or fire companies as it deems proper, including billing on behalf of volunteer fire departments for the provision of emergency medical services.
- **HB 933 Alzheimer's disease and dementia; training for dispatchers, firefighters, etc.**
 - Requires certain agencies in the Commonwealth to develop curricula and provide training related to Alzheimer's disease and dementia to dispatchers employed by or in any local or state government agency, firefighters, and emergency medical services personnel. This bill is a recommendation of the Virginia Alzheimer's Disease and Related Disorders Commission and the Commonwealth Council on Aging.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Public Safety

- **HB 1022 / SB 207 Law-enforcement officers, certain; universal certification, necessary training.**
 - Provides that any sworn law-enforcement officer with at least one year of experience (i) whose training qualifications meet or exceed current training standards established by the Board of Criminal Justice Services and who is in compliance with the minimum qualifications, (ii) who has not had a break in service of more than 24 months, and (iii) is leaving the transferring agency in good standing with no pending investigations or disciplinary actions shall be eligible for employment at any law-enforcement agency within the Commonwealth or its political subdivisions., among other provisions.
- **HB 1246 / SB 547 Law-enforcement training; communication with individuals with autism spectrum disorder.**
 - Requires the Department of Criminal Justice Services to establish compulsory minimum and in-service training standards for law-enforcement officers on communicating with individuals with an intellectual disability or a developmental disability, such as autism spectrum disorder, among other provisions.
- **HB 1496 Surveillance technology; reporting by state & local law-enforcement agencies, etc.**
 - Requires localities to provide to the Department of Criminal Justice Services (the Department) a list of surveillance technologies, defined in the bill, used by law-enforcement agencies of the locality and requires the Department to provide such information to the Joint Commission on Technology and Science (the Commission). The bill requires the Commission to conduct a study, in consultation with a representative from the Virginia State Crime Commission, on the use of each such surveillance technology and the implications of its use, susceptibility to misuse or cyberattack, and cost.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Failed Legislation

- **HB 68 Workers' compensation; posttraumatic stress disorder incurred by dispatchers.**
 - Would have allowed dispatchers, as defined in the bill, to claim workers' compensation benefits relating to post-traumatic stress disorder under the Virginia Workers' Compensation Act. Currently, only law enforcement officers and firefighters may claim such benefits. (Continued to 2025 session in House Labor and Commerce)
- **HB 147 / SB 656 Terrorism hoax incident, etc. ; reimbursement of expenses incurred to localities.**
 - Would have allowed a locality that has an ordinance requiring any person over 18 years of age convicted of false emergency communication to emergency personnel to reimburse such locality at the time of sentencing or in a separate civil action to bill a flat fee of \$2,500 or a minute-by-minute accounting of actual costs incurred. The bill also allows a locality that has an ordinance requiring any person under 18 years of age convicted of false emergency communication to emergency personnel to reimburse such locality at the time of sentencing or in a separate civil action to bill a flat fee of \$2,500 or a minute-by-minute accounting of actual costs incurred, not to exceed \$2,500. Current law allows a flat fee of \$250 or a minute-by-minute accounting of actual costs incurred, in an amount not to exceed \$2,500.
- **HB 232 / SB 466 Line of Duty Act; benefits for campus and private police officers.**
 - Would have provided employees of contributing nonprofit private institutions of higher education, defined in the bill, and contributing private police departments, defined in the bill, with the benefits granted to employees of participating employers under the Line of Duty Act. The bill clarifies that the Line of Duty Act shall not apply to any private institution of higher education or private police department that is not a contributing nonprofit private institution of higher education or contributing private police department, respectively. The bill requires each contributing nonprofit private institution of higher education and contributing private police department to pay its pro rata share of the initial costs to implement this bill, as determined by the Virginia Retirement System.



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Failed Legislation (cont.)

- **HB 1001 / SB 374 Collective bargaining by public employees; labor organization representation.**
 - Would have repealed the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The bill requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The bill repeals a provision that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.
- **HB 1284 / SB 623 Firefighters and emergency medical services; collective bargaining by providers.**
 - Would have authorized firefighters and emergency medical services providers employed by a political subdivision of the Commonwealth to engage in collective bargaining through labor organizations or other designated representatives. The bill provides for the appointment of a three member board of arbitration regarding any dispute arising between an employer and firefighters or emergency medical services providers. Under the bill, determinations made by such board of arbitration are final on a disputed issue and are binding on the parties involved. (HB 1284 and SB 623 were continued to 2025 session in Senate Finance and Appropriations)



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Failed Legislation (cont.)

- **HB 1355 Information Technology Access Act; numerous organizational changes to the act.**
 - Would have made numerous organizational changes to the Information Technology Access Act. The bill defines “information and communications technology” as it relates to digital accessibility, defined in the bill, for all persons with disabilities. The bill permits the head of each covered entity, defined in the bill, to designate an employee to serve as such covered entity’s digital accessibility coordinator and provides that such digital accessibility coordinator is responsible for developing and implementing such covered entity’s digital accessibility policy, among other provisions. (Continued to 2025 session in Senate General Laws and Technology)
- **SB 570 Virginia Human Rights Act; definition of “employer.”**
 - Would have waived the Commonwealth’s sovereign immunity to a civil action under the definition of “person” in relevant law. The bill also expands the definition of “employer” as it relates to the requirement to provide reasonable accommodation for persons with disabilities under the Virginia Human Rights Act to include any government or political subdivision, or agent of such government or political subdivision, employing more than five employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. The bill also reduces the number of employees from 15 to five for the definition of employer of domestic workers. (VETOED)



2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Workgroups

- Fire and EMS Funding: Directs the Secretary of Public Safety and Homeland Security to assess the sufficiency of fire and emergency medical services funding in the Commonwealth. VACo is named as a participant in the stakeholder group that is directed to be convened as part of the review. Provides \$150,000 in FY 2025 for procurement of technical expertise to complete the review.
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2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Workgroups (cont.)

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2024 Legislation Related to VACo General Government Platform/ Proposed Revisions

Workgroups (cont.)

- **SB 487 Artificial intelligence by public bodies; Joint Commission on Technology & Science to examine use.**
 - Directs the Joint Commission on Technology and Science (JCOTS), in consultation with relevant stakeholders, to conduct an analysis of the use of artificial intelligence by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence. JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.
- **HB 133 / SB 650 Local gov't; ongoing healthcare for employees exposed to toxic materials.**
 - Directs the Department of Fire Programs to convene a work group to identify and analyze options to help ensure that local government employees who respond to emergencies that expose them to toxic materials have appropriate preemptive and ongoing health care and are able to pay any health expenses related to such emergency and its aftereffects that are not covered by relevant health insurance plans. The work group is directed to report its findings to the General Assembly by November 1, 2024.





Questions?

Jeremy R. Bennett

VACo Director of Intergovernmental Affairs

804-401-0529

jbennett@vaco.org

