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[00:00:00] Okay. All right. Good afternoon. Good afternoon, everyone. Welcome to the February 9th, 2024 meeting of the Legislative Committee. Before we get started, Chairman McKay will be participating remotely in the meeting today due to illness. Chairman McKay, can you state your name and your general location for the record? Sure. Chairman Jeff McKay, Alexandria, Virginia.

[00:00:31] Thank you. I move that the Legislative Committee certify for the record that Chairman McKay's voice can be adequately heard by all persons assembled here at the Government Center. And I further move that the Legislative Committee approve Chairman McKay's remote participation as it fully conforms to the Fairfax County Board of Supervisors' policy for remote participation in meetings.

[00:00:51] Second. I've been moved and seconded. Any discussion? All in favor? Aye. Any opposed? Any abstentions? The motion carries. Okay. Welcome, everyone. We will start. Ms. Arco will give us just a quick update on the schedule and the upcoming timeline in the General Assembly, including the date and time and location for our reception next week. Ms. Arco. So thank you, Mr. Chairman. So we are approaching crossover.

[00:01:22] It's on Tuesday. And so for anyone who doesn't know, each house has to have acted on all of its legislation by the crossover date. If it doesn't, then those bills die. So any House bills that are left in the House die. Any Senate bills that are left in the Senate die. The last few days have been very long days. I

think Monday and Tuesday will be very long days, too, trying to get everything through to the floor. And then once we get past Tuesday, anything that wasn't passed out of its respective body will show in the legislative information system as having been left in the other body. And so then we'll only be dealing with the bills that crossed over to the other side.

[00:01:56] I will say that logistically after crossover, it tends to be challenging because senators are presenting bills in House committees and House of Delegates members are presenting bills in Senate committees and their schedules don't always marry up. So, but that's kind of what we'll be doing for the rest of the session. Next Sunday is what's called Budget Sunday, February 18th.

[00:02:15] So that's when the House and Senate will release their budget amendments. Probably on Sunday, we'll only see their summaries of what they're sort of doing in the budget And it usually takes them a couple of days, maybe like until Tuesday, until we see all of the amendments. So obviously we'll be going through all of those and have been working with our money committee members to share with them the board's priorities and the county's priorities.

[00:02:34] And so that's kind of the next thing on the horizon for us. And then this Thursday, February 15th, is our reception for our General Assembly members in Richmond. We're doing it at the Vaco building this year, so that's a new location, and we're going to be the first ones to do it there. So I think we've sent information to all of you all, including directions and everything else.

[00:02:53] But if board members have an RSVP, please do say so that we just have a good headcount for our planning purposes. Okay. Thank you. Let's move on to the rest of our agenda. Move to specific legislation board members have in your packet this packet.

[00:03:10] And we'll start with new bills, starting with HB 774 under courts. Mr. Chairman, Jennifer Van E., Deputy Director, Legislation.

[00:03:26] So HB 774 applies to just three localities around the state. It essentially allows the locality to charge up to $100 instead of the current 30 for the ASAP program, which is the Alcohol Safety Action Program, if you locally contribute at least 33% to the payment of that, which we currently contribute 56%.

[00:03:52] of funding towards the program so it would apply to us so we recommended support and just to be clear the pay payer of the administrative fee would be the individual who was charged and and the court still will have the ability to say if you are indigent indigent right you can't pay you don't have to okay all right sb 502 sb 502 is um a bill that right now it seems to um allow parents go directly to the clerk of the court to file a child in need of services or a child in

[00:04:30] need of supervision petition right now they must go to the court's intake director um this has not been presented yet and the one time it's come up there's been a lot of people with questions and amendments and so it got it has continues to get taken by for the day it is docketed for monday um but because i know there are amendments coming and we don't know what they look like we did recommend monitor okay move on to elections hb 623 that's me again so hb 623 is a bill about

[00:05:04] pre-clearance which is a topic that we um that was discussed in 2020 2021 um but it does a couple things first of all it expands the right to right to bring a suit to organizations not just individuals who feel disenfranchised under the Rights of Voters Act. It also expands the protected practices to include any changes in location or hours at the satellite office, as well as all cases on this, the jurisdiction will be in the Circuit Court of Richmond.

[00:05:38] So those are the three big changes. We have concerns about including the satellite change in locations as part of this, since we have so many here in Fairfax, given our size, and it would add additional hurdles to be able to change locations or time, even in elections where, say, only one of our districts has a primary, we'd still have to go through the full process, potentially leading to having to have all 17 open for every single election.

[00:06:06] So there are some sensitive topics in this, and so we are recommending monitor versus oppose, because we want to see if we can work with a patron a little bit. But we do have concerns on it. Yeah, presumably this bill is a reaction to some electoral boards across the state restricting or reducing the number of satellite locations in certain elections.

[00:06:34] And obviously, you know, this board has supported a lot of initiatives and funded expansion of satellites and other expansion of the franchise. I think the risk here is that the additional administrative burden could prevent us, our Office of Elections, our Electoral Board, from changing the location of a satellite voting location to make it more convenient for voters.

[00:07:03] It might deter what is already kind of a little bit of a cumbersome process. So I think it's important for us to be engaged in that conversation. So I think monitor makes sense. Okay, HB 940. so this is a bill um about kind of voter knowledge so essentially if a polling place changes location this says not only do you need to send out notice which we currently do under code um but you need to put signage at the old location um there's a lot of debate about what does that signage include does do you have to because first it said you had to put where they should go and then it's well if it's a split precinct and now people need to go to several

[00:07:41] different how do you do that so they got to the place where they're just saying a sign that tells people where to find that information of where to go. Our one concern is that there's no exception for if the formal place was on private property, or it was demolished, or there's construction, and there's no way to post a sign. Or someone walks by and tears down the sign, or it's raining and you can't read the sign. So we recommended to amend to say you've made reasonable efforts to post the sign. Yeah, obviously a number of polling places are privately owned community centers, churches, buildings, sometimes buildings that no longer

[00:08:20] exist. So it's not always possible. Obviously a good idea. We've all seen, you know, seen voters come to the wrong polling place because it has changed. So, but I think, I think the recommendation to amend makes sense. Perfect. And I have talked to the patron and she does seem open to putting it in. And then HB 1171 is a bill that we have concerns about it. Currently, in the curing process, once you find a ballot that has an issue, you have three days to notify

[00:08:56] the voter. This bill says that, in addition to that, you only have three days from the time you receive the ballot to find the error. So there's a deadline to process ballots. Given our size and the number of ballots that can come in on a given day, there are concerns by the staff that they'd be able to get through all the ballots and all the processes that they have to do with it in the three days.

[00:09:20] So we are recommending to extend that deadline from three days to five days. Just so I understand, right now there is no deadline in the statute. I've heard several different perspectives. I can bring staff up, but from what I understand, in practice, the goal is as fast as possible.

[00:09:40] Some people believe that it may be same-day requirement. Some people said that's not true, so I'll let the experts say. Okay, you're going to tell us. Good afternoon, Chairman Walkinshaw, members of the board. You're correct. There is no deadline for the window of time between when it comes from the post office and when they have to do initial processing, which involves confirming that the outer envelope is complete and things like that, and that what this bill does is, for the first time, put a time window on that.

[00:10:09] Okay, and the three to five days that's recommended here, are we comfortable that that is something we could accomplish and have accomplished in prior elections? And now reminded that I should have introduced myself, I'm Martin Desjardins with the county attorney's office.

[00:10:28] I can tell you in my conversations with Office of Elections staff, they've said they thought five days was sufficient. Five days? Yeah. I mean, I think there are concerns about staffing with three, but I don't know the details. Okay. So then that sounds to me like- Oh, I beg your pardon.

[00:10:46] Cheryl Jones is here. And he's here. As is Eric Spicer. I'm just trying to nail this down. If we need to say five days, let's say five days. No. I'm glad you're here. And that might be a misunderstanding in the way I've heard it.

[00:11:01] It's currently three days, and we would like to amend it to five days. Got it. Okay. I'm sorry. Okay. Just press your mic there. Would you like to speak instead?

[00:11:17] Your voice is kind of craggly. I'm Cheryl Jones, Deputy General Registrar, and now, as Marty said, we process the ballots as quickly as possible. In 2020, we received about 235,000 ballots in the mail back.

[00:11:40] We'll get 8,000 or 10,000 ballots in the mail a day, and we process them as quickly as possible, but it takes us one day just to sort and group all these and get them date stamped and so forth. The other issue we have is with the statewide voter database.

[00:11:58] It frequently slows to a crawl, but we can't even hardly do our work at all. Another day, it will just crash, and we lose part of a day. And so by putting a three-day limit on this, you know, are we going to pull all-nighters? It's just, it's difficult.

[00:12:15] It's okay for the smaller jurisdictions, but you realize, of course, we're the largest in the state. We process more absentee ballots than the rest of the state combined. Okay, and we're confident in five days. What we don't want to do is ask for five days, get five days, and then find out in November of 2024 that we actually needed six or seven days.

[00:12:34] No, I think five days, we're good. We're confident, and then, of course, as you said, we'll do it as quickly as we can. If we can do them one day or two days, we'll always do that. Yeah, we always start immediately. Okay, great. Any questions from board members? So we'll stick with the five days. All right.

[00:12:50] Thank you all. That takes us to environment, SB 306. Mr. Chairman, Kristen Kanasky, Assistant County Attorney. The first bill is Senator Salim's, and it would prohibit a retail establishment from selling or offering to sell for outdoor use any plant that is on a list of invasive plants.

[00:13:12] And if they do sell, then they have to have a sign out front that clearly identifies that it's for the sale of invasive plants. And anybody that's found to be in violation of this could be subject to a $500 fine if we were to enforce it. This is consistent with our bamboo and other ordinance that we've tried to it's

consistent in that it's addressing it from the different angle trying to eliminate um and from even entering into the can i just ask you use because i know this maybe there were a couple of different bills on this or discussion about this is the is it a

[00:13:49] requirement that there be signage uh this says accompanied by so the plant must be accompanied by the signage which to me reads like the sign needs to be next to the plant you said there needs be a sign outside. Which bill are we talking about here? This is going to be the one, let me just make sure they have the right version. What's on our packet is SB 306, which says conspicuous signage accompanying the plant. So it's since been amended to say in a conspicuous manner on the property at all public entrances, a sign identifying such plants as invasive. Okay, that seems a little bit,

[00:14:30] who's going to look at the sign entrance to the, yeah, I mean, my sense is that they've moved in that direction as a compromise, I guess. I think, I mean, I think our position should be the sign needs to be next to the plant.

[00:14:50] Unless anyone disagrees to Professor Alcorn. Yeah, I totally agree. And I'm not sure how it gets written, but yeah, somehow associating that particular plant with, it would be much preferable. I mean, I prefer a total ban. I mean, we need to turn the spigot off for some of these things, obviously, but we could get at least that.

[00:15:10] Yeah, I think, and obviously we'll take what we can get, and if this has a path, that's great. We shouldn't oppose it, but I think it's okay at this point for us to say, you know, we think the sign should be next to the plant. No one's going to see the sign in front of the Home Depot that says there's invasive plants somewhere inside.

[00:15:31] Hey, Mr. Chairman. Yes. um yeah just as i read it there there's also this stop sale order that the commissioner can issue so i guess what i'm confused by is does that mean if the stop sale issue is ordered that the retailer can ignore that continue to sell the plant as long as they have a sign up somewhere on the property because that that's the way it reads to me is it that if they're if they don't have the appropriate signage then there there can be a stop sale order that would be part of it yes

[00:16:08] AND ALSO UNDER BOTH SITUATIONS, THEY WOULD STILL BE SUBJECT TO THE $500 VIOLATION FEE. SO WHEN THE COMMISSIONER ISSUES A STOP SALE, THEY ACTUALLY PUT A MARKER ON THAT PLANT RATHER THAN IN THE FRONT OF THE STORE. THAT WOULD BE THE DISTINCTION THERE.

[00:16:27] SO IF THE SIGN IS NOT OUT FRONT, IT WOULD GO IN AND PUT A MARKER ON EACH PLANT. OKAY? YEP. THE MARKER TAG -- DOES THAT ANSWER YOUR QUESTION, MR. CHAIRMAN? I GUESS. I GUESS THE SIGN, THEN, JUST ALLOWS THEM TO CONTINUE TO SELL THEM.

[00:16:42] it does not prohibit the sale of them in any way then so this is just customer information here i just wanted to make sure that that's right why could issue a stop sale order you wouldn't just do that as opposed to going through the trouble of marking them but it sounds like this bill is about marking only so i i get that now okay supervisor jimenez yeah just to echo thank you mr chairman just to echo what mr alcorn said why not just remove the plant all together instead of just marking it that kind of doesn't make sense i'm not saying that anyone in this room if they They don't have the appropriate signage, you mean?

[00:17:15] That's right. Yeah. Yeah. Well, look, I think where we are in this is support with amendment. You know, we supported in the past much stronger bills. Obviously, they haven't been successful. They

haven't been successful this year either. So this maybe is a vehicle that at least as of today is still alive, but I think we can express our hope that it be strengthened.

[00:17:39] And the one thing, Mr. Chairman, I would add is that when we've talked about bills in the past, Oftentimes they've been designed to give localities the authority to do some of this enforcement. And so I think the one benefit of this is that it would have the state doing the enforcement. Now, how well that's going to go, I don't know. But you can imagine how difficult it might be for us to do it.

[00:17:56] Yeah, that's a really good point. That is definitely a plus of the bill because we would have to create an entirely new infrastructure to do that. Okay, let's move on to HB 947. Yes, and there has been a substitute on this one, too, which drastically changes it.

[00:18:16] It started out as requiring localities to put this regulation about vape shops in their comprehensive plan. Now it is that a locality may, by ordinance, regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products.

[00:18:41] And they can also prohibit the sale within 1,000 linear feet of a child daycare center in schools. So it gives us the opportunity to weigh in and to consider that in the ordinance. Okay, great. That sounds like a positive change in Supervisor Alcorn.

[00:18:58] I have had a number of conversations with some members of the delegation on this topic, Supervisor Alcorn. Yeah, I'm just curious. The way it's written, would existing vape shops be grandfathered? Would we have to do that, or is this something that we would have the authority to prohibit?

[00:19:16] I mean, if we wanted to. It does not affect any licensee holding a valid license or any one that currently exists before July 1st, 2024. Okay, so grandfathered as of July 1st. Okay, all right, thank you. Okay, and does that substitute also apply to HB 1486?

[00:19:39] No, in that 1486 is actually going to go with SB 48. Ah. Here, so I'm going to... Okay, well, so the bill you just described, 947... Stands on its own. ...substitute. I think that is something we can absolutely support.

[00:19:55] Mr. Chairman? Yes. I have one question. It says limit vape shops. Are those defined? In other words, if 7-Eleven is selling vapes right next to the high school, can they do it? Because they're not a vape shop, they're a convenience store. And I think the substitute bill had broader language, but that is a good question.

[00:20:21] Is there a threshold of when does it be, you know, if you sell mostly donuts and a little bit of tobacco and vape? How much vaping to be a vape shop? Right. It's really targeting the sale of the product at this location.

[00:20:40] So it would include, I think, a 7-Eleven. Okay. Good. Thank you. And, yeah, the only question that I think that would raise for us from the patient perspective is I don't know that we have anything like that that's product-specific in, did you say comprehensive plan or zoning ordinance, or both?

[00:21:05] The substitute allows for the zoning ordinance. Zoning ordinance. So, you know, but it's a local option. We could work through that. I do continue to believe that the best way to regulate tobacco sales, vape sales, would be for the Commonwealth of Virginia to just do it and say you can't sell them within 1,000 feet of a school.

[00:21:26] And they have the existing licensing system, the existing regulatory structure to enforce it. But a local option for us to consider isn't something we should support, Mr. President.

[00:21:43] Yeah, and thank you for saying that because certainly doing anything with our zoning ordinance, there's a lot of history around the zoning ordinance and a lot of other legal issues. So this might not be as simple as maybe some people think it is, but fine having the authority.

[00:21:59] Okay, so let's move on to 1486 and 1448. Yes, and both of these bills are permissive, and they give localities new authority to address derelict buildings and criminal blight. And this will allow better tracking of abandoned properties specifically, and it would better, the fire department has.

[00:22:22] Okay, I'm sorry to interrupt, but I'm looking at 1486, and it seems to be the same vape shop language. So you're just talking about SB48, right? I am. I'm talking SB48 and HB1486. It's just the, I think the description isn't accurate on the paper.

[00:22:41] Okay, all right. So HB 1486 is actually about derelict buildings, not about Ape Shop. Correct, yes. And the fire department has told us, too, that it will be a better way to enable communication with the fire and rescue so that they can ensure a building is secure and not a hazard to first responders.

[00:23:04] And it provides a registry, and it allows the county to weigh in to determine if a building is abandoned. Okay. All right, good. H.B. 36. And that's me, too.

[00:23:22] Okay. Yes. Now, this H.B. 36 and S.B. 44 create a Class 5 felony for any person who is 18 years or older and who is responsible for the care of a minor whose willful act or mission causes a child to gain possession of a firearm.

[00:23:48] There are certain exceptions carved out, but it says this is especially true if you've received notice of a preliminary determination that the child is a threat either to themselves or to others or if the adult should know that the child has pending charges or has been convicted of a violent juvenile felony.

[00:24:14] Okay, good. 939. Mr. Chairman, Jennifer Van E. 939 extends the gun-free zone, basically the gun-free zone around a polling or satellite location from 40 feet to 100 feet around polling and satellite locations while election activities are happening.

[00:24:36] It also applies the protections that we have at polling places, such as voter intimidation, to satellite offices. So we recommend support. Great. This reminds me there, in the history of Fairfax County that the Board of Supervisors commissioned the book, and I'm sure everyone has read, in the secession vote election in 1860, there were armed secessionists who harassed and intimidated voters outside of the polling places to ensure that they voted in favor of secession. So we have some history on this

[00:25:10] issue. Okay. H.J. 76. H.J. 76 and S.B. 338 are a jailer study on the social, physical, emotional, and economic effects of gun violence on the community. We supported something similar last year, I believe, and so we just recommended support.

[00:25:31] Okay, SB 273. Kristen Kanasky, Assistant County Attorney. This requires a five-day waiting period before a firearm may be sold. And the time frame is from the time the prospective purchaser completes a written consent form to have a licensed dealer obtain a criminal history record to the time of purchase.

[00:25:59] And we recommend support. And this was the law in Virginia until not that long ago. Maybe it is long ago now, but not that long ago. All right, HB 314. Mr. Chairman, members of the board, Ariel

McAloon, Human Services Legislative Liaison.

[00:26:19] HB 314 and SB 179, as introduced, would have required that state hospitals be responsible for discharge planning of individuals who have stayed in the hospital for 30 days or less. Under current law, the CSBs provide discharge planning for all individuals discharged, regardless of the length of stay.

[00:26:42] And so there were some concerns about shifting that responsibility to the state hospitals. The bill was amended and the substitute limits it to more of kind of a pilot where it would be limited to three hospitals, central state, southwestern Virginia, and southern Virginia.

[00:27:00] So given that it's narrowed in scope, we would recommend monitoring just to keep an eye on it. HB 419 would require the Department of Ed to establish and maintain a funding formula for early childhood care and education, and we recommend supporting that based on it being

[00:27:38] a helpful step in terms of providing funding for early childhood work. Okay. HB 594? HB 594, I actually was tabled late this week, and so I'm going to skip over that. But the next bill, SB 615, is a similar bill, and that is still alive. It passed the Senate. It's been amended a couple times.

[00:28:10] As introduced, it would have directed the Department of Medical Assistance Services to amend the state Medicaid plan to allow for reimbursement of services provided by community health workers. The bill as amended now is a workgroup with a report due December 1st, 2024.

[00:28:29] the latest version of SB 615 had also removed a provision that was in the amended version of 594, which had been tabled, that said that at the completion of the workgroup, if sufficient funding and authority existed, that DMAS would start the process of getting federal approval for Medicaid community health worker services benefit.

[00:28:56] I think maybe perhaps that provision, maybe there were some questions about that provision. So the Senate bill no longer has that, and it is still alive. So we recommend supporting that as a helpful step in studying this as community health workers are helpful in improving health care access.

[00:29:16] And this work group would be a helpful first step. Okay. HB 732. H.B. 732 and S.B. 726 are actually similar bills, or our recommendation on them is the same.

[00:29:37] Both bills require local school boards to develop policies relating to overdose prevention and reversal, including storing naloxone in schools. The bills also provide immunity from disciplinary action or civil or criminal liability for school board employees who administer naloxone.

[00:29:58] The issue that our staff had flagged was that the specific language in that provision does not appear to include our school health employees. So we recommend amending the bills to clarify that employees of local health departments are also included in addition to the groups listed already in the bill.

[00:30:18] Can I imagine it's the case that the plans and policy requirements in terms of the procurement storage and maintenance of at least two unexpired doses, et cetera, FCPS is already meeting those?

[00:30:37] I think I would. Okay. We should find out. I think those are existing requirements and our health department works with them, but we'll make sure. Okay. I'm just trying to figure out, is it actually a new mandate in terms of the policies, or is it just an expansion for us, or would it just be an expansion of those individuals who are authorized to administer naloxone as well as the liability protections?

[00:31:05] We'll follow up with them and get back to you all about that one. Okay. All right. SB 574. My button will work. Jennifer Vanney. SB 574 is a study bill to direct the Behavioral Health Commission to convene a work group to look at how to more effectively do civil commitment process. So you might hear that referred to as the TDO process. It would include a lot of different stakeholders at the state and local level, including CSBs, and we recommend support.

[00:31:41] Okay. HB781. HB781 would direct the state health commissioner to reestablish the task force on maternal health data and quality measures. There had been a task force between, that I think ended in 20, a couple years ago, there was a task force, so this would be reestablishing that.

[00:32:11] We have found that, or we think that the task force would help improve local access to data in this area and support related policies and procedures, so we would recommend supporting. Okay, HB 888.

[00:32:30] So HB 888 and SV 176, as introduced, the bills would have excluded behaviors and symptoms that manifest from neurocognitive disorders or neurodevelopmental disabilities like autism or dementia, as a couple examples, from the definition of mental illness for the purpose of placing an individual under a temporary detention order or involuntarily committing to an inpatient psychiatric hospital.

[00:33:00] And the bill was a recommendation of J. Lark and the Behavioral Health Commission. It would have allowed state hospitals to require a licensed psychiatrist or other mental health professional to reevaluate the person's eligibility for a TDO and could allow the hospital to refuse to admit the individual if the symptoms were deemed to be just part of a result of one of these neurocognitive or neurodevelopmental disabilities or disorders. There were a number of concerns with the bill as introduced because of there not being adequate facilities to serve

[00:33:36] these individuals if they can't be admitted into the state hospitals. So the bills are amended to include a reenactment clause and also have provisions directing a work group to look at this. So we would recommend monitoring these just to, you know, see where they go and keep an eye on them in case they change and those concerns reappear. Okay. 1052. Okay. So HB 1052 started

[00:34:10] out as a bill that would require the Virginia Department of Health to submit a quarterly report to localities providing an accurate record of properties that have alternative onsite sewage systems or AOSS. The bill was amended and now kind of flipped that and now requires localities to check VDH's database prior to sending notices of maintenance requirements out to property owners.

[00:34:44] In addition to that being a new requirement on localities, we also, the health department had raised concerns about the fact that they maintain information about AOSS systems in a county system database that also is integrated with other land use agencies and has information about these properties. So we would recommend amending the bill to exempt localities that maintain their own database. So essentially, we are already doing locally what the bill envisions happening

[00:35:23] across the state. Yes, I think so. In the conversation about the bill at the GA, it It sounds like there's probably varying levels of tracking of these systems throughout the state. And so, yes, what the bill is trying to do, I think, is to have everyone kind of on the same page in terms of ensuring that accurate data is getting out.

[00:35:44] But, yes, the county is already doing essentially what the bill would require. Okay. HB 1395, historical preservation. So this is actually a historical position.

[00:36:06] What this bill does is it increases the likelihood that the county can be sued for any demolition. It's allowing anyone who were to testify in opposition to a demolition to have standing to sue in circuit court.

[00:36:23] It's similar to a bill that was raised in 2022, I believe. And it also would stay the issuance of that demolition permit for at least 30 days. But you could arguably be looking at an indefinite amount of time while it went through the court system.

[00:36:43] And just so I'm understanding it, obviously have a feel for the motivation here. It says that the filing of a historic designation application, so if, for example, we were to demolish an old school or a fire station, someone could file an application for historic designation and then have standing to sue.

[00:37:10] Correct. And it would issue that immediate 30-day stay. Right. Yes, Supervisor Alcorn. Yeah, you know, there, as I've learned, there are many different steps in the process for a property to be designated historic in many different ways that a property can be designated historic.

[00:37:28] Is this specific to any particular historic designation application? that sounds like a general term is this a historic overlay district only or no i know um it would apply to arlington and i think that's actually where it stemmed from um a historical uh house in arlington that went through some litigation a couple years ago would it affect the county it would affect us it would affect yes yeah i i i'm very uncomfortable with this because we we certainly yeah and we and we do recommend opposing okay okay all right the sheet says monitor but yeah i think

[00:38:08] i think i think opposed is where we are on that yeah okay okay thank you hb 327 so mr chairman hb 327 directs the department of behavioral health and developmental services to increase rental assistance that's available to the population included in the department of justice settlement agreement, folks that had been in the state training centers, to 175 percent rental assistance, and so we recommend supporting that. Okay. 405. Mr. Chairman, HB 405 is actually also the same

[00:38:43] as a bill on the next page, HB 1397, so we can talk about them together. They allow a locality to require EV charging stations in developments that contain commercial, industrial, and multifamily units if the density is at least seven units per acre or greater, and so we recommend supporting in conformance with the board's goals on EV charging stations.

[00:39:05] Okay. Is the density level there, I mean, was that a result of any kind of negotiation with stakeholders or? I don't know. This is a new delegate, but she is from Arlington County, and so my guess is that it probably connects to something that they're trying to do there, but our staff liked it, and hopefully Tracy or somebody that can talk about it.

[00:39:31] Well, it looks like the Krizak bill has seven also. Mr. Chairman, if I may, Chris Sigler, Assistant County Attorney, I happen to remember a bill that was very similar to this in 2023 carried by Senator Boisco, and Senator Boisco's bill also had, if I remember correctly, that same density level.

[00:39:51] So I think they've probably just used the same bill template. to do that. I think the problem Senator Boisco ran into last year was that the development community isn't always crazy about this. So the more properties she opens up that are opened up to this, the more they... Yeah, and I guess at seven, you're talking about pounds or two over two. Okay, Supervisor Alcorn. Yeah, I mean, I love the idea behind the bill. I am a little concerned about the seven, and I don't want to get into a legal discussion here, but it seems like

[00:40:30] we should already have this authority, you know, in our general authority for a zoning ordinance, because, you know, things come along all the time, and I don't think the state law explicitly, so I guess I would just ask if staff could look at the language. I just want to make sure if this passes that it's not presupposing we couldn't do it for under seven dwelling units per acre? Yeah, well, that's a good question. I think I would say just in terms of the bill itself, I think our preference would be we're best positioned to decide seven, six, eleven, two,

[00:41:10] Supervisor Smith. Is that the difference between required and proffered? Is that part of the issue? Because people can proffer to anything? Mr. Chairman, Supervisor Smith, you're right. uh people could proffer to this this is a this is mandating it on certain on certain and this would be in by right development if it's in the subdivision ordinance it would be in by right developed as well that's correct and so this would be new to create the currently there's no requirement at all for this i believe that's that's correct this would be this would be new

[00:41:42] authority to do that supervisor harry this would be again increasing the cost of housing and does and give us the option to say yes or no. I mean, the locality does, but once we're required, it's in the subdivision ordinance, and it would require action to take it out, correct?

[00:42:00] Mr. Chairman, Supervisor Harity, I have heard that very argument from the members of the development community, yes. Yeah, so it would be up to us as the governing body to decide whether to adopt it, and I think, you know, be consistent with our philosophy that we should be able to decide whether to adopt it and at what density level so we could have a conversation, you know, what density level makes sense, Supervisor Alcorn.

[00:42:27] Yeah, and I would also just point out we have all sorts of requirements in the zoning ordinance. We waive all the time. So, you know, just because I don't think that should slow us down here, but I appreciate and support what you said, Mr. Chairman. Mr. Chairman, would that be waivable?

[00:42:44] If it was a question in this, I don't know that we could waive it if it's in the subdivision ordinance. Yeah. okay we'll go chairman mckay and then we'll wrap up on this i think yeah just just real quick the way this reads it's containing commercial industrial or multi-family residential we focused all on the residential piece i just want to make sure i'm clear this would give us the authority to require vehicle charging ev charging on any development that contained commercial and

[00:43:16] industrial whether or not it had housing or not yeah can someone that's the way i think tracy's is going to answer that question. Tracy Strong, Department of Planning and Development. That's the way I would read that language. We'll, of course, defer to the attorneys on that, but it does say or. I would also note that multifamily, if it is, and I was trying to pull it up to look at it, multifamily in Fairfax County is almost certainly going to be more than seven dwelling units per acre. So the issue there is probably the terminology of

[00:43:49] multifamily rather than the specific density. Yeah, I think we kind of focused on half of this bill and not the other half. I mean, for me, the authority to do this on commercial and industrial, if we can define what that means, does make a lot of sense. I mean, obviously, the residential piece makes a lot of sense, too. But in terms of, you know, commercial property, there's a lot of commercial property across this county, including huge pieces of commercial property that have no easy infrastructure at all. And so, to me, this is a permissive tool. It sounds like we could define the terms under when we would apply that ordinance requirement at the

[00:44:29] local level, if I'm reading it right. And so to me, this is strictly permissive, a tool that we could have, a tool that we could decide what the parameters look like. That's right. Okay. So I think we have the recommendation to support with the amendment that we're better positioned to determine the density level at which it could be applied if we chose to.

[00:44:53] Okay, HJ67, K-12 funding. Did I skip one? Oh, I'm sorry.

[00:45:09] Yeah, 695. So 695 requires the Department of Taxation to establish a statewide short-term rental registry, and it would also require accommodations providers and accommodations intermediaries, so your platforms like Airbnb, VRBO, to register with the Department of Taxation.

[00:45:34] Then the Department of Taxation is required to provide the commissioner of revenue of each locality with access to this registry and information. This would really enable the locality to be able to not only track but also account for all the local taxes, and we recommend supporting.

[00:45:54] So the Commonwealth would bear the burden of setting up this registry. That's correct. And we would have access to it to presumably help with enforcement of our own ordinance on short-term rentals. Yes. Okay.

[00:46:12] All right. Good. HB 1028. And the next one, Mr. Chairman, is it would allow localities that have adopted an affordable housing program to require that affordable rental units be included for any proposed, licensed, assisted living that is subject to special exception or special use permits.

[00:46:33] Right now, the county generally usually asks for about 4% of units towards the auxiliary grant program. This would allow them to expand that program to more. We recommend supporting. Great. All right.

[00:46:53] So now HJ 67. All right, perfect. So HJ67 is a study proposed to have members of the House Committee of Education and the Senate Committee on Education and Health to study what they're calling the Fair School Funding Reform.

[00:47:12] This is basically a study that would take place to look at switching to the student-based ratio put forward by JLARC this summer. So we recommend support. Oh, sorry, we said monitor. I got excited, sorry.

[00:47:29] Yeah, I think, I mean, the only frustration I have here is we've studied it. I guess the argument is the changing to the student-based formula requires more study than JLARC did. Correct.

[00:47:45] This was one of the long-term recommendations, so that out of those 15 recommendations they put forward, there was like seven short and five longer. Those numbers don't add up, but there's a number of them. long-term, this was one of the long-term saying it would take a while to figure out how we would switch the funding overs. Yeah, I guess, and then, you know, of all of the long-term issues identified in JLARC, it seems to me what you want to avoid is having six different studies and six different work groups studying each one on different timelines. And this seems to only, albeit probably

[00:48:24] the biggest issue but only focus on the change to the student-based formula so my understanding um from talking with advocates and and i i'll definitely go back and research this a little bit more but is this was kind of a standalone one in the sense of you could do all these seven things or you could switch to a student-based and then they didn't talk about to switch to a student-based yes you're

going to have to do xyz but it was kind of like a here's how you could fix the current one, or you could just do it this other way. So I think that's why it's probably on its

[00:49:01] own. And I'm just looking at the makeup. So it would be three House members or five House members and three senators, but there isn't any local government, local schools representation. It's just a, it's a GA joint committee. Yes. So Mr. Chairman, some board members may remember that in the budget that the General Assembly passed this last September of 2023, they also included kind of a study of the JLARC study. And that has a study group that is GA members, but is primarily

[00:49:38] money committee members. This, which seems to be sort of parallel, I think is more like education committee members. So it's, and maybe stakeholders as well. So I think we're saying monitor because we're not sure how we feel about what's going on here. So yeah, I think we need to monitor and figure out kind of what our position is in terms of what studies should be conducted.

[00:50:04] But more importantly, we might have limited influence on that, but more importantly, advocate that we're at the table, whether it's as a stakeholder, as a member of a work group, as a member of a committee, because that doesn't seem to be the case at this point. Supervisor Smith? I think Claudia made a good point.

[00:50:20] I think we need to step back and be aware of what all these studies are and to ensure it's just not studying to delay and that things are coordinated. Unfortunately, what Jennifer is going to tell you next isn't going to make you feel any better, but thank you for that introduction.

[00:50:36] SB 105, a substitute was admitted, not admitted, it was, oh. Before we move on, sorry. Yes, Supervisor Behrman. All right. It also says that they're going to identify and commission an independent firm with certain qualifications.

[00:50:53] I mean, wouldn't we want to know what the independent firm is or what certain qualifications – I mean, this is a bunch of gobbledygook. Sorry, excuse me, that was a technical term. But I think that's also a concern about the bill as written that it really – I mean, you may even not – if you've got five members of the House committee and three members of the Senate committee, you may have three members of this committee that don't like the independent firm that they choose to do the study.

[00:51:23] So, yeah, sorry. Okay, so let's monitor and try to engage to figure this out and especially make sure that we're at the table.

[00:51:38] And I think it's even important, I mean, obviously when you talk about fundamental changes to the funding formula, that's going to impact us differently even than it will other jurisdictions in our region. So we need to be at the table representing ourselves in all those conversations.

[00:51:56] Okay, SB 105. So this is also an omnibus bill. Basically, there was several different bills all out there about different JLARC recommendations taking different ones and combining them or just doing standalones. And this is the vehicle they've decided to jam them all in.

[00:52:16] A substitute was given last night. I see online it is now officially posted, but we haven't had time to review it. That got passed last night. It also pushes all the funding to next biennium, which is not great news and what has been kind of the fear all along with the JLARC study.

[00:52:35] So we recommend Monitor, obviously, for some of the same concerns that were brought up about the last bill. Okay. Supervisor Beerman? Can I ask about – oh, go ahead. No, I was going to actually

take us back to something because we did a – there's a summary that's incorrect.

[00:52:54] So let's talk about this one and then we can go back. Can I Supervisor Beerman on this one? Well, can I ask about two school funding bills that weren't here? And I know it's always, you know, dangerous to go out and do your own independent research, especially when you're the new guy. But I was wondering if you had any discussion on HB 624, which also talks about standards of quality, and that's Sam Rasool's bill, or SB 128.

[00:53:22] I know 624 was read for the first time today. sb 128 cleared finance yesterday 15 to nothing um both of them talk about uh soqs rasool's actually ends with this bill as a recommendation of the joint legislative audit and review commission what would the effect of those bills be on school funding are they what we're actually looking for or not and might they pass that's another question um uh chairman walk and jaws Supervisor Behrman will definitely check that out.

[00:53:55] I don't want to speak to something just off the cuff looking at it. So the SB128, the one that you mentioned, was rolled into this bill last night. So there were like six or seven or eight bills that were kind of all rolled into this bill, as Jennifer said.

[00:54:15] And so now 105 is this vehicle, which apparently has only been posted now. It wasn't posted yesterday. There was nothing to look at when we were in committee and even today. And so that's why we're kind of trying to keep an eye on this, but we don't really know exactly what it says yet. And so I haven't looked up the other one yet, but I'm guessing that that might be kind of a similar situation.

[00:54:34] The Senate kind of threw everything together. I don't remember the House bill, but. Sorry. Yeah, the House bill was 624. Yeah, I'm not sure. Like I said, I'm happy to come back and report that next week. I have an idea. This is the vehicle on the House side, and then they'll keep working on them as they progress through the session.

[00:54:53] but we'll definitely find out. Okay. Thanks. Okay. Let's move on to solar. Yeah. So, Mr. Chairman, this is where I had a little, okay, so we had a little error. So, I told you that there were two bills that were the same because the summaries were the same. I think one of those summaries was incorrect because I think that that bill. Age, are we on? Well, that's a very good question, Mr. Chairman. Seven. So, the bill that is, it's at the, Right above the K-12 funding section, HB 1397, Delegate Kriesick's bill, is actually his bill related to manufactured housing.

[00:55:29] And I think that summary is incorrect. And so, because I don't have the summary in front of me, I think what it does is it makes it easier to identify, well, let me not speak off the cuff about this.

[00:55:46] Let me figure out what it does. Yeah, why don't you work on that and we'll move on and we'll come back to it. So let's go to page 8, solar interconnection, SB 697. Yes, this is a bill we're recommending the board monitor for now.

[00:56:02] And mainly it's because there was a significant change yesterday by way of substitute where the bill now says no local ordinance shall include limits on the total amount, density, or size of any ground-mounted solar facility or energy storage facility.

[00:56:20] We don't do that. So that part would not apply to us, nor would that any prohibitions on the use of solar panels that comply with generally accepted national environmental protection and product safety standards were okay there.

[00:56:36] It also has exceptions, then, that installation must be in compliance with any provision of a local ordinance that establishes criteria and requirements for siting. It also has an exception saying that nothing in the subsection shall require a locality to approve an application if it doesn't comply with any other subsection or existing local zoning authority.

[00:57:09] It's vague. It's definitely not clear, but so far under this language, we are in compliance. We recommend monitoring it to make sure that it remains that way and to see if we might be able to help make it more clear.

[00:57:25] Okay. Okay. Good. HB 1073. Mr. Chairman, Noel Dominguez with the Department of Transportation. HB 1073 prohibits tow truck drivers that drive by the scene of erect or disabled vehicle for which a law enforcement tow has been called from initiating contact with the owner or operator of the vehicle by soliciting or offering towing services.

[00:57:51] We are recommending supporting this. We do, my understanding is we have had multiple instances where there have been predatory tactics by these towers that come across an accident. And then they tow and then charge some pretty hefty fines more so than we do in our police tows.

[00:58:09] So we would recommend supporting this bill. How would a tow truck driver know that they come across a scene of a wrecked or disabled vehicle that it is subject to a lawn?

[00:58:26] I guess they have to stop and ask. Mr. Chairman, I'll let the police speak to this and others. I will say when these were heard in committee, there was talk of some towers monitoring police bans. So that has, I'm not sure if that's the case here in the county.

[00:58:42] I know it was brought up down in Richmond. Good afternoon, Mr. Chairman and board. Harold Morris, Lieutenant, Traffic Safety Section with the police department. What's happening out there on the roads in the county? These tow companies are monitoring different type of apps, scanners, and such.

[00:59:01] They hear a crash, disabled vehicle, something of the such, they go out to the scene. And then it's a matter of buyer beware at this point. They approach the driver on the side of the road. They try to solicit business. In some cases, they do.

[00:59:17] And what they are doing with unregulated rates at this point is they are now billing them, on average, the complaints that I have come into my office, anywhere from $4,000 to $7,000. as high as 10, and we're talking for simple toes, flat tires, bumpers falling off the cars, and it's...

[00:59:37] Explain to me the law enforcement, never having had to do it, but how does a law enforcement requested tow work? Knock on wood. So, Mr. Chairman, in the county, we have several types of contracts, one of which is the police-directed towing contract. If a police officer gets to the scene of a disabled or a crash they will then call our dispatch and they will request a tow there are eight different zones set up in this county each zone has its own contractor that's approved to go out and tow they will then be dispatched out to handle driver pays whatever

[01:00:17] the flat rate is that we have negotiated pursuant to that contract that's correct it's contracted Which is roughly hundreds of dollars? So for an average tow, it's $231.75 at this point for just a tow. That's not counting crash or heavy-duty tows or additional fees.

[01:00:35] Okay, got it. Yeah, I guess, so in this scenario, if a tow truck driver comes across a disabled vehicle where there's a police officer there, presumably, if necessary, there will be a law enforcement-requested tow.

[01:00:52] so they know just if this were to pass just got to keep on driving or stop listening in in cases where officers are working the actual crash or disabled vehicle the drivers of these tow trucks are approaching the drivers and they're trying to solicit the business and in some cases they can gain business without the officer being able to interject at that point once they've made that contract verbally then it's a buyer beware and then they get a bill from anywhere from four to $7,000. Okay. Supervisor Herney. And I would assume this also has a negative impact on our

[01:01:31] contract towers because they respond to the scene and the car is gone, so they've basically increased their costs. Yes, sir. There are cases where they're responding out and they either miss the tow or they don't get called at all, and they're the ones spending millions of dollars to keep this contract that is pretty extensive to go through the rules. Keep their fleet, yep.

[01:01:53] Okay, Supervisor Jimenez? I'll just say quickly, one, completely support this, but two, one thing I'd like to see is actually probably even a fee to these towing companies that are driving around trying to solicit and charge these rates. Thank you.

[01:02:09] Okay, so I think support the bill, and maybe there's an opportunity for us to have FCPD share the experience and what we're seeing. Obviously, this is Delegate Carr, who is from Richmond. they're seeing the same thing okay thank you all right uh hb 1496 each yes that is mine hb 1496 um had a late breaking change it dropped a substitute at like 205 today so what i know

[01:02:46] is that it was a surveillance technology registry which we had a lot of concerns on both the front of we have now have to tell people, the public, how we are using surveillance to catch criminals. So there's some of that that was a concern, but also the amount of time it would take and what does this include? It's very overly broad. Does this include my cell phone? Does this include every single piece of technology that could be considered surveillance if it had a camera capability? So there was concerns about that. We're recommending Monitor because there

[01:03:21] is a new substitute. It's now been explained as no longer a registry, but that we would still report this. And so depending on what the reports look like and things like that, I think some of the questions are, we already report some of this, so what does that include? So we're recommending monitor until we can figure that out a little bit better. And I see the language says it requires localities but it doesn't apply to agencies of the commonwealth of virginia like the virginia

[01:03:55] state police no sir uh supervisor harry it just seems odd to me that we wouldn't just oppose this why would you create a registry of where our cameras are so the bad guys know where the well i think we can't oppose it because this bill no longer exists right so all right potentially potentially now if we're just reporting it i think the thought is if it's just a report that we're doing because the patron said this was a way for the state to keep an eye on people they use some of the phrases like surveillance society given all the technology that is now out there

[01:04:31] lpr's uh license plate readers could get lumped into this so again lots of concerns but we'd like to see what the the new bill has um supervisor lusk thank you mr chairman i was going to say the point you just made just to understand which surveillance technology specifically because thinking about the

FLOC cameras and the LPRs, both of them being used in Fairfax County, I'm of the mindset, too, that we would not want to support that bill if it includes those technologies. So I'm going to make that point here that I would feel very uncomfortable

[01:05:05] if we were to move forward with LPRs, FLOC, and other surveillance technologies that our police department feels that we should keep redacted. Thank you. Okay, so let's move on to page 9, HB 609.

[01:05:22] Mr. Chairman, for the next three bills, I wanted to just note that the county had formed an interdisciplinary team to look at reproductive health issues. And so some of the feedback on these bills came from that team.

[01:05:42] So we do have representatives of that team here if there are questions about these. The first two bills, HB 609 and SB 237, are similar and both establish a right to obtain contraceptives and engage in contraception and also create a cause of action against anyone who infringes on that right.

[01:06:06] We would recommend supporting those bills as contraception being an integral part of health care. Okay, and yeah, and Ms. McElwain gave some of the background on this. Obviously, there are hundreds and hundreds of bills in this category every year, and pursuant to the board's direction last year, perhaps the year before, we do have an interagency group that's looked through them and identified just a couple of priorities that have a particular impact on us in the county that are listed here.

[01:06:37] So, 609 and 237 are the same? They're similar. Similar? Yes. Do we discuss them separately? Um, I think essentially, well, um, essentially what I had said about establishing contraception is essentially what both do. And, um, I think that, I don't know that there's like substantive differences at this point, but I just don't think they're quite identical because I think there's been, um, just some changes to the bill in the, on the Senate side, I believe.

[01:07:16] Um, but I can provide more, I mean, I can come back and provide more information on that. Okay. All right. Why don't we go to 716 then? So SB 716 actually was narrowed quite a bit. It started out as a broader bill, but the substitute version really just prevents the Board of Medicine from taking disciplinary action against a doctor for providing abortion care. So we would recommend supporting that as helping to ensure

[01:07:50] access to that care. Okay. So then just, it is no longer related to law enforcement officer? Correct. Okay. I'm just reading the summary here. So what you described isn't in the summary at all yet, right? I think that's correct. I think that we had changed. Needed to change, or late-breaking changes, and so I apologize for that summary not being reflective, but yes. And sometimes new summaries aren't posted in a very timely manner, unfortunately, so sometimes the summary that appears is what was introduced, but... Okay, so the recommendation now based on the new

[01:08:30] language is... To support. To support, and describe the new language to us again, please. The new language would just prohibit the Board of Medicine from taking disciplinary action against a doctor for providing abortion care. Okay. Okay.

[01:08:47] We can go back to... HB 1397. Now, that bill has a substitute as of yesterday, and it's only just been posted now, and so now that I'm looking at it, I think that's not as wonderful news as we might have hoped. The intent of the bill is really to provide increased protections to people who are in manufactured housing when those properties are being sold, and also to make it easier for localities and non-profits to

purchase them or to, you know, meet the same sort of conditions of a purchaser and to preserve that. There's a lot of new language in this substitute that seems to try to make it easier for people to understand

[01:09:27] kind of what their circumstances are, what their rights are. It requires the State Department of Housing and Community Development to post information in both English and Spanish. So there's a lot of provisions in there that I think the board would probably like. And then you get to the very end of the bill where they've added a reenactment clause. And so basically that means, you know, they'd have to bring back a bill next session in order to actually pass it.

[01:09:52] It sort of voids the effectiveness of the bill for this year. We can certainly still support it. We can try to get the reenactment clause removed from it. Obviously, a lot of these things are things that the board has supported in concept, and we include in the legislative program related to manufactured housing.

[01:10:10] And so I think either we could support it or try to, you know. And there is not a Senate version? Not that I've seen, no. I'm only aware of this one. Okay. So, yeah, I think we should support it and seek to remove the reenactment clause, unlikely as that is.

[01:10:28] I'll just make the point that I appreciate this late-breaking information, and I'll say I did try to pull down this as well. I couldn't get all the specifics, but I appreciate the points you just made. We do want to support something that's going to give more rights to those residents, And I'll make the point that I know how difficult this is, having gone through this exercise in my own district in terms of trying to deal with the 60-day provision.

[01:10:55] It's just not long enough. So 90 days will help. Hopefully, the enactment clause that you just made reference to, if we can get that kind of changed, that's going to certainly make a huge difference. And we'll still get Krizak has obviously been very interested in this issue and has had bills in the past.

[01:11:11] And so we'll work with him and see if there's anything we can do to kind of help move this forward. No, no, but thank you very much. Okay, that is the end of new bills, but just continue on page, Supervisor Behrman. I'm sorry, can we go back for just one second, because I'm getting very confused here, and it may just be the late-breaking nature of this.

[01:11:34] Sometimes there is late-breaking news, and so I apologize. And I apologize as well, but on page 8, when we were talking about the school funding bills and we talked about SB105. The description there is about the National Teacher Certification Incentive Reward Program and Fund, not the SOQs.

[01:11:53] So is the description wrong? So, okay. So if we look up SB, because I just Googled it, and the summary is not even up right now. But from now on, SB105 is the Senate version of a bill that's going to help with the JLARC recommendations in theory.

[01:12:11] Right. Okay. It's a vehicle. Vehicle. Yes. So yesterday, a number of bills were rolled into this bill, and now they're all mashed together. But what that new mashup looks like, we don't really know, because it's only just been, I mean, it's only just happened. Again, because crossovers on Tuesday, all the committees are trying to push everything through as fast as they can, and anything that deals with money has to go to the money committees. And so once it goes through a policy committee, then it has, so finance was meeting last night, and they had to have a special meeting today.

[01:12:39] So yeah, it is confusing, and it's a lot of changes at the last minute. Okay, so I'm sorry. I just kept reading the description and not knowing what I was missing. But now I understand. And for those who

couldn't see on TV, we got a thumbs up from Jennifer that 105 is the bill for now on J-Lard.

[01:12:58] Well, we'll do a sideways thumbs. Got it. Okay. Millions of viewers saw it. Yes, exactly. Thank you, Jim. Thank you, Mr. Chairman. My apologies. Thanks. All right, that takes us to page 9, legislation provided for discussion, and we have cannabis.

[01:13:19] Yeah, so I'm going to invite the staff up to come and speak about it. So this is a bill that we've seen several versions of over the last couple years, basically seeking to make selling marijuana legal. So we've done a lot of the criminal justice things like this, but this sets up the retail marketplace.

[01:13:38] And as in the nature of what we just said, there was late breaking changes, at least to the tax section on the floor. And so we're bringing staff up. We're going to talk through kind of the differences between the two bills and some things like that.

[01:13:54] So I'll turn it over to the staff if we want to start with the tax sections. Sections might be the easiest to explain. Good evening, Chairman. Daniel Robinson, Senior Assistant County Attorney. So there's two bills that we're dealing with here. Each give us some taxing opportunities. Each are a little bit different. I'll start with House Bill 698. With respect to taxation, under that House bill, it's going to impose a 4.5% state tax on all sales of marijuana products at retail establishments.

[01:14:33] That would go into a state fund, and those revenues are dispersed according to the current state law formula. It would also then give us an optional local tax that would also be four and a half percent. We would need to adopt an ordinance in order to impose that tax under this bill. Under this bill, it's essentially collected in a sense like a sales tax, so it'll all go to the state, and then that four and a half percent would flow back to the county. So we would get the 4.5%, but we are limited. 50% of the revenues we receive are limited to certain topics set forth

[01:15:11] in the statute that we could use, school construction or modernization, salary increases for teachers, supporting persons and families in historically economically disadvantaged communities, scholarship opportunities, resources for people in foster care, and a few other categories such as that. But there is a little bit more of a limitation on our use of funds under that process. The tax under this bill would be in lieu of the normal sales and use tax.

[01:15:42] So the current, it's essentially a 6% tax for sales in the county, 4.3 that goes to the state, one that comes to the county locally, and then 0.7% that goes to transportation. So that would not apply under that bill. It would just be the four and a half to the state and the four and a half to the county if we so elected to adopt an ordinance. Senate Bill 448 just had to substitute that was either today or yesterday. So we just had an opportunity to kind of look at that.

[01:16:12] Under that Senate bill, there is a state tax of 12.5% imposed on all retail sales of marijuana products. In addition to that, we would also be allowed by ordinance to adopt a local tax, and that would be 3.5% that we could do by ordinance. The statute says the tax is not in lieu of the state sales and use tax, but the sales and use tax would then be capped at 1.125%.

[01:16:41] So under this bill, we're going to have 12.5% to the state, potentially 3.5% directly to the county, and then another 1.125% sales tax that then would be distributed in accordance with one of these statutes that already governs the disposition of sales tax. Essentially, That 1.125% would go to the state, then be reallocated amongst the state in accordance with its normal formula for distributing sales tax to localities based on school age population and some other factors.

[01:17:15] The 3.5%, if the sale occurs in the county, is going to come right back to us. No strings attached. You can use the funds in your general fund for any purposes that you see fit. So that's the gist of the taxation aspect. I will touch just quickly, each of the bills do allow a locality to hold a referendum to not allow the sale of marijuana in the locality.

[01:17:39] So that is a local option as well. But I think that is my ballywick, and so I would turn it over for land use considerations to the remainder of the table. Laura Gorey, Senior Assistant County Attorney. I'm sorry, can I just ask a question on that point on the local option?

[01:17:56] So is it that the locality has to affirmatively pass an ordinance to allow it, or that the locality can affirmatively pass an ordinance to say we're not going to do it? It has to be done by a referendum. I'm sorry. There has to be a referendum to prohibit the sale.

[01:18:14] So if you do nothing, it's going to be allowed. Got it. I'm sorry if I misspoke on that one. Ordinance for the tax. So local governing bodies can choose to hold a referendum to say no. Yes. But if you do nothing, it will be allowed. Got it. Okay. Okay.

[01:18:32] Okay, question on that point, Supervisor Beerman? Just super quick, thank you, Mr. Chairman. When it comes to the percentages of tax, how does that look versus other places in the country that are taxing on this? Or is that on the high end? Is that on the low end?

[01:18:47] Is that kind of a national average of tax? Mr. Chairman, Supervisor Beerman, I'm sorry, Supervisor Jimenez. We're easy to mix up. Yes, indeed. With your permission, we will take that back and try to get you a response by next.

[01:19:08] Let's leave the committee meeting. And let's try to – we'll get through everybody, and then I'll give everybody a chance to ask questions, unless it's a clarifying point. So I think we're at Ms. Gorey. So I'll speak to the land use aspects of these two bills and talk about how they're different.

[01:19:27] And I'd say starting with Senate Bill 448 and the substitute, it's clearly superior in terms of the land use protections that are provided. So in particular, it has language about nothing in the chapter shall be construed to supersede or limit the authority of a locality to adopt and enforce local ordinances regarding zoning and land use. Also, many of you or all of you are familiar with the process we go through when we get ABC license applications, and they require notice to be given to the locality and 30 days to object, and this Senate bill provides the same procedure, and it also has pretty extensive

[01:20:03] grounds on which a board may refuse to grant licenses, including when it's detrimental to moral safety, welfare, certain location relative to schools, churches, residences, things of that nature, so that would give us grounds to object, whereas the House bill contains none of those measures. And in fact, the only thing the House bill says regarding land use protections is that the board, meaning this cannabis board, shall ensure that the marijuana establishments are in compliance with applicable zoning and land use restrictions and that they have to be at least a quarter mile from another retail marijuana store. But it's not at all clear how the board would

[01:20:43] determine that they're in compliance with local zoning and land use restrictions, particularly when there's no notice given to a locality so that they could weigh in or let them know what zoning restrictions are. So I'd say those are the main differences. The Senate bill also allows localities to regulate hours during which marijuana and its products can be sold. I guess those are the main differences from a land use perspective. And so the Senate bill clearly contains far more

[01:21:16] protections. Okay. Everyone, that's it? Good. Okay. I did just want to let people know that um, the patron on the house side is open to the land use, um, being there, there was some debate among the lawyer and clerk of that committee, whether he was allowed to put that in there or not. So, um, I just wanted to let you know, the patron is open to including the local land use authority. Okay. And on that local land use authority, um, I'm just trying to understand. So,

[01:21:51] assume for a second that the board wanted to say, you know, a marijuana retail establishment could or could not exist in certain neighborhoods serving retail or within a thousand feet of a school or in C7 or C8. Would either of these bills give us the authority to do that? In other words, does it give us the authority to create essentially a new category for marijuana retail sales

[01:22:27] establishments or would we have to just assume one of those establishments goes in can is an existing consistent with some kind of use in other zoning districts i think that's something we're going to have to analyze further because at this point we would look at it more as in the overall category of retail sales and then regulate it that way so yeah so i i mean i think that i mean And for me, at least, that is a question that I think the board would face or would like to be able to consider is, do we want to have a different requirement for marijuana retail

[01:23:06] sales establishments than we do for a 7-Eleven? And all of these bills around vape and tobacco locations makes me concerned that, assuming this moves forward, five to 10 years from now, we're going to be looking at bills saying we want to keep marijuana sales, you know, they're next to schools. Why are we allowing marijuana retail sales next to schools? So I think that's, we need to figure that out. Do either of these bills, would they allow us to do that? And if not, I think we want to consider at least having that

[01:23:45] as an option, whether we choose to exercise it or not would be up to a future board. So because this is so analogous to alcohol, there is existing Supreme Court authority in the context of an alcohol license where a locality objected to the location.

[01:24:03] And the Supreme Court said that even though the ABC commission has exclusive authority to license and regulate the sale, which is the same here for cannabis, that doesn't preclude a municipality from using valid zoning ordinances to regulate the location of an establishment selling alcoholic beverages.

[01:24:21] So I don't believe we've ever specifically called out alcohol retail separately and regulated it that way, in part because they're sold through ABC stores many times, and so we don't have authority over the state.

[01:24:37] But this suggests that there would be authority for us to do something different with cannabis in terms of its location. Okay. Well, let's dig into that and see how confident we are in that. And then, you know, the only other thing I'll say just on just on the on the taxation piece, obviously, I think we need to be advocating to get at least as much revenue as the as the Commonwealth would be getting in the House bill where you listed the use, the allowable uses for the 50 percent of the funds.

[01:25:08] obviously those are all wonderful things i support all of them i think our position is we are in we are best positioned to determine how 100 of the local tax proceeds are to be used maybe we choose to use them on all the wonderful things that are listed there and each jurisdiction is going to have different needs so i don't i don't understand um the rationale for dictating it state statewide but let me open it up supervisor alcorn uh yeah thank you appreciate the conversation on land use we definitely would want

that authority, and I think we would want flexibility in terms of how we address that in a lot of different ways. We could probably look at that. I did have a

[01:25:48] question, actually, in terms of Senator Edmund's bill on WMATA funding and looking at the study and looking at dedicated revenue. Is there any connection between this bill and that study that you're aware of, Ms. Dominguez? Mr. Chairman, not that I'm aware of. I'm not sure if others are aware of anything either. We can go back and check. Okay, please do. Thank you. Okay, other board members on cannabis, marijuana. Okay, so we'll dig into the land use question. Advocate

[01:26:25] for as much land use authority as we can get. Equality in terms of how much tax revenue the state gets and we get, and maximum flexibility to utilize the tax revenue. Okay. Thank you all.

[01:26:41] Okay. HB 608. Yes, Mr. Chairman. HB 608 actually in a late breaking change this afternoon was tabled in a House Appropriations Health and Human Resources subcommittee. So I am going to talk really just about SB 34 which is a very similar bill um although a bit more narrow but I'm going to speak to that a little bit in terms of how there are other implications to it um but

[01:27:17] and just give a little bit of a comparison with 608 so SB 34 as introduced would have would authorize hospitals with a psychiatric emergency department um in planning district 21 specifically which is the Hampton Roads area, to employ certified evaluators to conduct the pre-admission screening to determine whether an individual meets criteria for a temporary detention order.

[01:27:41] The bill was amended to specify Senate District 23 versus Planning District 21, but still the same area. It would be a two-year pilot program, and the Department of Behavioral Health and Developmental Services would submit a report back to the GA by October 1st, 2026 on the overall effectiveness of the pilot.

[01:28:04] Currently, the bill is really targeted at a specific hospital in that area that has stood up this psychiatric emergency department. This bill specifically is written in a way that appears narrow, and it's narrower than, or the House bill which was tabled today didn't specify Planning District 21, although it was targeted at this hospital.

[01:28:30] We had taken a position on a bill that was substantively identical to SB 608 last year. It was a Senate bill last year, so I apologize. But we did not take a position on the version that is still alive in SB 34, which is notes the Planning District or Senate District.

[01:28:51] I did want to talk a bit about just the implications just to understand why we're bringing this bill to you all There are concerns about the precedent that this would set in terms of Fundamentally changing the CSBs being the single point of entry into the state hospital system And kind of what would happen once this pilot kind of opens the door to changing that and concerns about how the certified evaluators would be trained, how this would integrate with the crisis system.

[01:29:27] And there was also a study that had looked at the temporary detention order process a couple of years ago, 2020, 2021, that had not really identified the pre-screening side of this as the area where there was cause for concern.

[01:29:44] So our CSB had noted that they would rather see resources directed at the CSBs to be able to take on their or continue to fulfill their existing code mandated responsibilities versus shifting those.

[01:30:00] So that was the reason that we brought it to you. As I said, the House bill was tabled today in House Appropriations. There was a brief discussion about because the Senate bill has passed the Senate and there are fiscal implications, that there could be language included or funding included in the Senate budget.

[01:30:20] So it sounded like this would kind of be a continuing conversation as they're looking at the budget. So I think it's something that we would be looking at there as well. I suppose, assuming it remains limited to one hospital that, I guess, is interested in pursuing this change in the structure.

[01:30:46] Yes, correct. The hospital, I think, has been involved in advocacy on this bill and trying this type of pilot and being involved in the process there. Okay. All right.

[01:31:01] So it sounds like it makes sense for us to monitor this. Obviously, if it were to, I don't presume that hospitals in Fairfax County have expressed any interest in pursuing this, but I guess if they had the option, maybe they would.

[01:31:21] I, yeah, I'm not, so yes, Mr. Chairman, I'm not aware of whether there's a hospital in Fairfax County that is interested in this. I think that one of the issues that Ed Breton brought up when we were, when we've discussed this bill is that the hospital down in Hampton Roads could potentially TDO a person that could end up in hospitals throughout the state.

[01:31:45] And so I think that that was partly, that was another reason why we had flagged it as something that could have implications for us, even if it was limited. But that was, I mean, it does have this limited scope. So it's a little bit of an odd bill.

[01:32:02] Supervisor Smith. So what I'm hearing is we're going to monitor it that we have grave concerns about where this could go and the implications on us. Yes, so like Ariel said, this is not a new idea this year. This has been a little bit in the pipeline. Yes, I think there are implications for it.

[01:32:20] However, because it's very narrowly drawn, it's seen, I think, by some in the General Assembly as providing an incentive to that cleaning area and allowing them to do some things where, you know, in an area where there have been a lot of challenges and everybody's kind of looking for solutions. And so it's kind of a tough thing to fight.

[01:32:39] And so we've been struggling a little bit with it, too. I think our CSB staff would probably say, yeah, they don't really like it at all. I'm just not super confident in our ability to go after something that's very specific. But you're right. It could have longer-term implications that we need to be aware of. Yeah, I think it sounds like if we show up and say we're opposed to this bill that is narrowly tailored to a hospital hundreds of miles from Fairfax County, it raises eyebrows, even though we have maybe a philosophical or structural concern with it.

[01:33:10] That's right. Okay, so I think we can monitor it and express our concerns when there's an opportunity to do so. Okay, bicycles, HB 657. Mr. Chairman, I'm going to take the next three in a group.

[01:33:26] We have talked about bicycle operations in the past. This is this year's round of how to address how bicycles operate on our roads. The first HB 657 essentially allows a bicycle to go, if it's at a red light, it lets them go on the walk signal.

[01:33:41] So when the pedestrian walk signal goes, the bicycle, which is in the road, can also go on the walk signal. My understanding is if they're starting from a dead stop, this allows them time to get going

and get ahead of the cars and be visible by cars.

[01:33:58] That is this first bill. HB 1077 deals with how a bicycle addresses a stop sign. And this essentially says, with some exceptions, a bike can yield at a stop sign and not stop.

[01:34:14] That is, when each intersecting highway has no more than three motor vehicle travel lanes, the person is at least 15 or accompanied by an adult, the person slows to a reasonable speed, and before proceeding, they stop for any pedestrian within the crosswalk or a vehicle approaching.

[01:34:30] but that does turn a stop sign into a yield sign for a bicyclist. And then the third one is a little bit complicated. The first half of it is similar to 1077. It did both. They took out the first one and let that one go separately. Now HB 1266 says any person who's on a bicycle, scooter, that sort of thing, should move over to the right as safe, as practicable unless, and there's a list of unless, and it adds this new one, when the travel lane is not wide enough to allow an overtaking vehicle to pass in the manner required as the overtaking bicycle, pedestrian, scooter, etc. So it says they don't have to move

[01:35:09] over to the right if the lane is not wide enough. It also says that previously bicycles are allowed to ride two abreast, no more than two abreast, but they can ride two by two. The current code says THAT IF A FASTER VEHICLE COMES BEHIND THEM, THEY HAVE TO MOVE TO A ONE-TO-ONE.

[01:35:29] THIS SAYS THEY NO LONGER HAVE TO, BUT THEY DO HAVE TO -- ON ROADWAYS WITH ONLY ONE TRAVEL LANE IN THE DIRECTION OF SUCH PERSON AND ON A POSTED SPEED LIMIT OF 35 MILES PER HOUR OR MORE, THEY SHALL NOT IMPEED THE NORMAL AND REASONABLE MOVEMENT, BUT IT NO LONGER SAYS THEY HAVE TO GO ONE BY ONE.

[01:35:48] WE UNDERSTAND THESE ARE, YOU KNOW, SUPPORTED BY THE BICYCLE COMMUNITY. I think transportation, we are more comfortable with the first one, with going on the walk signal. We do see that that can be reasonable.

[01:36:03] I'm not sure if we're full-on supportive of the other two, and Greg Steverson is here as well. Sure. Good afternoon, members of the committee. My name is Greg Steverson. I'm the acting director of SCDOT. And I think the biggest question mark about at least 1266 is about how that's going to work and how people will kind of understand how that works.

[01:36:28] I'm not sure how a bike would understand whether or not a vehicle can or can't overtake it, when or when it can't do whatever it can do. And so I'm not quite sure how that language would specifically work out. In terms of the rolling stop, I think the biggest question, concern there revolves around vehicles needing to stop, pedestrians needing to stop, but bikes having sort of a different strategy, even though the sign says what it says.

[01:36:55] So I think that's sort of our biggest kind of question mark with those two other bills. Sergeant Morris, anything to add to that? No, Chairman. It just makes it very confusing when bike has a different set of rules than what everyone else does. And to make it plain and simple is if we keep everything consistent across the board with that, then it's going to be safer for everyone.

[01:37:18] Everyone knows the expectation at that point. Supervisor Smith. I appreciate what you said. You know, as somebody, people driving cars, it's very frustrating with safety. And I support what you said.

[01:37:37] I think it's a mistake to go forward and have different rules for people on bicycles. I think the third one I have a difficult time wrapping my head around. I agree with Mr. Steverson. I don't know how

anyone on a bicycle or a car would understand it, although I don't know that people understand the current status quo.

[01:38:01] The question for PD, on the first two, in terms of, you know, a bicycle going when the pedestrian signal is on, I mean, and the not coming to a full stop, I would posit that those two kind of reflect the, probably reflect the on-the-ground reality right now.

[01:38:26] I don't know that there are a lot of bicycles stopping at stop signs, and I don't presume we're writing a lot of citations for that, but you would know much better than me. As far as issuing citations for that violation, typically those will come in from community members that complain about it and they have this area in the neighborhood where you have a group of bikes that will go through the neighborhood and just roll right through a stop sign with disregard to anyone else there and that will then bring our attention out there and then we'll address that

[01:39:02] as we need to but consistently unless it's you know a bicycle that's just blowing through a stop sign in front of us that we see and it nearly calls in a crash or put in a pedestrian or someone else in danger, then, you know, we handle those as they come in. Okay. All right. So it sounds like certainly for 1077 and 1266, we're not supportive of those bills. I guess it's a question for the board or folks comfortable with Mr. Deverson's recommendation on HB 657, that that's

[01:39:41] an acceptable change to allow bicycles to proceed when the pedestrian signal allows pedestrians to proceed? Yeah, I support Mr. Severson's recommendation. I have one question, though.

[01:39:58] I've noticed when I've been looking out my window at my office, I'm seeing more and more people on what looks like a stand-up unicycle, and they're flying down the road. I mean, it's a little disconcerting so i don't know how we are they considered in this power assisted um mobility device is that what we're considering that so would they have the same permissions as all the other um items that are listed in this bill so if it's motorized and on the road it it at that

[01:40:33] point is then considered a vehicle on the road uh so if it's under its own power i mean you're operating it then it has the same rules as what a motor vehicle does yeah from a from a safety standpoint i'll say i would imagine that that's probably one of the more dangerous electronic vehicles for people to be using electric vehicles i don't know if we've had any crashes or incidents with those but certainly see that as a potential concern more so than these other mobility devices that we've talked about right there's several i'm sorry several different vehicles out there

[01:41:10] whether it's the unicycle whether it's a motorized scooter or whatnot there's a variety of different modes of transportation that's in that kind of category right and some of them would be deemed unsafe especially around pedestrians and whatnot and they need to follow the rules but we've had one fatal incident with one of those on the roadways here in the county within the last month or so I guess the question then for me is do we do we have any thoughts about maybe this is a future discussion at a public safety and security meeting the concern about that particular

[01:41:50] device i think safety and just thinking out loud what you just said makes me very concerned i agree i you know we've we've addressed this in different um type of meetings where we've sat and tried to explain and educate with that but it absolutely would not hurt to to put our heads together and try to come up with something that would help out okay thank you okay i'm gonna to suggest, given that we don't have

a lot of board members here, maybe even have differences of opinions on 657, that we just monitor 657. Personally, I'd be comfortable with that one,

[01:42:26] but I don't know that I have enough board members here who concur with that. And then we oppose 1077 and 1266. Folks are comfortable with that. Okay. All right. Let's move to my favorite topic of vehicle exhaust. Mr. Chairman, I'm going to take- OF HOURS OF MY LIFE ON THIS ONE. LOOK FORWARD TO DOING IT AGAIN.

[01:42:48] I'M GOING TO TAKE THESE IN A BLOCK AS WELL. THE FIRST IS FAIRLY SIMPLE, HB 883. I WILL SAY THESE ARE THE CONTINUED EFFORT OF DELEGATE WATTS AND OTHERS IN OUR REGION TO ADDRESS THE LOUD MUFFLER ISSUE, OR AS SHE LIKES TO CALL THEM, MACHO MUFFLERS. THE FIRST EXPANDS THE LOCATIONS WHERE WE CAN -- WHERE WE CAN ADDRESS THESE SITUATIONS. CURRENTLY, IT'S CURRENTLY unlawful for these persons to operate on highways only. This expands that to driveways and premises of a church, school, recreation facility, or business, or any governmental property open to

[01:43:24] the public on premises of any industrial establishment providing parking space for customers, patrons, or employees, or any highway. I do want to specifically note this does not include your personal driveway or, you know, your apartment complex parking lot, but these other places, the local, you know, the grocery store or the big box store at night, that sort of thing, I do believe this covers. So I guess my only question is, so this isn't already the case because my understanding

[01:43:55] is we have done enforcement of loud mufflers at car meetups that are held in private shopping center parking lots. Am I misunderstanding how that has worked to date? Mr. Chairman, typically when we go out to these car meets we typically are stopping these vehicles on the road under the loud exhaust code at that point it's not you know we may have have a consensual conversation with the event uh holder or whoever's there and just educate them on what's right and wrong with

[01:44:35] that um but if we're stopping them it's it's out on the highway not in the parking lots okay so i I presume from your perspective, this would be a valuable new tool. Yes, sir. Yeah. Okay, great. Yeah, I think this makes a lot of sense.

[01:44:53] I wish we had thought of it last year, but I'm glad we figured it. Okay, Supervisor Lusk. Just really fast, all the points that you made, you said industrial establishments providing parking spaces for customers. You did not mention commercial. So is that intentionally left out as commercial entities?

[01:45:13] It does say any driveway premises of a church, school, recreation facility, or business. Yes. So business might be covered in commercial, but I will look to others to see if they agree with me. Yeah, just so we're clarified on that. Good afternoon. Kimberly Balcom from the county attorney's office.

[01:45:28] I think that that business language would cover commercial establishments. Okay. Okay, great. Let's go to 884. 884 and SB 714 are similar, and I'm going to try to explain them. They're a bit complicated.

[01:45:44] This is essentially, they are recommending a pilot program in PD-8, so Northern Virginia, that would expire in 2027. So this is another way to try to address these. When somebody, when a law enforcement officer comes across somebody they believe is in excess of a decibel limit of 95 decibels, They, instead of a ticket, would give a notice of an administrative fee that would then be of $250.

[01:46:17] The vehicle would have 30 days to go to a Department of Environmental Quality substation or somebody they've contracted with who would then check the decibel level of the vehicle. If it was found to be under 95, then they would be okay.

[01:46:37] They wouldn't have to pay it. if it was found to be 95 or above, that $250 would be assessed at their next annual registration for their vehicle. I think staff, as they've mentioned in the past, have concerns with that decibel. You can't figure out what that 95 is. This is a bit of a different process. I think they're trying various ways to get at this. I don't believe staff is as comfortable with this, but we did want to let you all know about this as well. It is another tool, which is great. I'm not sure if we would abelish ourselves of this. Yeah, it's a little bit frustrating because we have had

[01:47:13] a lot of conversations about the challenging position it puts our officers in to be standing or in a patrol car trying to determine whether it's 94 decibels or 96 decibels, which is almost impossible to do. And I also, is it the existing statute is a modified exhaust? So it's actually illegal to to modify the exhaust in a way that creates more noise right and even 95 decibels there may be some cars that that are legal right uh some some you know exotic sports car i don't

[01:47:53] know whether it's 95 decibels we have an exotic sports car that's very loud supervisor lust would know uh that that is that is legal unmodified but very loud i don't know whether it be 94 96 decibels whereas a honda civic that has a modified exhaust that's very loud is is not legal and even that is sometimes a difficult determination for officers to make but it's a little bit easier when you hear a toyota corolla go by with a really loud exhaust you know it's probably been illegally modified am i correct in and how i've described that the status quo yes mr chair it is obviously there's

[01:48:31] different styles of exhausts out there and putting that in our hands to figure that out whether it's going to be an american-made muscle car whether it's going to be an exotic car whether it's a honda civic we're not in that position where we really we know that by statute it's it's louder than factory exhaust it makes unusual noises or it it's it doesn't have the standard factory equipment on it and even when you get into that side of it you know we can we can tell a little bit coffee can if you will style mufflers things like that but to try to go with the 95 decibels is just not reasonable. Yeah. Okay. So is there, and, you know, we've had a lot of conversations

[01:49:10] on this, kind of within the existing framework, is there an improvement that could make sense for us, or is there just really no way to get around the difficulty of an officer trying to make that determination in the field? Mr. Chairman, as far as this is concerned, it's unreasonable to put that in our hands as far as this 95 decibel. What I would suggest with this, we already have a program set up in the state and that's what the department of state police and they have an inspection program and an inspection manual that's where this needs to fall is if we're going to go down the administrative side of this that's where it needs to be and we're talking safety controlled

[01:49:48] atmosphere as far as officers concerned it is in a inspection station consistency the inspectors are trained for that that's where this needs to stay out of the hands we can enforce the other side under 462 1049 for the excessive and unusual noise in the aftermarket exhaust yeah yep and i agree 100 we tried that last year uh we had legislation from delegate boulevard i i testified in the subcommittee and went down in a fiery death um some of the subcommittee members are gas station or service station inspection station owners uh and as you can imagine they were unenthusiastic

[01:50:28] about it. But I actually think we should be explicit in our legislative package next year that that's the approach that we support. I think 883 makes perfect sense, but the decibel level stuff, the administrative fee element, we could have a whole other conversation around the challenges there. But yeah, I think we have to express to both Delegate Watts and Senator Marsden that we just don't think either of these are workable. Any other thoughts or questions on that on that topic okay thank you uh you are the only participant

[01:51:06] i'm starting to feel that way yeah that's a hint if i keep talking um okay next is uh real this will not take long but we have the legislative um yeah people keep leaving uh legislative summary we have a update on a couple of our initiatives and then maybe one or two position changes. Yes, Mr. Chairman. So on page five, we have updates on our initiatives. We'll try to go as quickly as we can. We do have a

[01:51:42] position change and then just a couple of things to call out and we'll go as quick as we can. So page five. Mr. Chairman, I have good news on our speed limit authority bill. VDOT didn't oppose it this year and it is moving forward. There are a couple of modifications they have made clarifying that localities can only reduce speed limits when the speed limit is currently 25. So you couldn't go from like 35 down to 15, but you can go from 25 to 15. Also clarifying, you all would have the authority to restore that back up to 25. And lastly, requiring the locality to notify the

[01:52:18] commissioner of highways at least 30 days before making the change. But with those changes, VDOT did not stand up and opposed. In fact, they said they offered some amendments to deal with the implementation. And has there been discussion of the definition of a business district or a residence district? That has not come up. I know they brought it up at one point, but that did not come up during this discussion. So I think we are where we are, but I would say this is better than what we've been in the past four years. I'm just trying to figure out, because I think if you say a business district or a residence district, isn't that everything? I think that would be most of the

[01:52:56] county yeah okay that's right okay um and that bill just to let you all know did pass the house 53 to 46 is on its way to the senate great okay page uh mr chairman um page six is our election initiative um hb1238 is now hb998 there was another patron who had the same concern um we all chose our language but her number as the vehicle and it passed out of committee this morning 22-0

[01:53:30] all right good so mr chairman the one position change we have is on page 12 sb 544 kristin kristin marked in here i apologize yes mr mr chairman um senator bagby's bill sb 544 um was amended in committee to grandfather us in so now um no local ordinance enacted after December 31st, 2023, what may require a special exception or special use for

[01:54:08] short-term rentals. Our ordinance was enacted before and the key word being enacted. So we're not, we should not have trouble amending our zoning ordinance and this being affected at all. So if we ever decided we wanted to update and make any changes to our ordinance, would that be prohibited? It has to say exactly the way it is? For the whole zoning ordinance, we can make amendments to different sections, but this short-term rental, we would be prevented from significantly amending. I think,

[01:54:47] Mr. Chairman and Supervisor Smith, I think staff would probably be mindful of those restrictions if amendments were to be made in the future. And so I think when we talked about this as a staff and came back with a recommendation to change the position, it was with the understanding that Obviously, that would be something that we'd have to watch for.

[01:55:06] Mr. Chairman? You know, that's part of the frustrations because when we did this, we got to a certain place and we didn't know if we'd be able to do other things. So this kind of keeps us where we are. Okay. I would say that it does for right now.

[01:55:22] I mean, you all have obviously gone through a lengthy process with all of this. I mean, the one caution I would say in general is that nothing is sort of set in stone at the General Assembly. And so even if something was sort of ironclad today, that doesn't guarantee that it would be next year unfortunately but yeah we take your point okay um and so mr chairman there were just a couple of things that staff wanted to give updates on um we're going to go very quickly i think there's three and then that's it so noelle has two i can take two of those um last time we met we spent a lot of time talking about speed cameras um all of the bills in the house

[01:55:58] were rolled into one bill um it was essentially delegate jones's bill but delegate sebold's language about the uh traffic prone areas she had the the substitute did include our change from 30 to 45. After some testimony and some interest, you know, some heartbreaking testimony from some people who had been impacted by speeding drivers, they carried everything over for the year. So all of those speed camera bills in the House are no longer. There is still SB 330, I want to say 336 is still out there. That is Senator

[01:56:33] Rome's bill, but the House bills are all dead. What characterized the opposition or the lack of support for those who? There actually wasn't many people who got up in opposition. I think there were some thoughts that it's complicated. They said it was complicated because one bill had to deal more with rural area and others were more with urban. I know there's been talk of wanting to have specific data. We have our data. We're sharing it. I think they're looking for other jurisdictions as well. Other discussions were happening regarding implementation. You always

[01:57:10] have your camera people who have concerns. So they just said it was a complicated issue. They felt more time was needed, so they carried it over. Okay. Different subjects, same committee meeting, though. Last week we also, or two weeks ago, we spent time talking about towing, and one of the bills we talked about was the Delegate Lopez's, which made... I'm sorry to go back to the speed camera thing. I think, Claudia's tired of hearing me talk about the speed camera thing, but with the

[01:57:43] Senate bill, I think we need to maybe even now communicate to the committee where it will be heard that if they're not willing to move forward with the bill, would they be willing to move forward with just the 45 days this year? So if the Senate is going to have the same kind of reaction as the House did to, we don't have enough data or information to significantly expand photo speed enforcement in the Commonwealth, would they at least be willing to have a substitute

[01:58:18] that just does the 45 days? I can go speak with Senator Rome and with members of the committee to see if that would be possible. Yeah, and I think you got to tell them, you know, for those who support photo speed enforcement, for us to expand, and presumably for other jurisdictions as well, from the pilot to school zones across county, we need 45 days. Okay. So I think we might need to, now is time for that kind of strategic retreat on that to try to secure

[01:58:50] something. Okay. On page 29, HB 959, Delicate Lopez had a bill that initially said that violations of towing would be subject to the Virginia Consumer Protection Act. That changed a whole lot by a substitute. And UL did support that bill in its original form. What it does now is remove prohibition

against second signature. Other parts of the Commonwealth can require a second signature. So a business can make a contract with a tower. And at that point,

[01:59:27] a tower can just come onto the property and take vehicles in Northern Virginia. And other places, they can require an agent or the owner to specify allowing the tow, too. So that's what they call second signature. We weren't allowed to do that. This gives us the authority. It also says we can regulate monitoring practices. They may be used by such towing and recovery operators. And lastly, currently, if there's a violation of the towing ordinance, it's $150 per violation, and that goes to the literary fund. His bill changes it to instead be 10 times the total amount of the

[02:00:04] tow charged that was found to be in violation and that would be paid to the victim. So right now a basic tow is $150. You add in another $35 for a night, weekend, or holiday and then you add in extra fees for extra days. We're talking a substantial amount difference than what it currently was. So I'm not sure if we're recommending a change of position but we did want to let you know how much this bill changed in the past week. Yeah. Okay. And obviously the additional authority, so like the second signature, and I can hear both sides of that argument, I guess,

[02:00:44] but that would be a local option that we could adopt by ordinance if we chose. Yes, sir. I believe that's a local option that we currently do not have, but would be given by this bill. Rebecca Makeley, Director of the Department of Cable and Consumer Services. Noelle is correct.

[02:01:01] It's authority that we currently don't have, but would be a tool in the toolbox if we did want to enable that second signature requirement. All right. So I don't see the need for a position change on the bill. Thank you. I can't get the button to work. Mr. Chairman, one final on page 27. HB 791 was a pneumatic gun bill. It changed a couple times throughout the process. It went down from a class one misdemeanor to a class six felony. I mean, sorry, from a class six felony to a misdemeanor one.

[02:01:39] But there was still a lot of concern about kind of still that idea of school-to-prison pipelines and what are we criminalizing and who would be most affected. It was referred back to committee, which effectively killed it for the year.

[02:01:54] There was a request for a letter. I haven't heard a confirmation if the letter will be sent to the Crime Commission, but the patron is interested in continuing to work on this issue with us. Okay. All right. Great. Anything else? No, Mr. Chairman, I think that's all we have.

[02:02:12] That's it. All right. Well, thank you, everyone, who stayed with us. It was shorter than last time. See everyone next week. Thank you.