

# State Legislative Priorities

2019 Session

Virginia General Assembly



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- General Laws
- Health, Welfare and Institutions
- Privileges and Elections

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Vice-Mayor, South District

Saundra Cherry, D. Min.  
South District

Marcellus L. Harris, III  
North District

David H. Jenkins  
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Sharon P. Scott  
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**2019 LEGISLATIVE & BUDGET REQUESTS**

- I. Budget Request—Fort Eustis Main Gate Compliance, \$950,000
- II. Amend the Charter for the City of Newport News to allow the Council to set the time for the first meeting of a newly elected Council
- III. Authorize localities to use local law enforcement to complete required fingerprint background checks for prospective employees and volunteers
- IV. Amend Code of Virginia such that the term “pawnbroker” refers to a specific individual for the purposes of licensing and prevents a corporation or business entity from being licensed as a “pawnbroker”
- V. Specify that government–issued identification cards used for pawning goods must be valid and require documentation of current address
- VI. Allow localities to regulate the discharge of arrows in heavily populated areas
- VII. Establish “Shipbuilder’s Day” in the Commonwealth

**2019 PRIORITY POSITION STATEMENTS**

1. Oppose legislation that preempts local authority
2. Support legislation authorizing Extreme Risk Protection Orders
3. Oppose elimination of BPOL & Machinery and Tools Taxes
4. Create grant program for military community partnerships
5. Modernize Communications Sales and Use Tax
6. Maintain Commonwealth support for Jefferson Lab
7. Expedite testing in certain instances of possible HIV, Hepatitis B, or Hepatitis C exposure
8. Fund economic development/redevelopment incentives
9. Support K-12 education funding
10. Fund Stormwater Local Assistance Fund
11. Support transportation safety Initiatives
12. Support regional dedicated funding for transit
13. Support DPOR study of certification for small appliance repair

I. FORT EUSTIS MAIN GATE COMPLIANCE —\$950,000

Request:

The City of Newport News asks that the General Assembly provide \$950,000, subject to a 1:1 local match, to acquire approximately 60 acres of land that will be used for improvements to the Fort Eustis Main Gate.

Justification:

A Joint Land Use Study of Fort Eustis has identified the Main Gate as a high priority issue. As currently designed, the Main Gate does not meet the Army's anti-terrorism and force protection standards. This poses serious safety concerns for the community. The current inspection station is in close proximity to the Lee's Mill neighborhood. Should a suspicious package prove to be hazardous in nature, there is a likely impact to Lee's Mill. In addition, there are existing traffic issues that occur routinely as traffic backs-up onto Interstate 64 during base peak travel times.

There are approximately 30 acres adjacent to the current Main Gate that are privately held. The current assessed value of the parcels is approximately \$1.9 million. The City asks that the General Assembly provide \$950,000, subject to a 1:1 local match, for purchases from willing sellers to facilitate improvements to the Fort Eustis Main Gate. The Army has allocated \$15 million in its 2023 MILCON budget for gate construction. Acquiring the land parcels in 2019 will provide sufficient time for the Army to complete the required Environmental Assessment and Project Design by 2022 and break ground in 2023. These main gate modifications are important to not only bring the installation into federal compliance, but also to support the safety of the community and help alleviate vehicular flow issues into the Eustis main gate.

## II. CHARTER CHANGE—TIME OF FIRST MEETING OF NEWLY ELECTED COUNCIL

Request:

To amend Chapter 4 Section 4.05 of the Charter of the City of Newport News, Inaugural meetings; induction of members and election of vice-mayor, such that the Council may set the time for the first meeting of a newly elected Council.

Justification:

As written, Chapter 4 Section 4.05 of the City's Charter requires that the first meeting of a newly elected council take place at 10:00 a.m. on the date of the first regularly scheduled meeting of the city council in the month of July following the election.

This requirement is incongruent with the authority granted to the Council in Section 4.06. - Rules of procedure; notice of special meetings; quorum: *"The council shall have power, subject to the provisions of the consolidation agreement and this Charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any three members of the council, and shall prescribe the method of giving notice thereof..."*

The Newport News City Council regularly meets at 7 p.m., a time chosen to allow for maximum citizen participation. The City Council respectfully requests the authority to choose the appropriate time for the first meeting of a newly elected Council. This authority and flexibility will allow Council to maximize citizen participation and plan for adequate time to complete City business.

### III. LOCAL LAW ENFORCEMENT COMPLETION OF FINGERPRINT BACKGROUND CHECKS

Request:

The City of Newport News asks that the General Assembly amend Code of Virginia Sections 63.2-1720 through 63.2-1721.1 and 63.2-1722, 63.2-1724, and 63.2-1725, to allow local law enforcement to complete the required fingerprint background check for child day programs.

Justification:

As of July 1, 2017 Virginia law requires that child care providers undergo a fingerprint based national criminal history background check. This requirement applies to any applicant for licensure or voluntary registration and any applicant for employment or volunteering. Currently, the Virginia Department of Social Services requires the use of the vendor FieldPrint to collect and submit fingerprints. Prints are forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information. The Exchange then forwards to VDSS a determination of whether or not a record exists. VDSS then issues a determination letter to the agency as to whether or not an individual is eligible for employment. The State covered the cost of the check until September 30, 2018. The current cost of FieldPrint is \$57 per employee and \$38 per volunteer; by comparison, our local law enforcement cost is only \$25 per person.

In the months preparing for summer programs, it is not uncommon to screen as many as 45 applicants each month. Based on the current procedure, hiring employees for summer and child care programs is a 6 to 8 week process. The fingerprint check is only a part of the background check that is done; the City completes a more detailed information check. The duality of this process creates added work and time delay in onboarding qualified applicants. Additionally, in future years, the City is expected to bear the cost of a third party fingerprint check. Our local law enforcement agencies are more than capable of performing the entire background check, to include the collection and submission of fingerprints, at minimal cost and in a more timely manner.

#### IV. DEFINITION OF PAWNBROKER

Request:

Amend Sections 54.1-4000 and 54.1-4001 of the Code of Virginia such that the term “pawnbroker” refers to a specific individual for the purposes of licensing and prevents a corporation or business entity from being licensed as a “pawnbroker”.

Justification:

Virginia Code currently defines a pawnbroker as a “person” and requires that they be licensed by the locality in which they conduct business. However, the legal definition of the word “person” has been deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. As a result, the current definition of “pawnbroker” in Virginia Code will allow a corporation or business entity to be licensed as such. This presents a problem in the prosecution of any illegal actions that may occur in a pawn shop because it makes it difficult to hold individuals responsible. Also, as currently written, any finding of guilt that results in the termination of a pawnbroker’s license for an entity, may result in the licensing of a new entity made up of the same individual(s).

## V. VALID, CURRENT CREDENTIALS REQUIRED TO PAWN GOODS

### Request:

Amend Code of Virginia Sections 54.1-4009 and 54.1-4101 to specify that government-issued identification cards used for transactions must (1) be valid and not expired, and (2) if the identification card does not reflect current address, required documentation of current residence.

### Justification:

Current Virginia Code requires that persons seeking to pawn goods must present a government-issued identification card bearing a photograph. The pawnbroker or dealer is required to keep a record of the type of identification exhibited, the issuing agency, and the number. This process is intended to discourage transactions involving stolen goods. In practice, it is becoming common for persons pawning goods to use expired credentials or out-of-state identification while verbally providing a current address. Although some pawn shop owners require a form of identification showing current residence, they are not required by law to do so. If an identification card is used that does not include an address, or the individual states that the address shown is not current, some type of documentation of actual residence should be required. Amending the Code will allow for more effective enforcement of the identification requirement, more accurate record-keeping, deter attempts to pawn stolen goods, and facilitate prosecution of illegal activity.

VI. LOCAL AUTHORITY TO PROHIBIT DISCHARGE OF ARROWS IN  
HEAVILY POPULATED AREAS

Request:

Amend the Code of Virginia to allow Cities to prohibit the shooting of an arrow from a bow or arrow gun in heavily populated areas of the locality. Counties currently have this authority.

Justification:

The Code of Virginia §15.2-916 currently allows counties to prohibit outdoor shooting of firearms or arrows from bows or arrow guns in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof. Cities should also have this authority. Potential injuries from errant bows create public safety concerns regardless of whether the land is in a City or a County.

## VII. SHIPBUILDERS DAY IN THE COMMONWEALTH

Request:

Establish annual day of recognition for shipbuilders and the shipbuilding industry as a celebration of their contributions to the economic vitality of the Commonwealth.

Justification:

The Commonwealth leads the nation in U.S. shipbuilding jobs. Virginia shipbuilders are highly skilled and work to build and maintain the most advanced ships in the world. The impact of shipbuilding on the Virginia economy is tremendous: it is estimated that one in every 90 jobs in the state is directly or indirectly related to shipbuilding and that these jobs add more than \$5.5 billion annually into Virginia's economy.

Newport News is home to the headquarters for Huntington Ingalls Industries, America's largest military shipbuilding company. For 132 years, HII has been building the most complex ships in the world in the City of Newport News. Newport News Shipbuilding, our local subsidiary of HII, employs approximately 23,000 people many of whom are third- and fourth-generation shipbuilders. Nationwide, it is estimated that the shipbuilding industry supports more than 400,000 jobs and generates \$23.9 billion in income and \$36 billion worth of goods and services each year. As the Navy moves toward its goal of a 355 ship fleet, we can anticipate a growing impact on the regional and national economy. Because of the significant contributions of the shipbuilding industry to national security and the economic vitality of Virginia and our Nation, the City of Newport News asks the General Assembly to identify and recognize annually a "Shipbuilders Day" in the Commonwealth.

## **2019 Priority Position Statements**

### **1. Oppose legislation that preempts local authority**

The City of Newport News urges the General Assembly to oppose legislation that preempts the authority of localities to determine the regulatory framework that best serves their community. This request applies to all legislation whether the issue is wireless infrastructure, ride-sharing, home-sharing, fireworks or any other. Although Virginia adheres to the Dillon Rule which gives localities only those powers expressly granted by the Commonwealth, it is a generally accepted principle that “what works” in one City or area of Virginia may not work in others. However, there is an alarming trend in recent legislation to remove or restrict local government authority, particularly in the realm of zoning and land use decisions. Such bills are typically drawn without regard for the local impact or unintended consequences that can occur to the health, welfare, and safety of the community. In some cases, compromises have been reached to balance the interests of all concerned. In other cases, the outcry of multiple stakeholders has been insufficient to prevent the blanket application of one-size-fits-all legislation. Newport News welcomes new and innovative technologies and businesses and tries to do so in a way that best serves the community as a whole. The General Assembly should support localities by not enacting legislation that erodes local authority.

### **2. Support legislation authorizing Extreme Risk Protection Orders**

The City of Newport News urges the General Assembly to enact legislation that will prevent an individual who is in crisis from possessing or purchasing firearms. Extreme Risk Protection Orders allow families and law enforcement to petition a court to suspend access to firearms if there is documented evidence that an individual is threatening to harm themselves or others. However, before an ERPO may be issued, the person is entitled to a full legal hearing. Persons subject to such an order are required to surrender their guns to police and may be barred from buying, selling or possessing firearms for up to one year. Extreme Risk Protection Orders may prevent tragedies such as mass shootings, domestic and family violence, and suicide by allowing those closest to an individual in crisis to take proactive steps to protect them or others. Temporarily limiting access to firearms in times of crisis is a common sense measure that will improve public safety.

### **3. Oppose elimination of BPOL & Machinery and Tools Taxes**

The City of Newport News urges the General Assembly to reject any legislation that will negatively impact local government revenue streams and/or cause the tax burden to be shifted to the citizens. Every year Virginia lawmakers consider the supposed benefits of eliminating business taxes such as BPOL and Machinery and Tool tax. However, these are sources of LOCAL revenue; in Newport News, these two generate approximately 8.5 percent of the City's General Fund. In FY18 the City collected approximately \$22.8 million in Machinery & Tools taxes and \$17.2 million in BPOL. However, the burden to most businesses is relatively small: two-thirds of Newport News businesses pay a flat fee of either \$30 or \$50, based on their annual gross receipts. Only one-third of the City's businesses pay a tax based on their business activity and the tax rate for that activity. To offset the loss of BPOL and M&T revenue, the City would have to increase the real estate tax rate by a minimum of \$0.29. So, in order to compensate for the loss of local business taxes, which cost most businesses \$30 to \$50 annually, a home owner in the City's median home value range of \$173,800 would see increased real estate taxes of about \$500 annually. City residents should not be expected to bear the full burden for the cost of City services, such as public safety and education, which equally benefit residents and businesses.

### **4. Create grant program for military community partnerships**

In FY16, defense spending on contracts and payroll accounted for 8.5 percent of Virginia's gross domestic product, making it the top ranked state by that metric. Virginia also ranked highly in absolute terms for attracting defense dollars, coming in second, with \$42.7 billion, behind California, at \$48.8 billion. However, the economic benefits created by defense spending are susceptible to changes to the Federal budget and to potential future rounds of Base Realignment and Closure. In an effort to support the long-term sustainability of military facilities in the Commonwealth, many communities have participated in a Joint Land Use Study. A Joint Land Use Study (JLUS) is a cooperative planning effort conducted as a joint venture between an active military installation, surrounding jurisdictions, state and federal agencies, and other affected stakeholders to address compatibility around military installations. The goal of a JLUS is to reduce potential conflicts between military installations and surrounding areas while

accommodating new growth and economic development, sustaining economic vitality, protecting public health and safety, and protecting the operational missions of the installation. Unfortunately, in Virginia there are limited resources available to stakeholders to remedy issues identified by a JLUS. The City of Newport News supports the creation in the State budget of a grant program to fund local infrastructure projects deemed to have a positive impact on the military value of installations within the Commonwealth. This Virginia community and military partnership program should be funded at no less than \$5 million annually and administered by the Secretary of Veterans and Defense Affairs. Projects funded should benefit both the local community and the installation.

#### **5. Modernize Communications Sales and Use Tax**

The City of Newport News supports amending the Communications Sales and Use Tax (CSUT) to allow taxation of streaming and post-paid calling services. The City also supports increasing the CSUT to the prevailing State tax rate of 5.3 percent. The CSUT was implemented in 2007 and replaced most of the previous state and local taxes and fees on communications services. The 5% tax is generally collected from consumers by their service providers and remitted each month to the Virginia Department of Taxation who then distributes it to localities. The City of Newport News receives approximately \$11 million annually from the CSUT. Since its implementation, revenue each year has generally decreased. The decline may be attributed to the growing popularity of streaming services, which are not subject to the tax, and the exemption for pre-paid calling services. Eliminating these exemptions would not only increase the revenue generated by the tax but would also level the playing field for cable and cell phone service providers. The General Assembly should also consider aligning the CSUT rate, currently 5%, with the state's tax rate of 5.3% - a change which would generate an estimated \$24 million in additional revenue annually.

#### **6. Maintain Commonwealth support for Jefferson Lab**

The City of Newport News strongly supports continuous investment by the Commonwealth in Jefferson Lab. Three decades ago, Virginia successfully attracted the Continuous Electron Beam Accelerator Facility (CEBAF), a new U.S. Department of Energy (DOE) science lab, to Newport News. The Thomas Jefferson National Accelerator Facility (JLAB) has been operating for over two decades, and has made Virginia a worldwide leader

in nuclear physics research. Jlab now has 1,600 scientific users who carry out nuclear physics research on site and one-third of all U.S. Ph.D. graduates in nuclear physics are based on research completed at Jefferson Lab. The recently completed, federally funded, 12 GeV CEBAF Upgrade Project, provides enhanced capabilities for the study of the structure of subatomic particles and increases the Lab's efficiency and productivity as well as extending their scientific reach. Now, Jefferson Lab is widely considered to be competitive as one of two sites vying for the construction of a next generation scientific facility for nuclear physics research, known as an Electron Ion Collider (EIC). Decades of support by the Commonwealth, university collaborators, and the City has generated a substantial return on investment. Over the life of the Lab, \$74.4 million in Virginia investments have leveraged over \$3.7 billion in federal investments in facilities and research. The City of Newport News strongly urges the General Assembly to provide financial support for programs and projects that will further the mission of Jefferson Lab and enhance opportunities for future research.

**7. Expedite testing in certain instances of possible HIV, Hepatitis B, or Hepatitis C exposure**

Under current law when health care providers, public safety personnel, school board employees, or patients expose or are exposed to the bodily fluids of another, the person whose bodily fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed (Code of Virginia § 32.1-45.1). If the person refuses to provide a specimen or be tested, a General District Court judge may order them to provide a specimen or to submit to testing and to disclose the results. This may take time and can be further complicated when such person is not in custody. When testing is not performed in a timely manner, expensive and painful prophylactic treatment is required to minimize the risk of infection. The General Assembly should identify and authorize an expedited process for testing in cases of exposure.

## 8. Fund economic development/redevelopment incentive programs

The City of Newport News asks that the General Assembly increase funding for existing economic development/redevelopment incentive funds such as the Commonwealth's Opportunity Fund, Aid to Local Ports, Transportation Opportunity Fund, Brownfields Restoration and Economic Redevelopment Assistance Fund. These incentives pay a pivotal role in attracting, retaining, and expanding business. Two programs in particular that have been used frequently and with great success in Newport News are the Enterprise Zone Program and the Virginia Jobs Investment Program (VJIP).

**Enterprise Zones**—The General Assembly should provide sum-sufficient funding for the Enterprise Zone program. This program creates an improved climate for private sector investment, development and expansion in targeted areas by providing state grants and local tax relief. Two grant-based incentives are available, Job Creation Grants and Real Property Investment Grants. Newport News consistently ranks as one of top Enterprise Zones in the state, regularly placing at or near the top in grant dollars leveraged and total number of qualifying businesses. In the most recent grant year, Newport News businesses received 18 Real Property Improvement Grants totaling over \$1.2 million which generated over \$40 million in private capital investment in real estate. When the General Assembly fails to provide sufficient program funding, grants are then prorated across the board. In the most recent grant year, grants were funded at 69.9% of the original commitment. This proration significantly impacts the effectiveness of the program. The City of Newport News urges the General Assembly to provide the amount of funding needed to fully honor grant awards and maintain the effectiveness of this important economic development tool.

**Virginia Jobs Investment Program (VJIP)** - The General Assembly should restore funding of \$5 million for VJIP in FY20. VJIP provides services and funding to companies creating new jobs or experiencing technological change to reduce the human resource development costs for new companies, expanding companies, and companies retraining their employees. VJIP provides valuable assistance supporting workforce development at the local level and allows flexibility to meet specific needs of businesses. In Newport News alone, companies such as Huntington-Ingalls, Canon Virginia, Continental Automotive Systems, Liebherr, Printpack, Muhlbauer, Fairlead Boat Works, and Target Flavors have all utilized the program to help meet their workforce needs and facilitate their expansion and growth. Given the competitive labor market in Virginia, it is vitally important that the General Assembly restore the \$5 million funding level.

## **9. Support K-12 Education Funding**

The City Council of Newport News encourages the General Assembly to increase funding for public education particularly in 2 areas: school construction/renovation and school safety. The Newport News Public Schools division includes 24 elementary schools, 7 middle schools, 5 high schools, and 1 middle/high combination school. The average NNPS school 50 years old. As we strive to prepare the workforce of tomorrow, renovation and replacement are essential to provide healthy, safe and modern learning environments. According to data on the Virginia Department of Education website, the average total cost of a new elementary school is about \$25 million, a new middle school \$31.8 million, and a new high school \$91 million. Just one of these projects would consume between 84 and 300 percent of the City's annual capital improvement budget. The State's assistance is sorely needed. In the area of school safety, it is imperative that the General Assembly increase funding for school security, school resource officers, and school counselors. Increasing resources in these areas will better enable school divisions to address both students' physical safety needs and mental health issues that can lead to crisis behavior.

## **10. Fund Stormwater Local Assistance Fund**

The City of Newport News supports an allocation of State funding of \$50 million annually for the Stormwater Local Assistance Fund (SLAF). Stormwater management is one of local government's most pressing infrastructure challenges. This funding is needed to assist localities in developing effective stormwater controls on urban lands to reduce the flow of excess nutrients and sediments to local streams, rivers and the Chesapeake Bay. The SLAF, managed by the Department of Environmental Quality, supports the efforts of local jurisdictions to reduce polluted runoff by providing funding for matching grants. It also provides an effective path forward to improve water quality by maintaining a strong partnership between the Commonwealth and local governments. The SLAF prioritizes cost-effective, low-impact practices and projects which are structured, when possible, to attract additional private investments. Continued investment in the SLAF will greatly assist localities in reducing pollution going into our streams and waterways.

### **11. Support transportation safety initiatives**

The Newport News City Council places a high priority on the safety of its residents and visitors. Given the vast network of roadways in our City and our region, transportation safety initiatives can have a significant positive impact on the overall well-being of the community. The City of Newport News supports these initiatives: (1) enacting a primary enforcement safety belt law by all occupants to include back seat passengers, (2) banning the use of hand held technology while operating a motor vehicle, (3) enhancing penalties for violations of Texting While Driving laws when committed in a school zone or school crossing. The City opposes legislation to allow vehicle loads to exceed the maximum axle weight limit by 5 percent on locally maintained roads without requiring a super load permit. These positions support the Virginia Department of Transportation's five strategic goals and the U.S. Department of Transportation's six principles for roadway safety.

### **12. Support regional dedicated funding for transit**

In order to be competitive in the global marketplace, Hampton Roads needs a fully integrated and optimized regional transit system which should be supported by an adequate, sustainable and dedicated revenue stream. The City of Newport News supports the collaborative development of a viable new regional funding model to support priority regional public transit projects. The localities served by Hampton Roads Transit currently fund more than 40% of its cost. Relying on local general fund revenue puts public transit in competition with education and public safety for limited local dollars and makes it difficult to transcend the existing structure of what are often disjointed localized routes. This has resulted in a collection of individual city transit systems rather than a fully integrated regional transit system capable of connecting major employment, retail, education, medical, and tourism destinations seamlessly.

### **13. Support DPOR study of certification for small appliance repair technicians**

The City of Newport News supports legislation requesting that the Department of Professional and Occupational Regulation study the need for certification or licensure of persons who perform small appliance repair. Improper repairs can be costly and pose safety concerns for residents. Many small appliances are powered by electricity, which if handled improperly, can result in fires, injuries, and property damage.





The City of Newport News is a voting member of the Hampton Roads Planning District Commission, the Hampton Roads Transportation Planning Organization, and the Hampton Roads Transportation Accountability Commission. Unless otherwise stated, the City of Newport News supports the legislative agendas of these organizations.

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