



**DRAFT  
LEGISLATIVE AGENDA  
GENERAL ASSEMBLY  
2021 SESSION**

**September 4, 2020**

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Delegate Robert S. Bloxom, Jr. – House District 100

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# **SECTION 1.1 – CITY OF VIRGINIA BEACH LONG TERM POLICY POSITIONS**



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## 1. CERTIFICATE OF PUBLIC NEED

SPONSORED BY CITY COUNCIL

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### **Background Information:**

The Certificate of Public Need (COPN) has been used for many years to manage expensive healthcare delivery facilities in the Commonwealth. This means that when hospitals wish to expand adding new beds or equipment, they must go to a state body to receive permission to do so. The Certificate of Public Need is seen as a way to reduce duplication of expensive services and facilities, and also to make sure that facilities constructed are not just those that profit the hospitals and other individuals the most. The COPN is seen as a way to reduce healthcare costs and make services available as widely as possible. However, many in the medical services delivery field see the COPN as an unwarranted intrusion into the free market. During the 2016 session of the General Assembly, multiple bills were introduced to either outright repeal or other adjustments/modifications to the existing law. Delegate Chris Stolle, of Virginia Beach, who is not only a medical doctor but a Hospital Administrator, introduced House Bill-1083. HB-1083 would have modified the COPN while maintaining the bedrock of the process. Delegate Stolle's bill was defeated; however, other legislation is being studied over the period between the 2016 session and the 2019 session. There will most assuredly be legislation introduced in the 2019 session that again ranges from outright repeal to modifications as needed.

### **Request:**

The City of Virginia Beach requests the General Assembly retain COPN in its current form with process reforms similar to those recommended by Delegate Chris Stolle (HB 1083) in the 2016 session. This legislation addresses concerns surrounding the COPN process while maintaining the integrity of the program. Additionally, any legislation to deregulate COPN must be coupled with polices to promote access to care, ensure provision of essential health services, fund graduate medical education, and maintain the fiscal stability of Virginia's community.

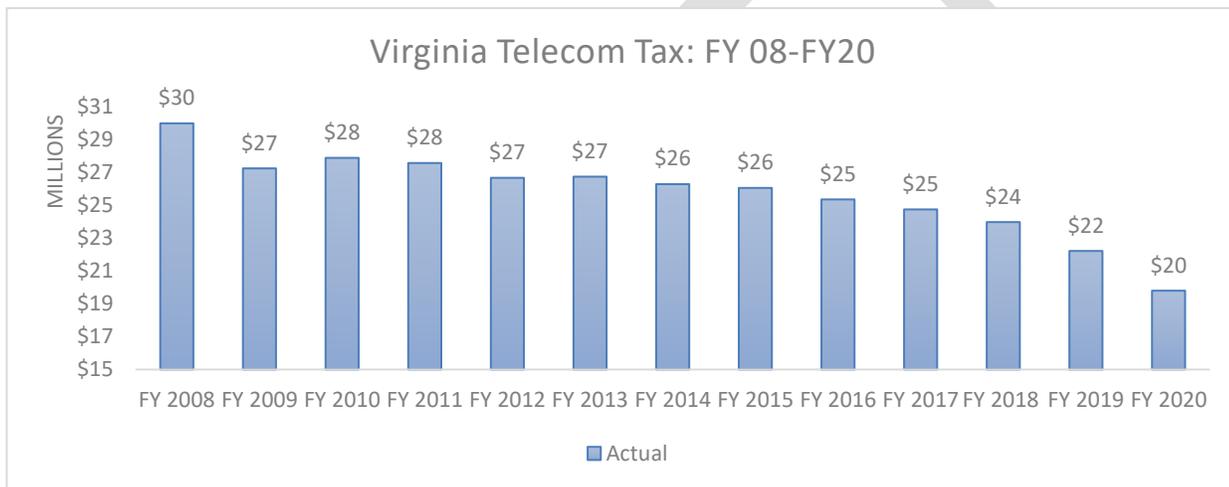


## 2. COMMONWEALTH OF VIRGINIA COMMUNICATIONS TAX UPDATE

SPONSORED BY CITY COUNCIL

### Background Information:

In 2006, the Virginia General Assembly passed legislation to replace state and local taxes and fees on communication services with one statewide Virginia Communications Sales and Use Tax. This statewide tax imposed a 5% fee, which is collected from consumers by service providers and remitted to the state on a monthly basis. After collection by the state, the tax is then distributed to individual localities. Revenues from the Sales and Use Tax are in long-term decline. For example, Virginia Beach now brings in \$10 million less per year than when the tax first went into effect over a decade ago. This \$10 million decline is equal to a 33% loss in revenue over this period. As technology progresses, this revenue gap will only grow wider. The chart below shows actual revenues received by the City. In total, the City averaged a 3.4% per year reduction in Virginia Telecom Tax Revenue between Fiscal Year 2007-08 and Fiscal Year 2019-20.



Consistent with these declines, the City has sizably lowered its budgeted projections for Telecom Tax revenue. Yet, Fiscal Year 2020 actual receipts came in less than the lowered amount budgeted for Fiscal Year 2021. Should the present tax structure continue as is, the City will likely see a decline in this revenue source in Fiscal Year 2022 that would bring the total amount of revenue received by the City to around \$17 million.

FY 2020 Budgeted	FY 2021 Budgeted	FY 2021 Estimate (Using Historic Average)
\$23.4 million	\$20.3 million	\$ 17.5 million

**REQUEST:** The General Assembly is requested to restore funding to localities consistent with amounts received at the time of the formula’s adoption in 2006.



### 3. FULL FUNDING FOR THE STEP-VA PROGRAM

SPONSORED BY COUNCILMEMBER MICHAEL BERLUCCHI & THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION

#### Background Information:

While Virginia's overall ranking in the 2020 State of Mental Health Report released in February 2020 by MH America (MHA) ranked the Commonwealth at 27<sup>th</sup> nationwide (up from 33<sup>rd</sup> in 2019), Virginia ranked 42<sup>nd</sup> for adult mental health (down from 35<sup>th</sup> in 2019). MHA indicates any state with a ranking of 39-51 indicate that adults have higher prevalence of mental illness and lower rates of access to care. The decrease in our adult mental health ranking means more adults reported they were not able to receive the treatment they needed. Although Virginia's youth mental health ranking improved to 17<sup>th</sup>, the prevalence of youth with Major Depressive Episode dropped to 24<sup>th</sup>. Virginia's overall access to mental health care in in the 2020 MHA report depicts the greatest challenge for Virginians with a rank of 37<sup>th</sup> in the nation. Additionally, Virginia has continued to be low while the percentage of inmates with mental disorders in jails has continued to increase annually. (Virginia Compensation Board)

The need for a comprehensive, effective and accessible system of mental health services is quite clear. When individuals are not able to receive the treatment and services they need for the cause of their mental health crisis in their communities, the effect often include: homelessness, suicide, substance use, incarceration, frequent hospitalizations, and use of emergency rooms. The increased need for services due to COVID-19 has been widely reported and are likely to be reflected in the Virginia Department of Behavioral Health and Developmental Services (DBHDS) 2020 statistical reports.

STEP-VA (System Transformation, Excellence and Performance in Virginia) when fully funded will provide the community mental health care system which have been needed for many years. STEP-VA was developed in 2015 through a federal planning grant received by DBHDS to address this systematic delivery approach to providing mental health services by providing quality, access, accountability and consistency across all Community Services Boards. The federal planning grant providing the means to lay the foundation for a behavioral health system that would be standardized in the provision of nine core services:

- Same-day access
- Primary care screenings
- Outpatient behavioral services
- Behavioral health crisis services
- Peer/family support services
- Psychiatric rehabilitation
- Veterans' behavioral health
- Case management for adults and children
- Care coordination

The 2017 General Assembly amended the code to implement the STEP-VA System of nine services by 2021. Same Day Access and Primary Care Screening were fully funded and implemented in 2019 and Outpatient Services and Crisis Services were partially funded.



The 2020 General Assembly provided additional funding for partial implementation of STEP-VA: FY 2021- \$19,704,173; FY 2022 - \$30,151,414.

In April 2020, due to the COVID-19 emergency, these funds were unallocated; a freeze was placed on new spending until economic circumstances improved and revenues could be forecasted again. The 2021 Governor's budget priorities will be outlined in mid-November and the 2021 General Assembly House and Senate Finance and Appropriations Committees will likely be inundated with requests to amend the Governor's budget post-COVID. As a lack of fully funding the mental health needs of our citizens can have a domino effect of many other areas of the state and individual localities budget, restoring the funding levels for STEP-VA must be ranked among the highest of budget priorities.

**Request:**

The City requests that the General Assembly restore funds allocated by the 2020 General Assembly and provide the remaining funds needed for the full implementation of the STEP VA System throughout the Commonwealth to ensure all nine Core Services are implemented by 2021.



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## SECTION 1.2 – CITY OF VIRGINIA BEACH NEW POLICY INITIATIVES

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#### 4. HEART DISEASE PRESUMPTION FOR SALARIED EMS PERSONNEL

SPONSORED BY VICE-MAYOR JIM WOOD

##### Background Information:

In Virginia, public safety benefit programs have historically been designed specifically for firefighters and police officers. Most municipal EMS providers were either cross trained as firefighters, volunteers or civilians. There was little attention given to governmental EMS workers. Virginia Beach has the largest with its cadre of medics within the Department of EMS. We currently have 65 officers or medics who are considered full time salary Emergency Medical Technicians for purposes of benefit calculations. However, those workers are not given the same protections of heart disease presumption that Fire and Police have.

##### Request:

The General Assembly is requested to modify Code of Virginia Title 65.2, Workers' Compensation, Chapter 3: Occupational Diseases §65.2-402(B) as follows:

*B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in §65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, ~~and~~ (xiv) campus police officers appointed under Article 3 (§23.1-1-809 et seq.) and (xv) full-time salaried Emergency Medical Technicians employed by the City of Virginia Beach. Of Chapter 8 of Title 23.1 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.*



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## 5. OBTAINING PRESCRIPTION DRUGS BY FRAUD, DECEIT, OR FORGERY

SPONSORED BY VICE-MAYOR JIM WOOD

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### **Background Information:**

Over the past year, the City of Virginia Beach has experienced an increase in the amount of illegally obtained prescription drugs via rogue internet sites that sell prescription drugs without valid prescriptions. These drugs are not FDA approved, and are often adulterated or misbranded. This involves Schedule II narcotics as well as Schedule III – Schedule VI drugs.

### **Request:**

The General Assembly is requested to initiate legislation criminalizing the purchase of prescription drugs or procuring administration of prescription drugs including controlled substances by fraud, deceit, or forgery.

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## 6. SMART SCALE - RESILIENCY

SPONSORED BY COUNCILMEMBER BARBARA HENLEY

### Background Information:

According to the Virginia General Assembly, it is in the “public interest that a prioritization process...be...implemented to improve the efficiency and effectiveness of the state’s transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth” (§33.2-214.1 of the Code of Virginia). This process, known as SMART SCALE, allows the Commonwealth Transportation Board and the Virginia Department of Transportation to score and subsequently award funds to new transportation construction projects throughout the Commonwealth of Virginia. In the forthcoming SMART SCALE Round 4, it is estimated that \$1 billion will be distributed to projects based upon this scoring system.

Despite the existence of categories covering congestion mitigation, economic development, accessibility, safety, and environmental quality, no category considers or evaluates a metric that will define the efficiency and effectiveness of the Hampton Roads and Virginia Beach transportation system in the 21<sup>st</sup> Century: resiliency. Although resiliency could be accounted for within several of the existing categories, to date, resiliency is not mentioned in their definitions. For example, safety considers crash frequency and rate, while environment scores are based upon sensitive acreage disturbed and air quality.

As a result of this exclusion, Virginia Beach transportation projects that are exclusively designed due to the threat of rising seas score poorly in the SMART SCALE process. Further, projects that score in the existing categories are not given an additional benefit for their potential longevity. Given the critical need for the transportation sector to be part of the City, region, and Commonwealth’s response to sea level rise, resiliency must be considered a factor in Round 5 of SMART SCALE and in other future awards of transportation dollars by the Commonwealth Transportation Board and the Virginia Department of Transportation.

### Request:

The City Council of the City of Virginia Beach requests that the General Assembly amend §33.2-214.1 to incorporate resiliency. Specifically, the City requests that §33.2-214.1(A) be rewritten to read “The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, *current and future transportation resiliency*, environmental quality, and economic development in the Commonwealth” and that §33.2-214.1(B)(1) state, “The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, ~~and~~ environmental quality, *and resiliency*.”

Furthermore, the City Council requests that the Commonwealth Transportation Board and the Virginia Department of Transportation adopt the following definition of resiliency: “*The ability to anticipate, prepare for, or adapt to conditions; or withstand, respond to, or recover rapidly from disruptions; including the impacts of sea level rise, extreme weather events, flooding, or other natural disasters.*”



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## 7. LIMITATION ON THE NUMBER OF BALLOONS THAT MAY BE SET FREE

SPONSORED BY COUNCILMEMBER GUY TOWER

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### **Background Information:**

The Virginia Aquarium & Marine Science Center, Clean Virginia Waterways, Christina Trapani Consulting, and Virginia's Coastal Zone Management Program have been monitoring coastal shorelines, water quality, and marine animal health in the state for more than 25 years. During this period, the Virginia Aquarium conducted coastal surveys, responded to stranded animals, and identified and documented the impacts of balloons on the environment. During these surveys, more than 150 balloons and balloon parts (ribbons, plastic closures) were recorded per mile of beach. Balloon litter injures and kills wildlife – more than 30 animal species are known to be impacted by balloons. The Virginia Aquarium's nationally recognized stranding response team has documented numerous balloons ingested by endangered sea turtles and marine mammals.

In Virginia, it is currently legal for any person to release up to 49 balloons within a one-hour period – in essence, it is legal to litter. Released balloons are a particularly insidious form of litter because of the ease with which they travel great distances and impact even remote areas. The Virginia Aquarium studies have documented balloons on Virginia beaches from as far away as Northern Virginia and even other states such as North Carolina, Maryland, New York, West Virginia, and Kansas.

### **Request:**

The General Assembly is requested to support legislation for the prohibition of any person for the deliberate, outdoor release, of any balloon(s). The proposed legislation would include a civil penalty of \$25 per balloon released, to be paid into the Nongame Wildlife Fund of the Virginia Department of Wildlife Resources. The bill would have exceptions for government agencies and releases for approved scientific and meteorological purposes.



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## 8. DEFINITION OF SMALL BUSINESS

SPONSORED BY COUNCILMEMBERS SABRINA WOOTEN & ROSEMARY WILSON

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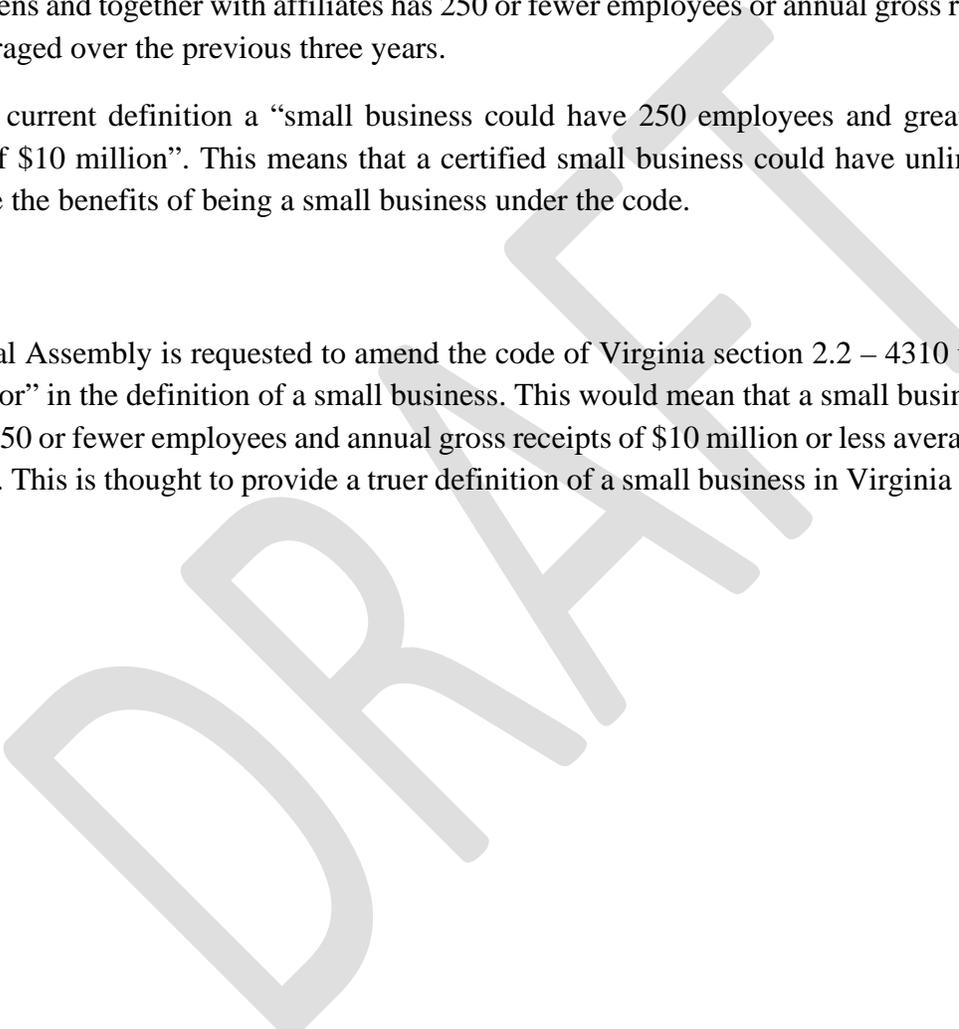
### **Background Information:**

Currently there are multiple definitions for small businesses in the code of Virginia. The one that is utilized most predominantly is in the Virginia Public Procurement Act. This states that a small business means a business independently owned and controlled by one or more individuals who are US citizens or legal resident aliens and together with affiliates has 250 or fewer employees or annual gross receipts of \$10 million or less averaged over the previous three years.

Under this current definition a “small business could have 250 employees and greater than annual gross revenues of \$10 million”. This means that a certified small business could have unlimited annual revenue and receive the benefits of being a small business under the code.

### **Request:**

The General Assembly is requested to amend the code of Virginia section 2.2 – 4310 to substitute the word “and” for “or” in the definition of a small business. This would mean that a small business would be defined as having 250 or fewer employees and annual gross receipts of \$10 million or less averaged over the previous three years. This is thought to provide a truer definition of a small business in Virginia than the current code.





## 9. DIVERSITY IN JUDICIAL APPOINTMENTS

SPONSORED BY COUNCILMEMBER MICHAEL BERLUCCHI & THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION

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### **Background Information:**

Bringing diverse experiences and perspectives to bear, allows judges to make better informed decisions and increases public confidence in their rulings. Given the diversity of the citizenry subject to the power of local courts in Virginia, judges from different backgrounds and experiences help to enrich judicial decision-making by including a variety of voices and perspectives. Despite these important benefits, the City's courts do not reflect the diversity of the City they serve. A recent retirement from this court has exacerbated this problem.

### **Request:**

The City requests that the General Assembly give favorable consideration to judicial candidates who are exceptionally well-qualified, but who also reflect the full diversity of the community they serve, and especially candidates of color, when filling any Virginia Beach court vacancy.

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RESIDENTS

BUSINESS

VISITORS

GOVERNMENT

SERVICES

Coronavirus Information

For information about Coronavirus, visit our emergency site at https://emergency.vbgov.com/coronavirus.

### Watch the New VBPD Cold Case Show Starting Aug. 27

VBPD is looking for fresh leads to help solve perplexing disappearances, tragic murders and unsolved crimes from their cold case files. Do you hold the key to finding justice for these victims? Watch the premiere episode of Virginia Beach Cold Case Files on VBTV (Cox 48/Verizon 45), Facebook.com/CityOfVaBeach, YouTube.com/VirginiaBeachTV, IGTV@CityofVaBeach or VBgov.com/media.



Watch the New VBPD Cold Case Show Starting Aug. 27

New Financial Assistance Programs Available for Virginia Beach Residents

Make Sure Virginia Beach Gets Its Fair Share of Federal Funding - VBCounts!

What's In Your Emergency Supply Kit?

Executive Order 68 - Effective Friday, July 31

City Council

Council Agenda

Legislative Agenda

VB411

Flood Control Projects

City Budget

City News & Services

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- Requests
- Scheduling Requests

#### Popular Services

- Apply for a Building Permit
- Bulky Item Pickup
- Business License Information
- City Employment
- City Procurement Opportunities
- Parks & Recreation Classes
- Pay my Library Fines
- Pay my Water/Storm Bill
- Public Utilities Online Services
- Real Estate Assessments
- SWaM
- Volunteer Opportunities
- Voter Services

#### News Releases

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- Officer Involved Shooting - 300 Block Garrison Place**  
Sunday, September 06, 2020  
On September 6th, 2020 at 4:26 am, Virginia Beach Emergency Communications received a 911 call reporting a violent domestic that was occurring in the 300 block of Garrison Place. The caller provided information that the suspect was armed with a knife and had threa ...
- 2020-21 Virginia Beach Arts & Humanities Commission Grants Now Available**  
Friday, September 04, 2020  
The Virginia Beach Arts & Humanities Commission is pleased to announce three annual grant programs available to organizations whose missions are based in providing arts, humanities, history, or cultural programming and services. In partnership with the City of Virginia ...
- Final Design of New Woodstock Skate Park Unveiled**  
Friday, September 04, 2020  
VIRGINIA BEACH, Va. – After hosting two design workshops and gathering feedback through online surveys and emails, Virginia Beach Parks & Recreation, in partnership with HRSD, is unveiling the final design of the new Woodstock Skate Park. The 30,000 square-foot park was ...

@cityofvabeach

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It's a bit rough out on the water today. Red flags are flying at all beaches today due to rough surf and high risk...

<https://t.co/1lE1LDrHsK>

Mon Sep 07, 13:37:52



### PublicInput.com

Use your mobile phone, tablet or computer to participate in forums designed to gather community input to help make decisions that affect our city. Sign up to get notices of new surveys as they are added. Have an idea we should explore? Let us know that, too.



### Open Data

The Open Data Portal provides citizens access to City data, in raw formats, with full capability to view, filter, sort, create visualizations, analyze, and export the data. This continues the City's ongoing efforts to increase transparency and accountability of City information and operations. The portal provides an open platform for people to work together, conduct data analysis, and extrapolate new insights.



### Property Search

Discover assessment and service information for residential, commercial, and agricultural properties throughout the city.



### City Map via ArcGIS

Explore Virginia Beach using ArcGIS's powerful mapping capabilities. The city provides many layers of information, including points of interest, zoning, transportation, and more.

## CONNECT WITH THE CITY

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