

Legislative Summary



2014 SESSION
VIRGINIA GENERAL ASSEMBLY

JUNE 11, 2014

HANOVER COUNTY LEGISLATIVE AGENDA

2014 General Assembly Session



2014 Legislative Agenda Action Items

- Request that the FOIA Advisory Council be asked to study the current definition of “public meeting” contained in the Virginia Freedom of Information Act, including a comparison of the definition with the provisions of freedom of information and open government statutes in adjoining states and the federal government, to determine whether permitting informal discussion of public business by more than two members, but less than a quorum, of a public body would promote greater efficiency and effectiveness while maintaining transparency in the transaction of public business.
- Request that the General Assembly fully fund the Line of Duty Act benefits for law enforcement and public safety personnel as it did from the time that the General Assembly created these benefits in 1995 until the 2012 fiscal year.
- Request that the General Assembly ensure that the state appropriates adequate monies to fund its pro rata share of the required contributions for VRS benefits for state funded teacher salaries.

HANOVER COUNTY LEGISLATIVE AGENDA

2013 General Assembly Session



2014 Legislative Agenda Action Items (Continued)

- Because the state has assigned to local governments primary responsibility for the stormwater quality programs and facilities necessary to achieve the Chesapeake Bay Total Maximum Daily Load (TMDL) requirements, request legislation to require that the state provide a substantial and fair share of the funding required to implement these programs.
- Request an amendment to Article 1.1 of Title 33.1 of the Code of Virginia to require that the Department of Transportation confer with local representatives regarding the priority of projects involving substantial expenditure of maintenance funds within each locality.
- Request that Va. Code section 8.01-407 be amended to provide that when a witness subpoena is served less than five days before appearance is required, the subpoena is without legal force or effect, unless it has been issued by a judge.

HANOVER COUNTY LEGISLATIVE AGENDA

2014 General Assembly Session



Positions on Legislation Anticipated to Come before the 2014 Session

- Support legislation that would provide counties with the same local taxing authority as cities in order that counties might reduce their dependence on real estate and personal property taxes.
- Support the development of alternative and equivalent additional revenue sources for localities prior to any repeal of the current authority for machinery and tools taxes and business professional occupation license taxes.
- Support maintenance of the existing provisions of Va. Code § 22.1-79.1 governing the date for the opening of the school year.
- Support legislation that would prohibit private ownership of dangerous, wild animals, except for licensed zoos, research facilities and animal sanctuaries.

HANOVER COUNTY LEGISLATIVE AGENDA

2014 General Assembly Session



Positions on Legislation Anticipated to Come before the 2014 Session (Continued)

- Support legislation requiring that bills with local fiscal impacts be introduced no later than the first day of the legislative session.
- Support legislation making changes to the enabling legislation of the Capital Region Airport Commission that would (1) reclassify the Commission's police officers from "special policeman" to "law enforcement officers" and (2) remove the requirement that the Commission obtain approval from all member jurisdictions when it issues or changes bonds.

Passed Legislation



1. SB 444 Hybrid canines.

Authorizes any locality to prohibit by ordinance the keeping of hybrid canines. The bill alters the definition of hybrid canine and makes technical amendments.

Patron – Thomas K. Norment, Jr. (Williamsburg)

2. SB 430 Alcoholic beverage control; limited brewery license created; local regulation of certain activities.

Creates a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm in the Commonwealth, and use agricultural products that are grown on the farm in the manufacture of their beer. The beer limits local regulation of limited brewery licenses and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery.

Patron – John C. Watkins (Midlothian)

3. HB 143 Courthouse; posting of notices; website.

Provides that documents required to be posted by a clerk on or at the front door of a courthouse or on a public bulletin board at a courthouse may instead be posted on the public government website of the locality served by the court.

Patron – J. Randall Minchew (Leesburg)

4. HB 177 Cutting of grass; statewide application.

Makes current grass-cutting provisions applicable statewide for all localities.

Patron – Peter F. Farrell (Richmond)

5. HB 199 Legislation affecting local government expenditures or reductions.

Requires the Division of Legislative Services to identify and forward to the Commission on Local Government joint resolutions introduced calling for a study of local government expenditures or revenues. The bill also authorizes the Department of Planning and Budget and the Department of Taxation to forward to the COLG bills introduced requiring additional local government expenditures or a reduction in local government revenues. Gov.'s amendments rejected.

Patron – R. Steven Landes (Verona)

6. HB209 Preliminary subdivision plats.

Provides that localities may mandate the submission of preliminary subdivision plats for tentative approval only for plats involving more than 50 lots.

Patron – D. W. Marshall (Danville)

7. HB 268 Agricultural operations; local regulation of certain activities.

Protects certain activities at agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting the listed activities to a special-use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating the sound produced by the listed activities. The bill provides that its provisions shall not affect an entity licensed in accordance with the alcoholic beverage control laws, affect the provisions of the Right to Farm Act, alter the provisions of § 15.2-2288.3 (licensed farm wineries), or restrict the taxation authority of any locality. This bill is identical to SB 51-Stuart.

Patron – Robert D. Orrock, Sr. (Thornburg)

8. HB 494 Localities; personnel policies related to the use of public property.

Requires all localities, except those with a population of less than 3,500 that do not have a personnel policy, to establish personnel policies covering the use of public property by officers and employees of the locality. Such policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities.

Patron – L. Scott Lingamfelter (Woodbridge)

9. HB 527 Group homes; zoning.

Provides that for purposes of zoning, a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, shall be considered residential occupancy by a single family. Currently, such facilities are required to have one or more resident counselors or other staff persons to qualify for this zoning designation.

Patron – Brenda L. Pogge (Norge)

10. HB 1051 Constitutional officers.

Includes electronic or other systems among those items that a local governing body shall provide for the use of clerks of all courts of record as in the governing body's judgment may be reasonably necessary for the proper conduct of such offices. The bill also provides that if a proposed local budget reduces funding for a constitutional officer at a rate greater than the average rate of reduced funding for other agencies, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget, and the local governing body shall consider any written objection of the officer made within seven days of the notice. This bill is identical to SB 124-Lucas.

Patron – Barry D. Knight (Virginia Beach)

11. HB 1084 Damages, attorney fees, and costs for unconstitutional grant or denial by locality of certain permits and approvals.

Provides that an applicant aggrieved by the grant or denial by a locality of any approval or permit, where such grant included, or denial was based upon an unconstitutional condition, shall be entitled to an award of compensatory damages and may be awarded reasonable attorney fees and costs. Provides that an applicant aggrieved by the grant or denial by a locality of any approval or permit, where such grant included, or denial was based upon, an unconstitutional condition, shall be entitled to an award of compensatory damages and may be awarded reasonable attorney fees and costs. The bill also creates a presumption that a condition proven to be unconstitutional was a factor in the grant or denial of the permit, and it provides that the applicant shall be entitled to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition. Any action brought pursuant to this bill shall be filed within the applicable time period, as set forth in the Code, after the grant or denial of the application, and the provisions of this bill shall only apply to approvals or permits that are granted or denied on or after July 1, 2014. This bill is identical to SB 578-Obenshain.

Patron – Richard L. Morris (Carrollton)

12. HB 477 Electronic summons system; fees.

Allows counties and cities to assess a fee not to exceed \$5 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.

Patron – Ronald A. Villanueva (Virginia Beach)

13. HB 1110 Children placed in child-caring institutions or group homes; reimbursement of costs to educate.

Requires a school division to be reimbursed by the school division in which a child's custodial parent or guardian or most recent custodial parent or guardian resides for the costs of educating such child, whether disabled or not, who has been placed, not solely for school purposes, in foster care or a licensed child-caring institution or group home that is located within the geographical boundaries of the school division to be reimbursed.

Patron – David J. Toscano (Charlottesville)

14. HB 451 Elections; elected and certain appointed officers; removal from office.

Adds sexual battery, attempted sexual battery, consensual intercourse with a child 15 years of age or older, indecent exposure, and peeping to the list of offenses for which a circuit court, upon petition, may remove from office an elected officer or officer appointed to fill an elective office.

Patron – Robert B. Bell (Charlottesville)

15. HB 632 Elections; substitution of officers of election.

Requires the electoral board to appoint a substitute officer of election for any election if an appointed officer of election is the spouse, parent, grandparent, child, or grandchild of a candidate in that election. The bill as passed by the House does not require notice of the substitution. Currently, a candidate may request the removal of an officer of election for these grounds. The substitute holds office and serves only for that election.

Patron – Terry G. Kilgore (Gate City)

16. HB 1024 Elections; vacancies in elected constitutional and local offices.

Requires the court to order a special election for a vacancy in any elected constitutional or local office to be held on the date of the next general election, unless the governing body filing the petition for the writ requests in its petition a different date for the special election that precedes the next general election. In that case the court is required to order the election be held on that date if it complies with current law regarding times for special elections. However, if the vacancy occurs within 90 days of the next general election, the special election shall be held on the second general election, unless otherwise requested in the petition.

Patron – Riley E. Ingram (Hopewell)

17. HB 193 Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters.

Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and with regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. This bill is identical to SB 161 – Favola.

Patron – J. Randall Minchew (Leesburg)

18. HB 1211 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council.

Establishes the Virginia Conflict of Interest and Ethics Advisory Council composed of 15 members: four appointments each by the Speaker of the House of Delegates, Senate Committee on Rules, and Governor; one designee of the Attorney General, one representative of the Virginia Association of Counties, and one representative of the Virginia Municipal League. The Council will review and post online the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and provide formal opinions and informal advice, education, and training. The bill requires the filing of the disclosure forms twice a year. The Division of Legislative Services will staff the Council, and the Council will transmit complaints of conflict law violations to the ethics advisory panels of the House of Delegates and Senate. The bill prohibits tangible gifts with a value of more than \$250 or a combination of tangible gifts with a value of more than \$250 to certain officers and employees of state or local governmental or advisory agencies or to legislators from a lobbyist; lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts. The bill also clarifies the distinction between gifts and other things of value received for travel, reduces a number of disclosure provision thresholds from \$10,000 to \$5,000, and requires the disclosure of gifts to immediate family members. Gifts from a relative or personal friend are not subject to disclosure, but a lobbyist; lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts cannot be considered a personal friend. Finally, the bill provides that the provisions of the conflict of interests acts do not preclude prosecution for any criminal law violation, including bribery. This bill is identical to SB 649-Norment.

Patron – C. Todd Gilbert (Woodstock)

19. HB 1237 Hunting on Sundays.

Allows hunting on Sundays under certain circumstances. A person may hunt waterfowl, subject to restrictions imposed by the Director of the Department of Game and Inland Fisheries, and a landowner and his immediate family or a person with written permission from the landowner may hunt or kill any wild bird or wild animal, including nuisance species, on the landowner's property. However, the aforementioned hunting activities cannot occur within 200 yards of a house of worship. The bill prohibits the hunting of deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs on Sunday. This bill is identical to SB 154- Puckett.

Patron – C. Todd Gilbert (Woodstock)

20. HB 559 Virginia Defense Force; localities may appropriate money for.

Authorizes a locality to appropriate such sums of money and real and personal property as it may deem proper to the Virginia Defense Force, when that organization is maintained within the limits of the locality. This bill is identical to SB 546-Ruff.

Patron – Richard L. Anderson (Woodbridge)

21. HB 733 Parking in front of mailboxes.

Allows localities by ordinance to prohibit vehicle parking that blocks access to mailboxes.

Patron – L. Scott Lingamfelter (Woodbridge)

22. HB 854 Maximum speed limit on nonsurface-treated highways.

Applies statewide the 35 mph maximum speed limit on nonsurface-treated highways that is currently applied only in Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe Counties and in any other county whose governing body adopts an ordinance to do so. This bill is identical to SB 470-Smith.

Patron – T. Scott Garrett (Lynchburg)

23. SB 97 Minimum clearance for passing bicycles, etc.

Increases from two to three feet the minimum clearance between a passing vehicle and a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

Patron – Brice E. Reeves (Fredericksburg)

24. HJ 103 Study; JLARC; Virginia's Line of Duty Act; report.

Directs the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

Patron – S. Chris Jones (Suffolk)

25. HB 44 Personal property tax; classification.

Creates a separate personal property tax classification for a motor vehicle owned or leased by a uniformed member of the Virginia Defense Force and used by the uniformed member of the Virginia Defense Force to respond to his official duties. Any locality is authorized to set a personal property tax rate for such motor vehicles less than the rate applicable to the general class of tangible personal property.

Patron – Mark L. Cole (Fredericksburg)

26. HB 525 Real property tax; notice of assessment.

Requires every notice of assessment to set forth (i) the new and prior two appraised values of land and appraised value of improvements, and the assessed values of such if different from the appraised values; (ii) the new tax rate and the rates for the prior two tax years; (iii) the total new tax levy and the tax levies for the prior two years; and (iv) the percentage changes in such levies. Under current law, such information is required for the current year and the prior year. The bill also requires the notice to inform each property owner of his right to review and make copies of records maintained by the local assessment office. SB 480 will supersede HB 525, as it was signed later by the governor. For item (i) above, SB 480 replaces the word “appraised” with “assessed.”

Patron – Brenda L. Pogge (Norge)

27. HB 617 Personal property tax; classification.

Authorizes a locality to establish lower personal property tax rates on the tangible property of businesses that locate for the first time in the locality. The lower rates would apply for the first two tax years that the business is subject to the personal property tax. If a locality has enacted an exemption from the local license tax or fee (BPOL) for beginning businesses, only those beginning businesses that qualify for such exemption may be eligible for the lower personal property tax rates.

Patron – Glen R. Davis, Jr. (Virginia Beach)

Constitutional Amendments



28. HB 46 Constitutional amendment (voter referendum) and implementing legislation; property tax exemption for surviving spouses of soldiers killed in action.

Provides for a referendum at the November 4, 2014, election to approve or reject an amendment to allow the General Assembly to exempt from taxation the real property of the surviving spouse of a soldier killed in action. The constitutional amendment provides that the surviving spouse must occupy the real property as his or her principal place of residence and any exemption ceases if the surviving spouse remarries. If the amendment is approved, the bill provides that beginning with tax year 2015 the exemption would apply to a dwelling with an assessed value in the most recently ended tax year that does not exceed the average assessed value for such year for dwellings in the locality that are zoned as single family residential. The exemption would apply for the dwelling and the land upon which it is situated, not exceeding one acre.

Patron – David I. Ramadan (Dulles)