

Legislative Update



HANOVER COUNTY LEGISLATIVE AGENDA 2014 GENERAL ASSEMBLY SESSION

FEBRUARY 26, 2014

HB 333 School Calendar.

Patron: Thomas A. "Tag" Greason (Lansdowne)

Makes local school boards responsible for setting the school calendar and determining the opening date of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

02/18/14 Senate: Assigned Education sub: Public Education

HB 199 Legislation affecting local government expenditures or reductions.

Patron: R. Steven Landes (Verona)

Requires the Division of Legislative Services to identify and forward to the Commission on Local Government (Commission) 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 Commission bills introduced requiring additional local government expenditures or a reduction in local government revenues.

02/21/14 Senate: Reported from Rules with amendment (15-Y 0-N)

02/24/14 Senate: Constitutional reading dispensed (40-Y 0-N)

HB 527 Group homes; zoning.

Patron: Brenda L. Pogge (Norge)

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 a 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.

02/21/14 Senate: Passed Senate (40-Y 0-N)

HB 617 Personal property tax; classification.

Patron: Glen R. Davis (Virginia Beach)

Creates a classification for personal property tax rate purposes of property owned by a business during its first two years of operation, if the business's annual gross revenues do not exceed \$100,000. A locality may impose a rate of tax on such property that is lower than the rate on the general class of tangible personal property.

02/21/14 Senate: Passed Senate with substitute (40-Y 0-N)

02/24/14 House: Placed on Calendar

HB 597 Richmond Metropolitan Authority; name; composition of Board of Directors; powers.

Patron: G. Manoli Loupassi (Richmond)

Renames the Authority as the Richmond Regional Transportation Authority and equalizes Board representation among the City of Richmond, Chesterfield County, and Henrico County. The bill requires that certain actions of the Authority related to construction or acquisition of limited access highways or acquisition of rights to operate existing toll roads receive approval from the local governing bodies. Local approval also is required for the issuance of bonds by the Authority. The bill allows the governing body of each locality to appoint one of its own members as a member of the Board of the Authority, clarifies the appointment process for the three Richmond representatives on the Board, and prohibits Board members from receiving health insurance or other benefits for their service on the Board.

02/12/14 Senate: Referred to Committee on Local Government

HB 1173 Stormwater management programs; optional for some localities.

Patron: M. Keith Hodges (Urbanna)

Allows any locality that does not operate a municipal separate storm sewer system (MS4) to opt out of establishing Virginia Stormwater Management Programs. Localities that notify the Department of Environmental Quality of their decision to opt out shall have their stormwater programs managed by the Department.

02/05/14 House: VOTE: PASSAGE EMERGENCY (93-Y 1-N)

02/06/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 1088 Capital Regional Airport Commission.

Patron: Riley E. Ingram (Hopewell)

Updates the police power provision of the Commission.

02/05/14 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N)

02/06/14 Senate: Referred to Committee on Local Government

HJ 40 Study; JLARC; Medicaid-funded transportation services in the Commonwealth; report.

Patron: David B. Albo (Springfield)

Directs the Joint Legislative Audit and Review Commission (JLARC) to review the Commonwealth's contract with Logisticare for Medicaid-funded transportation services, identify remedies and alternatives available to the Commonwealth to resolve the issues surrounding Logisticare's questionable performance, and review the Department of Medical Assistance Service's oversight of the Commonwealth's contract with Logisticare. The resolution provides that the Commonwealth's contract with Logisticare not be renewed or extended prior to the completion of this study. The resolution requests that JLARC report its findings no later than the first day of the 2015 Regular Session.

02/10/14 House: VOTE: ADOPTION (70-Y 29-N)

02/11/14 Senate: Referred to Committee on Rules

SB 48 Prohibition on oil and gas drilling.

Patron: Richard H. Stuart (Montross)

Prohibits the drilling for oil and gas in the Eastern Virginia Groundwater Management Area. When the General Assembly enacted the Groundwater Management Act in 1973, it declared that the continued, unrestricted usage of groundwater is contributing and will contribute to pollution and the shortage of groundwater, thereby jeopardizing the public welfare, safety, and health. The Act recognized that the state has the right to the reasonable control of all groundwater resources in order to conserve, protect, and beneficially utilize the groundwater of the Commonwealth. The bill would apply to groundwater and the associated aquifers in the coastal plain of Virginia. The bill would also require the Department of Environmental Quality to adopt regulations protecting surface and ground water resources before the Department of Mines, Minerals and Energy issues a drilling permit in those areas of Tidewater where such activity is allowed.

02/05/14 Senate: Passed Senate (28-Y 12-N)

02/07/14 House: Referred to Committee on Commerce and Labor

HB 268 Agricultural operations; local regulation of certain activities

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

Protects customary agritourism activities at agricultural operations from local bans in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating agritourism activities. The bill requires a basis in health, safety, or public welfare for a local ordinance that restricts 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 those listed activities to a special-use permit requirement, and in most situations localities are prevented from stringently regulating the sound produced by the listed activities.

01/28/14 House: VOTE: PASSAGE (73-Y 23-N)

01/29/14 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 1084 Damages for unconstitutional grant or denial by locality of certain permits and approvals.

Patron: Rick L. Morris (Carrollton)

Provides that any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or Constitution of Virginia, shall be entitled to an award of damages, reasonable attorney fees, and court costs and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without such conditions. The bill also provides that once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial.

02/21/14 Senate: Passed Senate with amendments (38-Y 2-N)

02/24/14 House: Placed on Calendar

SB 236 Student religious viewpoint expression.

Patron: Charles W. Carrico, Sr. (Galax)

Codifies the right of students to (i) voluntarily pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression; (ii) organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other activities and groups; and (iii) wear clothing, accessories, or jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry are permitted. The bill also requires each school division to adopt a policy to permit a student speaker to express a religious viewpoint at any school event at which a student is permitted to publicly speak. The policy shall declare each such school event to be a limited public forum, provide a neutral method for the selection of student speakers, and require each school principal to provide a disclaimer in advance of each such school event that the school division does not endorse any religious viewpoint that may be expressed by student speakers.

02/24/14 House: Reported from Education (12-Y 10-N)

HB 209 Subdivision plats; localities may mandate submission of preliminary plats for tentative approval.

Patron: Daniel W. Marshall, III (Danville)

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

02/05/14 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N)

02/06/14 Senate: Referred to Committee on Local Government

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

Patron: L. Scott Lingamfelter (Woodbridge)

Requires all localities to establish personnel policies covering the use of public property by officers and employees of the locality. Among other things, the personnel 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.

01/22/14 House: VOTE: PASSAGE (84-Y 12-N)

01/23/14 Senate: Referred to Committee on Local Government

HJ 103 Virginia's Line of Duty Act; Joint Legislative Audit and Review Commission to study.

Patron: S. Chris Jones (Suffolk)

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.

02/05/14 House: VOTE: ADOPTION (93-Y 0-N)

02/24/14 Senate: Reading waived (37-Y 0-N 2-A)

SB 340 Group homes and residential facilities; license applications.

Patron: Linda T. Puller (Mt. Vernon)

Requires the Department of Behavioral Health and Developmental Services to provide a list of licenses issued for group homes and residential facilities housing eight or fewer persons during the preceding month upon the request of a local government chief administrative officer.

02/10/14 Senate: Read third time and passed Senate (40-Y 0-N)

02/17/14 House: Assigned HWI sub: Subcommittee #3