

Legislative Update



HANOVER COUNTY LEGISLATIVE AGENDA 2014 GENERAL ASSEMBLY SESSION

MARCH 12, 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.

03/04/14 Senate: Left in Education and Health

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.

03/04/14 House: Signed by Speaker

03/07/14 Senate: Signed by President

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.

03/06/14 House: Signed by Speaker

03/10/14 Senate: Signed by President

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.

03/07/14 House: Signed by Speaker

03/10/14 Senate: Signed by President

HB 1088 Capital Regional Airport Commission.

Patron: Riley E. Ingram (Hopewell)

Updates the police power provision of the Commission.

03/05/14 House: Signed by Speaker

03/08/14 Senate: Signed by President

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.

03/08/14 House: Failed to pass in House

SB 48 Drilling in the Eastern Virginia Groundwater Management Area.

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.

02/27/14 House: Tabled in Commerce and Labor by voice vote

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.

03/07/14 House: Signed by Speaker

03/10/14 Senate: Signed by President

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.

02/27/14 House: Signed by Speaker

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.

03/03/14 House: Signed by Speaker

03/03/14 Senate: Signed by President

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.

03/05/14 House: Signed by Speaker

03/08/14 Senate: Signed by President

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.

03/07/14 House: VOTE: ADOPTION (99-Y 1-N)

03/07/14 Senate: Conference report agreed to by Senate

HB 1237 Hunting on Sundays.

Patron: C. Todd Gilbert (Woodstock)

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.

02/20/14 House: Signed by Speaker

02/22/14 Senate: Signed by President

03/05/14 Governor: Approved by Governor-Chapter 152 (effective 7/1/14)

SB 304 Disposition of dead bodies.

Patron: Kenneth C. Alexander (Norfolk)

Establishes a process for the disposition of unclaimed dead bodies. The bill contains an emergency clause.

02/27/14 House: Signed by Speaker

03/01/14 Senate: Signed by President

03/07/14 Governor: Approved by Governor-Chapter 228 (effective 3/7/14)

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

Patron: John C. Watkins (Midlothian)

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 bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery.

03/03/14 House: Signed by Speaker

03/03/14 Senate: Signed by President

HB 1209 Family Day Homes.

Patron: Luke E. Torian (Dumfries)

Clarifies that a local governing body may, after notice and a public hearing, either approve, subject to such conditions as agreed upon by the applicant and the locality, or deny an application for a family day home serving six through 12 children.

03/05/14 House: Signed by Speaker

03/08/14 Senate: Signed by President

HB 143 Courthouse; posting of notices; website.

Patron: J. Randall Minchew (Leesburg)

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.

02/26/14 House: Signed by Speaker

02/28/14 Senate: Signed by President

HB 296 Comprehensive plans; alignment of transportation services with accessible housing and other community services.

Patron: Ronald A. Villanueva (Virginia Beach)

Requires localities to take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services when developing the transportation component of the comprehensive plan for the physical development of the territory. The bill as introduced was a recommendation of the Virginia Disability Commission and is identical to SB 58.

03/05/14 House: Signed by Speaker

03/08/14 Senate: Signed by President