

**VMI**

April 2, 2009

Legislative Bulletin

A digest of legislative news from the General Assembly affecting local governments.

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Upcoming

The General Assembly will reconvene next Wednesday – April 8 – to consider the governor’s vetos and amendments. VML will report on the veto session late next week.

Kaine vetoes 12 bills; submits amendments

- Most recommendations not controversial
- Budget signed; 3 spending items vetoed
- Urge legislators to support amendments to 3 bills

GOV. TIM KAINE vetoed 12 bills and three budget amendments, and submitted amendments to 108 other pieces of legislation. The General Assembly reconvenes next Wednesday – April 8 – to consider the governor’s actions.

Overriding a veto requires at least a two-thirds vote in each house. Amendments, on the other hand, can be accepted or rejected by a simple majority vote in both houses. Should the General Assembly reject an amendment, the bill would be returned to the governor, who could either sign the bill or veto it. He also can allow the General Assembly, however, can also “veto proof” a bill by rejecting an amendment by at least two-thirds majority in each house.

VML will report next week on actions taken at the reconvened session.

Most of Kaine’s recommendations are non-controversial or technical in nature. The amendments / vetoes of most interest are summarized below. In addition, the amendments to three bills particularly deserve the support of local government. They deal with land use and personnel, and are summarized below.

We need your opinions

Last call. VML’s legislative staff needs your help and just a few minutes of your time. If you haven’t responded to our previous requests to fill out a brief survey about the VML Legislative Bulletin that you subscribed to during the 2009 General Assembly session, please do so now by using the link below. Your answers will help us evaluate this publication and make it more readable and more informative in the future. [Take the VML Legislative Bulletin survey >](#).

Legislative links

- [Find a bill \(state LIS\)](#)
- [State budget Web site](#)

Cover story continued ...

Budget

In a [message](#) to the House of Delegates, Kaine wrote “(t)he budget bill presented by the General Assembly was well-deliberated and broadly sensitive to the state of our economy and the critical needs of our citizens. For that reason, I sign the bill without any amendments and only propose three modest item vetoes.”

Citing fairness and equity considerations, the governor vetoed an additional budget reduction of \$1 million on grants to public broadcasting and educational telecommunications (Item 67).

He also vetoed a legislative initiative removing all general fund support for the regulation of weights and measures and the inspection of motor fuels by the Department of Agriculture and Consumer Services (Item 98). The General Assembly sought to privatize these functions or to rely on self-reporting by Jan. 1, 2010. The governor said the Jan. 1 deadline did not allow sufficient time to transition to the new scheme.

Lastly, the governor vetoed an item (§ 3-1.01 FF.1) to transfer \$1.1 million from the Fire Programs Fund to the general fund in FY10. The governor noted that additional funding provided through the federal recovery package had allowed the General Assembly to restore the proposed reductions to sheriffs and local police departments. To ensure equal treatment between first responders, he vetoed the transfer.

Because the governor signed the bill and offered no amendments, the budget bill ([HB 1600](#)) should take effect after the Veto Session concludes next Wednesday.

Land Use

Kaine submitted amendments to [HB 1788](#) (Oder) and [SB 1276](#) (Martin) – the alternative septic system companion bills - to provide that the provisions of the code will not take effect until the State Department of Health adopts final regulations on the septic systems. This amendment is a significant improvement over the bill as passed by the General Assembly. ***Please call or e-mail your delegation in support of the amendments.***

Kaine recommended an amendment to [HB 1680](#) (Orrock) that makes the bill clearer by stating that owners of property damaged by an accidental fire

have the same rights to rebuild as if the property was damaged by an act of God. The amendment does not change the intent of the legislation.

Local Authority

Kaine vetoed [HB 2528](#) (Cole). The bill requires a locality that plans to hold a gun buy-back program to adopt an ordinance in order to create the program, and then to either offer the guns for sale or to dispose of them in any other “appropriate manner.” Kaine used his veto powers out of concern that the effect of the bill is to require localities to offer the guns for sale. VML preferred that there be no legislation, but due to the momentum behind the bill, worked with legislators to develop the amendments that allowed localities to dispose of the weapons in any other “appropriate manner.” These amendments made the bill less objectionable. Individual localities that prefer the bill to NOT become law should contact their delegates and senators in support of sustaining the veto.

Personnel

[SB 1525](#) (Martin) expands the existing exception to prohibited relationships of employees in the Conflict of Interests Act. The current law allows a government employee to hold his or her position if a spouse is also employed by the government agency. [SB 1525](#) amends this exception to allow an employee’s spouse to enter into contracts with the government agency, which is a major expansion of this exception. Under the bill, for example, an employee’s spouse would be able own a business that sells vehicles to a locality. Kaine’s amendment improves the bill by requiring that for the expanded exception to the prohibition to apply, the employee may not be in a position to award the contract to the spouse. ***Please call or e-mail your delegation in support of the amendments.***

Public Safety

Kaine recommends amendments to [HB 1919](#) (Crockett-Stark) and [SB 1199](#) (Puckett) that would reduce the fee that a local jail could charge an inmate per day from the \$5 proposed in the bill to \$3 a day. (Currently localities may charge \$1 per day.) Another amendment specifies that anyone acquitted of

a charge be refunded any fees they paid during their incarceration.

Kaine vetoed [SB 1035](#) (Hanger), which would allow people to carry concealed weapons into restaurants or clubs that serve alcoholic beverages. In his veto message, Kaine said that “(a)llowing concealed weapons into restaurants and bars that serve alcohol puts the public, the employees, and our public safety officers at risk. I take seriously the objections of law enforcement to this measure.”

Taxes/Revenues

Kaine proposes a technical amendment to [HB 1830](#) (Fralin). The bill allows local governments, with the Department of Taxation’s assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. The bill also clarifies current policy for the priority of claims against income tax refunds.

The governor’s amendment restricts claims filed by counties, cities and towns for an offset of the federal income tax refund to claims against delinquent local taxes.

The purpose of [HB 2098](#) (Orrock) is to preserve the agricultural use assessment for the portion of a tract of land that is still used for agricultural uses, when a portion of the land is cut out and developed. A gubernatorial amendment rephrases the language to read that zoning designations and special use permits would not be the sole considerations for determining whether real property qualifies for special land use assessments.

[SB 1200](#) (Puckett), as passed by the General Assembly, expands the current exemption for *disabled* veterans (and spouses) from paying vehicle licenses to include *all* veterans who are honorably discharged. The bill thus removed the special category for disabled veterans. Kaine’s amendments: (1) restore the special exemption now allowed for disabled veterans and their surviving spouses and (2) establish a new category of exemption for all honorably discharged veterans and their surviving spouses who do not remarry.

Both categories are local option.

[HB 2311](#) (Melvin) and [SB 1387](#) (Stolle) allow localities to assess an additional \$3 fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, renovation, or maintenance of a courthouse. The bills apply to counties and cities that had an out-of-compliance courthouse as of Jan. 1, 2009, and limit the use of the additional funds to construction of a courthouse. The amendments broaden the coverage of the bills by allowing counties and cities that had an out-of-compliance courthouse as of Jan. 1, 2008 to be eligible to assess the additional fee, and to allow the funds to be used for reconstruction, renovation, or adaptive re-use.

Utilities

[HB 2423](#) (May) and [SB 1336](#) (Puckett) create a broadband advisory council for the Commonwealth. Kaine recommends an emergency clause, which if approved would make the bills take effect when he signs them.

Miscellaneous

[HB 2096](#) (Orrock) allows local governments to waive various fees for charities that create affordable housing. Kaine recommends a useful amendment to include charitable groups that renovate or rehabilitate existing housing stock, in addition to those groups involved in new construction.

Kaine’s substitute to [SB 1070](#) (Martin) allows “no excuse” early voting. Numerous bills to allow early voting were defeated during the session. Local registrars testified during the session that this move would require additional facilities and voting equipment to accommodate early voters.

More ...

See next page for a listing of VML legislative staff, contact information and responsibilities.

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[Legislative Meeting Schedule >](#)

Up-to-date listing of legislative committee meetings.



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