



VMI

April 9, 2009

Legislative Bulletin

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

Find it fast

► *Indicates active link*

- Budget
- Education
- Eminent Domain
- Environment
- FOIA
- Human Services
- Land Use
- Local Authority
- Personnel
- Public Safety
- Retirement/Benefits
- Taxes/Revenues
- Transportation
- Utilities
- Miscellaneous

Upcoming

Stay tuned to *Update* for information on a May 15 seminar on the value of and process for creating arts and cultural districts.

2009 session draws to a close

THE FLOOR SESSIONS

were long and cantankerous, but the House of Delegates and Senate finally wrapped up the 2009 session by 9 p.m. on April 8. The legislature overrode Gov. Tim Kaine's veto of two pieces of legislation, but did not override his veto of several other bills, including [HB 2528](#) (Cole), which would have required local governments to adopt an ordinance prior to holding a gun buy-back program. Del. Mark Cole said that absent his bill, local governments might not have the authority to have these programs because of the Dillon Rule.

The House of Delegates did not contest Kaine's veto of three budget items. As a result, \$1.1 million will not be transferred from the Fire Programs Fund to the general fund. In addition, \$1 million in grants to public broadcasting and educational telecommunications was restored, and an effort to privatize the state's weights and measures and the inspections of motor fuels was overturned.

The General Assembly accepted most of Kaine's amendments, but rejected some as reported below. Bills for which amendments were rejected are returned to the governor, who has 30 days in which to sign them as enacted, not sign (in which case they become law), or veto them.

VML Director of Legal Services Mark Flynn participated in bill signing ceremonies on April 8 for [HB 1671](#) (Dance), [SB 1094](#) (Locke) and [HB 1735](#) (Valentine). VML spearheaded the introduction of HB 1671 and SB 1094, which will improve the ability of local governments to deal with derelict structures. VML actively supported the passage of HB 1735, which allows all localities to create arts and cultural districts. The enactment of the bill was a legislative priority for the league. VML is cosponsoring a one-day seminar on the value of and process for creating these districts. The seminar will be held May 15 in Fredericksburg.

The House of Delegates did not contest Gov. Tim Kaine's veto of three line items in the state budget. As a result, \$1.1 million in funding for the Fire Programs Fund will not be transferred to the state general fund.

Legislative links ► [Find a bill \(state LIS\)](#)
► [State budget Web site](#)

Cover story continued ...

Land Use

The General Assembly approved Kaine's amendments to [HB 1788](#) (Hull) and [SB 1276](#) (Martin). The amendments delay the effective date of the bills until the state enacts final regulations on the installation and maintenance of alternative septic systems.

These bills limit the authority of local governments to regulate alternative septic systems. The systems allow houses to be built in areas with soils that will not support a traditional septic system and allow small lot development in areas without public sewer. The systems protect the environment when they work correctly. However, they require more sophisticated installation and require regular maintenance. The systems can fail altogether if installed incorrectly or not maintained, causing an environmental hazard.

The General Assembly also accepted Kaine's amendment to [HB 1680](#). The amendment did not change the intent of the legislation, but more clearly stated 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.

Local Authority

The Senate failed to override the veto of [HB 2528](#) (Cole). This bill would have required localities to adopt an ordinance prior to holding a gun buy-back program. As a result, localities remain free to hold gun buy back programs in the manner they choose.

Personnel

[SB 1525](#) (Martin) amends the Conflict of Interests Act by allowing a government employee's immediate family member to enter into contracts with the employee's government agency. The General Assembly accepted Kaine's amendment, which requires that the provision in the bill only applies if the employee is not in a position to be involved in the awarding of the contract. Current law prohibits this practice altogether.

Public Safety

Kaine's amendments to [HB 1919](#) (Crockett Stark) and [SB 1199](#) (Puckett) reduced 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.) Both bodies accepted this reduction for [SB 1199](#), but the House rejected this amendment in the case of [HB 1919](#). Presumably Kaine would veto [HB 1919](#) and sign the amended version of [SB 1199](#).

The Senate did not override Kaine's veto of [SB 1035](#) (Hanger), which would have allowed people to carry concealed weapons into restaurants or clubs that serve alcoholic beverages. Both houses overrode the veto of [SB 877](#) (Martin), which allows retired law-enforcement officers who are qualified under federal law to carry concealed firearms to carry a concealed handgun into a restaurant that serves alcohol.

Taxes / Revenues

Kaine's amendments to several bills dealing with taxation were approved, including:

A technical amendment to [HB 1830](#) (Fralin), which will allow 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 U.S. Congress to allow the debt to be offset against federal income tax refunds. The amendment restricted claims filed by localities to claims against delinquent local taxes (not delinquent local fees).

A rephrasing of the language in [HB 2098](#) (Orrock), which states that zoning designations and special use permits will not be the sole considerations for determining whether real property qualifies for special land use assessments. The main effects of the amendments were to insert the word "sole." The intent of the bill is to preserve the agricultural use assessment for the portion of a tract of land that is still used for agricultural uses when some portion of the land is cut out and developed.

[SB 1200](#) (Puckett) adds a new category under which localities may exempt veterans from paying vehicle licenses. As amended, the bill (1) retains the current exemption under which localities may exempt disabled veterans and their surviving spouses from

paying the licenses and (2) establishes a new category of exemption for all honorably discharged veterans and their surviving spouses who do not remarry.

[HB 2311](#) (Melvin) and [SB 1387](#) (Stolle) allow some cities and counties to assess an additional \$3 fee as part of the costs in each civil, criminal, or traffic case to help pay for the construction of courthouses. To qualify for the authority to levy the fee, the locality has to have a courthouse (1) out-of-compliance as of Jan. 1, 2008 with state safety and security guidelines and (2) that could not be feasibly renovated to correct the non-compliance. Kaine's amendments, which were adopted, allow for the fees to also be used to pay for the reconstruction, renovation of or adaptive reuse of a structure for a courthouse.

Utilities

[HB 2423](#) (May) and [SB 1336](#) (Puckett) create a broadband advisory council. Kaine's amendments added an emergency clause, which means the bills will take effect upon signature.

Miscellaneous

[HB 2096](#) (Orrock) allows local government to waive various fees for charities that create affordable housing. Kaine's amendment, which was accepted, includes charitable groups that renovate or rehabilitate existing housing stock, in addition to groups involved in new construction.

Speaker William J. Howell ruled that Kaine's substitute to [SB 1070](#) was not germane. The substitute was the governor's last shot at getting his early voting initiative through the General Assembly. The Senate approved the substitute on a party-line vote but the Speaker's ruling saved the House members from having to cast a recorded vote on the issue. The original version of [SB 1070](#) will now be returned to Kaine. The original version allows first responders to vote early.

More ...

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

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[State budget details >](#)

A link to the state's Legislative Information System, is the fastest, easiest way to check on the status of a bill.

[House Membership >](#)

Link to General Assembly Web site listing all members of the House of Delegates and their contact information.

[House Committees and Subcommittees >](#)

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Link to live audio stream of House of Delegates floor sessions.

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[Legislative Meeting Schedule >](#)

Up-to-date listing of legislative committee meetings.



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