



VMI

March 3, 2009

Legislative Bulletin

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

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Upcoming

The General Assembly will return to Richmond for its reconvened session on April 8 to deal with gubernatorial amendments and vetoes.

Legislature adopts budget; adjourns with little fanfare

WITH LITTLE DEBATE or discussion, the General Assembly matter-of-factly dealt with a handful of outstanding bills, adopted a budget and then adjourned Saturday night.

VML will publish either today or tomorrow an analysis of the budget amendments included in [HB 1600](#). This *Legislative Bulletin* reports on the few items of interest to local governments that were acted on either Friday or Saturday.

The General Assembly will return to Richmond on April 8 for the reconvened session, which could prove to be either mundane or contentious. That will depend on the details surrounding implementation of the federal economic stimulus package.

Federal agencies will begin posting guidance documents today on how the American Recovery & Reinvestment Act can be used. The General Assembly relied on federal stimulus money in reaching its budget agreement. The state budget may have to be adjusted to conform to the compliance requirements attached to the stimulus money. In that event, a number of budget amendments would have to be taken up during the April 8 reconvened session.



Legislative links ► [Find a bill \(state LIS\)](#)
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Dialogue

“My concern is that we have a structurally unsound budget. We are going to have a \$4 billion hole in the budget waiting for us next year.”

... Sen. Mark D. Obenshain, discussing the use of federal stimulus money to balance the state budget. From the March 3 Harrisonburg *Daily News Record*.

FOIA

Exemption added to protect identity of complainants

The General Assembly approved a conference report for [HB 2266](#) (O. Ware) that allows localities to withhold the name, address and telephone number of citizens making building code and fire code complaints to the local government.

A few days earlier, the legislature approved [SB 1478](#) (Locke), an identical bill.

In 2002, the General Assembly enacted a similar exemption from FOIA regarding complaints filed by citizens on potential zoning violations.

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Public Safety

Attorney fee bills go to governor for signing

[SB 1513](#) (Smith) and [HB 1655](#) (Carrico) emerged from a conference committee and were approved by both the House and Senate. The bills state that reasonable attorney fees, expenses and court costs *may* be awarded to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915.

Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. The bills originally mandated that court fees *shall* be awarded.

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Transportation

Defeated

Not unexpectedly, the House and Senate continued their battle over a constitutional amendment to establish a Transportation Trust Fund. As a result, [HJR 620](#) (Oder) and [SJR 361](#) (Norment) failed to be approved.

Miscellaneous

Residence of voters defined

The House and Senate reached agreement over what constitutes residency when establishing the qualifications of a voter. As a result, [HB 1878](#) (Cosgrove), [SB 848](#) (Edwards) and [SB 1188](#) (Blevins) passed.

Both domicile and abode are required for residency as a qualification to vote. The bills require that to establish domicile, a person must live in a particular locality with the intention to remain there. A place of abode is defined as the physical place where a person dwells. The State Board of Election is instructed to develop guidelines to ensure the uniform application of the law for determining residency. This part of the legislation arose over different approaches by registrars to determining residency, often as regards to students.

The bills also allow for the hiring of election workers to help close the polls and transmit the vote totals, and allow voters to wear clothing, stickers, etc., that endorse candidates. Earlier versions of [HB 1878](#) and [SB 1188](#) required electronic poll books, a decrease in the size of precincts, and a requirement to hire officials to help close the polls. While the electronic poll books part of the bills did not survive, the budget contains language stating that electronic poll books will be used in the November 2010 election.

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Special elections changed for constitutional officers

[HB 1771](#) (Pollard) provides that a special election for a vacant constitutional office in localities with populations of 15,000 or less be filled at the November general election in November, rather than at a more promptly scheduled special election.

The bill has an emergency clause, which means that it will take effect upon signing by the governor. The bill will allow for some savings to both localities and the state.

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Defeated

[HB 1780](#) (Athey), which would have established uniform guidelines for the holding of special elections and the filling of vacancies.

[SB 1551](#) (Barker), which would have allowed local governing bodies to require non-salaried citizens of boards and commissions to file disclosure statements.

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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.

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[Legislative Meeting Schedule >](#)

Up-to-date listing of legislative committee meetings.



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