



VML

February 2, 2010



Legislative Bulletin

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

Find it fast

➤ *Indicates active link*

- Budget
- Education
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- FOIA
- Human Services
- Land Use
- Local Authority
- Personnel
- Public Safety
- Retirement/Benefits
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- Miscellaneous

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Upcoming

Don't forget to register to attend VML-VACo Legislative Day Feb. 11 at the Richmond Marriott in downtown. [Registration information](#) is on the VML Web site. Questions: Contact Sherall Dementi at 804/523-8533 or sdementi@vml.org.

House committee flips burden of proof regarding assessments

BREAKING FROM YEARS of precedent, the House Finance Committee reported [HB 570](#) (Iaquinto), a bill to change the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a board of equalization or to a circuit court. The measure sailed through the committee Monday 19-2. Next stop is the House floor.

The bill requires the assessor – if challenged by a taxpayer – to provide a “preponderance of proof” rather than “substantial” evidence. The change is supposed to ease the legal test the assessor must pass to successfully challenge a taxpayer complaint.

A handful of delegates voiced concerns over the additional costs the bill would generate for local governments. One even asked the patron, Del. Salvatore Iaquinto, if he offered a budget amendment to have the state compensate localities for the additional workload. The response was a laughingly “No.” Staff contact: Neil Menkes (nmenkes@vml.org)

Inside ...

- Bill to raise waste permit fees to be considered next week
- Triennial census compromise moves forward in House

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

Dialogue

“I do not think levying fees on athletes and eliminating coaches is a good thing, but in this economic climate, I think it’s something we will have to do.”

... Albemarle County School Board member Brian Wheeler, commenting on the prospect of eliminating freshmen sports in two county high schools, cutting all paid assistant positions for junior varsity teams, and charging students a “pay to play” fee of \$75 per sport, per season. From the Charlottesville *Daily Progress*.

Environment

Bill to raise waste permit fees to be considered next week

A bill to assess a \$2 per ton fee on solid waste treated or deposited in waste management facilities was amended and carried over for a week. It will be heard in the [Senate, Agriculture, Conservation & Natural Resources Committee](#) on Feb. 9.

[SB 235](#) (Watkins) no longer includes the \$2 per ton fee. Instead, it authorizes and directs the Waste Management Board to review and adjust waste permit fees to recover of the direct costs of permit applications and inspections. The proposed authorizing language is as follows:

Beginning July 1, 2010, the Board shall periodically review the annual fee established by this section and permit fees established by subdivision 16 of § 10.1-1402 to ensure that the total fees collected are sufficient to cover at least 75 percent, but no more than 100 percent, of the direct costs of (i) processing an application to issue, reissue, amend or modify permits and (ii) performing inspections and enforcement actions necessary to assure the compliance with permits issued for any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste.

The current permit fee schedule only generates enough revenue to cover 36 percent of the direct costs. The remainder of the direct costs for the program is supplied through general fund appropriations. By comparison, the fees for air permits cover 99 percent of the direct costs for DEQ to administer. Staff contact: Joe Lerch (jlerch@vml.org)

Finance / Taxes

Triennial census compromise moves forward in House

A House Education subcommittee recommended adopting the same compromise on the elimination of the triennial census of school age children as the Senate.

The Weldon Cooper Center would estimate school age population (5-19) annually under [HB 669](#) (May). The state sales tax dedicated to public education would be distributed according to this annual estimate. The estimate also would be used in the county

distribution of a portion of the one cent local sales tax to towns. The subcommittee recommended referring [HB 669](#) to the House Appropriations Committee to determine if there is a fiscal impact for the Cooper Center to take on this task.

[SB 413](#) (Vogel), the Senate companion bill, is in Senate Finance. Staff contact: Mary Jo Fields (mfields@vml.org)

House panel OKs BPOL bill requiring verification of state licensure

The House Finance Committee overwhelmingly approved a bill that requires a taxpayer applying for a business license to furnish a state license or certification.

[HB 713](#) – approved with only one dissenting vote – is endorsed by the Commissioners of Revenue, and requires the taxpayer applying for a business license to furnish a state license or certification.

No locality can allow the issuance or renewal of a local business license unless the taxpayer has furnished a state license or certification or presents evidence that the programs administered by the Virginia Department of Professional and Occupational Regulation (DPOR) do not apply to the taxpayer's business. The state agency regulates more than 300,000 Virginians and administers some 17 regulatory boards. The bill is headed to the House floor.

Delegate pushes to exempt certain aviation companies from paying BPOL

[HB 1347](#) (Gear) provides a sales and use tax exemption and a business, professional, and occupational license tax exemption for aviation companies that facilitate and support the U.S. Department of Defense in active missions/sorties, simulations, and training of personnel.

The bill is before a House Finance subcommittee, and is scheduled to be heard on Wednesday. The subcommittee's charge is to hear the merits of the proposal and to make a recommendation for follow-up action to the full committee.

The bill is broadly drawn, and exempts "any aviation company whose primary business is directly related to operations that facilitate and support the U.S. Department of Defense in active mission/sorties, simulations, and training of personnel."

Other bills ...

Personal Property Tax Relief; qualifying vehicles - [HB 133 \(Pollard\)](#) and [HB 228 \(Watts\)](#)

Summary: Del. Albert Pollard's bill (HB 133) removes the 7,500 pound weight limitation, so that all trucks used for non-business purposes are eligible to be considered for personal property tax relief. Del. Vivian Watts' bill (HB 228) deletes the requirement that a vehicle held in trust can qualify for tax relief only if there is no more than one beneficiary. Both measures were recommended by the subcommittee to be reported.

Action: House Finance Committee reported both bills to the House floor on Feb. 1.

Income and net worth limitations - [SJR 97](#) and [SB 547 \(Barker\)](#)

Summary: Constitutional amendment and bill to require a referendum on allowing the General Assembly to permit localities to set their own income and net worth limitations for local property tax exemption programs.

Action: Reported by Senate Finance Committee.

Revenue Stabilization Fund - [SJR 81](#) and [SB 362 \(Barker\)](#)

Summary: Constitutional amendment and bill to require a referendum to increase the maximum size of the Revenue Stabilization Fund from 10 percent to 15 percent of average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

Action: Reported by Senate Finance Committee.

Public Safety

Bill mandating animal control requirement carried over

Del. Ward Armstrong has asked that his bill requiring local animal control officers (ACOs) to be sworn law-enforcement officers be carried over until next year.

Additionally, Armstrong asked that the provision in [HB 1056](#) that requires all local sheriffs, deputies and police officers to undergo the same mandatory training for animal control officers is removed from the original bill before being reconsidered in 2011.

A primary concern for local governments that cur-

rently do not classify ACOs as police is the additional costs associated with training and equipping sworn law enforcement officers, as well as the higher salaries and retirement benefits generally paid to such officers. Additionally, this "one size fits all" mandate does not take into account distinct differences in local law enforcement based on size and need.

For example, a relatively small police force may choose to make an ACO a sworn officer to provide an added resource filling in during sicknesses, training, and police presence during short shifts. By contrast, a larger jurisdiction may choose to employ and train an ACO but not require them to go through the rigors and requirements of law enforcement training. It also raises the question as to whether a current ACO who has performed well but cannot complete the new training standard would no longer be qualified to serve in that capacity.

The Virginia Animal Control Association ([VACA](#)), whose active membership is made of ACOs, supports this mandate and VML expects that they will be actively lobbying for its passage in the 2011 session. Staff contact: Joe Lerch (jlerch@vml.org)

More ...

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

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At your fingertips ...

[Find a bill \(state LIS\) >](#)

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

[State budget details >](#)

A link to the state's Legislative Information System, is the fastest, easiest way to look up budget bill information.

[House Membership >](#)

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

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[Legislative Meeting Schedule >](#)

Up-to-date listing of legislative committee meetings.



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