

Legislative Update



HANOVER COUNTY LEGISLATIVE AGENDA 2013 GENERAL ASSEMBLY SESSION

JANUARY 23, 2013

HB 1673 School calendar; alternative schedules in school divisions offering additional instruction time.

Introduced by: K. Rob Krupicka

Opening of the school year; alternative schedules in school divisions offering additional instruction time. Permits the Board of Education to waive the requirement for a school board to set the first day that students are required to attend school after Labor Day in any school division that is providing (i) a minimum of 190 days or 1045 hours of instructional time for grades one through 12 and 190 days or 570 hours of instructional time for kindergarten or (ii) extensive and high-quality teacher collaboration, preparation, or professional development time as determined by the Board pursuant to regulation.

01/11/13 House: Assigned Education sub: Teachers and Admin. Action

SB 935 Public schools; change to teacher contracts and evaluation policies.

Introduced by: Mark D. Obenshain

Public schools; teacher contract and evaluation policies. Makes several changes to the processes by which teachers and certain administrators are evaluated and retained. Teachers, assistant principals, principals, and supervisors who have not achieved continuing contract status prior to the 2014-2015 school year may be eligible for three-year term contracts. Under the bill, five years of service is required to attain term contract status. Teachers, assistant principals, and principals with term contract status will be evaluated in the third year of their term contract and will be informally evaluated at least once during each of their first two years. Teachers, assistant principals, and principals who have achieved continuing contract status prior to the 2014-2015 school year will retain their continuing contract status. Teachers, assistant principals, and principals with continuing contract status will be formally evaluated every three years, and evaluated informally at least once each year in which they are not formally evaluated. The bill also defines the standard 10-month contract as 200 days, of which a minimum must be 180 days of instructional time. The bill has a delayed effective date of July 1, 2014.

01/17/13 Senate: Assigned Education sub: Public Education

HB 1378 Legal notices; locality to publish on its website instead of advertising in newspaper.

Introduced by: Mark L. Cole

Advertisement of legal notices on websites. Allows a locality to publish required legal notices on its website instead of advertising them in a newspaper having a general circulation in the locality.

01/18/13 House: Incorporated by Counties, Cities and Towns (HB1373-Head)by voice vote

HB 1697 Real property tax; special valuation for land preservation.

Introduced by: J. Randall Minchew

Real property tax; special valuation for land preservation. Makes it optional for localities to impose roll-back taxes when the owner of real property that qualifies for special land use valuation has the property rezoned for a more intensive use. Under current law, imposition of such taxes is mandatory.

01/16/13 House: Subcommittee recommends reporting (10-Y 0-N)

SB 941 Child abuse or neglect, alleged; authority to talk to child or sibling.

Introduced by: Bryce E. Reeves

Alleged child abuse or neglect; authority to talk to child or sibling. Limits the authority of a person required to make a report or conduct an investigation or family assessment in cases of alleged child abuse or neglect to talk to a child or his sibling without the consent or presence of the child's or sibling's parent, guardian, legal custodian, or other person standing in loco parentis to cases in which the child has been taken into emergency custody. The bill establishes a procedure whereby a person required to conduct an investigation or family assessment may seek a court order for the parent, guardian, legal custodian, or person standing in loco parentis to produce the child suspected of being abused or neglected or his sibling for the purpose of an interview in cases in which the child has not been taken into emergency custody.

01/11/13 Senate: Stricken at request of Patron in Rehabilitation and Social Services (12-Y 0-N)

SB 717 Sources of revenue; establishing and adjusting for appropriations of State and its localities.

Introduced by: John C. Watkins

Establishing and adjusting sources of revenue for appropriations of the Commonwealth and its localities.

Makes several changes to sources of revenue of the Commonwealth:

Establishes a five percent tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The revenues would be distributed to the Highway Maintenance and Operating Fund, the Transportation Trust Fund, the Intercity Passenger Rail Operating and Capital Fund, and the localities to be used for transportation purposes;

Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in the Commonwealth to pay this fee. However, owners of hybrid electric motor vehicles registered in the Commonwealth would be eligible for a refund of the new five percent tax on motor fuels sales;

Prohibits the placement of tolls on existing roads in the Commonwealth without the approval of the General Assembly;

Lowers individual income tax rates and changes the individual income tax structure, effective January 1, 2014. Income less than \$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate;

Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after January 1, 2013;

Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation.

11/30/12 Senate: Referred to Committee on Finance

SB 1355 Revenues and appropriations of State; changes to revenues collected and distribution.

Introduced by: Stephen D. Newman

Revenues and appropriations of the Commonwealth. Makes several changes to the revenues collected by the Commonwealth, and the distribution of such revenues, as follows:

The bill raises the registration fees for vehicles and trailers and designates these increased revenues for the Commonwealth Mass Transit Fund and the Intercity Passenger Rail Operating and Capital Fund.

The bill raises the state sales and use tax from 4% to 4.8% and designates the increased revenues for the Commonwealth Transportation Fund.

The bill establishes procedures for the collection of the state sales and use tax from remote sellers for sales made in the Commonwealth, contingent upon the federal government passing legislation authorizing such collection. In the event that such revenues are collected, a portion of the revenues will be allocated to the localities with a stipulation that some of the funds be used by the locality for transportation needs and a portion of the revenues will be deposited in the Transportation Trust Fund.

The bill eliminates the statewide taxation of gasoline and blended fuel containing gasoline under the Virginia Fuels Act but leaves the current tax in place for other types of motor fuels.

The bill raises the annual license fee for electric vehicles from \$50 to \$100 and imposes the fee on hybrid electric vehicles and alternative fuel vehicles.

The bill repeals the application of the local sales and use tax to the sale of certain fuels used for domestic consumption, and replaces the revenue for the localities that imposed the sales and use tax with a portion of the new revenues generated by the bill.

The bill also makes several technical changes related to the administration of these provisions.

The provisions of the bill are effective July 1, 2013, except that the changes in the distribution of Fuels Act revenues related to the repeal of the tax on gasoline is effective July 1, 2014.

01/18/13 Senate: Referred to Committee on Transportation

SB 1340 Revenues and appropriations of State; changes specifically relating to transportation funding.

Introduced by: Richard L. Saslaw

Revenues and appropriations of the Commonwealth. Makes several changes to the revenues and appropriations of the Commonwealth, specifically relating to transportation funding, as follows:

The bill raises the state sales and use tax rate from four percent to five percent. Of these new revenues, an amount equal to a one-half percent sales and use tax will be deposited in the Transportation Trust Fund, and the percentage of the Transportation Trust Fund sales and use tax revenues dedicated to mass transit will be raised to 25%. Of the other one-half percent of the new one percent sales and use tax, two-thirds will be distributed to localities to use for education, and one-third will be used to fund higher education in the Commonwealth.

In fiscal years 2014, 2015, 2016, and 2017, \$80 million dollars each year that would otherwise be distributed to the Transportation Trust Fund will be designated to the Phase 2 Dulles Corridor Metrorail Extension Project, subject to certain conditions.

The bill raises the cents-per-gallon rate of the tax on motor fuels by 5 cents on July 1, 2013 and July 1, 2014, and then begins indexing the cents-per-gallon rate on July 1, 2015.

The bill makes additional technical changes.

01/18/13 Senate: Referred to Committee on Finance

HB 1488 Stormwater management program; delays date local governments will have to for administering.

Introduced by: Nick Rush

Local implementation of stormwater management program. Delays the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014, to July 1, 2015.

01/14/13 House: Assigned ACNRsub: Chesapeake

HB 1491 School calendar; makes local school boards responsible for setting opening of school year, etc.

Introduced by: Kaye Kory

School calendar. Makes local school boards responsible for setting the school calendar and determining the opening day 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.

01/11/13 House: Assigned Education sub: Teachers and Admin. Action

SB 865 Tolling Interstate Highway System components.

Introduced by: A. Donald McEachin

Tolling Interstate Highway System components. Requires General Assembly approval before tolls are imposed or collected by the Commonwealth Transportation Board on any component of the Interstate Highway System except for High-occupancy toll lanes.

01/03/13 Senate: Referred to Committee on Transportation

HB 1548 Municipal separate storm sewer (MS4) permittees; guidance documents.

Introduced by: Barry D. Knight

Guidance documents for municipal separate storm sewer (MS4) permittees. Requests the Department of Conservation and Recreation and the Department of Environmental Quality to jointly prepare guidance documents to assist MS4 permittees in developing and implementing their Chesapeake Bay Total Maximum Daily Load (Bay TMDL) Action Plans. The guidance documents shall (i) identify methodologies to be used by MS4 permittees in calculating nutrient reductions and best management practices efficiencies as part of their Bay TMDL planning activities pursuant to MS4 permits and (ii) assist MS4 permittees in developing and implementing their Action Plans.

01/16/13 House: Stricken from docket by Agriculture, Chesapeake and Natural Resources by voice vote

HB 1557 School boards; training for persons designated to carry concealed handguns on school property.

Introduced by: Robert G. Marshall

School boards; employee firearms training. Requires every school board in the Commonwealth to designate at least one qualified person for every school in the district who, upon application with the school board, may carry a concealed handgun on school property. The bill requires all designated persons, including certain school division employees, certain school volunteers who carry valid concealed handgun permits, and certain retired law-enforcement officers, to be certified and trained by the Virginia Center for School Safety or the National Rifle Association in the storage, use, and handling of a concealed handgun. The bill also outlines the training requirements for designated persons as designed by the Department of Criminal Justice Services.

01/17/13 House: Subcommittee recommends referring to Governor's School Safety Task Force by voice vote

HB 2337 Public schools; school crisis, emergency management, and medical emergency response plans.

Introduced by: Kaye Kory

Public schools; school crisis, emergency management, and medical emergency response plans; parent involvement. Directs each local school board to hold and require the parents of each student in the local school division to attend an informational session no later than August 31 of each year at which the school board shall distribute and present an overview of the school crisis, emergency management, and medical emergency response plan. The bill requires each parent to sign a form to certify that he attended the informational session and received a copy of the plan.

01/22/13 House: Assigned Education sub: Teachers and Admin. Action

SB 805 Elections; costs of primaries.

Introduced by: Thomas A. Garrett

Elections; costs of primaries. Provides that the state will reimburse the localities for the costs of primary elections as funded by the general appropriation act.

01/15/13 Senate: Assigned to P&E sub: Campaigns and Elections

SB 806 Presidential primaries; localities shall be reimbursed by State for all costs incurred.

Introduced by: Thomas A. Garrett

Presidential primary costs. Provides that localities shall be reimbursed by the state for all costs incurred in conducting the presidential primary.

01/15/13 Senate: Assigned to P&E sub: Campaigns and Elections

SB 906 Vote centers; pilot program.

Introduced by: R. Creigh Deeds

Vote centers; pilot program. Authorizes the State Board of Elections to provide for a pilot program in which localities may establish vote centers for use in primary elections instead of having to operate a polling place for every precinct in the locality. A vote center will consist of a location where voters from two or more designated precincts may vote. The State Board shall publish a report on the program by August 15 of any year in which a vote center is used. The provisions of the bill expire on December 31, 2016.

01/15/13 Senate: Assigned to P&E sub: Campaigns and Elections

HB 2265 Cash proffers; locality may waive certain written notice requirements to reduce outstanding payment.

Introduced by: Barry D. Knight

Cash proffers. Provides that a locality may waive certain written notice requirements in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner.

01/22/13 House: Assigned CC & T sub: #2

SB 1240 School resource officers; local law-enforcement agencies to provide.

Introduced by: R. Creigh Deeds

School resource officers; local law-enforcement agencies to provide. Requires every school board throughout the Commonwealth to coordinate with the local law-enforcement agency to provide at least one school resource officer for every public elementary school within the district. The bill provides that funding for these school resource officers shall be provided through the general appropriation act and not by any locality or school board.

01/17/13 Senate: Assigned Education sub: Public Education

HB 2196 Tolls on Interstate Highway System components.

Introduced by: Christopher K. Peace

Tolls on Interstate Highway System components. Requires approval by the General Assembly prior to tolling any Interstate Highway System component in operation prior to July 1, 2013, except for HOV lanes and HOT lanes and continued tolling on toll facilities in operation prior to January 1, 2013.

01/10/13 House: Referred to Committee on Transportation

SB 1073 Attorney; fees in certain land use cases.

Introduced by: Mark D. Obenshain

Attorney fees in certain land use cases. Provides that a court, in addition to any other relief provided, and for good cause, may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action successfully challenging an ordinance, administrative act, or other local action related to planning, subdivision of land, zoning, or other land use activity.

01/09/13 Senate: Referred to Committee on Local Government

SB 1107 Lake level contingency plans; wastewater releases from power generating facilities during drought.

Introduced by: Ryan T. McDougle

Lake level contingency plans. Provides that any temporary reduction in wastewater releases from power generating facilities during drought conditions will not be considered in determining discharge limits for other existing downstream permitted facilities.

01/17/13 Senate: Stricken at request of Patron in Agriculture, Conservation and Natural Resources (13-Y 0-N)

SB 1268 Lake level contingency plans; wastewater releases from power generating facilities.

Introduced by: A. Donald McEachin

Lake level contingency plans. Provides that any temporary reduction in wastewater releases from power generating facilities during drought conditions will not be considered in determining discharge or withdrawal limits for other existing downstream permitted facilities.

01/14/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB 1113 State or local employees; filing fraudulent liens or encumbrances against, penalty.

Introduced by: Ryan T. McDougle

Filing fraudulent liens or encumbrances against a public employee; penalty. Provides that any person who knowingly files a fraudulent lien or encumbrance in a public record against the real or personal property of a state or local employee, member of the General Assembly, member of a local governing body, constitutional officer or employee of a constitutional officer, or board member or employee of a regional jail or jail farm on account of the performance of the official duties of such member, employee, or officer, knowing or having reason to know that such lien or encumbrance is false or contains a materially false or fraudulent statement or representation is guilty of a Class 5 felony.

01/21/13 Senate: Incorporated by Courts of Justice (SB811-Garrett) (13-Y 0-N)

SB 1153 Public schools; changes in instructional time for kindergarten.

Introduced by: George L. Barker

Public schools; kindergarten instructional time. Directs the Board of Education to promulgate regulations, by July 1, 2015, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten must average at least 5.5 instructional hours in order to qualify for full accreditation. The bill has a delayed effective date of July 1, 2015.

01/17/13 Senate: Assigned Education sub: Public Education

SB 1155 Electoral boards; appointments shall be on nonpartisan basis.

Introduced by: George L. Barker

Electoral boards, appointment. Provides that appointments to local electoral boards shall be on a nonpartisan basis, eliminating current provisions for party representation on boards and submission of appointment recommendations by the political parties.

01/09/13 Senate: Referred to Committee on Privileges and Elections

SB 1156 Teacher compensation; State goal that public school teacher compensation be nationally competitive.

Introduced by: George L. Barker

Teacher compensation; goal. States that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary.

01/17/13 Senate: Assigned Education sub: Public Education

HB 1401 Real property tax; prohibits localities from instituting sale of sole dwelling for delinquent taxes.

Introduced by: Mark L. Cole

Real property tax; sale of sole dwelling for delinquent taxes. Prohibits localities from instituting a judicial sale for delinquent taxes on real property that is the sole dwelling of the taxpayer.

01/16/13 House: Subcommittee recommends reporting (6-Y 4-N)

SB 810 Legislation; prohibits any committee of General Assembly from reporting bill impacting localities.

Introduced by: Thomas A. Garrett

Bills requiring expenditures by localities. Prohibits any committee of the General Assembly from reporting any bill impacting localities that does not fully fund any net expenditures that otherwise would have to be paid by localities.

12/20/12 Senate: Referred to Committee on Rules

HB 2072 Condemnation; local application process.

Introduced by: Christopher K. Peace

Local application process; condemnation. Provides that no locality shall condition or delay the timely consideration of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the locality to condemn or otherwise acquire the property or to commence any process to consider whether to undertake condemnation or acquisition of the property.

01/18/13 House: Assigned CC & T sub: #2

HB 1430 Right to Farm Act; expands definition of agricultural operations.

Introduced by: L. Scott Lingamfelter

Right to Farm Act. Expands the definition of agricultural operations to include the commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The bill gives persons engaged in agricultural operations a cause of action against the county or any official or employee of the county for violations of the Right to Farm Act. Two provisions of the bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void.

01/14/13 House: Assigned ACNRsub: Agriculture

HB 2049 Commonwealth Transportation Board; increases total membership from 17 to 20 members.

Introduced by: Thomas Davis Rust

Composition of Commonwealth Transportation Board. Increases the total membership of the Commonwealth Transportation Board from 17 to 20 members by doubling the representation for the Richmond, Hampton Roads, and Northern Virginia highway construction districts.

01/21/13 House: Subcommittee recommends reporting (4-Y 1-N)

SB 960 Public schools; residency of children in kinship care.

Introduced by: George L. Barker

Public schools; residency of children in kinship care. Allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child. The provisions of this bill will sunset on June 30, 2016.

01/17/13 Senate: Assigned Education sub: Public Education