Legislative Update

HANOVER COUNTY LEGISLATIVE AGENDA
2013 GENERAL ASSEMBLY SESSION

FEBRUARY 13, 2013

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.
02/11/13 House: Referred to Committee on Transportation

HB 2196 Tolls; 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.
02/05/13 House: Left in Transportation

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.
02/12/13 Senate: Reported from Finance (15-Y 0-N)

SB 1223 Public schools; evaluation policies and grievance procedures.
Introduced by: Thomas K. Norment, Jr.
Public schools; evaluation policies and grievance procedures. Makes several changes to the processes by which teachers and certain administrators are evaluated. The bill requires teachers, assistant principals, and principals to be evaluated every year, either formally or informally, and such evaluations to include student academic progress as a significant component and an overall summative rating. The bill allows local school boards to increase from three years to five years the term of probationary service required before a teacher becomes eligible for a continuing contract.

The bill also changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board and by removing the option for a grievance to be heard in front of a fact-finding panel.
02/11/13 House: Reported from Education (17-Y 5-N)

HB 1467 School calendar; makes local school boards responsible for setting opening of school year, etc.
Introduced by: Thomas A. Greason
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.
02/05/13 Senate: Referred to Committee on Education and Health

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.
02/05/13 House: Left in Education

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.
01/22/13 Senate: Passed by indefinitely in Privileges and Elections (15-Y 0-N)

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.
01/22/13 Senate: Passed by indefinitely in Privileges and Elections (15-Y 0-N)

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.
01/22/13 Senate: Passed by indefinitely in Privileges and Elections (9-Y 5-N)

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.
02/12/13 Senate: Reported from Local Government (14-Y 1-N)

HB 2239 Cash proffers; not to be used for capital improvement to an existing local government facility.
Introduced by: Daniel W. Marshall, III
Cash proffers. Provides that cash proffers shall not be used for any capital improvement to an existing facility that does not expand facility capacity or for any operating expense of an existing facility such as ordinary maintenance or repair.
02/12/13 Senate: Reported from Local Government (12-Y 2-N 1-A)

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.
01/22/13 Senate: Failed to report (defeated) in Local Government (6-Y 9-N)

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.
02/12/13 Senate: Reported from Finance (15-Y 0-N)

SB 811 Public employees; filing fraudulent liens or encumbrances against, penalty.
Introduced by: Thomas A. Garrett
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 another, 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. The bill incorporates SB 1113.
02/12/13 House: Assigned App. sub: Public Safety

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.
01/29/13 Senate: Stricken at request of Patron in Privileges and Elections (13-Y 0-N)

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.
02/12/13 Senate: Reported from Local Government (15-Y 0-N)

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.
02/05/13 House: VOTE: RECONSIDER (46-Y 51-N)

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.
02/05/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 1373 Legal notices; advertisement by locality.
Introduced by: Christopher T. Head
Legal notices; advertisement by locality. Allows localities with a population of 50,000 or greater to meet certain notice requirements by utilizing their websites, radio, or television instead of a newspaper of general circulation.
02/05/13 House: Left in Counties, Cities and Towns

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.
02/05/13 House: Assigned Education sub: Students and Early Education

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.
02/05/13 House: Left in Agriculture, Chesapeake and Natural Resources

HB 2190 Stormwater management ordinances; requires localities to adopt more stringent requirements, etc.

Introduced by: John A. Cosgrove

Stringency of stormwater management ordinances. Requires localities to report to the Department of Conservation and Recreation when a more stringent stormwater management ordinance or stormwater requirements are developed by the localities. Before adoption of such an ordinance, the Department is required to review the ordinance or requirement and all supporting material and determine where the requirements will prevent the degradation of water resources and address TMDL requirements. Localities are prohibited from limiting the use of best management practices approved by the Director of the Department of Conservation and Recreation or the Virginia Soil and Water Conservation Board, except under limited conditions.

02/05/13 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 2313 Revenues and appropriations of State; changes to revenues collected and distribution, report.
Introduced by: William J. Howell
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 eliminates the tax on motor fuels, except for diesel fuel. The bill provides for a refund of taxes paid on diesel fuel for vehicles having a gross vehicle weight rating of 10,000 pounds or less. 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 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 bill prohibits the Department of Transportation from expending any revenues on any program or project that implements tolling on Interstate 95 south of the City of Fredericksburg.

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.

02/12/13 Senate: Committee substitute printed 13105134D-S1