

BILL	DESCRIPTION	POSSIBLE IMPLICATIONS	LAST ACTION	DATE
SB497	Virginia Retirement System employee contributions; local employees; school board employees. Requires that persons employed by local government or school board employers be required to pay the five percent employee contribution to the Virginia Retirement System. School board employees would be authorized to phase in the five percent contribution over a maximum of five years. Local employers and school boards would be required to provide employees with a raise to offset the employee contributions.	<i>From Bill Text:</i> any county, city, town, local public school board, or other local employer that currently pays member contributions to the Virginia Retirement System that the member will be responsible for paying pursuant to the provisions of this act shall provide an increase in total creditable compensation, effective July 1, 2012, to each affected member to offset the cost of the member contributions. Such increase in total creditable compensation shall be equal to the difference between five percent of an employee's total creditable compensation and the percentage of the member contribution paid by the local member on January 1, 2012. If a local public school board elects to phase in the member contributions pursuant to subdivision F 4 of § 51.1-144 of the Code of Virginia, the increase in total creditable compensation may also be phased in at the same rate.	Passed: Signed by House Speaker and Senate President	3/17/2012
SB274	Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. The bill also makes technical amendments. This bill incorporates SB 291 and is identical to HB 869.	Any localities that have designated Urban Development Areas may undesignate if they so choose.	signed by governor	3/8/2012
HB196	Haul seine nets. Requires a haul seine net that is longer than 1,000 yards and is anchored at one end to the shore and the other end mechanically drawn, without the aid of a boat or vessel, to have up to 400 feet of two-and one-half inch mesh.	Unknown.	signed by governor	3/13/2012
HB995	Payments from timber sales. Limits the payment made to localities by the Department of Forestry to one-fourth of the gross proceeds derived solely from the sale of timber harvested on state forest lands; however, the counties of Appomattox, Buckingham, and Cumberland will receive one-eighth of the gross proceeds from the timber sales on state forest lands located in their county. Currently, localities receive one-fourth of the gross proceeds from revenue generated by any revenue-generating activity occurring on state forest lands. This bill is identical to SB 428.	HB995 and SB428 make a minor change in the percent of gross proceeds from state forest revenues paid to counties by restricting it to one-fourth of timber sales. Other minor forms of revenue from the state forests can be used for administrative costs. Limits the payment made to localities by the Department of Forestry to one-fourth of the gross proceeds derived solely from the sale of timber harvested on state forest lands. Currently, localities receive one-fourth of the gross proceeds from revenue generated by any revenue-generating activity occurring on state forest lands.	signed by governor	3/13/2012
HB176	Nutrient Trading Act; penalty. Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to Chesapeake Bay Total Maximum Daily Loads (TMDLs), the legislation sets out certain requirements of the regulations, directs the Department of Conservation and Recreation to establish an online registry of certified credits, and provides for enforcement and appeals. The bill provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act or any attendant regulations shall be subject to a civil penalty not exceeding \$10,000. This bill is identical to SB 77.	Additional regulations of TMDLs. Implications largely unknown?	Passed: Signed by House Speaker and Senate President	3/10/2012
HB567	Water and sewer services; deposit, lien. Authorizes (i) an owner of property who is the occupant or where a single meter serves multiple units or (ii) a lessee or tenant, provided he has written authorization from the owner, to establish water and sewer services in his own name. The bill provides for a locality or water authority to require a deposit of not more than five months of water and sewer charges. A lien may also be placed on the property under circumstances outlined when charges are delinquent. This bill is a recommendation of the Virginia Housing Commission.	Unknown.	Passed: Signed by House Speaker and Senate President	3/10/2012
HB1158	Virginia Water Protection Permit. Requires the State Water Control Board to give consideration to any relevant information contained in the state water supply plan when determining whether to issue a Virginia Water Protection Permit. There is a specific exemption for the cooling facilities on Lake Anna.	Links the Water Supply Plans recently developed to the issuing of Virginia Water Protection Permits.	Passed: Signed by House Speaker and Senate President	3/10/2012
HB1262	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers. Provides that regulations of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall include requirements for the division of sewage system installers into classes, one of which shall be restricted to the installation of conventional onsite sewage systems, and that the Board shall not require applicants for initial licensure as a conventional onsite sewage system installer to pass an examination prior to the issuance of such license provided that the applicant satisfactorily demonstrates to the Board that he has been actively engaged in the performance of duties of a conventional onsite sewage system installer for at least eight years within the 12-year period immediately preceding the date of application for licensure. The bill sunsets on July 1, 2016. The bill is identical to SB 662.	There will be a universe of installers that remain unlicensed that will be installing conventional sewage systems.	Passed: Signed by House Speaker and Senate President	3/10/2012
HB1076	Special use permit for land filling activities. Provides that a locality may require a special use permit for the storage or disposal of certain nonagricultural materials not generated on the farm or agriculturally zoned property.	Unknown.	Passed: Signed by House Speaker and Senate President	3/9/2012
SB425	Interbasin transfer of water resources. Charges the State Water Control Board with the responsibility to establish procedures for obtaining a Virginia Water Protection Permit for the transfer of water resources between major river basins in Virginia that may impact water basins in another state. The bill requires the applicant for a permit for an interbasin transfer of water to provide certain information, including an analysis of alternatives to the transfer and a comprehensive analysis of the impacts that would occur in the source and receiving basins.	Complicates issuance of permits.	Passed: Signed by House Speaker and Senate President	3/9/2012
SB230	Administration of local highway projects. Requires VDOT to provide for training and certification of local governments to enable them to administer locally performed highway maintenance and construction projects with minimal VDOT supervision.	The proposed legislation would direct the Department of Transportation (VDOT) to provide training and certification to local governments in order for local governments to be capable of administering local transportation maintenance and construction projects on the state secondary or urban system. The bill would direct VDOT to provide training and certification to local government employees. Any costs associated with providing the training can be absorbed within existing resources.	Passed: Signed by House Speaker and Senate President	3/8/2012
HB800	Nonsurface-treated highways. Allows counties to adopt an ordinance that the speed limit on nonsurface-treated roads shall be 35 miles per hour. Current law restricts the 35 mph speed limit to certain counties.	Allows a locality to adopt an ordinance to reduce speed limits to 35mph on nonsurface treated roads.	signed by governor	3/8/2012
HB 1065	Erosion & Sediment Control, Stormwater, & Chesapeake Bay Preservation Acts; integration of programs. Integrates elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. This bill is identical to SB 407.	The staff that deal with compliance for all of the regulatory programs will need to learn how to continue compliance once the programs are integrated. Local governments will be required to create new programs.	Passed: Signed by House Speaker and Senate President	3/5/2012
HB1231	Onsite sewage systems; inspections. Clarifies that if a licensed professional engineer or onsite soil evaluator does not inspect an onsite sewage system, the evaluation and design of which he certified, at the time of installation in a timely manner, or declines to certify that the installation was completed substantially in accordance with the evaluation and design, the owner may petition the Department of Health to inspect the installation and render a final case decision approving or disapproving the installation.	There may be systems that end up being inspected by the Health Department and not by a licensed professional engineer or onsite soil evaluator.	signed by governor	3/8/2012
SB442	Design and inspection of onsite sewage systems. Establishes minimum required inspection frequencies for alternative onsite systems.	Unknown.	failed committee (Health, Welfare and Institutions)	2/21/2012

VIRGINIA GENERAL ASSEMBLY 2012

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HB922	Real property tax exemption for disabled veterans. Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for pro rating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill is identical to SB 540.	This bill would have no impact on state revenues. To the extent that qualifying real property, such as real property held by a 100 percent disabled veteran in trust, is located within a locality, the bill would result in a revenue loss to the locality, the magnitude of which is unknown.	signed by governor	3/6/2012
HB80	Real property tax; assessment of wetlands. Requires the local assessing official to separately assess the fair market value of wetlands on real property, if requested by the property owner.	This bill would require local commissioners of the revenue or other assessing officials, upon request of the property owner, to separately assess all wetlands at their fair market value for real property assessments or reassessments. Local commissioners and assessors would have the authority to separately assess wetlands or other types of land without a request by the taxpayer. The bill would also permit the commissioner or assessor that disagrees with the property owner as to the presence of wetlands to consider the National Wetlands Inventory Map prepared by U.S. Fish and Wildlife Services in making his determination. The map could also be considered in administrative or judicial appeals. Once the wetlands were separately assessed, the commissioner or assessor would be required to enter the area and fair market value for both the tracts consisting of wetlands and the remaining portion of each tract into the land book. Finally, the bill would provide that the actual physical use of the property is the only determining factor of its land use value. Under current law, wetlands are not separately assessed for purposes of determining the rate of real property tax that will be imposed.	Passed: Signed by House Speaker and Senate President	3/3/2012
HB1248	Transportation construction, operation and maintenance, and funding. Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth. This bill is identical to SB 639.	Fiscal Implications: The Governor's introduced budget provides \$111.0 million for the biennium to the HMOF by redirecting 0.05 percent of the retail sales tax from the general fund. The final version of this legislation does not include transfer of the sales tax revenue to Transportation. The proposed budget approved by the Senate Finance Committee removed the transfer of general fund to the HMOF consistent with this legislation. The most recent budget approved by the House (HB1301) included the general fund transfer at a smaller amount of \$94.6 million for the biennium. If the final budget passed is intended to be consistent with this legislation, then adjustments to the Governor's introduced budget are required. An adjustment to the front page is needed to increase general fund revenues by \$54.4 million in FY2013 and \$56.6 million in FY2014 and to decrease nongeneral fund revenues by the same amounts each year. In addition, a reduction of \$54.4 million the first year and \$56.6 million the second year is recommended to the nongeneral fund appropriation in Item 447. The funding generated by naming rights is not currently known. An initial review by marketing representatives from VDOT provides an estimate of the level of funding the naming right fees could produce, although the amount generated depends on the number of eligible transportation facilities that receive bids. The review identified Interstate, primary and secondary routes, as well as bridges, interchanges, tunnels and a ferry, that would be eligible for naming. With five percent of eligible facilities named, \$5.5 million could be generated annually. At 20 percent saturation, naming rights could generate \$21.8 million a year. If all the eligible facilities in Virginia are named, up to \$109.1 million could be raised annually. Any funding received by VDOT from the naming right fees would be deposited to the Highway Maintenance and Operating Fund and used to offset the transfer of construction funding that is necessary to support the state's highway maintenance activities. The bill would also charge a \$50 license tax on electric vehicles. Currently, there are 780 electric vehicles registered in Virginia, which would generate \$39,000 in revenue.	Passed: Signed by House Speaker and Senate President	3/17/2012
HB119	Golf carts; operation on the highways. Allows the governing body of the Town of Urbanna to authorize the operation of golf carts on the highways of the Town, subject to the limits of general law.	The Town of Urbanna may now, by ordinance, authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001. The Town also joins the Towns of Claremont, Irvington and Saxis in the group of jurisdictions that are allowed to designate public highways open to golf carts even though they have not established their own police department.	signed by governor	2/28/2012
HJ50	Study; adaption to prevent flooding in Tidewater Virginia localities; report. Requests the Virginia Institute of Marine Science to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities.	Unknown.	Conference report agreed to by Senate	3/9/2012
HB760	Water and sewer system connections. Adds Gloucester County to those counties that may require connection to their water and sewage systems by owners of property that may be served by such systems; however, those persons having a domestic supply or source of water and an adequate system for the disposal of sewage shall not be required to discontinue their use, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge.	Leaves Gloucester without a mechanism to require connection to water and sewer services, and no way to recover costs of building and maintaining the infrastructure. Jurisdictions that are in the legislation and can require to date: Amelia, Botetourt, Campbell, Cumberland, Franklin, Halifax and Bland, Goochland, Rockingham and Wythe.	failed committee, stricken by voice vote (Counties, Cities and Towns)	2/3/2012
HJ117	Resolution; unfunded mandates. Recognizes the difficulties caused by unfunded mandates upon Virginia localities.	General Assembly will not recognize the difficulties caused by unfunded mandates on Virginia jurisdictions this session. Resolution expressed that localities recognize the importance of the functions they provide but cannot continue to absorb the additional costs future mandates and the corresponding workload imposed by the Commonwealth of Virginia without compensation, and that the General Assembly refrain from imposing any further unfunded mandates and requirements on localities as said mandates harm local government budgets, adversely impact local services delivery, and increase reliance on existing taxing mechanisms.	failed committee (Rules)	2/14/2012
HB614	Comprehensive plan. Provides that the comprehensive plan shall control the future land use decisions of the governing body. No zoning amendment shall be approved unless it has been determined to be substantially in accord with the adopted comprehensive plan. However, a governing body may approve a proposed zoning amendment that is not in substantial accord with the comprehensive plan if the advocate for such proposed amendment can make a substantial showing that the land use change will serve the purposes of the zoning ordinance.	Bill would have required that land use decisions in a locality be based on and controlled by what is in their comprehensive plan.	failed committee	2/14/2012
HB942	Onsite sewage systems. Provides that a locality shall not require the owner of an alternative onsite sewage system to enter into a performance agreement with the locality or otherwise require the owner of an alternative onsite sewage system to post with the locality a sum of cash, a letter of credit, or a bond.	Unknown.	failed committee (House, Cities and Towns)	2/14/2012
HB1071	Onsite sewage systems. Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day serving a church or an individual single-family dwelling occupied by such owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in State Board of Health regulations. The provisions of this act shall expire on July 1, 2014.	Bill would have exempt churches or individual single-family homes from the requirements for operation and maintenance of an alternative onsite sewage system (contained in the Board's regulations promulgated pursuant to subsection H of Virginia Code Section 32.1-164 and Chapter 220 of the Acts of Assembly of 2009) with flows less than or equal to 1,000 gallons per day and installed prior to January 1, 2010. Inspections were still required in the bill and the exemption would not be applicable to alternative onsite sewage systems that have failed.	failed committee (House, Cities and Towns)	2/14/2012
SB174	Stormwater program assistance. Requires the Department of Conservation and Recreation, if requested by a local government, to provide technical and staff assistance in managing the local stormwater municipal separate storm sewer system (MS4) program.	This bill would have amended Virginia Code Section 10.1-603.6 to require that the Virginia Department of Conservation and Recreation, upon request from a locality, provide technical assistance and staff support the locality in (i) determining a permittee's compliance with terms of the permit and (ii) conducting inspections of the regulated stormwater project.	failed committee (Agriculture, Conservation and Natural Resources)	2/15/2012