

Capitol Contact

Virginia General Assembly

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Thursday, April 6, 2017

General Assembly holds Reconvened Session

The General Assembly held its reconvened session on Wednesday, April 5, to consider gubernatorial amendments to 71 bills and 39 vetoes, as well as 27 amendments to the state budget. VACo previewed the reconvened session in [this week's County Connections](#).

Legislators sustained all of Governor McAuliffe's vetoes. The General Assembly rejected amendments, in whole or in part, to 20 bills, and rejected 13 budget amendments, in whole or in part.

Bills with gubernatorial amendments that the General Assembly rejected are now returned to the Governor, who has 30 days to sign or veto the legislation. Bills not acted upon within 30 days become law without the Governor's signature.

Several bills of interest to local governments were acted upon yesterday. VACo supported the Governor's amendments to [SB 1296 \(Vogel\)](#). As passed by the General Assembly, SB 1296 would impose a three-year waiting period on a board of supervisors placing a meals tax referendum on the ballot after the defeat of a previous referendum. The bill also required specific language to be included on the ballot regarding the total tax levy to be imposed on meals, should the referendum pass. The Governor's amendments narrowed the waiting period to one year and removed the prescriptive language regarding the ballot question. The Senate rejected these amendments, returning the bill to the Governor in its original form. VACo will request that the Governor veto the measure.

The General Assembly also considered amendments to [SB 1282 \(McDougle\)](#), a bill that places certain limits on local zoning authority for the placement of small cell facilities (i.e. antennas) on existing structures. In addition to one technical amendment, the legislature approved changes that address the use of state maintained roads for the

placement of antennas, poles and towers within the right-of-way (ROW). The first amendment increases the fee VDOT may charge for the review of applications to locate in the ROW. Two separate amendments clarify VDOT authority to ensure public safety when the placement of certain structures may create a hazard. None of the proposed amendments affect the use of locality maintained ROW.

Additionally, the General Assembly reviewed a substitute proposed by the Governor to [SB 1239 \(Hanger\)](#). This legislation sought to impose certain minimum health and safety standards on license-exempt child day programs. As the bill emerged from conference, it required that local parks and recreation programs be registered with the Commissioner of Social Services and that parents be notified that the programs were not licensed by the state. In addition, serious injuries and deaths would have to be reported to the Commissioner, and the Commissioner would develop a process for inspections of programs. Parks and recreation programs would be exempt from a series of other requirements, such as safe sleep practices, that would be mandated for other child day programs. VACo requested that the Governor remove parks and recreation programs from VDSS supervision, since these programs are operated under safety standards set by local elected officials, but the Governor's amendments instead focused on reinstating certain safety requirements for religious-exempt child care that had been removed in conference. The Senate agreed to the Governor's substitute, but it was rejected by the House. The bill has a delayed effective date of July 1, 2018, so if the legislation becomes law in the form in which it passed the legislature, there will be further opportunities to work with the General Assembly on the appropriate level of oversight for these programs.

Also of interest to local governments, the House rejected the Governor's budget amendment that would provide \$442,500 to assist local and regional jails with mental health assessments, arguing that the budget amendment did not specify how this funding would be allocated or used. The budget conference report directs the Compensation Board to review staffing standards for the provision of mental health assessments for inmates who appear to have mental illness, based on an initial screening, so it is likely that funding for such a staffing standard will be a subject of consideration for the next biennium budget. Budget amendments providing state support for rent increases for local health departments in Accomack County and Chesterfield County were accepted.

VACo had requested that the Governor sign [SB 1578 \(Norment\)](#), which authorizes localities to adopt an ordinance requiring the registration of property owners who offer short-term rentals on platforms such as Airbnb. This bill was signed without amendments. Several other requested amendments were not offered – to [HB 1766 \(Habeeb\)](#), regarding the approval process for certain transmission lines, and to [HB 2024 \(Freitas\)](#), regarding certain notice requirements in eminent domain cases.

In addition to consideration of the Governor's actions on legislation, the "veto" session is often an opportunity for legislators to salute retiring colleagues. In addition to [Speaker Bill Howell](#), several members had previously announced their retirements, including [Delegate Jimmie Massie](#), [Delegate Mark Dudenhefer](#), [Delegate Peter Farrell](#),

[Delegate Daun Hester](#) and [Delegate Rick Morris](#). [Delegate David B. Albo](#) added his name to that list yesterday, surprising many of his colleagues by announcing that he would not run again in November.

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