

## Legislative Update

### **Virginia General Assembly February 7, 2014 Update: Proposed Laws That May Impact Your Development and Construction Business**

*By Chandra D. Lantz, Esq.*

The General Assembly has tabled, stricken, or passed by numerous proposed bills but also revived and moved along others that may impact subdivision, zoning, mechanic's liens, public procurement and other issues of importance to the construction and development industries. The following bills remain under consideration as of February 6, 2014.

#### **EMINENT DOMAIN**

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**SB 194 Eminent domain; date of valuation; inverse condemnation proceeding.** Adds another "date of valuation" of property for taking purposes; allows the date of valuation to be the date on which an action is taken by the government body which substantially affects the use and enjoyment of the property by the owner.

#### **LAND DEVELOPMENT AND ZONING**

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**HB 209 Preliminary subdivision plats.** Provides that localities may mandate the submission of preliminary subdivision plats only for plats involving 50 or more lots.

**HB 1084 / SB 578 Damages for unconstitutional grant or denial by locality of certain permits and approvals.** Provides that an applicant aggrieved by the grant or denied of special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, subdivision plan, construction plan submittal, waiver, or building or occupancy permit for reasons that are a violation of the United States or Virginia Constitutions shall be entitled to an award of damages, reasonable attorney fees, and court costs and an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without such conditions.

#### **PROFESSIONAL REGULATION**

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**HB 1045 Board for Contractors; suspension and monetary penalty for certain violations.** Creates a new law (Code 54.1-1106.2) requiring a fine and license suspension when a contractor is guilty of a violation of law arising out of work undertaken as a result of damage from a disaster, including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other natural catastrophe.

#### **PUBLIC PROCUREMENT**

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**HB 948, SB 461 Exception to limits on term contracts for design and inspection work.** Provides that the job order contracting limit of \$400,000 shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, or

architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

**HB 969 Creation of statute of limitations applicable to Commonwealth for damage to property.** Establishes that the five-year statute of limitations that applies to actions for damage to property also would apply to actions brought by the Commonwealth.

**HB 1159 Prohibition on political contributions during public procurement process.** Expands current prohibition on political contributions and gifts during procurement and bidding process to include the mayor or chief executive officer of a locality, school superintendent, and any member of a local governing body, planning commission, or school board. The restrictions apply for expected contract value of \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding.

## EMPLOYMENT

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**HB 32 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.50 per hour effective July 1, 2014, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The act will expire at such time as the federal minimum wage equals or exceeds \$8.50 per hour.

**HB 422 Prohibits creation of wage floor by localities for local government contracts.** Prohibits local governments from enacting provisions setting wage floors or minimum employee compensation or benefits, above that required by state or federal law, for employees of contractors as part of a local government contract. Also declares any such pre-existing provisions already enacted by a local government to be null and void.

## WORKERS COMPENSATION

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**HB 458 Penalty for failure to obtain workers' compensation insurance.** Increases to \$50,000 the maximum civil penalty that may be assessed against an employer for failure to obtain workers' compensation insurance or provide evidence of compliance with the Virginia Workers' Compensation Act, plus costs of collecting the penalty.

**HB 946 Fee schedule and limitations for employer for medical care services.** Directs the creation of medical care fee schedules for medical care rendered pursuant to the Workers Compensation Act which initially would be based on the Medicare reimbursement structure; Limits pecuniary liability of the employer for medical care services to the maximum fee established by the schedules.

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