



Friday, February 5, 2016

Capitol Contact ALERT - Call and email NOW to oppose TWO Courts of Justice bills

SB 746 to be heard Monday at 8am

VACo Members – please call or email your Senators on the [Courts of Justice Committee](#) to oppose [SB 746 \(Wagner\)](#). The Senate Courts of Justice Committee will meet Monday at 8 a.m. in Senate Room B.

SB 746 would make all state and local employees who perform any sort of inspection or civil enforcement activity personally liable if their actions are later found by a court to exceed the scope of their authority.

TALKING POINTS

- SB 746 attempts to intimidate employees from taking legitimate steps to protect public safety and health.
- The bill makes hiring and retention of good employees in civil enforcement positions very difficult.
- SB 746 creates enormous potential cost for both state and local governments to defend employees sued under its provisions.
- The bill is unnecessary because federal law already provides a remedy (42 U.S. Code Sec. 1983) for state and local employees who act in bad faith to violate a citizen's rights.

KEY CONTACTS

Senate Courts of Justice Committee: [Obenshain \(Chairman\)](#), [Saslaw](#), [Norment](#), [Howell](#), [Lucas](#), [Edwards](#), [McDougle](#), [McEachin](#), [Stuart](#), [Stanley](#), [Reeves](#), [Garrett](#), [Chafin](#), [Deeds](#), [Sturtevant](#)

VACo Contact: [Phyllis Errico, CAE](#)

Full Senate likely to vote Monday on SB 611

The General Assembly's Senate Courts of Justice Committee voted 9-5-1 to report [SB 611 \(Stanley\)](#) on Wednesday evening. The bill would override the requirement in Va. Code Section 15.2-209 for a potential tort claimant to give formal written notice of the claim to a locality's attorney or chief executive within six months of the claim accruing if the "locality" or its insurer has actual notice of the claim with one year of the claim accruing.

VACo Members – please let your [Senator](#) know immediately that your locality **opposes** this bill, which will likely be debated and put to a final vote on the [Senate](#) floor on Monday.

TALKING POINTS

- VACo opposes the bill and pointed out the difficulty of determining when a locality could have actual notice of something.
- Actual notice is not defined in the bill.
- The bifurcated time limit of six months for written notice and one year for actual notice will be confusing and subject to much dispute.

KEY CONTACTS

[The Senate of Virginia](#)

VACo Contact: [Phyllis Errico, CAE](#)