

Our Forum

Morris bills seek less government

Delegate Rick Morris is repeatedly taking the side of individuals who feel they are being oppressed by a governmental body or agency. In doing so, he is beginning to carve out a reputation, at least within the district he represents, of being a champion of less government, and certainly, of less bureaucracy.

His success rate in trying to legislate smaller government has been mixed. It's not unusual for a Morris bill to be defeated or left in committee. But not always. In fact, last year, he had a couple of successes — one dealing with agriculture and the other with battles between individuals and local government.

On the agricultural front, he won an amendment to the Virginia Right to Farm Act that prohibits localities from requiring a special use permit for any agricultural production activity within an agricultural zone. It was a direct and successful challenge to the propensity of modern local government to require permits for everything.

Another successful Morris bill last year provides that, if local government denies a permit or other zoning approval for unconstitutional reasons, the applicant is eligible to recover attorney's fees.

This year, Morris has taken up Isle of Wight resident Joe Ferguson's cause. Ferguson is the landowner who was letting a friend stay in a travel trailer on his property during hunting season. An anonymous complaint about the camping led county zoning officials to charge Ferguson with violating the county's campground ordinance. That led, as government overreach often does, to a debate over whether or not Boy Scouts camping out on county farms violates the county ordinance.

Morris' bill would exempt from local campground regulations instances in which a landowner allows guests to camp.

Another bill and a proposed amendment to the Virginia Constitution being introduced by Morris have the same instinct. They are in response to constituents who want to sell milk without state inspection or interference. The constitutional amendment would give Virginians the right to purchase farm-produced products for their own use directly from farmers. And the proposed legislation would exempt milk from inspection so long as no more than three cows are being milked and the milk is labeled as uninspected.

Both the amendment and the bill will undoubtedly come under close scrutiny in legislative committee — and they should. The safety of agricultural products has generally been unassailable, and while the back-to-nature movement is strong, Virginia should move very carefully if it plans to relax food inspection.

A bill mentioned here a few weeks ago has the same underlying motivation — a check on government. It would require Virginia Department of Game and Inland Fisheries and Virginia Marine Resources Commission officers to have probable cause of a law violation before stopping a pleasure boat. Today, boaters can be stopped on a simple suspicion that something might be found that is illegal. Both VMRC and VDGIF are expected to vigorously oppose the bill.

Morris' last batch of personal freedom bills involves college students. House Bills 1321, 1322 and 1323 all are aimed at protecting students and student organizations from arbitrarily being punished by the institutions of higher learning in which they are enrolled. The three provide either the right to legal counsel for students accused of infractions for which they can receive lengthy suspensions or appeal to a Circuit Court of findings that lead to suspension.

Virginia's state-supported colleges and universities are guaranteed not to like any of the three, and the combined clout of Virginia's most influential universities will be formidable. Still, good for Delegate Morris.

Delegate Morris' instinct in all these instances is for more personal freedom. He may win a few, but almost certainly not all. Win or lose, though, what better place to debate the lofty principle of personal freedom than in the home of the Western Hemisphere's oldest deliberative body — the Virginia General Assembly.