

Legislative Update



HANOVER COUNTY LEGISLATIVE AGENDA 2015 GENERAL ASSEMBLY SESSION

JANUARY 14, 2015

Request for State Budget Amendment to
Add Reimbursement for One-Half of Cost of
Proposed Construction of Additional Bed Space
at Pamunkey Regional Jail.

Bills Regarding the Land Application of Industrial Sludge

HB 1363 Industrial Waste; land application unlawful in certain counties.

Patron: Christopher K. Peace

Makes it unlawful to apply industrial wastes to land located in the County of Hanover, King William, or New Kent. The bill contains an emergency clause.

HB 1364 Industrial wastes; fees for testing and monitoring of land application.

Patron: Christopher K. Peace

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of industrial wastes. The bill requires the State Water Control Board (the Board) to adopt emergency regulations, requiring persons that land apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The fee cannot exceed the direct costs to localities of testing and monitoring the land application of industrial wastes. The bill requires the **Board's** regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes.

HB 1381 Fees for testing and monitoring of land application of industrial wastes.

Patron: Hyland F. “Buddy” Fowler

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of industrial wastes. The bill requires the State Water Control Board (the Board) to adopt emergency regulations, requiring persons that land apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The fee cannot exceed the direct costs to localities of testing and monitoring the land application of industrial wastes. The bill requires the Board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes.

HJ 516 Study; long-term impact of biosolids and industrial waste; report.

Patron: Hyland F. “Buddy” Fowler, Jr.

Directs the Department of Environmental Quality to study the long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, and surface and ground water.

Motion

I move that the Board add support for HB 1363, HB 1364, HB 1381 and HJ 516 to the Hanover County 2015 Legislative Agenda.

Capital Region Airport Commission

HB 1889 Airport charges on ground transportation providers.

Patron: S. Chris Jones

Places limits on charges imposed on ground transportation providers by the governing body of Richmond International Airport.

Capital Region Airport Commission

Consideration of Resolution opposing any legislation limiting the amount or type of fees set by the Commission or by other public use airports

Other Bills of Interest

HB 1280 Elections; date of June primary elections.

Patron: Hyland F. “Buddy” Fowler, Jr.

Changes the date of primary elections held in the month of June from the second Tuesday in June to the third Tuesday in June and changes candidate filing deadlines to reflect that change of date.

HB 1300 Elections; costs of primaries; reimbursement to localities.

Patron: R. Lee Ware, Jr.

Requires the proper political party committee to reimburse in full each county and city conducting primary election at the direction of the Commonwealth. The bill also shifts payment of the costs of presidential primary election from the Commonwealth to the proper political party committee.

HB 1301 Electoral board members and general registrars; compensation and expenses.

Patron: R. Lee Ware, Jr.

Provides for reimbursement to the localities of the whole amount of compensation and expenses of electoral board members and general registrars, notwithstanding any provision of the general appropriation act to the contrary.

HB 1328 Public schools; impact of student aliens not lawfully present in the United States, report.

Patron: Mark L. Cole

Requires public school principals to determine the citizenship and immigration status of each enrolled student. The bill requires the Department of Education to report school-level data on the number of enrolled students who are United States citizens, lawfully present aliens, or aliens unlawfully present in the United States and request reimbursement from the U. S. Department of Education for the average per pupil cost to educate students who are aliens unlawfully present in the United States.

HB 1426 Explosive materials; use near dwelling house prohibited, penalty.

Patron: Daniel W. Marshall, III

Provides that any person who intentionally detonates an explosive material by means of a firearm within one mile of a dwelling house is guilty of a Class 3 misdemeanor.

HB 1437 Prayer at public events.

Patron: Richard P. Bell

Provides, among other things, that a deliberative public body, by ordinance, resolution, or written policy statement, may adopt a policy to permit a public invocation before each meeting of the public body, for the benefit of the public body. The policy may allow for an invocation to be offered on a voluntary basis, at the beginning of the meeting, by (i) one of the public officials elected or appointed to the deliberative public body, so long as the opportunity for invocation duty is regularly and objectively rotated among all of that deliberative public body's public officials; (ii) a chaplain elected by the public officials of the deliberative public body; or (iii) an invocation speaker selected on an objective and rotating basis from among a wide pool of the religious leaders serving established religious congregations in the local community in which the deliberative public body meets. The bill defines deliberative body and public invocation.

HB 1441 Child abuse or neglect, suspected; person required to report, training program required.

Patron: Richard P. Bell

Requires all mandated reporters of suspected child abuse or neglect to complete a training program for the recognition and reporting of suspected child abuse or neglect within six months of employment, licensure, certification, registration, approval to serve as a mediator, or approval to serve as a court-appointed special advocate and at least once every five years thereafter. The bill also requires all employers of mandated reporters, boards that license, certify, or register mandated reporters, courts that refer cases for mediation, and courts that appoint court-appointed special advocates to provide mandated reporters with a written explanation of these requirements within one month of such persons becoming a mandated reporter. Current mandated reporters are given one year to obtain the required training.

HB 1468 Civil action for asset forfeiture.

Patron: Robert G. Marshall

Creates a cause of action for a defendant who was deprived of property pursuant to asset forfeiture in cases in which there is an acquittal, dismissal of charges, nolle prosequi, or any other final disposition without a conviction. Under such circumstances, the locality or the Commonwealth shall be liable to the defendant for any damages resulting from the forfeiture of such property, plus reasonable attorney fees and costs.

HB 1484 Schools; approval of annual budgets.

Patron: Roslyn C. Tyler

Conforms the county budget preparation and approval process to that of municipalities.

HB 1511 Disclosure of industrial waste and sewage sludge on land.

Patron: R. Lee Ware, Jr.

Requires the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. If the owner of the subject land fails to make the disclosure in writing, on a form developed by the Real Estate Board in consultation with DEQ, prior to acceptance of a contract for the sale or lease of the subject land, the prospective purchaser or lessee may institute an action to recover actual damages. The disclosure and remedy provisions of the bill are similar to those in the Virginia Residential Property Disclosure Act.

HB 1514 Composite index of local ability-to-pay; use value of real estate in certain localities.

Patron: J. Randall Minchew

Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

HB 1518 Primary elections; voter registration by political party.

Patron: R. Steven Landes

Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2016, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in the party's primaries held from April 1 of that year through March 31 of the following year.

HB 1521 Use of body-worn camera system by law enforcement.

Patron: Joseph C. Lindsey

Provides that any sheriff who is the chief law-enforcement officer of his locality and employs 100 or more deputies, any police force that employs 100 or more officers, and the Superintendent of State Police shall, no later than January 1, 2018, implement and operate a body-worn camera system, which is defined in the bill as an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings, that may be worn about the person of a law-enforcement officer. Such a system must comply with the model policy or guideline that will be established by the Department of Criminal Justice Services.

HB 1531 Speed limits in school zones.

Patron: J. Randall Minchew

Allows counties to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. The bill also removes the authority for VDOT to change the speed limit in school zones.

HB 1550 School calendar.

Patron: Thomas A. "Tag" Greason

Makes local school boards responsible for setting the school calendar and determining the opening date of the school year and eliminates the post-Labor Day opening requirement and “**good cause**” scenarios for which the Board of Education may grant waivers of this requirement.

HB 1585 Schools failing to achieve full accreditation; scheduling flexibility.

Patron: Christopher P. Stolle

Permits a division superintendent, with the approval of the local school board, to (i) establish an alternative school schedule plan to (a) provide for the operation of schools on a year-round basis or (b) determine the opening day of the school year for any school within the local school division that has failed to achieve full accreditation status and (ii) establish such an alternative school schedule plan for the entire local school division if more than 15 percent of all public schools within the local school division have failed to achieve full accreditation status.

HB 1644 Commonwealth Transportation Board membership; align with congressional districts.

Patron: Ronald A. Villanueva

Provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two.

HB 1673 Government Data Collection and Dissemination Practices Act; limitations on use of information.

Patron: Richard L. Anderson

Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader, provided that any information collected shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person.

HB 1690 Campaign Finance Disclosure Act; unlawful conversion of campaign contributions to personal use.

Patron: Marcus B. Simon

Prohibits any candidate from converting any contributed moneys, securities, or like intangible personal property to his personal use or the personal use of a member of his immediate family. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense of the candidate or member of his immediate family that would exist irrespective of the candidate's duties as a candidate or public office holder. Such commitments, obligations, or expenses include a home mortgage, rent, or utility payment; a noncampaign-related automobile expense; a vacation or other noncampaign-related trip; or a clothing purchase. Personal use does not include the ordinary and accepted expenses related to campaigning or holding elective office. A violation is a Class 1 misdemeanor.

HB 1721 Real property tax exemption; surviving spouses of members of armed forces killed in action.

Patron: David I. Ramadan

Exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries.

HJ 505 Reforming Virginia's state and local tax structure; report.

Patron: Mark L. Cole

Establishes a joint subcommittee to study reforming Virginia tax structure, including the feasibility of adopting a flat tax or a fair tax.

HJ 581 Study; Joint Legislative Audit and Review Commission to study alternative taxes and fees; highway.

Patron: Scott A. Surovell

Directs JLARC to study the adequacy of taxes and fees currently dedicated to highway funding and the feasibility of alternative revenue sources, including but not limited to road usage charges based on vehicle miles traveled, other flat fees, increased use of tolls, and charges on motor vehicle parts and fluids that must be replaced as vehicle miles traveled increase, such as tires and motor oil.

SB 784 Cigarettes; all localities allowed to impose a tax.

Patron: L. Louise Lucas

Allows all localities to impose a cigarette tax by removing the requirement that they had such authority prior to 1977. The bill sets a maximum rate on the cigarette tax imposed by counties of five cents per pack or the amount levied under state law, whichever is greater.

SB 796 County food and beverage tax; referendum requirement.

Patron: L. Louise Lucas

Removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance.

SB 841 Counties; adoption of ordinances; notice by publication.

Patron: L. Louise Lucas

Removes the requirement that counties, except as otherwise required by law, publish notice of an intention to propose an ordinance for two weeks in a newspaper having general circulation. The bill contains technical amendments.

SB 887 Real property tax on commercial and industrial property.

Patron: J. Chapman Petersen

Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.

SB 969 Virginia Freedom of Information Act (FOIA); exception to open meeting requirements.

Patron: Frank M. Ruff, Jr.

Clarifies that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA. The bill contains a technical amendment.