

Legislative Update



HANOVER COUNTY LEGISLATIVE AGENDA 2015 GENERAL ASSEMBLY SESSION

JANUARY 28, 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.

01/22/15 House: Subcommittee recommends laying on the table by voice vote

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.

**01/23/15 House: Committee substitute agreed to
15103936D-H1**

01/26/15 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

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.

01/22/15 House: Subcommittee recommends striking from docket by voice vote

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.

01/22/15 House: Subcommittee recommends laying on the table by voice vote

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.

**01/22/15 House: Assigned Transportation sub:
Subcommittee #2**

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.

01/23/15 House: Reported from Privileges and Elections with substitute (14-Y 8-N)

01/27/15 House: Passed by for the day

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.

01/21/15 House: Subcommittee recommends laying on the table by voice vote

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.

01/21/15 House: Subcommittee failed to recommend reporting (3-Y 4-N)

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.

01/19/15 House: Subcommittee recommends laying on the table by voice vote

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.

01/16/15 House: Assigned HWI sub: Subcommittee #3

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.

01/21/15 House: Subcommittee recommends incorporating (HB1287-Cole) by voice vote

HB 1287 Forfeiture of property used in connection with the commission of crimes; conviction required.

Patron: Mark L. Cole

Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.

01/21/15 House: Subcommittee recommends reporting with amendment(s) (10-Y 1-N)

HB 1484 Schools; approval of annual budgets.

Patron: Roslyn C. Tyler

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

01/26/15 House: Reported from Education (22-Y 0-N)

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.

01/22/15 House: Subcommittee recommends laying on the table by voice vote

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.

**01/26/15 House: Failed to report (defeated) in Education
(10-Y 12-N)**

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.

01/13/15 House: Assigned P & E sub: Campaign Finance

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.

01/22/15 House: Subcommittee recommends laying on the table by voice vote

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.

**01/16/15 House: Assigned Transportation sub:
Subcommittee #1**

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.

01/23/15 House: Assigned Education sub: Education Reform

**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.

01/26/15 House: VOTE: PASSAGE (84-Y 13-N)

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.

**01/16/15 House: Assigned Transportation sub:
Subcommittee #4**

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.

01/21/15 House: Referred to Committee on Militia, Police and Public Safety

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.

01/27/15 House: Assigned Rules sub: Studies

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.

01/22/15 House: Subcommittee recommends laying on the table by voice vote

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.

**01/21/15 Senate: Failed to report (defeated) in Finance
(3-Y 12-N)**

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.

**01/27/15 Senate: Reported from Local Government
(9-Y 3-N 3-A)**

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.

01/05/15 Senate: Referred to Committee on Local Government

SB 1315 Nonhuman primates; acquisition prohibited, penalties.

Patron: Lynwood W. Lewis, Jr.

Prohibits the acquisition of nonhuman primates and controls the ownership of such primates already in the Commonwealth. The bill prohibits the possession, sale, transfer, or breeding of a primate, defined as any species of the taxonomic order Primates except humans. The bill excepts from the prohibition certain institutions, such as accredited zoos; qualified transporters passing through the Commonwealth; and those in lawful possession of a primate prior to July 1, 2015, as long as they meet certain conditions. The bill authorizes the Board of Game and Inland Fisheries to adopt regulations to carry out the law. Finally, the bill provides a procedure for the seizure of a primate in certain circumstances; provides a private right of action for any resident of a locality where a primate is kept; and authorizes localities to adopt ordinances that are more stringent than the restrictions contained in the bill. The bill provides that a violation of any of its provisions is a Class 1 misdemeanor and that an owner whose reckless control of a primate is the cause of a serious attack on a person also is guilty of a Class 1 misdemeanor.

01/14/15 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources