

Legislative Update

Bills and Resolutions affecting Hanover County
2015 General Assembly Session

February 11, 2015

Bills regarding industrial wastes

- **HB1364** (Del. Peace) and **SB1413** (Sen. Dance) **Fees for testing and monitoring of land application of industrial wastes.**

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. The bill requires the State Water Control Board (the Board) to adopt regulations no later than January 1, 2016, 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. The Department of Environmental Quality is required to establish and implement a program to train the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The bill specifies the minimum instructional elements of the training program.

Resolutions regarding industrial wastes

- **SJ271 (Sen. Norment) Biosolids and industrial residuals; SNR, et al., to review & evaluate impact on human health, etc.**

Requests the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Agriculture and Forestry to convene a joint task force to review and evaluate existing scientific literature on the impact of biosolids and industrial residuals on human health and the environment. This resolution incorporates SJ 244.

- **HJ506 (Del. Ware) Study; short- and long-term impact of biosolids and industrial waste; report.**

Requests the Virginia Institute of Marine Science and the Department of Mines, Minerals, and Energy's Division of Geology and Mineral Resources' Virginia geological survey, in consultation with the United States Geological Survey's Toxic Hydrology Regional Contamination Investigation Program, to study the short- and 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.

Bills regarding industrial wastes – failed bills

- **HB1363 (Del. Peace) Land application of industrial wastes.**

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.

- **HB1381 (Del. Fowler) Industrial wastes; fees for testing and monitoring of land application.**

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.

- **HB1511 (Del. Ware) - Disclosure of industrial waste and sewage sludge on land.**

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.

- **HJ516 (Del. Fowler) Study; long-term impact of biosolids and industrial waste; report.**

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.

Bills regarding local fiscal impact

- **SB1140** (Sen. Garrett) **Local fiscal impact bills; first day introduction.**
Requires local fiscal impact bills to be introduced no later than the first day of the regular session of the General Assembly.

Failed bill

- **HB1865** (Del. Kilgore) **Local fiscal impact bills; first day introduction.**
Requires local fiscal impact bills to be introduced no later than the first day of the session.

Bills regarding Elections

- **SB1076** (Sen. Vogel) **Elections; date of June primary elections.**

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

Failed bill

- **HB1280** (Del. Fowler) **Elections; date of June primary elections.**

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.

Capital Region Airport Commission bill

Failed bill

- **HB1889** (Del. Jones) - **Airport charges on ground transportation providers.**

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

Bills regarding public safety

- **HB1287** (Del. Cole) – **Forfeiture of property used in connection with commission of crimes; conviction required.**

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 authorizing the forfeiture and has exhausted all appeals. The bill provides that property may be forfeited even though no final conviction order is entered if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized. This bill incorporates HB 1468.

- **HB1673** (Del. Anderson) – **Government Data Collection and Dissemination Practices Act; limitation on collection.**

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.

- **HB1531** (Del. Minchew) – **Speed limits in school zones; counties allowed to increase or decrease.**

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 a school zone after the locality has changed the speed limit in the same school zone.

- **HB 1553** (Del. Daniel Marshall) – **Local notifications; locality may by ordinance establish system to deliver to residents by email.**

Provides that any locality may by ordinance establish a system to deliver emergency notifications to residents by email or text message. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision.

Bills regarding public safety [cont'd]

- **HB1565** (Del. Orrock) – **Companion animals; authority of animal control officers.**
Authorizes an animal control officer to capture and confine a companion animal that is not subject to licensure, upon receiving a complaint from a property owner of the presence of the companion animal on his property without his permission.
- **SB736** (Sen. Howell) – **Courthouse and courtroom security; increases assessment**
Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security.
- **SB1315** (Sen. Lewis) - **Nonhuman primates; acquisition prohibited, penalties.**
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.
- **SB1049** (Sen. McDougle) – **Regional jail construction and contracts; maximum state reimbursement.**
Reduces from one-half to one-fourth the maximum state reimbursement for capital costs for construction, enlargement, or renovation of regional jails and jails where there is a regional contract for cooperative jailing. The Commonwealth shall continue to reimburse up to one-half of the capital costs for enlargements or renovations of regional jails created prior to July 1, 2015.

Budget amendment

- Governor's proposed budget did not include any reimbursement for planned improvements to Pamunkey Regional Jail (additional bed space)
- Hanover County and Pamunkey Regional Jail Authority requested that members or our delegation submit proposed budget amendments to add reimbursement for one-half of the cost of proposed improvements

Senate Finance subcommittee on General Government and Technology

Report of the Subcommittee on Public Safety

36	Department of Elections			
37	Eliminate DRE voting machine replacement strategy and equipment reimbursement to localities	\$0	(\$1,610,333)	(\$1,610,333)
38				
39	Total, Office of Administration	\$2,498,446	(\$1,610,333)	\$888,113
40	Secretary of Finance			
41	Department of Accounts			
42	Cardinal Systems		Language	
43	Department of Taxation			
44	Eliminate Tax Stamp Fee		Language	
45	Reporting on Tourism Development Financing Program		Language	
46	Transfer of Responsibility for Tobacco Enforcement to ABC (SB 1230)		(\$361,000)	
47	Department of the Treasury/Treasury Board			
48	Claims (SB 843)		\$175,440	\$175,440
49	Prince William-Manassas Regional Jail		Language	
50	Pamunkey Regional Jail		Language	
51	State Tax Refund Check Option (SB 701)	\$0	\$264,000	\$264,000
52	Total, Office of Finance	\$0	\$78,440	\$78,440

House Appropriations subcommittee on General Government and Capital Outlay

The Subcommittee recommends allowing 12 projects to begin preplanning with their own nongeneral fund resources. This was contemplated in the process established in 2008 and has been utilized by most agencies and institutions to some degree. The Subcommittee also recommends the reimbursement of Prince William - Manassas and Pamunkey Regional Jails. As required by Code, both projects have been approved by the Board of Corrections.

Bills regarding public safety – failed bills

- **HB1528** (Del. Berg) – **Government Data Collection and Dissemination Practices Act; limitation on collection.** [24 hour limit on retaining license plate information]
- **HB1388** (Del. Albo) – **Courthouse and courtroom security; increase of certain fee.**
- **HB2280** (Del. Carr) - **Use of body-worn camera system by law enforcement and other entities.**
- **HB1521** (Del. Lindsey) - **Use of body-worn camera system by law enforcement.**
- **HB1534** (Del. Berg) - **Use of body-worn camera system by the Department of State Police.**

Schools-related bills

- **HB1484** (Del. Tyler) and **SB842** (Sen. Lucas) – **School budgets**

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

- **SB900** (Sen. Barker) – **SOL; school divisions to determine date for assessments.**

Requires the Department of Education to make available to school divisions certain Standards of Learning assessments by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

Schools-related bills – failed bills

- **HB1744** (Del. Hugo) and **SB980** (Sen. Favola) – **Local employee grievance procedure**
- **HB1550** (Del. Gleason), **HB1838** (Del. Robinson), **HB1941** (Del. Adams), **SB830** (Sen. Edwards), **SB1078** (Sen. Vogel), **SB1131** (Sen. Garrett), **SB1249** (Sen. Smith) - **School calendar.**
- **SB1132** (Sen. Garrett) - **Possession of concealed handgun on school property.** [defeated by Senate]

Conflicts bills

- **HB2070 (Del. Gilbert) State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.**

Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from throughout a particular industry or profession or who represent persons interested in a particular issue. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a waiver from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any transportation, lodging, meal, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100. A waiver is not required for travel paid for by certain government entities.

- **SB1424 (Sen. Norment) - Conflicts of Interests Act, State & Local Government, & General Assembly, etc.; ethics reforms.**

Authorizes the Virginia Conflict of Interest and Ethics Advisory Council to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual inspections of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; and (v) refer certain violations to the appropriate authority for assessment of civil penalties. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires there be bipartisan balance of the General Assembly members appointed to the Council. The bill prohibits any single gift or any combination of gifts in a calendar year with a value exceeding \$100 from any single source to those persons subject to the Conflicts of Interests Acts and members of their immediate family. Certain gifts are exempt from the \$100 limit on gifts, including gifts from business associates, relatives, gifts received in conjunction with a personal celebration or while in attendance at a widely attended event, or travel-related gifts for which the Council granted a waiver. Gifts for which the filer has reimbursed the giver for the full value of the gift are not required to be disclosed. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, authorizes the Council to prescribe the forms, and requires all disclosure forms be filed electronically with the Council. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$50 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Other bills

- **HB1483** (Del. Rush) – **Real property assessment; valuation for land preservation.**
Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.
- **HB1570** (Del. Orrock) – **Unlicensed, unregistered family day homes; notice to Department of Social Services and notice to parents.**
Requires every unlicensed, unregistered family day home to submit a statement of intent to operate an unlicensed, unregistered family day home and the name, address, and telephone number of the person maintaining the family day home to the Department of Social Services prior to beginning such operation and annually thereafter. The bill also requires every unlicensed, unregistered family day home to provide written notice to the parents of every child receiving care stating that the family day home is not regulated by the Department of Social Services and referring parents to a website maintained by the Department for additional information regarding licensed, registered, and unregulated family day homes.
- **HB1849** (Del. Daniel Marshall) – **Variances.**
Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.
- **HJ768** (Del. Fowler) – **Celebrating the life of Betty Ostergren**
- **HJ769** (Del. Fowler) – **Commending the Atlee High School girls' indoor track and field team**
- **HR197** (Del. Peace) – **Commending Kay Beazley**

Other bills [cont'd]

- **SB969** (Sen. Ruff) – **Virginia Freedom of Information Act (FOIA); exception to open meeting requirements.**
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.
- **SB1103** (Sen. McWaters) – **Distribution of disposable plastic shopping bags prohibited; local option.**
Allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (but HB died)
- **SB1448** (Sen. Vogel) – **Community development authorities.**
Provides that any special tax levied or any special assessment imposed by a locality pursuant to an agreement with a community development authority, whether previously or hereafter levied or imposed, constitutes a lien on real estate ranking on parity with real estate taxes, and any such delinquent special tax or delinquent special assessment may be collected in accordance with established procedures. The bill contains an emergency clause.
- **HB1593** (Del. Cole) – **Parking in residential areas; public right-of-way.**
Provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way.

Bills that have failed

- **HB1300** (Del. Ware) - **Elections; costs of primaries; reimbursement to localities**
- **HB1301** (Del. Ware) - **Electoral board members and general registrars; compensation and expenses**
- **HB1352** (Del. Ramadan) - **BPOL tax; deduction for amounts paid under subcontracts.** (Henrico estimate - \$18 million impact)
- **HB1404** (Del. Head) - **Assistance and documentation required from localities** [for permit, a license, or an application for any similar local government approval]
- **HB1405** (Del. Head) and **SB841** (Sen. Lucas) - **Legal notices; advertisement by locality**
- **HB1416** (Del. Taylor) - **Real property tax assessment; appeal to circuit court** [would have required locality to prove assessment was appropriate]
- **HB1576** (Del. Pogge) - **Real property tax assessments; arbitration.**

Bills that have failed [cont'd]

- **HB1441** (Del. Richard Bell) - **Child abuse or neglect, suspected; person required to report, training program required.**
- **HB1540** (Del. Albo) - **Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement** [Delegate Fowler contacted and voted against bill]
- **HB1644** (Del. Villanueva) - **Commonwealth Transportation Board membership; align with congressional districts** [would have increased by 2 members and had membership by Congressional district rather than VDOT district]
- **HB1436** (Del. Daniel Marshall) - **Explosive materials; use near dwelling house prohibited, penalty**

Bills that have failed [cont'd]

- **HB2262** (Del. Morris) - **Planning commissions; notice to applicants of preapproval requirements.**
- **HB2309** (Del. Hugo) - **Commonwealth Transportation Board; membership** [increase board by 6 non-legislative members]
- **SB784** (Sen. Lucas) - **Cigarettes; all localities allowed to impose a tax**
- **SB796** (Sen. Lucas) - **County food and beverage tax; referendum requirement** [would have removed requirement of referendum]
- **SB880** (Sen. Lewis) - **Prohibit retailers from providing disposable plastic shopping bags; local option.**
- **SB886** (Sen. Peterson) - **Plastic bag tax in the Chesapeake Bay Watershed.** [5 cents]

Remaining schedule – 2015 Session

- Thursday, February 12 – House of Delegates and Senate to complete work on House and Senate budget bills
- Wednesday, February 18 – work done on budget bills and conferees appointed
- Monday, February 23 – last day for committees to take action on non-budget bills
- Saturday, February 28 – last day of 2015 Session