

Legislative Update

Bills and Resolutions affecting Hanover County
2015 General Assembly Session

March 11, 2015

Bills regarding industrial wastes

- **HB1364** (Del. Peace) and **SB1413** (Sen. Dance) **Fees for testing and monitoring of land application of industrial wastes.**
- Passed House of Delegates and Senate
- **SB1413** signed by Governor – effective July 1, 2015
- **HB1364** – awaiting action by Governor

Resolutions regarding industrial wastes

- **SJ271** (Sen. Norment) **Biosolids and industrial residuals; SNR, et al., to review & evaluate impact on human health, etc.**
- **HJ506** (Del. Ware) **Study; short- and long-term impact of biosolids and industrial waste; report.**
- House of Delegates and Senate could not agree on changes and **both** resolutions providing for study of impacts of these wastes failed

Bills regarding local fiscal impact

- **HB1865** (Del. Kilgore) **Local fiscal impact bills; first day introduction.**
- **SB1140** (Sen. Garrett) **Local fiscal impact bills; first day introduction.**
- **Both failed** – discussions in House of Delegates to include this in procedural rules for next Session

Bills regarding Elections

- **SB1076** (Sen. Vogel) **Elections; date of June primary elections.**
- **HB1280** (Del. Fowler) **Elections; date of June primary elections.**
- Both bills failed to pass House of Delegates

Capital Region Airport Commission bill

- **HB1889** (Del. Jones) - **Airport charges on ground transportation providers.**
- Failed in House of Delegates

Bills regarding public safety

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

Bill failed in Senate committee

- **HB1673** (Del. Anderson) and **SB 965** (Sen. Peterson) – **Government Data Collection and Dissemination Practices Act; limitation on collection.**

Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use respecting suspected criminal activity or terrorism by any individual or organization. In addition, the bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information" vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place.

Passed both House of Delegates and Senate – awaiting action by Governor

Bills regarding public safety [cont'd]

- **HB1531** (Del. Minchew) and **SB 803** (Sen. Favola) – **Speed limits in school zones; counties allowed to increase or decrease.**

Bills amended to only apply to Planning District 8 (Northern Virginia)

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

Bill passed House of Delegates and Senate—awaiting action by Governor

Bills regarding public safety [cont'd]

- **HB1565** (Del. Orrock) – **Companion animals; authority of animal control officers.**

Failed in Senate (vote on floor)

- **SB736** (Sen. Howell) and **HB1388** (Del. Albo) – **Courthouse and courtroom security; increases assessment**

Bills failed in House

- **SB1315** (Sen. Lewis) - **Nonhuman primates; acquisition prohibited, penalties.**

Bill failed – left in House Agriculture, Chesapeake and Natural Resources

Bills regarding public safety [cont'd]

- **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 (i) the enlargement or renovation of any regional jail created prior to July 1, 2015, and (ii) the construction, enlargement, or renovation of any regional jail approved by the Governor prior to such date.

The bill also prohibits any project to construct, enlarge, or renovate a jail or jail facility that was not approved by the Governor prior to July 1, 2015, or created prior to such date, unless the project is specifically authorized in the general appropriation act.

Passed House of Delegates and Senate – awaiting action by the Governor

- **Budget amendment** – 50% reimbursement for Pamunkey Regional Jail improvements; included in budget passed by House of Delegates and Senate

Schools-related bills

- **HB1484** (Del. Tyler) and **SB842** (Sen. Lucas) – **School budgets**
Both passed House of Delegates and Senate—awaiting action by Governor
- **HB1550** (Del. Gleason), **HB1838** (Del. Robinson), **HB1941** (Del. Adams), **SB830** (Sen. Edwards), **SB1078** (Sen. Vogel), **SB1131** (Sen. Garrett), **SB1249** (Sen. Smith) - **School calendar.**
 - **All failed**

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.
Bills passed House of Delegates and Senate – awaiting action by the Governor

- **HB1570** (Del. Orrock) and **SB 1168** (Sen. Hanger) – **Unlicensed, unregistered family day homes; notice to Department of Social Services and notice to parents.**

Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes and requires employees and volunteers of such child day centers and family day homes to notify the provider if they are convicted of a barrier crime or subject to a founded complaint of child abuse or neglect. The bill adds the offenses that require registration in the Sex Offender and Crimes Against Minors Registry to the list of barrier crimes specific to family day homes. The bill lowers from five to four the maximum number of children for whom a family day home may provide care without a license, exclusive of the provider's children and any children who reside in the home. The bill requires (i) local commissioners of the revenue or other local business license officials to report to the Department of Social Services (the Department) semiannually the contact information for any child day center or family day home to which a business license was issued; (ii) unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related to the provider by blood or marriage, to provide written notice to parents stating that the family day home is not regulated by the Department and referring the parents to a website maintained by the Department for additional information; and (iii) child day centers and family day homes that contract with the Department to provide child care services that are funded by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department to (a) develop recommendations related to appropriate criminal and civil penalties for individuals who wrongfully operate a child day center or family day home without a license or provide care for more children than the maximum number permitted under their license; (b) report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015; (c) develop and make available to child day centers and family day homes training and technical information and assistance regarding compliance with new licensure requirements established in the bill; and (d) work with certain localities authorized to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes. The provisions of the bill that require licensure of family day homes providing care for five or more children have a delayed effective date of July 1, 2016. The provisions of the bill that require fingerprint-based national criminal history records checks have a delayed effective date of July 1, 2017.

Bills passed House of Delegates and Senate – awaiting action by the Governor

Other bills [cont'd]

- **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.
Bills passed House of Delegates and Senate – awaiting action by the Governor
- **SB969** (Sen. Ruff) – **Virginia Freedom of Information Act (FOIA); exception to open meeting requirements.**
Bills passed House of Delegates and Senate – awaiting action by the Governor
- **SB1103** (Sen. McWaters) – **Distribution of disposable plastic shopping bags prohibited; local option.**
Tabled in House committee
- **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.
Passed House of Delegates and Senate – signed into law by the Governor (effective March 10, 2015)
- **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 passed House of Delegates and Senate – awaiting action by the Governor

Resolutions related to Hanover residents

- **HJ768** (Del. Fowler) – **Celebrating the life of Betty Ostergren**
- **HJ769** (Del. Fowler) – **Commending the Atlee High School girls' indoor track and field team**
- **HJ816** (Del. Fowler) - **Commending the Hanover High School baseball team**
- **HJ911** (Del. Fowler) **and SR93** (Sen. McDougle)- **Commending the Hanover Concert Band.**
- **HR197** (Del. Peace) – **Commending Kay Beazley**
- **SR103** (Sen. McDougle) - **Commending G. E. Via III.**

Budget bill

- Governor introduced budget before the 2015 Session
- House and Senate proposed amendments
- Differences between House and Senate versions resolved through budget conference committee
- Awaiting action by the Governor

Budget bill - summary

Aid to Localities

- Provides \$29.8 million to eliminate the Aid to Local Government Reversion Clearing Account.

Conflict of Interests and Ethics Advisory Council

- Provides \$393,000 and three positions from the general fund for the Virginia Conflict of Interest and Ethics Advisory Council, pursuant to House Bill 2070 and Senate Bill 1424 of the 2015 General Assembly. A companion amendment to the budget eliminates \$500,000 that was included in central appropriations for ethics reform in the introduced budget.

Budget bill- summary [cont'd]

Employee Compensation

- Provides \$113.9 million, contingent on specific revenue requirements, for compensation actions for state employees and state supported local employees and to increase the retirement contribution rates for the state employee, SPORS, VaLORS, and JRS plans up to 90% of the Board certified rates. Specifically, state supported local employees salaries shall be increased by two percent on September 1, 2015. These positions include
 - Locally elected constitutional officers;
 - General Registrars and members of local electoral boards;
 - Full-time employees of locally elected constitutional officers and,
 - Full-time employees of Community Services Boards, juvenile delinquency prevention and local court service units, local social services boards, and others.

Deputy Sheriff's Compensation

- Appropriates \$1.2 million to increase the minimum starting salary for some entry level deputy sheriffs and regional jail officers employed in regional jails by 4.63 percent effective September 1, 2015. This funding is in addition to the 2 percent salary adjustment for state supported local employees included in the budget bill, which is contingent on revenues.
- Effective September 1, 2015, the Compensation Board shall establish salary increases associated with this reclassification of deputy sheriff and deputy regional jail officer starting salaries.

Budget bill- summary [cont'd]

Regional Jails

- Reduces the state reimbursement for construction, enlargement, and renovation of regional jails from 50 percent to 25 percent, effective for projects approved by the Governor on or after July 1, 2015, consistent with Senate Bill 1049 of the 2015 General Assembly.

Pamunkey Regional Jail

- Authorizes reimbursement of \$288,575 or 50 percent of the eligible costs for the Pamunkey Regional Jail Authority, which serves Caroline and Hanover counties, for the conversion of recreation area to dormitory beds needed to relieve overcrowding.

Jail Per Diems

- Provides \$2.5 million to fully fund the estimated shortfall in jail per diem payments in fiscal year 2015.

Budget bill- summary [cont'd]

Employee Health Insurance

- Authorizes Virginia Department of Human Resource Management to conduct a comprehensive review of the public employee health programs in the Commonwealth and directs it to provide a report detailing the findings and recommendations by October 31, 2015.

Teacher Compensation

- Provides \$52.8 million for instructional and support positions the state's share of a 1.5 percent salary increase for funded SOQ instructional and support positions. There is a local required match, there are limitations on what local school divisions may include as part of that match, and effective dates are staggered.

Teacher Retirement

- Provides additional funding from the Literary Fund and Interest Rate Subsidy grants to pay down the state share of unfunded liabilities.

Budget bill- summary [cont'd]

Comprehensive Services Act

- Instructs the Secretary of Health and Human Resources, in cooperation with the Secretary of Education, to convene a work group to provide recommendations regarding the role of the State Executive Council for Comprehensive Services for At-Risk Youth and Families.
- Requires the State Executive Council to convene a work group and make recommendations by September 1, 2015, concerning how to meet the education costs for students who have been admitted to or placed in psychiatric or residential treatment facilities as authorized by the Medicaid program. Currently, education costs are borne by the facilities rather than the local school divisions or the state. These costs are not eligible for Medicaid reimbursement.

Budget bill- summary [cont'd]

Agricultural Best Management Practices

- Provides an additional \$10.7 million in FY 2016 to level fund the Agricultural Best Management Practices Cost Share and Technical Assistance Programs of the Soil and Water Conservation Districts.

Stormwater Local Assistance Fund

- Provides \$5 million to the Stormwater Local Assistance Fund to supplement funding previously authorized from bond proceeds. The Stormwater Local Assistance Fund is used to provide matching grants to local governments for stormwater best management practices that reduce water quality pollutant loads.

Conflict of Interests Act changes

- 2014 Session:
 - Definition of “personal interest” updated - \$10,000 threshold reduced to \$5,000
 - Statement of Economic Interest forms filed semiannually rather than annually
 - Filed with the Virginia Conflict of Interest and Ethics Advisory Council
 - Include items where individual received lodging, transportation, money, or anything of value of at least \$200
 - \$250 annual limit on tangible gifts
 - Changes in definitions as to who is a member of immediate family and who is a friend for reporting purposes
 - Ethics Advisory Council – authority to issue advisory opinions, give informal advice, provide training seminars to state and local government officials and employees, legislators, lobbyists, and other interested individuals
 - Funding was limited and staggered, and Council is not yet fully operational

Conflicts bills

- **HB2070** (Del. Gilbert) and **SB1424** (Sen. Norment) **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; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. 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 approval from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. 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 requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. 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 \$100 from persons and entities seeking loans or grants from the Commonwealth'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. The bill has a delayed effective date of January 1, 2016.

- Bills passed House of Delegates and Senate – awaiting action by the Governor

Summary of Ethics legislation

Key highlights of the legislation include:

- Virginia Conflicts of Interest and Ethics Advisory Council maintains its local government representation and goes from 15 to 9 members with the Governor appointing one member from a list submitted by VACo and one member from a list submitted by VML. The Council's powers include reviewing disclosure forms, issuing advisory opinions, issuing gift waivers and conducting training, but does not include investigatory or subpoena powers;
- Local government officers and employees will file disclosure forms with the clerks of their respective governing bodies and not electronically with the Virginia Conflicts of Interest and Ethics Advisory Council;
- Local government officials and members of their immediate family cannot accept single gifts over \$100 from a person that they or their family member know is a registered lobbyist, a lobbyist's principal or is seeking to become party to a contract with the locality;
 - Exemptions from the \$100 limit, include:
 - Gifts of food or beverages at a widely attended event (defined as an event in which at least 25 persons have been invited to attend or are expected to attend – open to public or open to a group of individuals) – Disclosure will still be required;
 - Gifts from foreign dignitaries over \$100 may be accepted by the locality or the Commonwealth;
 - Gifts from personal friends which meet a number of criteria.

Summary of Ethics legislation

- The act clearly spells out items not considered gifts, including:
 - A gift of a value of \$50 or less;
 - Travel paid by the Commonwealth or a political subdivision;
 - Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority or other entity, to which such person has been appointed or elected or is a member by virtue of his office or employment (travel paid by a third party or for out of state travel must still be disclosed);
 - Any food or beverages received at or registration or attendance fees waived for any event that the individual is a featured speaker, presenter or lecturer;
 - An unsolicited award of appreciation or recognition (plaques, etc.);
 - Gifts from family members (including extended family and step family members).
- The provisions of the Act will not become effective until January 1, 2016. Governor McAuliffe has not yet stated whether he will suggest amendments to the bill.

Remaining schedule – 2015 Session

- Friday, February 27th – last day of 2015 Session
- For most legislation, Governor has until March 29th to sign bill, veto bill, or suggest amendments (which is 30 days from the end of the session)
- General Assembly considers vetoes and proposed amendments on Wednesday, April 15th