

Legislative Summary



2015 SESSION
VIRGINIA GENERAL ASSEMBLY

MAY 13, 2015

Bills Pertaining Specifically to Hanover County's Legislative Agenda



HB 1364 Fees for testing and monitoring of land application of industrial wastes. PASSED

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 bill sets the fee at \$5 per ton until altered by the Board. 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.

HB 1363 Land application of industrial wastes. FAILED

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.

HJ 506 Study; short- and long-term impact of biosolids and industrial waste; report. FAILED

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.

SJ 271 Study; long-term impact of biosolids and industrial waste; report. FAILED

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.

HB 1865 Local fiscal impact bills; first day introduction. FAILED

Requires local fiscal impact bills to be introduced no later than the first day of the session.

HB 1280 Elections; primary elections; date of June primary elections. FAILED

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 1889 Airport charges on ground transportation providers. FAILED

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

Passed Legislation



SB 1448 Community development authorities; tax levied or assessment imposed by locality.

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. EMERGENCY

HB 1626 Students receiving home instruction; participation in public school interscholastic programs. VETO

Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who is receiving home instruction. The bill provides that no local school board is required to permit students receiving home instruction in interscholastic programs. The bill has an expiration date of July 1, 2020.

SB 1062 Presidential elections; number of officers of election and ballot scanner machines.

Requires any precinct having more than 4,000 registered voters to have not less than five officers of election serving at a presidential election and requires the electoral board to appoint additional officers as may be needed to comply with this requirement. The bill also requires the governing body of a county or city that uses ballot scanner machines at elections to provide for any precinct having more than 4,000 registered voters not less than two such machines at a presidential election.

HB 1924/SB 1341 Eastern Virginia Groundwater Management Advisory Committee; established, report.

Establishes the Eastern Virginia Groundwater Management Advisory Committee to assist the Department of Environmental Quality in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals before December 31, 2015. The bill has a sunset date of January 1, 2018.

SB 969 Virginia Freedom of Information Act; 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.

SB 1109 Virginia Freedom of Information Act; expands open meeting exemptions.

Expands the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of government facilities to include the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. EMERGENCY

SB 1129 FOIA; expands record exemption for public safety, cybersecurity.

Expands the current record exemption for plans and information to prevent or respond to terrorism to include information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program

SB 1133 State and local government officers and employees; prohibited conduct, retaliation.

Prohibits a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that the prohibition does not (i) restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or (ii) limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

HB 1570/SB 1168 Child day centers and family day homes; regulations, national background check required, report. AMENDMENTS

Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes. The bill lowers from five to four the number of children for whom a family day home may provide care without a license. The bill also requires the Department to 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. 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.

HB 2083/SB1041 Community policy and management teams; policies governing referrals and reviews.

Directs community policy and management teams to establish, as part of their policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the State Executive Council for Comprehensive Services for At-risk Youth and Families a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams.

HB 1849 Zoning appeals, board of; granting of variance, ex parte communications, proceedings.

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.

SB 1272 Alcoholic beverage control; limited distillers' licenses.

Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) use agricultural products grown on the farm in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distiller's licenses and prevents local regulation of certain activities by such licenses.

SB 1435 Eminent domain; lost profits and just compensation.

Requires that any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The bill also defines lost profits as a loss of business profits for a period not to exceed three years from the date of valuation if there is a partial taking and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken.

HB 1553 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 notifications to residents by email, phone, text message, or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for nonemergency notifications. Existing notification systems shall be deemed to meet the requirements of the bill.

HB 2081 Employers; disclosure of social media account information.

Prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contact associated with the employee's social media account.

HB 1608 Local government; prohibits practices that would require contractors to provide benefits. VETO

Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction services that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. Localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees.

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

Exempts from taxation the dwelling of the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action. If the value of the dwelling is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then a portion of the value in excess of such average assessed value shall be subject to taxation. 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 previously enacted legislation exempting from taxation the principal residence of such surviving spouse only if the assessed value of the residence was not in excess of the averaged assessed value. This bill exempts the portion of the residence below the average assessed value, regardless of the full assessed value of the dwelling.

HJ 597 Constitutional amendment; real property tax exemption.

Provides that the General Assembly may provide for a local option to exempt from taxation the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

SB 872 Real property; explanation of increased assessment.

Requires an assessing officer of a governing body to provide, upon taxpayer request, a written explanation of or justification for an increase in the assessed value of the taxpayer's property.

HB 1593 Parking in residential areas; localities may by ordinance permit in a 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.

SB 965 Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.

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 regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that 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.

Failed Legislation



HB 1293 Stormwater fees; exemptions for religious groups.

Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.

HB 1383 Local government appointees, certain; serve at the pleasure of the local governing body.

Provides that any appointee of a local governing body to a local board, commission, or committee, whether appointed pursuant to § 15.2-1411 or any other provision of the Code, shall serve at the pleasure of the local governing body.

HB 1416 Real property tax assessment; appeal to circuit court

Provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court.

HB 1437 Prayer at public events; authority to adopt an ordinance to allow.

Provides 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 a 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) chaplain elected by the public officials of the deliberative body or (ii) 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 also defines deliberative body and public invocation.

HB 1540 Virginia Public Procurement Act; job order contracting and cooperative procurement.

The bill removes the provision that allows a public body to discuss nonbinding estimates of total projects costs, life-cycle costing, and where appropriate, nonbinding estimates of price for services.