

2016



LEGISLATIVE SUMMARY



Virginia Association of Counties
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VACo exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of Virginia.

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Vital Statistics from the 2016 Session

	Introduced	Passed Both	Failed	Vetoed
House Bills	1,391	517	759	25
House Joint Resolutions	537	470	64	0
House Resolutions	265	260	4	0
Senate Bills	781	294	382	7
Senate Joint Resolutions	215	172	25	0
Senate Resolutions	97	90	7	0
General Assembly Totals	3,286	1,803	1,241	32

2016 Legislative Priorities

OVERARCHING LEGISLATIVE PRIORITY POSITION

Increase Education Funding

To assure children in Virginia a quality education necessary for their success, VACo calls upon the Governor and General Assembly to fully fund the Standards of Quality as recommended by the Board of Education and the Standards of Accreditation. The provision of a quality education for all Virginia's children is the most important function of state and local government. When adjusted for inflation, state per pupil spending on public education is less than funding levels in FY 2005. With increased educational mandates, increased students and state policy changes that decreased education funding local school divisions have had to eliminate important academic programs, cut instructional and support staff, and increase class sizes, despite strong local efforts to improve efficiencies in public education.

ECONOMIC DEVELOPMENT AND PLANNING

Land Use/Growth Management Tools

VACo supports maintaining local authority to plan and regulate land use and opposes any legislation that weakens these key local responsibilities. VACo supports legislation that grants localities tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes.

Enhanced Coordination between Workforce System and K-12

VACo supports a statewide effort to bring together localities and the key education, business and workforce development stakeholders to explore opportunities to make systemic changes that will increase the focus on career and technical education in K-12 that meets the needs of local and regional economic development efforts. County officials desire to work with the state, the community college system and the business community to evaluate and implement policy changes that lead to increased employment opportunities for the Commonwealth's students and an increased pool of talent with the necessary training for our Commonwealth's current and prospective businesses.

ENVIRONMENT AND AGRICULTURE

Water Quality Improvement Funding

VACo supports effective partnerships across all levels of government to improve water quality. VACo opposes provisions of any strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority.

FINANCE

Local Finances

VACo supports the authority of county governments to levy and collect revenue from local business taxes. VACo requests county government representation on all study or legislative commissions that impact local government

revenues or services. VACo opposes mandated new or expanded funding requirements on counties.

GENERAL GOVERNMENT

Broadband

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees and other local authority. Widespread deployment of broadband should be a top priority for the Commonwealth to ensure competitive economic advantages, improve public safety, provide quality educational opportunities and facilitate telemedicine and other modern health care initiatives.

HEALTH AND HUMAN RESOURCES

Health and Human Resources Funding

VACo supports state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

TRANSPORTATION

Devolution of Secondary Roads

VACo opposes legislative or administrative initiatives that transfer to counties the responsibility for the construction, maintenance or operation of new and existing roads.

Local-State Transportation Funding and Cooperation

VACo believes it is important to closely monitor the implementation of HB 2 and HB 1887 and determine whether process improvements need to be made. While HB 1887 provided some additional funding for transit services, VACo supports the full funding of transit systems by the state to meet critical transit needs. VACo is also concerned about the condition of secondary roads throughout the Commonwealth, but is appreciative of funding in the Six Year Improvement Plan to meet some of these needs, and supports additional funding for these efforts.

[FY 2016-2018 State Budget Analysis](#)

Key Electronic Links

Locality specific funding can be found at the sites below.

[K-12 Public Education](#)

[Constitutional Officers](#)

[Police Departments \(HB 599\)](#)

Highlights for Local Government of the 2016-18 Adopted State General Fund Budget

Fiscal Analytics, Ltd. | April 2016

The FY 2016 Caboose bill forecasts a 3.2 percent General Fund (GF) revenue increase for FY 2016. The major revision to the FY 2016 budget was a \$172.7 million GF lump sum payment to the Virginia Retirement System (plus \$16.8 million in Non-General Fund) to expedite the repayment for deferred contributions during the last recession for state employee retirement programs. This will have the effect of reducing future state contribution rates by about 1 percent. Unlike last year's \$193 million lump sum payment, this year's lump sum payment will have no impact on the teacher retirement plan rates. This payment was also the primary reason the FY 2016 unspent revenue balance forward to the 2016-18 biennium budget was reduced from \$426 million to \$265 million.

The FY 2016-18 budget assumes modest GF revenue growth forecasts of 3.2 percent in FY 2017 and 3.9 percent in FY 2018. The primary driver of the revenue forecast increases is individual income tax growth of 3 percent FY 2017 and 4.5 percent FY 2018. The adopted budget increased available revenues above the introduced budget by \$65 million in FY 2017 and \$95 million in FY 2018 mainly by eliminating the tax reductions proposed by the Governor, including the reduction in the corporate income tax rate and the increase in the personal exemption amount. Including carryforward balances from FY 2016 and transfers, \$40,658 million in general funds are estimated to be available for appropriation in the FY 2016-18 biennium budget. The FY 2016-18 budget appropriates about \$2.43 billion above FY 2016 spending levels and leaves a \$22.6 million unappropriated balance.

K-12 Education

The largest increase in appropriation above the FY 2016 budget was for an additional \$939 million in GF direct aid to K-12 public education. This represents about 39 percent of the new money available for appropriation. In addition, the new K-12 funding provides a 5.8 percent increase in state K-12 direct aid general funds in FY 2017 over FY 2016. About \$400 million of the new spending was due to re-benchmarking the Standards of Quality, as well as other K-12 incentive and categorical funds.

While the General Assembly reworked how K-12 funding in the Governor's introduced budget was allocated, they did not increase total K-12 funding above the introduced budget. The Governor had primarily proposed new spending of:

- \$139 million for 2,500 additional teachers
- \$83 million for a 2017 teacher salary increase
- \$57 million to advance 100 percent VRS payment "normal" rates to FY 2018
- \$50 million in additional at-risk add-on funding for free lunch qualified students
- \$41 million to restore cost of competing funding in Northern Virginia
- \$30 million to reduce the diversion of Literary funds to teacher retirement

The General Assembly altered the Governor's proposed K-12 funding initiatives by eliminating the \$139 million new teacher funding, cutting \$20 million in literary funds and reducing \$35 million in new at-risk add-on funding. The General Assembly also made \$20 million in "technical" reductions, \$7 million in reductions to the Northern Virginia cost-of-competing increases and other minor changes. The General Assembly primarily spent these savings to provide a flexible \$173 million lottery fund per pupil distribution that equates to \$52.42 in FY 2017 and \$224.43 in FY 2018 (50 percent must be used for non-recurring expenses). The General Assembly also advanced a 2 percent teacher salary increase at a cost of \$51 million from July 2017 to December 2016.

Other notable new K-12 policy initiatives adopted included:

- \$4.6 million GF over the biennium for the Virginia Early Childhood Foundation to provide grants to incentivize additional public-private partnerships in preschool services and to develop and operate a new scholarship grant program at community colleges to increase skills of the early education workforce
- \$2.9 million over the biennium to increase the Preschool Initiative per pupil amount from \$6,000 to \$6,125
- \$2.1 million GF for new competitive grants for school divisions with high numbers of at-risk students needing qualified teachers that develop and implement a performance-based teacher compensation system and provide teachers with incentives to take on additional training and responsibilities
- \$2 million over the biennium for 8 new central office positions to support school divisions

VRS teacher payment rates are scheduled to increase from 14.06 percent in FY 2016 to 14.66 percent in FY 2017 to 16.32 percent in FY 2018. In addition, while the state and localities will be funding 100 percent of the "normal" VRS rate by FY 2018, the Teacher Plan will still have a balance of \$269 million in the 10-year deferred contribution account balance as of June 30, 2016. Last year, the General Assembly reduced the outstanding Teachers Plan balance with a lump sum payment of \$193 million on June 30, 2015. While last year's action reduced the Teacher Plan contributions by approximately 0.5 percent of payroll for the remainder of the payment schedule, the remaining \$269 million deferred contribution account balance continues to increase the annual payment rates by about 0.8 percent.

Other Budget Issues of Interest to Local Government

There were a number of other budget items of interest to local governments.

Compensation

Compensation supplements include \$6.9 million GF in FY 2017 and \$14.7 million GF in FY 2018

for a 2 percent raise for state-supported local employees effective December 1, 2016, including employees in sheriffs' offices and regional jails, career development programs for constitutional offices, and district court clerks.

Commerce and Trade

Economic development initiatives were a major theme of this year's General Assembly. The Governor's introduced budget proposed \$118 million in new economic development spending over the 2016-18 biennium. Ultimately, the General Assembly only adopted a net new \$30 million in spending for the biennium above FY 2016 levels for all Commerce and trade agency programs.

The largest new economic development initiative is for the Virginia Initiative for Growth and Opportunity in Each Region (GO Virginia). Go Virginia received \$5.7 million GF the first year and \$30.2 million GF the second year. This funding will initially be used to set up regional councils. The regional councils will vet and propose projects to a state board for funding. Over the biennium, the adopted budget also added \$2 million to the state's Enterprise Zone program, \$1.5 million to the Housing Trust Fund (for a total of \$5.5 million/year), and \$3 million (for a total of \$2.25 million/year) to the Brownfield Restoration Program.

Health and Human Services

The adopted budget removed all savings or expenditures related to expanding Medicaid as contained in the introduced budget. The General Assembly did add inflation adjustments for hospitals and nursing facilities. Significant additional funding was also provided for mental health services to help comply with the U.S. Department of Justice settlement agreement. In total, the adopted budget increased funding by \$105 million over the biennium for increased DD/ID waiver slots and other mental health services.

Local governments that administer the Children's Services Act (CSA) on behalf of the state will see the first increase in administrative funding since FY2000 (an additional \$500,000 per year). Also in CSA, the General Assembly created a new language amendment requesting the State Executive Council to develop options for two issues studied last year: tracking the progress of, and looking for ways to re-integrate children in private day special education placements back into their community school; and developing options for paying the education costs of children whose parent/guardian makes a direct placement into private residential treatment facility and whose treatment costs are covered by Medicaid.

Local social services departments also received additional administrative funding (\$4.3 million each year) to help them with the increased volume of work with Medicaid eligibility determinations and redeterminations. The adopted budget also included language clarifying additional authority for Virginia Social Services to administer a new Fostering Futures Program. It authorizes the state to offer some assistance to youth from 18 to 21 years of age who were in foster care when they reached the age of 18 – assistance to keep them in stable living situations, including health care benefits. This will help alleviate some local CSA costs as well as public safety or other public assistance costs.

Public Safety

There were modest funding increases and policy changes adopted for public safety that directly impact localities, including:

- \$21.5 million to fully fund local jail per diems

- \$11.1 million to increase Aid to Police Department funding to \$178 million per year. This was the first increase in HB 599 funding since FY 2008 when funding reached \$205 million
- \$4.2 million to support the state costs of operating completed jail expansion projects at the Central Virginia and Pamunkey Regional Jails and \$766,483 for the state share of three local construction or renovation projects
- \$3.5 million to establish pilot programs to provide services to mentally ill inmates, or to provide pre-incarceration crisis intervention services to prevent mentally ill offenders from entering jails
- Includes language directing the Department of Juvenile Justice (DJJ) to develop and implement a transformation plan to reduce the number of juvenile offenders in state facilities and requires an evaluation of future capital needs for state juvenile corrections and the DJJ to work with affected communities before possible closure of existing juvenile correctional centers

Natural Resources

The adopted budget provides \$59 million in bond proceeds to meet commitments to point source protection by improving municipal water treatment. Water Quality Improvement Funds total \$61.7 million GF the first year for nonpoint source programs:

- \$8.2 million (15 percent) set aside for the WQIF Reserve Fund
- \$26 million for agricultural best management practices
- \$19.6 million for previously approved livestock exclusion projects
- \$6.2 for Soil and Water Conservation Districts technical assistance programs

Bottom Line

The Governor and General Assembly have adopted a fairly structurally balanced general fund budget for the FY 2016-18 biennium. Assumed annual revenue growth is modestly forecast to average about 3.5 percent, VRS pension contribution rates are 100 percent funded by FY 2018, and the Rainy Day Fund has been restored to a balance of \$845 million. State employee (and state supported local employees) and teacher salary increases have been funded in the first year. Significant progress has been made in complying with the U.S. Department of Justice settlement agreement for mental health services. For local governments, the budget fully funds K-12 education re-benchmarking, plus some modest restoration of recent past state K-12 funding reductions. The budget also increases Aid to Police (HB 599) funding for the first time since FY 2007, and fully funds jail per diems in both years of the biennium.

The caveats to full funding of a structurally balanced budget that should be noted include a historically low growth rate assumption for Medicaid funding that may ultimately require additional funds, and a continued reliance on debt for all of our capital outlay needs. In addition, as previously discussed, there is still a \$269 million VRS Teacher Plan contribution balance outstanding that is still annually raising state/local VRS teacher rates by about 0.8 percent.

2016 Session Adopted GF Budget

	FY 16	FY 17	FY 18	Above FY 16 Budget X 2
Legislative and Executive	107.7	115.5	115.5	15.5
Judicial Dept.	456.0	484.5	485.2	57.7
Administration/Comp Board	691.7	711.8	718.6	47.0
Treasury Board Debt Service	675.0	734.9	766.3	151.2
Other Finance/Technology	181.6	191.6	188.6	16.9
Rainy Day Fund	-	605.6	0.0	605.6
Car Tax Reimbursement	950.0	950.0	950.0	-
Commerce and Trade	197.0	203.9	217.3	27.1
Agriculture / Nat. Resources	174.7	237.7	172.2	60.5
K-12 Education/Central Office	5,576.0	5,900.0	6,190.6	938.6
Higher & Other Education	1,865.5	2,046.7	2,081.1	396.8
DMAS Medicaid	4,159.5	4,280.4	4,405.1	366.5
Other Health & Human Services	1,682.6	1,772.7	1,780.7	188.2
Public Safety & Veterans/HS	1,837.5	1,921.8	1,949.4	196.2
Transportation	69.1	41.0	41.0	(56.2)
Central Appropriations	334.8	139.6	223.0	(307.0)
Independent Agencies/Capital	<u>143.2</u>	<u>12.0</u>	<u>0.3</u>	<u>(274.1)</u>
Total GF Appropriations	\$19,102.0	\$20,349.7	\$20,284.9	2,430.6
GF Resources	\$19,119.3	\$19,481.2	\$20,230.3	
Balances	\$932.1	\$946.2	-\$0.5	
Unreserved Balance	\$265.3	\$77.7	\$22.6	

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2016.

*Uncodified Act – A bill that may be of short duration that is not given a regular number in the Code of Virginia but is published in the Acts of the Assembly; it can include the budget bill, local government charters or bills of local application only.

**The final outcome of these bills were not determined at press time.

ECONOMIC DEVELOPMENT AND PLANNING

PASSED LEGISLATION

Economic Development

[HB451](#) Economic Opportunity for Virginians in Aspiring & Diverse Communities, Commission on; report.

Adds §§ 30-362 through 30-370 to the Code of Virginia to establish a 13-member legislative Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities (the Commission) to determine the need for and ways to achieve economic opportunities for members of aspiring and diverse communities in Virginia. The bill provides that the Commission sunsets on July 1, 2019. Patron: Miyares

[HB 467](#) Manufacturing companies; limited standing to seek injunctive relief against companies.

Adds § 8.01-226.13 to the Code of Virginia to provide that no action shall be initiated or maintained to enjoin the continued use and operation of a previously existing manufacturing company solely on the basis of

a claimant's use of a public park, recreational facility, or playground or public greenway. The bill does not limit actions brought by the Commonwealth, a locality, or another entity designated by the locality to have authority over the operation of a public park, recreational facility, or playground. Patron: Head

[HB 834](#) / [SB 449](#) Virginia Growth and Opportunity Board and Fund; established, report.

Amends §§ 2.2-2101 and 2.2-3711 of the Code of Virginia and adds §§ 2.2-2484 through 2.2-2490 to the Code of Virginia to establish the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis. Patrons: Cox and Norment

Local Planning, Zoning and Housing

[HB 367](#) Nonconforming uses; uses that do not conform to zoning prescribed for district, etc.

Amends § 15.2-2307 of the Code of Virginia to provide that if a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the

locality or any agency affiliated with the locality for fees associated with such filing. Patron: Davis

[HB 647](#) / [SB 361](#) Tree conservation; locality to post signs on private property that is proposed to be redeveloped.

Adds § 15.2-961.2 to the Code of Virginia to provide that the ordinance may allow a locality to post on private property that is proposed to be redeveloped with one single-family home signs that notify the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting, and the failure to post the property shall not be a ground for denial of such grading plan. Patrons: Sullivan and Favola

[HB 903](#) Recurrent Flooding Resiliency, Commonwealth Center for; at various educational institutions.

An uncodified act to designate the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to (i) serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and (ii) provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions. Patron: Stolle

[HB 1011](#) Rental inspection programs; exemptions.

Amends § 36-105.1:1 of the Code of Virginia to authorize a locality to exempt a residential rental unit otherwise subject to a rental inspection ordinance if the unit is managed by (i) any person licensed as a real estate firm, real estate salesperson or broker, or business entity salesperson; (ii) any (a) property manager or (b) managing agent of a landlord; (iii) any owner of a publicly traded entity that manages its own multifamily residential rental units; or (iv) any owner or managing agent who, in

the determination of the local governing body, has achieved a satisfactory designation as a professional property manager. Patron: Massie

[HB 1146](#) / [SB 389](#) Local permitting or licensure; consent of common interest community association prohibited.

Adds § 15.2-110 to the Code of Virginia to prohibit a locality from requiring the consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license. Patrons: Hope and Surovell

[HB 1264](#) Virginia Residential Property Disclosure Act; representations related to covenants, report.

Amends § 55-519 of the Code of Virginia to provide that, in delivering the residential property disclosure statement to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, the owner makes no representations with respect to (i) any covenants and restrictions that may be recorded in land records that affect the real property or any improvements located on the property, (ii) the zoning classification or permitted uses of adjacent parcels, or (iii) the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks. The bill replaces a reference to "certified home inspection" with "home inspection," relating to a prospective purchaser's exercise of due diligence. The bill requires the Virginia Housing Commission (the Commission) to study the provisions of the Virginia Residential Property Disclosure Act (the Act) to determine whether the required disclosures contained in the Act may be consolidated or otherwise addressed in a more comprehensive way. The Commission shall report its findings and any recommendations for legislation to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2016. Patron: Robinson

[SB 416](#) Limited Residential Lodging Act; established, penalty.

Adds §§ 55-248.53 through 55-248.56 to the Code of Virginia to establish the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restriction prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines “limited residential lodging,” “booking transaction,” and “hosting platform” and provides for penalties for violations of the Act. The bill contains a reenactment clause and directs the Virginia Housing Commission to convene a work group to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly. Patron: Vogel

[SB 549](#) Conditional zoning; provisions applicable to certain rezoning proffers.

Adds § 15.2-2303.4 to the Code of Virginia to provide that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant’s failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless

it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An offsite proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. Patrons: Obenshain/Saslaw

Sanitation and Water

[HB 611](#) / [SB 85](#) Water and sewer utilities; regulation.

Amends §§ 12.1-30.1 and 56-237.1 of the Code of Virginia to make water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Water or sewer utilities are required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more

newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies. Patrons: Bell, Robert B. and Garrett

[HB 919](#) Water and sewer service; canceling service for nonpayment of charges.

Amends § 15.2-2119 of the Code of Virginia to shorten from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges. Patron: Mason

[SB 407](#) Onsite sewage systems; conventional and alternative discharging systems, civil penalties.

Amends § 15.2-2157 of the Code of Virginia to provide that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meets certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. The bill also provides that no criminal action shall proceed if the violation is abated or remedied through civil enforcement. Patron: Wexton

[SB 542](#) Delinquent sewer charges; lien on property, delinquent charges.

Amends § 15.2-2119 of the Code of Virginia to allow a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges. Patron: Obenshain

Utilities, Electrical and Communications

[HB 283](#)/[SB 136](#) Electrical transmission line siting; hearing requested by locality.

Amends § 56-46.1 of the Code of Virginia to require the State Corporation Commission

(SCC) to hold at least one hearing in the area that would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC. Patrons: Minchew and Favola

[HB 883](#) Telecommunications towers; in accordance with comprehensive plan.

Amends § 15.2-2232 of the Code of Virginia to provide that a proposed telecommunications tower, and certain other facilities, shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right. Patron: Habeeb

DEFEATED LEGISLATION

[HB 587](#) Memorials and monuments; protection of all memorials, etc.

Amends § 15.2-1812 of the Code of Virginia to provide that existing provisions related to the protection of certain monuments and memorials shall apply to all such monuments and memorials, regardless of when erected. Patron: Poindexter

[HB 134](#) Grass, weeds, and other foreign growth; cutting ordinances include overgrown shrubs, trees, etc.

Amends § 15.2-901 of the Code of Virginia, relating to cutting of grass, weeds, and other foreign growth. Provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs, trees and other natural growth. Patron: Ward

HB 650 Local government; mandatory provisions of a subdivision ordinance, notice to homeowner associations.

Amends § 15.2-2241 of the Code of Virginia, relating to mandatory provisions of a subdivision ordinance; notice to homeowner associations. Requires a locality to include in its subdivision ordinance a provision requiring a developer of property to give written notice to incorporated property owners' associations within a planned unit development at such time as prescribed in the ordinance under certain circumstances. Patron: R.G. Marshall

HB 1140 Subdivision plats; approval before recordation.

Amends § 15.2-2264 of the Code of Virginia, relating to subdivision plats; approval by planning commission before recordation. Prohibits a circuit court clerk from recording a subdivision plat unless the plat is approved by the local planning commission and meets other requirements. Patron: Ransone

HB 1178 Campground; definition.

Amends § 35.1-1 of the Code of Virginia, relating to definition of campground. Excludes from the definition of "campground" property upon which the owner may choose to allow his guests to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines. Patron: Morris

SB 629 Special use permit; camping in tent or recreational vehicle.

Prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year. Patron: Heretick

SB 735 Local planning commission; action on proposed plat; commercial real estate.

Shortens the period within which a local planning commission or other agent must act on a proposed plat, site plan, or plan of development that solely involves parcels of commercial real estate. The bill shortens from 60 days to 30 days the period within which the commission shall act on a plat that has been officially submitted for approval and reduces from 45 days to 20 days the period for action on a plat that the commission has previously disapproved. Patron: Obenshain

Bills Carried Over to 2017 Session

HB1347 Wireless communications infrastructure.

Prohibits a locality from charging an application fee, consulting fee, or other fee associated with the submission, review, processing and approval of an application to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure or utility pole that is not required for similar types of commercial development within the locality's jurisdiction. The measure permits a locality to charge fees for the costs directly incurred by it relating to the granting or processing of an application. Such fees are capped at the lesser of the amount charged by the locality for a building permit for any other type of commercial development or land use development, or \$500 for a collocation application, small cell facility or distributed antenna system or \$1,000 for a new wireless support structure or for a substantial modification of a wireless support structure. Localities are prohibited from (i) requiring an applicant to submit information about, or

evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site, or information that concerns the specific need for the wireless support structure; (ii) evaluating an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities; (iii) dictating the type of wireless facilities, infrastructure or technology to be used by the applicant; and (iv) requiring the removal of existing wireless support structures or wireless facilities, as a condition for approval of an application. The measure grants to any domestic or foreign telecommunications provider or broadband provider to construct, maintain, and operate conduit, poles, cable, switches and related appurtenances and facilities along, across, upon and under any public highway or rights-of-way in the Commonwealth. Localities are barred from (a) imposing certain environmental testing, sampling, or monitoring requirements or (b) instituting any moratorium on the permitting, construction or issuance of approvals of new wireless support structures, substantial modifications of wireless support structures, or collocations. A stakeholder committee will study and make recommendations. Patron: Heretick

EDUCATION

PASSED LEGISLATION

Career and Technical Education

[HB 66](#) / [SB 576](#) New Economy Workforce Credential Grant Fund & Program; established.

Adds §§ 23-38.10:14 through 23-38.10:20 to the Code of Virginia to establish the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia. Funds are to be distributed to certain public institutions of higher education and other educational institutions in the form of grants to Virginia students who complete certain noncredit workforce training programs. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. Patrons: Byron and Ruff

[HB 279](#) / [SB 573](#) Career and technical education; three-year licenses.

Adds § 22.1-299.5 to the Code of Virginia to direct the Board of Education to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. Patrons: Byron and Ruff

[HB 682](#) Teacher licensure; waiver of requirements, trade and industrial education programs.

Adds § 22.1-299.5 to the Code of Virginia to permit any division superintendent to apply to the Department of Education for an annual waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and

industrial education program who has obtained or is working toward an industry credential. Patron: Peace

[HB 895](#) / [SB 336](#) Board of Education; high school graduation requirements.

Removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship. The bill emphasizes the development of core skill sets in the early years of high school and establishes multiple paths toward college and career readiness that includes internships, externships, and credentialing. Patrons: Greason and Miller

Higher Education

[HB 450](#) Comprehensive community colleges, certain; veterans advisors and veterans resource centers.

Adds § 23-218.1 to the Code of Virginia to require each of the seven comprehensive community colleges in the Commonwealth with the highest number of enrolled students who are veterans to employ at least one full-time veterans advisor to provide comprehensive and intensive enrollment and advising services to current and prospective students who are veterans. Patron: Taylor

[HB 515](#) Higher educational institutions; institutional 6-year plan, economic development, report.

Amends § 23-38.87:17 of the Code of Virginia to require each public institution of higher

education to include in its institutional six-year plan a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth. Patron: Landes

[SB 245](#) Comprehensive community colleges; dual enrollment of students into Career Pathways program.

Adds § 23-220.02 to the Code of Virginia to require each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program intended to prepare students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college. Patron: Stanley

Public Schools

[HB 47](#) Mixed-Delivery Preschool Fund and Grant Program; established, report, sunset provision.

Adds § 22.1-199.6 to the Code of Virginia to establish the Mixed-Delivery Preschool Fund and Grant Program for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and practices that support a system of mixed-delivery preschool services in the Commonwealth. The bill requires the Virginia Early Childhood Foundation (the Foundation) to administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a mixed-delivery preschool services system. The bill requires the award of six two-year grants during each year of the 2016-2018 biennium. The bill has an expiration date of July 1, 2019. Patron: Greason

[HB 196](#) Public elementary and secondary schools and local school divisions; information and forms.

Adds § 22.1-17.6 to the Code of Virginia to require the Board of Education (the Board) to

adopt policies to ensure that the Department of Education (the Department) does not require public elementary or secondary schools or local school divisions to provide certain duplicate information or certain information that is not necessary or required pursuant to state or federal law. Patron: Lingamfelter

[HB 241](#) / [SB 538](#) Students who are English language learners; BOE to consider certain assessment.

An uncodified act to require the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. Patrons: Lingamfelter and Surovell

[HB 259](#) SOL; Bd. of Education prohibited from adopting revisions that implement Common Core State Standards.

An uncodified act to prohibit the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly. Patron: LaRock

[HB 261](#) Armed Forces of U.S. or Va. National Guard, former members; provisional teaching licenses.

Amends § 22.1-298.1 of the Code of Virginia to require the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable teacher license. Patron: Yancey

[HB 314](#) Drugs; administration by certain school employees.

Amends §§ 8.01-225 and 54.1-3408 of the

Code of Virginia to provide that a prescriber may authorize an employee of a school for students with disabilities licensed by the Board of Education, or a private school, who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia according to a written order or standing protocol. The bill provides immunity from civil damages to such employees. Patron: Orrock

[HB 353](#) / [SB 250](#) School boards, local; transportation agreements with nonpublic schools.

Amends § 22.1-176.1 of the Code of Virginia to authorize local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school. Patrons: Greason and Black

[HB 357](#) / [SB 211](#) Public schools; physical activity requirement for students in grades kindergarten through five.

Amends § 22.1-253.13:1 of the Code of Virginia to require at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. Patrons: Loupassi and Miller

[HB 381](#) Standards of Learning; alternative means for children with disabilities to demonstrate achievement.

Amends § 22.1-253.13:3 of the Code of Virginia to require the Board of Education to prescribe alternative methods of assessment administration for children with disabilities who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. The bill provides that an eligible student's Individual Education Program

team shall make the final determination as to whether an alternative method of administration is appropriate for the student. Patron: Greason

[HB 436](#) Standards of Learning assessments in English reading and mathematics; retake, recovery credit.

Amends § 22.1-253.13:3 of the Code of Virginia to require the Department of Education to award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis. Patron: Austin

[HB 475](#) Students who have been treated for pediatric cancer; return to learn protocol.

An uncodified act to require the Department of Education to review relevant federal regulations and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer. Patron: Filler-Corn

[HB 487](#) School resource officers; those employed pursuant to School Resource Officer Grants Program.

Amends § 9.1-110 of the Code of Virginia to relieve school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment. Patron: McClellan

[HB 519](#) School-affiliated entities; definition, providing protection for student personal information.

Amends § 22.1-289.01 of the Code of Virginia to extend various protections for student information that is collected and maintained, used, or shared on certain websites, mobile applications, or online services used by school-affiliated entities. The bill defines "school-

affiliated entity” as any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth, including alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations. Patron: LeMunyon

HB 521 Education, Board of; annual report includes reporting requirements of local school divisions.

Amends § 22.1-18 of the Code of Virginia to require the Board of Education report annually to the Governor and the General Assembly to include a complete listing of each report (i) that local school divisions are required to submit to the Board or any other state agency, including name, frequency, and an indication of whether the report contains information that the local school division is also required to submit to the federal government, and (ii) pertaining to public education that local school divisions are required to submit to the federal government, including name and frequency. Patron: LeMunyon

HB 524 Data on teacher performance and quality; confidentiality.

Amends § 22.1-295.1 of the Code of Virginia to require data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher’s personnel file or otherwise, to be confidential in most instances. The bill requires that if such data is disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher such disclosure shall be made in a form that does not personally identify any student or other teacher. Patron: LeMunyon

HB 557 / SB 502 School efficiency reviews; scope and costs.

Amends § 2.2-1502.1 of the Code of Virginia

to eliminate the 25 percent match required of local school divisions that request an efficiency review from the Department of Planning and Budget. Patrons: Orrock and Locke

HB 659 High school family life education curriculum; programs on prevention of dating violence, etc.

Amends § 22.1-207.1:1 of the Code of Virginia to require any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence. Patron: Filler-Corn

HB 831 Standards of Learning; curriculum shall include computer science and computational thinking.

Amends § 22.1-253.13:1 of the Code of Virginia to require the Standards of Learning established by the Board of Education and the program of instruction for grades kindergarten through 12 to include computer science and computational thinking. Patron: Greason

HB 942 School boards; reasonable access by certain youth groups.

An uncodified act to require school boards to provide reasonable and appropriate access to school property to youth-oriented community organizations, such as the Boy Scouts of America and the Girl Scouts of the United States of America, and their volunteers and staff, to distribute and provide materials to encourage participation in such organizations. Patron: Wilt

HB 954 Concussions; local school division policy to include Return to Learn Protocol for student-athletes.

Amends §§ 22.1-271.5 and 22.1-271.6 of the Code of Virginia to require each local school division’s policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a “Return to Learn Protocol” that requires school

personnel to be alert to cognitive and academic issues that may be experienced by the affected student. Patron: Keam

HB 1279 Public schools; fire drills and lock-down drills.

Amends §§ 22.1-137 and 22.1-137.2 of the Code of Virginia to require every public school to hold a fire drill at least twice during the first 20 school days of each school session and at least two additional fire drills during the remainder of the school session. The bill also requires every public school to hold a lock-down drill at least twice during the first 20 school days of each school session and at least two additional lock-down drills during the remainder of the school session. Patron: Anderson

HB 1377 School boards; assignment of teachers, reduces maximum class sizes.

Amends § 22.1-253.13:2 of the Code of Virginia to provide that, after September 30 of any school year, anytime the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limits. Patron: LeMunyon

SB 246 STEM Competition Team Grant Program and Fund; established, created.

Adds §§ 22.1-362 and 22.1-363 to the Code of Virginia to establish a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018. Patron: Stanley

SB 360 Teachers; Superintendent of Public Instruction to provide a model exit questionnaire.

Amends § 22.1-23 of the Code of Virginia to require the Superintendent of Public Instruction to develop and provide to local school divisions a model exit questionnaire for teachers. Patron: Howell

SB 368 Public schools; standards for accreditation, corrective action plan.

Amends § 22.1-253.13:3 of the Code of Virginia to authorize the Board of Education to review once every two years or once every three years the accreditation status of any school that is not on a triennial review cycle as a result of three consecutive years of full accreditation. The bill also requires the Superintendent of Public Instruction to report to the Board on the accreditation status of all school divisions and schools. Patron: McDougle

SB 427 Standards of Learning assessments; Board of Education's calculation of passage rate.

Amends § 22.1-253.13:3 of the Code of Virginia to prohibit the Board of Education from including in its calculation of the passage rate of a Standards of Learning assessment any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusion would result in the school's not meeting any required state or federal participation rate. Patron: Miller

SB 734 Public charter schools.

Amends §§ 22.1-212.6, 22.1-212.7, 22.1-212.8, and 22.1-212.13 of the Code of Virginia and adds § 22.1-212.6:1 to the Code of Virginia to make several changes to the provisions for the establishment and operation of public charter schools, including making changes and providing greater specificity

regarding (i) the applicability of various laws, regulations, policies, and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts. Patron: Obenshain

[SB 776](#) Public schools; residency of children in kinship care.

Amends § 22.1-3 of the Code of Virginia to allow a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child. Patron: Barker

[SB 780](#) Home instruction or religious exemption; information disclosure.

Amends § 22.1-254.1 of the Code of Virginia to provide that a division superintendent or local school board may disclose, to the extent provided by the written consent of a student's parent, certain information that is provided by a parent or student regarding the parent's election to provide home instruction in lieu of school attendance or the parent's claim of a religious exemption. Patron: Black

[HB 389](#) Virginia Parental Choice Education Savings Accounts; established, report, effective clause. (VETOED)

Adds §§ 22.1-222.1 through 22.1-222.4 to the Code of Virginia to permit the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student. Patron: LaRock

[HB 1234](#) School security officers; carrying a firearm. (VETOED)

Amends §§ 18.2-308.1 and 22.1-280.2:1 of the Code of Virginia to authorize a school security officer to carry a firearm in the performance of his duties if he is a retired law-enforcement officer who meets the firearms training standards for active law-enforcement officers, the local school board grants him the authority to carry a firearm in the performance of his duties, and he is not otherwise prohibited by state or federal law from possessing a firearm. Patron: Lingamfelter

DEFEATED LEGISLATION

[HB 131](#) / [SB 612](#) Students who receive home instruction; participation in interscholastic programs. (VETOED)

Adds § 22.1-7.2 to the Code of Virginia to prohibit public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction. Patrons: Bell, Robert B. and Garrett

Environment and Agriculture

PASSED LEGISLATION

Agriculture

[HB 114](#) Agritourism; notice posted on signs to read “ATTENTION” rather than “WARNING” at locations.

Amends § 3.2-6402 of the Code of Virginia to provide the operators of agritourism locations with the option of using the terms “WARNING” or “ATTENTION” on signage or contracts that indicate the operator’s immunity from liability in the case of injury or death while at the facility. If such notice is not provided, the operator cannot invoke the immunity privilege. Patron: Knight

[HB 514](#) Governor’s Agriculture and Forestry Industries Development Fund; wild fish and shellfish.

To expand eligibility for receipt of grants from the Governor’s Agriculture and Forestry Industries Development Fund (AFID), amends § 3.2-303 of the Code of Virginia to clarify that commercially harvested wild fish and commercially harvested wild shellfish are included within the definition of “agricultural products.” Patron: Landes

[HB 535](#) Beekeepers; limited liability.

Adds § 3.2-4411.1 to the Code of Virginia to provide that a beekeeper shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances if he follows best management practices established in regulations adopted by the Board of Agriculture and Consumer Services. Patron: Bell, Richard P.

[HB 699](#) / [SB 691](#) Industrial hemp; lawful for a person with a license to manufacture products or engage in research.

Amends §§ 3.2-4113 and 3.2-4117 of the Code of Virginia to clarify that it is lawful for a person with a license to manufacture industrial hemp products or engage in scientific, agricultural, or other research involving the applications of industrial hemp and that no person shall be prosecuted for the possession, cultivation, or manufacture of industrial hemp plant material or products. Patrons: Pogge and Chafin

[HB 734](#) Noxious weeds; advisory committee to evaluate risks of a plant.

Amends §§ 3.2-800 and 3.2-802 of the Code of Virginia to establish an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the plant’s impact on water bodies; other plants, livestock, land, public health, the environment, and the economy; and current and potential in-state commercial viability. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable. Patron: Hope

[HB 1135](#) Virginia-grown food products; purchase by state agencies & institutions & local school divisions.

Amends §§ 2.2-1111 and 2.2-4343 of the Code of Virginia to require that the Department of General Services to include a link to the Virginia Department of Agriculture and Consumer Services Virginia Grown website on the Department of General Services’ central electronic procurement system to facilitate purchases of Virginia-grown food products. The bill also exempts purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000. Patron: Kory

SB 37 Black vultures; control of those that pose danger to agricultural animals, etc.

Amends § 3.2-5904 of the Code of Virginia to authorize the Commissioner of Game and Inland Fisheries to enter into agreements with local and state agencies or other persons for the control of black vultures and other wildlife that pose a danger to agricultural animals. Current law allows such agreements for the control of coyotes. Patron: Carrico

SB 252 Century forest program; State Forester to establish program to honor certain families, eligibility.

Amends § 3.2-105 of the Code of Virginia and adds § 10.1-1105.1 to the Code of Virginia to direct the State Forester to establish a program to honor families whose property has been in the same family for 100 years or more, includes at least 20 contiguous acres of managed forest, and meets certain requirements. Patron: Ruff

SB 348 Pesticide Control Act; clarifies process to assess penalty for violation.

Amends §§ 3.2-3943 and 3.2-3946 of the Code of Virginia to clarify the process by which the Board of Agriculture and Consumer Services assesses a penalty for a violation of the Virginia Pesticide Control Act (VPCA), aligning the provisions of the VPCA with those of the Administrative Process Act (APA). Patron: Deeds

SB 356 Virginia Pollinator Protection Strategy; DACS to develop and maintain, report.

Adds § 3.2-108.1 to the Code of Virginia to direct the Department of Agriculture and Consumer Services (the Department) to develop and maintain a pollinator protection strategy (the Strategy) to promote the health of and mitigate the risks to pollinator species and ensure a robust apiary industry. The Department is directed to provide an interim report on the Strategy by July 1, 2017, and to complete the Strategy by July 1, 2018. Patron: Deeds

Animal Care, Fishing and Hunting

HB 118 Urban county executive form of government; animal protection police officer.

Amends § 9.1-101 of the Code of Virginia and adds § 15.2-836.1 to the Code of Virginia to amend the form of government applicable to Fairfax County by providing that the department of police may include an animal protection police officer who shall have all of the powers of an animal control officer conferred by general law. Patron: Albo

HB 137 Feral hogs; employees of DGIF & federal agencies allowed to hunt or kill from aircraft, etc.

An uncodified act to allow employees of the Department of Game and Inland Fisheries and federal agencies having responsibility for fisheries and wildlife management to hunt or kill, from aircraft and with the permission of the landowner, feral hogs in False Cape State Park and Back Bay National Wildlife Refuge, except during waterfowl season. Patron: Knight

HB 340 Private animal shelters; Board of Agriculture and Consumer Services shall adopt regulations.

An uncodified act to require the Board of Agriculture and Consumer Services to adopt regulations that determine whether a private animal shelter meets the purpose of finding permanent adoptive homes for animals. Patron: Orrock

HB 476 Animal intake policy; animal control officers, etc., shall annually file with State Veterinarian.

Amends §§ 3.2-6549 and 3.2-6557 of the Code of Virginia to require animal control officers, law-enforcement officers, humane investigators, animal shelters, humane societies, and releasing agencies to annually submit a copy of their intake policy to the State Veterinarian. Patron: Fariss

Energy

HB 584 Deer; any city or town may, by ordinance, prohibit feeding deer within its jurisdiction, penalty.

Adds § 29.1-527.2 to the Code of Virginia to authorize a city or town to adopt an ordinance to prohibit the feeding of deer. The penalty for violating the ordinance is a \$50 fine. Patron: Yost

HB 1211 /SB 651 Animal control officers; training.

Amends § 3.2-6556 of the Code of Virginia to require animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire, or within two years of the date of hire if the officer is attending a law-enforcement academy. Patrons: Leftwich and Cosgrove

HB 1231 Dogs chasing livestock; district court may order dog to be transferred to a different owner, etc.

Amends § 3.2-6552 of the Code of Virginia to allow the district court to order that any dog that has been found to have injured or killed only poultry be microchipped and either confined securely or transferred to another owner whom the court deems appropriate. Under current law, the court is required to order that such a dog be killed immediately or removed to another state. Patron: Collins

HB 1329 Trespass by hunters using dogs; penalty.

Adds § 18.2-132.1 to the Code of Virginia to punish as a Class 3 misdemeanor the intentional release by a person of hunting dogs on the lands of another to hunt without the consent of the landowner. Patron: Fariss

SB 367 Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire.

Amends § 29.1-528 of the Code of Virginia to add the hunting of coyotes with a rifle of a caliber larger than .22 rimfire to the list of firearm-hunting topics about which a county or city is authorized to adopt ordinances. Patron: McDougle

HB 444 /SB 745 Electric utilities; notice of renewable power options.

Amends § 56-245.1:2 of the Code of Virginia to require the State Corporation Commission (SCC) to post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to a specific program. Patrons: Loupassi and Wagner

HB 1220 Electric utility; recover of cost of purchasing certain solar energy facilities.

Amends § 56-585.1 of the Code of Virginia to clarify that a provision enacted in 2015 that authorizes an investor-owned electric utility to recover the costs of purchasing certain solar generation facilities through a rate adjustment clause did not alter existing provisions that authorize the utility to recover the costs of constructing certain other types of facilities. Patron: Yancey

SB 743 Division of Energy; state certifying authority for solar energy projects.

Amends §§ 45.1-390 and 58.1-3660 of the Code of Virginia to add to the duties of the Division of Energy of the Department of Mines, Minerals and Energy the duty of serving as the state certifying authority in determining conformity with state requirements for solar energy projects and the production of coal, oil, and gas. Patron: Wagner

Land Conservation and Parks

HB 200 State parks; establishing fee schedule.

An uncodified act to direct the Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins in state parks. The bill requires the Department to submit the plan and its rental rate recommendations to the committees of oversight by November 1, 2016. Patron: Marshall, D.W.

[HB 327 / SB 307](#) Beach restoration; expedited permit.

Amends § 28.2-1207 of the Code of Virginia to direct the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach when the erosion is caused by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. Patrons: Bloxom and Lewis

Water quality

[HB 208](#) Tributary plans; repeals provisions that prescribe content of plans as part of tributary strategies.

Repeals § 2.2-219 of the Code of Virginia to repeal provisions that prescribe the content of tributary plans as part of the tributary strategies. Tributary strategies have been replaced by Watershed Implementation Plans (WIP). Patron: Bulova

[HB 438 / SB 292](#) Sediment reduction credits; use by Municipal Separate Storm Sewer Systems (MS4) permittees.

Adds § 62.1-44.19:21.1 to the Code of Virginia to authorize Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. Patrons: Bulova and Hanger

[HB 440](#) Impaired waters clean-up plan; progress report, annual submission.

Amends § 62.1-44.118 of the Code of Virginia to reduce from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees. Patron: Lingamfelter

[HB 448 / SB 314](#) Nutrient offset credits; allows new and expanding wastewater discharge facilities to acquire.

Amends § 62.1-44.19:15 of the Code of Virginia to allow a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. Patrons : Cox and Dance

[HB 1250 / SB 673](#) Virginia Erosion and Stormwater Management Act; consolidation of programs, opt-out for locations.

Amends §§ 10.1-2500, 15.2-2403.3, 62.1-44.3, and other sections of the Code of Virginia, adds §§ 62.1-44.15:25.1, 62.1-44.15:27.1, 62.1-44.15:29.1, and 62.1-44.15:51.1 and repeals §§ 62.1-44.15:26, 62.1-44.15:32, 62.1-44.15:36, and other sections of the Code of Virginia to combine existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff. The bill has many provisions, one of which requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. Localities that currently “opt out” of managing their respective stormwater programs may continue in that status. Directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations. Patrons: Wilt and Hanger

[SB 282](#) Virginia Shoreline Resiliency Fund; established, annual audit of Virginia Resources Authority.

Adds §§ 10.1-603.24 through 10.1-603.27 to the Code of Virginia to establish the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage. Patron: Lewis

[SB 443](#) Nutrient credit certification; regulations to establish timeline for consideration of applications.

Amends § 62.1-44.19:20 of the Code of Virginia to direct the State Water Control Board (the Board) to establish a timeline for consideration of applications for land conversion projects. The Department of Environmental Quality will be required to deny, approve, or approve with conditions an application within 15 days of determining that the application is complete. The bill also directs the Board to certify credits that are located in tributaries outside the Chesapeake Bay Watershed. Patron: Hanger

[SB 598](#) Erosion and sediment control; compliance with stormwater management program.

Amends § 62.1-44.15:52 of the Code of Virginia to clarify that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations. Patron: DeSteph

implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. Patrons: O'Quinn and Chafin

[HB 479](#) Posting notice of possible water pollution.

Requires a locality, upon receipt of notification from the Department of Environmental Quality that a water quality violation has occurred that poses an imminent threat to the health, safety, or welfare of the public, to post signage at public access points to affected waters warning residents that the water body may be polluted. Patron: Kory

Bills Carried Over to 2017 Session

[HB 1389](#) Virginia Freedom of Information Act; record exclusion for trade secrets submitted to the Department of Mines, Minerals and Energy.

Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy as part of the required permit or permit modification to commence ground-disturbing activities. The bill provides that in order for such trade secrets to be excluded, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. Patron: Robinson

DEFEATED LEGISLATION

[HB 2](#) / [SB 21](#) Clean Power Plan; state implementation plan, General Assembly approval. (VETOED)

An uncodified act to require the Department of Environmental Quality to receive approval from the General Assembly for a state

Finance

PASSED LEGISLATION

Assessments

[HB 148](#) / [SB 445](#) Real property tax assessment; changes date counties, cities, and towns are required to fix tax rate.

Amends § 58.1-3321 of the Code of Virginia to change from April 15 to May 15 the date by which a county, city, or town is required to fix the real property tax rate for taxes due on or before June 30. Patrons: Fowler and McDougal

[SB 597](#) / [HB 910](#) Appeal of tax assessments; prior to receipt of information, person to sign acknowledgment of order.

Amends § 58.1-3984 of the Code of Virginia to provide that, prior to the release of any confidential tax information pursuant to a discovery order, with regard to an application for relief to a circuit court to correct erroneous assessments of local taxes, the court shall issue an order stating that no entity or person who has obtained such confidential information shall disclose, exhibit, or discuss the information except as otherwise provided in the order. The bill requires that any outside expert or person who may be called as a witness given access to such confidential information be required to sign an acknowledgment of the order and agree to be bound by its terms and subject to the jurisdiction of the court for its enforcement. Patron: Cosgrove, Minchew

Compensation and Retirement

[HB 44](#) Workers' compensation; injuries or deaths presumed to be in course of employment.

Amends § 65.2-105 of the Code of Virginia to establish presumptions in claims under the Virginia Workers' Compensation Act that the accident arose out of and in the course of employment if the employee (i) dies with there being no evidence that he ever regained consciousness after the accident, (ii) dies

at the accident location or nearby, or (iii) is found dead where he is reasonably expected to be as an employee. These presumptions will exist in the absence of a preponderance of evidence to the contrary and where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment. Patron: Habeeb

[HB 665](#) Employee Retirement Security & Pension Reform, Commission on; established, report, sunset provision.

Adds §§ 30-362 through 30-366 to the Code of Virginia to create the Commission on Employee Retirement Security and Pension Reform (the Commission) in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce. Patron: Howell

[HB 1345](#) Line of Duty Act; revises Act by codifying revisions.

Amends §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, 9.1-407 and 58.1-3 of the Code of Virginia, adds §§.1-400.1 and 51.1-124.38 to the Code of Virginia and repeals § 9.1-406 of the Code of Virginia to revise the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (the Department), and creating separate health

benefits plans for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017, except that a final enactment requiring each nonparticipating employer to pay its pro rata share of estimated implementation costs to the VRS and the Department becomes effective July 1, 2016. Patron: Jones

Taxation

HB 15 Personal property tax; classifications.

Amends § 58.1-3506 of the Code of Virginia to provide that if an item of tangible personal property falls within multiple classifications for local taxation, the rate of taxation is the lowest rate assigned to such classifications. Current law provides that such personal property tax treatment applies only to motor vehicles and to computer equipment and peripherals used in a data center. Patron: Ware

HB 20 / SB 1 Peanuts; extends sunset provision to July 1, 2021, of excise tax on those grown and sold in Virginia.

Amends § 3.2-1905 of the Code of Virginia to extend from July 1, 2016, to July 1, 2021, the sunset of the \$0.30 per 100 pounds excise tax on all peanuts grown in and sold in Virginia. The proceeds from the tax are used for promoting the sales and use of Virginia peanuts. Patrons: Ingram and Lucas

HB 23 Fuels tax; refunds of taxes to certain nonprofit entities.

Amends §§ 58.1-609.1 and 58.1-2259 of the Code of Virginia to provide refunds of fuels taxes for fuels used in highway vehicles owned by a § 501(c)(3) entity organized with a principal purpose of providing hunger relief services or food to the needy, when such vehicle is used solely for providing such hunger relief services or food to the needy. Patron: Farrell

HB 63 Retail Sales and Use Tax; exemption for certain nonprofit entities.

Amends §§ 58.1-609.11 and 58.1-3703 of the Code of Virginia to provide exemptions from sales and use tax and local license taxes

for certain nonprofit veterans organizations. The sales and use tax exemption shall not be used by a nonprofit veterans organization for purchases of tangible personal property that is used primarily (i) for social and recreational activities for members or (ii) for providing insurance benefits to members or their dependents. Patron: Lingamfelter

HB 80 Property certified as tax exempt; effective date of tax exemption.

Adds § 58.1-3667 to the Code of Virginia to provide that once the required certification for tax exemption is made by a state or local authority for pollution control equipment and other real and personal property that is required to be certified in order to be exempt, such property will be deemed to be exempt as of the date the property is placed in service. Current law requires that certain pollution control, recycling, and solar energy real and personal property placed in service must be certified as being used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth in order to be exempt from local property taxes but does not specify the beginning date for the exemption. Patron: Byron

HB 127 / SB 99 Real property tax; exemption on residence of spouse of military service member killed in action.

Amends § 58.1-3219.9 of the Code of Virginia to clarify that “killed in action” includes a determination by the U.S. Department of Defense of “died of wounds received in action” for purposes of the real property tax exemption on the residence of the surviving spouse. Patrons: Knight and Cosgrove

HB 182 Transient occupancy tax; authorizes Frederick County to impose an additional tax.

Amends § 58.1-3819 of the Code of Virginia to authorize Frederick County to impose an additional transient occupancy tax (all counties may impose such tax at a maximum rate of 2 percent) at a maximum rate of 3 percent, for a

total maximum rate of five percent. The revenue from the additional tax shall be used solely for tourism purposes. Patron: Minchew

[HB 328](#) Transient occupancy tax; Botetourt County may impose additional tax.

Amends § 58.1-3823 of the Code of Virginia to permit Botetourt County to impose an additional transient occupancy tax at a rate not to exceed two percent. The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, “advertising the Roanoke metropolitan area as an overnight tourism destination” means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay. Patron: Austin

[HB 339](#) Recordation tax; securing of loan by locality for certain borrower.

Amends §§ 58.1-802 and 58.1-811 of the Code of Virginia to provide an exemption from the grantor’s tax if the grantor is a locality at a judicial sale of tax-delinquent property. The bill also provides an exemption from recordation tax for any deed of trust that secures a loan made by a locality to a borrower whose household income does not exceed 80% of the area median household income established by the U.S. Department of Housing and Urban Development for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home. Patron: Pogge

[HB 421](#) Real property tax; exemptions for military members and their surviving spouses.

Amends §§ 58.1-3219.5 and 58.1-3219.9 of the Code of Virginia to extend the property tax exemptions for the principal residences of certain disabled veterans and surviving spouses of members of the armed forces killed in action to include real property improvements made

to the land surrounding such residences so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose. Article X, Section 6-A of the Constitution of Virginia exempts from local real property taxes the principal residences of (i) veterans with a 100 percent service-connected, permanent, and total disability and (ii) surviving spouses of members of the armed forces killed in action. Under the Code of Virginia, in general, up to one acre upon which the principal residence is situated is also exempt from local property taxes. The bill extends the exemption to other improvements made to such one acre so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose. The provisions of the bill are effective for tax years beginning on or after January 1, 2017. Patron: Helsel

[HB 526](#) Living shorelines; tax exemption from local property taxes.

Amends § 58.1-3666 of the Code of Virginia to provide that any living shoreline project approved by the Virginia Marine Resources Commission or the applicable local wetlands board and not prohibited by local ordinance shall qualify for full exemption from local property taxes. Patron: Hodges

[HB 596](#) Recordation tax; exemption of certain deeds of partition and deeds transferring property.

Amends § 58.1-811 of the Code of Virginia and repeals § 58.1-806 of the Code of Virginia to exempt from recordation tax (i) certain deeds of partition and (ii) deeds transferring property pursuant to a divorce decree. Under current law, the tax on such deeds is \$0.50. Patron: Simon

[HB 643](#) Taxation, Department of; limitations on collecting taxes.

Amends § 58.1-1802.1 of the Code of Virginia to provide that the Department of Taxation shall cease efforts to collect a tax seven years after

assessment of the tax. The bill applies only to tax assessments made on or after July 1, 2016, and the running of the seven-year period of limitations will be suspended during the period that an installment agreement is in effect.
Patron: Leftwich

[HB 654](#) / [SB 569](#) Alcoholic beverage control; distribution of liter tax on cider produced by farm wineries.

Amends § 4.1-235 of the Code of Virginia to clarify that the liter tax and markup collected on wine and cider produced by farm winery licensees are to be deposited in the Virginia Wine Promotion Fund. Patrons: Garrett and Ruff

[HB 859](#) Retail Sales and Use Tax; exemption for beer-making equipment and materials.

Amends § 58.1-609.3 of the Code of Virginia to provide a sales and use tax exemption for machinery, tools, equipment, and materials used by a licensed brewer in the production of beer and materials such as labels and boxes for future use in packaging the beer for shipment or sale. Patron: Landes

[HB 865](#) Constitutional amendment; real property tax exemptions.

An uncodified act to provide for a referendum at the November 8, 2016, election to approve or reject an amendment to Article X of the Constitution of Virginia to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty. The amendment provides that the surviving spouse must occupy the real property as his or her principal place of residence and that the exemption ceases if the surviving spouse remarries. Patron: Hugo

[HB 1147](#) / [SB 160](#) Transient occupancy tax; reinstates authority of Arlington County to impose, sunset provision.

Adds § 58.1-3825.3 to the Code of Virginia to permit Arlington County to impose an additional transient occupancy tax at a rate

not to exceed one-fourth of one percent. The revenues from the tax shall be spent solely for the purpose of promoting tourism and business travel in the county. The bill has a sunset date of July 1, 2018. Patrons: Hope and Howell

[HB 1152](#) / [SB 182](#) Local gas road improvement and Virginia Coalfield Economic Development Authority tax.

Amends § 58.1-3713 of the Code of Virginia to authorize localities that comprise the Virginia Coalfield Economic Development Authority to use a portion of the revenues collected from the local gas road improvement and Virginia Coalfield Economic Development Authority tax for the repair or enhancement of existing water or sewer systems and lines. Patrons: Morefield

[HB 1170](#) Real property tax; members of board of equalization.

Amends § 58.1-3374 of the Code of Virginia to change the maximum number of members of a board of equalization from five to the greater of five or the number of election districts in the locality. Patron: Fowler

[HB 1194](#) Transient occupancy tax; Bedford County permitted to impose.

Amends § 58.1-3823 of the Code of Virginia to permit Bedford County to impose an additional transient occupancy tax at a rate not to exceed two percent. The additional revenue shall be used solely for tourism purposes to attract travelers, increase occupancy at lodging properties, and generate tourism revenues. Under current law, Bedford County may impose a transient occupancy tax at a rate not to exceed five percent. Patron: Austin

[HB 1203](#) / [SB 366](#) Real property tax; exemption for disabled veterans and spouse of a service member killed in action.

Amends §§ 46.2-653.1, 58.1-3219.5, and 58.1-3219.9 of the Code of Virginia to provide that the real property tax exemption for the residence of a disabled veteran, or the residence of the spouse of a service member killed in action, (i) includes manufactured homes whether or not the wheels and other equipment

previously used for mobility have been removed and (ii) applies to residences whether or not the veteran or the spouse owns the land on which the residence is located. Patrons: Yost and Chafin

[HB 1224](#) Bank franchise tax; sets a cap of \$18 million on total annual tax liability per taxpayer.

Amends § 58.1-1204 of the Code of Virginia to set a cap of \$18 million on the total annual bank franchise tax liability per taxpayer. The cap will increase to \$20 million if at least five taxpayers pay the \$18 million cap for three consecutive years. Patron: Ware

[HB 1305](#) Solar and wind energy equipment, etc.; tax exemptions.

Amends §§ 58.1-609.3, 58.1-3660, and 58.1-3661 of the Code of Virginia to provide a sales and use tax exemption for machinery, tools, and equipment of a public service corporation used to generate energy derived from sunlight or wind, which expires June 30, 2027. The bill also alters the types of projects of solar photovoltaic (electric energy) systems that qualify for the real and personal property tax exemptions on photovoltaic equipment and facilities. The full exemption is for such equipment and facilities used in (i) projects equaling 20 megawatts or less for which an initial interconnection request form is filed on or before December 31, 2018; (ii) projects equaling 20 megawatts or less that serve a public institution of higher education or a private college; and (iii) projects equaling 5 megawatts or less for which an initial interconnection request form is filed on or after January 1, 2019. The exemption is for 80% of the assessed value of such equipment and facilities used in (a) projects greater than 20 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (b) projects greater than 5 megawatts for which an initial interconnection request form is filed on or after January 1, 2019. Under current law, the property tax exemption is for projects equaling

20 megawatts or less. The bill provides that the exemption for projects greater than 20 megawatts shall not apply to projects upon which construction begins after January 1, 2024. The bill has a delayed effective date of January 1, 2017. Patron: Miller

[SB 563](#) Exemption for materials & equipment used to drill natural gas & oil, sunset provision.

Amends § 58.1-609.3 of the Code of Virginia to extend the sunset from July 1, 2016, to July 1, 2022, for the sales and use tax exemption for machinery and tools, materials, and supplies used to drill, extract, or process natural gas or oil. Patron: Norment

Other

[SB 414](#) / [HB 268](#) Land Bank Entities Act.

Amends § 58.1-3970.2 of the Code of Virginia and adds §§ 15.2-7500 through 15.2-7512 to the Code of Virginia to authorize the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank

entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission. Patron; D. Marshall

DEFEATED LEGISLATION

HB 217 Machinery and tools, merchants' capital, and BPOL taxes; maximum rates established.

Prohibits a locality from increasing its business machinery and tools tax, merchants' capital tax, and local license (BPOL) fees and taxes above the locality's rates in effect as of January 1, 2016. Patron: LaMunyon

HB 801 Charges imposed by the Commonwealth or localities; fees.

Prohibits the Commonwealth and localities from imposing a charge and calling it a "fee" unless the charge relates to a direct and immediate specific service, good, or permit received by the person paying the charge. Patron: Morris

Bills Carried Over to 2017 Session

HB 545 Local license tax; staffing firms.

Provides that a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to independent contractors hired to provide professional employer organization services or temporary help services on behalf of or for the benefit of the staffing firm's clients. Patron: Watts

General Government

PASSED LEGISLATION

Annexation

[HB 945](#) / [SB 309](#) Annexation; extends current moratorium on city annexations and county immunity actions.

Amends § 15.2-3201 of the Code of Virginia to extend the current moratorium on city annexations and county immunity actions by six years to 2024. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2022-2024 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. Patrons: Wilt and Hanger

Conflict of Interest Act

[HB 238](#) Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.

Amends § 2.2-3110 of the Code of Virginia to provide an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016. Patron: Lingamfelter

[SB 288](#) Conflict of Interests Act, State and Local Government; advisory opinions for local officers.

Amends § 2.2-3121 of the Code of Virginia to remove the provision that allows a county, city, or town attorney to issue to a local officer or employee an advisory opinion that would shield that officer or employee from future prosecution for knowing violations of the State and Local Government Conflict of Interests Act. An advisory opinion issued by the attorney for the Commonwealth or the Virginia Conflict of Interest and Ethics Advisory Council will still shield the officer or employee from such prosecution. The bill provides that an advisory opinion issued to a local officer or employee by his county, city, or town attorney may be introduced at a trial for a knowing violation as evidence that he did not knowingly violate the Act. Patron: DeSteph

[HB1362](#) / [SB652](#) Conflicts of Interests Acts, State & Local Government & General Assembly, etc.; lobbyist reporting.

Amends §§ 2.2-426, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, 2.2-3117, 30-110, 30-111 of the Code of Virginia and adds sections numbered 2.2-3114.2 and 30-110.1, relating to lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; separate report of gifts. Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April and persons subject to the conflict of interests acts are required to file on or before January 15. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements. The bill makes numerous other changes related to lobbyist reporting and the conflict of interests acts, including (i) exempting from

the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those transactions in which the stated or expected value of the contract is \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance or the attendance of a member of his immediate family at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x).

Courts

HB 198 Conservator of the peace, special; application for appointment by locality.

Adds § 19.2-13.1 to the Code of Virginia to provide that no official or employee of a school board or county, city, or town may submit

an application to a circuit court judge for the appointment of a special conservator of the peace without attaching a written assessment of the need for such appointment from the chief law-enforcement officer of the locality to the application. Patron: Lingamfelter

HB 364 Court-appointed attorney; increases fee paid for providing representation in commitment proceedings.

Amends § 19.2-182 of the Code of Virginia to increase from \$25 to \$150 the fee paid to a court-appointed attorney for providing representation in commitment proceedings in a criminal case. Patron: Loupassi

HB 537 Clerk of circuit court; local fees and fines paid directly to local government.

Amends § 16.1-69.48 of the Code of Virginia to direct the clerk of the circuit court to pay local fees and fines collected by the general district or juvenile and domestic relations district courts directly to the local government. Patron: Minchew

SB 87 Circuit court clerks; disaster plan for recovery of any land record maintained electronically.

Amends § 17.1-258.3:1 of the Code of Virginia to require circuit court clerks to maintain a disaster plan for recovery of any land record in possession of the clerk that is maintained as an electronic record. The bill has a delayed effective date of July 1, 2017. Patron: Garrett

SB 296 Conservators of the peace, special; required criminal history record information check required.

Amends § 19.2-13 of the Code of Virginia to require that a criminal history record information check be part of the background investigation required for appointment or temporary registration as a special conservator of the peace. The bill provides that no person who would be prohibited from possessing, transporting, or purchasing a firearm is eligible for appointment as a special conservator of the peace. Patron: DeSteph

[SB 611](#) Tort claim; notice of claim against the Commonwealth, transportation district, or locality.

Amends §§ 8.01-195.6, 8.01-195.7, and 15.2-209 of the Code of Virginia to provide that the bar to a tort claim against the Commonwealth, a transportation district, or a locality for failure to file a written statement within one year, or within six months if the claim is against a locality, after the cause of action accrues does not apply where there was actual knowledge of the claim within one year by (i) for claims against the Commonwealth, the Division of Risk Management or any insurer or entity providing coverage or indemnification of the claim or the Attorney General; (ii) for claims against a transportation district, the chairman of the commission of such transportation district; or (iii) for claims against a locality, the attorney, chief executive, or mayor of such locality. The bill clarifies that actual knowledge of the claim includes the nature of the claim, the time and place at which the injury is alleged to have occurred, and, for claims against the Commonwealth or a transportation district, the agency or agencies alleged to be liable. Patron: Stanley

[HB 1117](#) / [SB 690](#) Immunity of persons at public hearing; awarding of reasonable attorney fees and costs.

Amends § 8.01-223.2 of the Code of Virginia to allow the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity. Patrons: Loupassi and Petersen

[SB 9](#) Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.

Adds § 3.2-6504.1 to the Code of Virginia to provide that first responders who forcibly enter a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death are immune from liability

for property damage to the vehicle or injury to the animal resulting from the forcible entry and removal of the animal. Patron: Alexander

[SB 457](#) Asset forfeiture; changes burden of proof.

Amends § 19.2-386.10 of the Code of Virginia to change the Commonwealth's burden of proof to clear and convincing evidence from preponderance of the evidence in proving that the property is subject to forfeiture in civil asset forfeiture cases. Patron: Carrico

Elections

[HB 88](#) General registrars and members of electoral boards; annual training, office closures for training.

Amends §§ 24.2-106, 24.2-111, 24.2-114, and 24.2-411 of the Code of Virginia to require each member of an electoral board to attend an annual training program provided by the State Board of Elections in the first year of his appointment and in the first year of any subsequent reappointment.. Patron: Cole

[HB 456](#) / [SB 137](#) Absentee ballots; electronic transmission by general registrars.

Amends § 24.2-706 of the Code of Virginia to provide that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars to send such materials shall be the official email address or fax number of the office of the general registrar published on the Department of Elections website. The bill authorizes the State Board of Elections to prescribe by regulations the format of the email address to be used to transmit ballots to eligible voters and also allows the general registrars to use electronic transmission facilities provided by the Federal Voting Assistance Program. The bill does not provide for the return by electronic means of a voted absentee ballot. Patrons: Murphy and Favola

[HB 832](#) / [SB 308](#) Vacancies in constitutional offices; petition to circuit court to request no special elections.

Amends § 24.2-228.1 of the Code of Virginia to allow the governing body of a county or city in which a vacancy in a constitutional office has occurred to request in its petition for a writ of election that the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such writ. The bill also authorizes the governing body to petition the circuit court to request that no special election be ordered when the vacancy occurs within the 12 months immediately preceding the end of the term of that office and requires the court to grant such a request. Patrons: Landes and Hanger

[HB 1030](#) / [SB 574](#) Officers of election; required training every two years.

Amends §§ 24.2-103 and 24.2-115 of the Code of Virginia and adds § 24.2-115.2 to the Code of Virginia to require each officer of election to receive training at least once during the term for which he was appointed and whenever there is a change to election procedures that alters the duties or conduct of the officers of election. Patrons: Sickles and McEachin

[HB 1223](#) Polling place; voter may give full name and current address orally or in writing.

Amends § 24.2-643 of the Code of Virginia to permit a voter to give his full name and current residence address orally or in writing to the officer of election when offering to vote. Patron: Watts

[SB 43](#) Municipal elections; clarifies that a city or town may move the time of its local elections.

Amends § 24.2-222.1 of the Code of Virginia to clarify that a city or town may move the time of its local elections to the November general election pursuant to statutory authority notwithstanding any contrary provisions of its charter. Patron: Carico

[SB 89](#) Electoral boards, local; minutes required to be posted on website.

Amends § 24.2-107 of the Code of Virginia to require the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city when such means are available. Minutes of meetings are required to be posted as soon as possible but no later than one week prior to the following meeting of the electoral board. Patron: Marsden

[SB 190](#) Voting systems; prohibits use of direct recording electronic machines (DREs) after July 1, 2020.

Amends §§ 24.2-626, 24.2-627, 24.2-639, and other sections of the Code of Virginia to prohibit the use of direct recording electronic machines (DREs) in elections on and after July 1, 2020. The governing bodies of counties and cities have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life. The bill also removes references to DREs in other sections of the Code and makes technical amendments to terminology. Patron: Miller

[SB 420](#) Voter registration; information required on voter registration application.

Amends § 24.2-418 of the Code of Virginia to remove the requirement that a person registering to vote who states that he was (i) previously adjudicated incapacitated and disqualified to vote or (ii) convicted of a felony and that his right to vote has been restored additionally provide information regarding the circumstances under which his right to vote has been restored. Patron: Ebbin

[SB 664](#) Ballots; order of names of candidates for school boards.

Amends § 24.2-613 of the Code of Virginia to provide that the names of candidates for school boards shall be listed on the ballot in an order determined by the order of the priority of time of filing for that office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral

board. Currently, all candidates not nominated by a political party or a recognized political party are listed on the ballot in alphabetical order. Patron: Surovell

Eminent Domain

SB 109 Eminent domain proceedings; commissioners to be summoned at least 30 days prior to service.

Amends § 25.1-227.2 of the Code of Virginia to require commissioners in eminent domain proceedings to be summoned at least 30 days prior to service. Under current law, such summons is required at least one week prior to service. Patron: Petersen

SB 478 Eminent domain; reimbursement of costs.

Amends § 25.1-245 of the Code of Virginia, relating to eminent domain; reimbursement of costs. Provides that costs and fees may be awarded in compensation actions initiated by public service companies, public service corporations, railroads that have been delegated the power of eminent domain, or government utility corporations where the amount the owner is awarded at trial as compensation for the taking of or damage to his real property is 30 percent or more greater than the amount of the petitioner's final written offer. The bill further provides that, for owners whose property is taken by condemnation under Title 25.1 or Title 33.2, costs and fees may be awarded where such compensation is 25 percent or more, greater than the amount of the petitioner's initial written offer. Patron: Obenshain

SB 543 Inverse condemnation proceeding; reimbursement of owner's costs.

Amends § 25.1-420 of the Code of Virginia to direct the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of

amendments to Article I, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013. The provisions of the bill do not apply to declaratory judgment proceedings filed prior to July 1, 2016. Patron: Obenshain

Freedom of Information Act

HB 220 Virginia FOIA; public access to resumes and other information related to gubernatorial appointee.

Amends §§ 2.2-106, 2.2-107, 2.2-3705.1, and 2.2-3705.7 of the Code of Virginia to provide that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016. Patron: Taylor

HB 817 / SB 494 Virginia Freedom of Information Act; record exclusions, rule of redaction.

Amends §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the Code of Virginia and adds § 2.2-3704.01 to the Code of Virginia to reverse the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject

to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term “information” and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the Department of Corrections v. Surovell. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Patrons: LeMunyon and Surovell

HB 818 Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.

Amends § 2.2-3704.1 of the Code of Virginia and adds § 2.2-3704.2 to the Code of Virginia to require certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body’s compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council. Patron: LeMunyon

HB 1013 Threat assessment teams; dissemination of certain records and information.

Amends §§ 2.2-3705.2, 2.2-3705.4, 19.2-389, and other sections of the Code of Virginia to exclude from the Virginia Freedom of

Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made. Patron: Massie

HB 1318 / SB727 Virginia Freedom of Information Act; noncriminal incidents and reports.

Amends § 2.2-3706 of the Code of Virginia to clarify that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of “noncriminal incidents records” in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in Fitzgerald v. Loudoun County Sheriff’s Office, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the Fitzgerald holding. Patron: Fowler

SB 493 FOIA; closed meeting not authorized for discussion of pay increases.

Amends § 2.2-3711 of the Code of Virginia to clarify that nothing in the personnel exemption

in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively. Patron: Surovell

[SB 564](#) Virginia Freedom of Information Act; exclusions for school personnel licensure applications.

Amends § 2.2-3705.3 of the Code of Virginia to exclude records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act. Patron: Norment

[SB 645](#) FOIA; exempt records concerning critical infrastructure information.

Amends § 2.2-3705.2 of the Code of Virginia to define the term “critical infrastructure information” for purposes of FOIA. The bill also provides that any public body receiving a request for such records shall notify the Secretary of Public Safety and Homeland Security or his designee of the request and the response made by the public body. The bill contains an emergency clause. Patron; McPike

Miscellaneous

[HB 821](#) Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities.

Amends §§ 2.2-3009, 2.2-3010, 2.2-3010.1, 2.2-3012, and 2.2-3014 of the Code of Virginia to include local government and public school divisions under the Fraud and Abuse Whistle Blower Protection Act. Currently this Act is limited to state government and citizen whistle blowers. The bill reduces from \$10,000 to \$5,000 the threshold where the disclosure results in a savings for which a whistle blower disclosing information of wrongdoing or abuse may file a claim for reward. The bill contains technical amendments. Patron: LeMunyon

[HB 1260](#) Declaration of local emergency; increases time in which localities call a session.

Amends § 44-146.21 of the Code of Virginia to increase from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency. Patron: Hodges

Personnel

[HB 4](#) / [SB 446](#) Constitutional amendment; right to work (submitting to qualified voters).

An uncodified act to provide for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. Patrons: Bell, Richard P. and Obenshain

[HB 378](#) / [SB 631](#) Workers’ compensation; fee schedules for medical and legal services.

Amends §§ 2.2-4006, 65.2-605, 65.2-605.1, and 65.2-714 of the Code of Virginia; adds §§ 65.2-605.2 and 65.2-821.1 to the Code of Virginia; and repeals §§ 65.2-1300 through 65.2-1310 of the Code of Virginia to direct the Workers’ Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers’ Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing

the fee schedules shall become effective on January 1, 2018. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. Patrons: Farrell and Wagner

[HB 854](#) Firefighter or emergency medical services; personnel interrogation, observer.

Amends § 9.1-301 of the Code of Virginia to allow firefighters or emergency medical services personnel subjected to an interrogation that could lead to dismissal, demotion, or suspension for punitive reason to have a retired member of the department present as an observer. Current law allows only current members of the department to be present. The bill changes the term “current” to “active” to clarify members’ status as active or retired. Patron: Hugo

[SB 607](#) Public employees; safety and health program.

Amends § 40.1-2.1 of the Code of Virginia to direct the Commissioner of Labor and Industry or the Safety and Health Codes Board to adopt regulations for enforcing the occupational and health program applicable to employees of the Commonwealth, its agencies, institutions, and political subdivisions, or any public body. The measure provides that these regulations and procedures for enforcing the program shall include provisions for the issuance of proposed penalties, the payment of such penalties or a negotiated sum in lieu of such penalties, and the deposit of such payments into the general fund of the state treasury. Patron: Dance

[SB 704](#) Overtime compensation; broadens definition of fire protection employees.

Amends § 9.1-700 of the Code of Virginia to broaden the definition of “fire protection employee” for the purposes of determining eligibility for overtime compensation. Patron: Lucas

Procurement

[HB 578](#) / [SB 169](#) Virginia Public Procurement Act; architectural and engineering services, etc.

Amends § 2.2-4302.2 of the Code of Virginia to provide that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked. Patrons: Albo and Ruff

[HB 907](#) Virginia Public Procurement Act; term contracts for architectural and engineering services.

Amends § 2.2-4303.1 of the Code of Virginia to grant an exemption from the monetary caps for architectural and engineering services to transportation district commissions. The bill contains technical amendments. Patron: Minchew

[HB 930](#) / [SB 150](#) Virginia Public Procurement Act; procurement of information technology goods and services.

Amends § 2.2-4302.2 of the Code of Virginia to prohibit a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. Patrons: Davis and Reeves

HB 1108 Virginia Public Procurement Act; contracting generally, use of experience modification factor.

Amends §§ 2.2-4302.1 and 2.2-4302.2 of the Code of Virginia and adds § 11-9.8 to the Code of Virginia to prohibit the use of any experience modification factor as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction. The bill includes the same prohibition for any contract or offer to contract not covered by the VPPA. The bill also provides that it applies to any offer to contract as defined in the bill, Invitation to Bid, or Request for Proposal for construction services issued on or after July 1, 2016. The bill defines "experience modification factor." Patron: Webert

HB 1166 / SB 362 Virginia Public Procurement Act; small purchase procedures, transportation-related construction.

Amends § 2.2-4303 of the Code of Virginia to provide that a public body may establish small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000. Patrons: Morefield and Chafin

HB 1299 / SB 229 U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.

Amends §§ 1-508 and 2.2-1128 of the Code of Virginia and adds §.2-4323.1 to the Code of Virginia to provide that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017. Patrons: Edmunds and McEachin

SB 418 Virginia Public Procurement Act; installation of artificial turf or other athletic surfaces.

Amends § 2.2-4304 of the Code of Virginia

to exclude the purchase of installation of artificial turf and other track surfaces, and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction. Patron: Vogel

Public Safety

HB 222 / SB 233 Recognition of EMS Personnel Licensure Interstate Compact.

Adds § 32.1-371 to the Code of Virginia to create the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. Patrons: Stolle and Reeves

HB 412 Aircraft, certain; local regulation.

Adds § 15.2-926.3 to the Code of Virginia to provide that no locality may regulate the use of privately owned, unmanned aircraft systems within its boundaries. The provisions of the bill expire on July 1, 2019. Patron: Kilgore

HB 481 Compliance with detainers; U.S. Immigration and Customs Enforcement.

Amends § 53.1-220.2 of the Code of Virginia to prohibit the Director of the Department of

Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority. Patron: Marshall, R.G.

[HB 543](#) / [SB 566](#) Involuntary psychiatric treatment of an inmate; petition filed by sheriff.

Amends § 19.2-169.6 of the Code of Virginia to clarify that for the purposes of petitioning for the involuntary psychiatric treatment of an inmate in a local correctional facility, the petition shall be filed by the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated.

Patrons: Watts and Barker

[HB 756](#) E-911 Services Board; designating as 9-1-1 Services Board, powers and duties.

Amends §§ 2.2-225, 2.2-2031, 56-484.12, 56-484.13, and 56-484.14 of the Code of Virginia to rename the E-911 Services Board as the 9-1-1 Services Board (the Board). The powers and duties of the Board are revised to authorize and direct it to (i) support and assist public safety answering points (PSAPs) in the provision of 9-1-1 operations and services; (ii) plan, promote, and assist in the statewide development, deployment, and maintenance of an emergency services IP network to support future 9-1-1 and other public safety applications and technologies; and (iii) consult and coordinate with other entities. The measure expands the 9-1-1 Services Board to include a member representing VoIP service providers affiliated with cable companies. The measure also requires the 9-1-1 Services Board to develop or adopt and publish standards for an emergency services IP network and core next generation 9-1-1 services on that network to ensure that enhanced public safety telephone

services seamlessly interoperate within the Commonwealth and with surrounding states.

Patron: Lingamfelter

[HB 771](#) / [SB 423](#) Asset forfeiture; seizure of property, report.

Amends §§ 19.2-386.2, 19.2-386.2:1, 19.2-386.10, and 19.2-386.14 of the Code of Virginia to prohibit a law-enforcement agency from requesting, requiring, or otherwise inducing a person who asserts a lawful right to property seized for the purpose of forfeiture to waive his interest in or rights to the property until an information is filed. The bill allows attorneys for the Commonwealth to electronically notify the Department of Motor Vehicles, in a manner approved by the Commissioner, that a vehicle has been seized. A provision is added allowing a forfeiture proceeding to be stayed if it is also related to a warrant. Patrons: Gilbert and Howell

[HB 875](#) Real-time location data; disclosure in emergencies.

Amends § 19.2-70.3 of the Code of Virginia to provide that an investigative or law-enforcement officer may obtain real-time location data from an electronic communication service or remote computing service provider when the officer believes that an emergency involving immediate danger to a person requires such disclosure and a warrant for such disclosure cannot be obtained in time to prevent the identified danger, regardless of whether the service provider believes that such disclosure is required by the emergency. Hugo

[HB 1182](#) / [SB 266](#) Sheriffs; standard vehicle markings.

Amends § 15.2-1610 of the Code of Virginia to allow sheriffs' offices to use marked motor vehicles painted in any solid color. Current law requires the sheriff to obtain the concurrence of the local governing body to use any color other than dark brown. Patrons: Aird and Dance

SB 527 Bomb threats; reimbursement of expenses incurred in emergency response.

Amends § 15.2-1716.1 of the Code of Virginia to authorize any locality to provide by ordinance that a person convicted of a felony violation of the bomb threat statute or the statute that penalizes the incitement of a bomb threat shall be liable for the reasonable expense, not to exceed \$1,000, of an appropriate emergency response to the threat. Current law allows such an ordinance to subject a person to liability for the expense of the emergency response to an imitation version of a weapon of terrorism or fire bomb or other explosive device. Patron: Stuart

SB 608 Firearms; confiscation, reporting, and return by law enforcement.

Amends § 52-25.1 of the Code of Virginia to replace current requirements that law-enforcement agencies report information regarding confiscated firearms to the Department of State Police with a requirement that such information be reported to a firearms tracing system maintained by the U.S. Department of Justice. The bill requires law-enforcement agencies to return stolen firearms to the rightful owner unless the person is prohibited from possessing the firearm or it is needed in a criminal prosecution. Patron: Reeves

SB 781 Correctional facilities, local; facilities transporting prisoners.

Adds § 53.1-70.1 to the Code of Virginia to provide that the sheriff or administrator in charge of a local or regional correctional facility and the employees of the facility acting on the direction of such sheriff or administrator have the authority to transport a prisoner for a lawful purpose (i) to another jurisdiction inside the Commonwealth and retain authority over such prisoner or (ii) through or to another state and retain authority over such prisoner as allowed by such state.

DEFEATED, VETOED OR CARRIED OVER LEGISLATION

HB 9 Voter registration; required information on application form. (Vetoed)

Amends § 24.2-418 of the Code of Virginia to specify in greater detail the information that applicants for voter registration are required to provide on the voter registration application form. The bill also requires the general registrars to deny the application of any applicant who fails to provide his first and last name or his date of birth; fails to provide his social security number or indicate that he does not have a social security number; fails to provide his citizenship status or provides that he is not a U.S. citizen; fails to provide his residence address or indicate rural residence location or homelessness; fails to provide previous voter registration information or indicate lack thereof; or fails to indicate that he will be, or indicates that he will not be, at least 18 years of age on or before the date of the next general election. Patron: Cole

HB 61 Virginia Freedom of Information Act; misdemeanor violations; penalty.

Provides that in addition to the civil enforcement provisions of the Virginia Freedom of Information Act (FOIA), any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor. Patron: Morris

HB 129 Local government; publication of notices for charter changes, referenda, and public hearings, etc.

Amends §§ 15.2-201, and other sections in title 15.2 of the Code of Virginia, relating to local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives. Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. Patron: Richard P. Bell

[HB 264](#) Local government; prohibiting certain practices requiring contractors to provide compensation, etc. (Vetoed)

An uncodified act to prohibit local governing bodies from establishing provisions related to procurement of goods, professional services, or construction 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. Patron: Davis

[HB 286](#) Legal notices; advertisement by locality.

Amends § 15.2-107.1 of the Code of Virginia, relating to legal notices; advertisement by locality. Allows localities with a population of 50,000 or greater to meet certain legal notice requirements by advertising on local radio or television stations or publishing on the locality's website instead of publishing in a newspaper of general circulation. Patron: Head

[HB 308](#) Virginia Freedom of Information Act; use of government email accounts required.

Requires that any person elected, reelected, appointed or reappointed to any public body not excepted from FOIA must use only official government-provided email accounts to conduct public business. The bill also provides that public officers, appointees, and employees shall use only official government-provided email accounts to conduct public business. Patron: Morris

[HB 334](#) Virginia Freedom of Information Act; proceeding for enforcement.

Provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting. Patron: Pogge

[HB 698](#) Virginia Freedom of Information Act; right to speak at open meetings.

Amends §§ 2.2-3707 and 23-2.02 of the Code of Virginia, relating to the Virginia Freedom

of Information Act; right to speak at open meetings. Requires that every public body afford an opportunity for public comment during any open meeting. A public body may adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. The bill contains technical amendments. Patron: Kory

[HB 757](#) Local or regional public bodies; public comment.

Amends the Code of Virginia by adding a section numbered 2.2-3707.2, relating to meetings of local or regional public bodies; public comment. Requires a local or regional public body to disseminate to the public an agenda for a public meeting at least seven days prior to the meeting or 24 hours prior to an emergency meeting. The bill also requires such body to provide at least five minutes for public comment on each agenda item at the public meeting. Patron: Robert B. Bell

[HB 800](#) Virginia Freedom of Information Act (FOIA); audio recording of closed meetings required.

Provides that a public body shall (i) make an audio recording of the entirety of every meeting that is closed to the public; (ii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting; and (iii) preserve the recording for a period of no less than two years. Patron: Morris

[HB 986](#) Virginia Freedom of Information Advisory Council; increases membership.

Amends § 30-178 of the Code of Virginia, relating to the Virginia Freedom of Information Advisory Council; membership. Increases the membership of the Virginia Freedom of Information Advisory Council from 12 to 13 by increasing the number of nonlegislative citizen appointees made by the Speaker of the House of Delegates from three to four to include that at least two of such citizen appointees represent or have been a representative of the news media. Patron: Yancey

[HB 1280](#) Virginia Public Procurement Act; competitive negotiation; professional services.

Removes the requirement for newspaper publication for Requests for Proposals for professional services. Patron: Albo

[HB 1293](#) Local employee grievance procedure.

Provides that qualifying grievances shall advance to either an impartial panel hearing or a hearing before an administrative hearing officer as agreed upon by both parties, as set forth in the locality's grievance procedure; however, if both parties cannot come to an agreement, an impartial panel shall be used. The bill contains technical amendments. Patron: Hugo

[HB 1371](#) Local government; prohibition on certain mandates upon employers. (Vetoed)

Adds § 15.2-1408.1 to the Code of Virginia to provide that a locality shall not enact any policy that requires an employer within the locality to provide an employee with a wage or employment benefit that exceeds the requirements of state or federal law. Any such local policy shall be unenforceable. Patron: Miller

[SB 500](#) Register of funds expended; required posting by state agencies, localities, and school divisions.

Requires every locality and school division located within the locality to post on the public government website of the locality a register of all funds expended, showing vendor name, and date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. Patron: Sturtevant

[SB 552](#) Virginia Freedom of Information Act; mandatory disclosure of public employee.

Amends § 2.2-3705.8 of the Code of Virginia, relating to the Virginia Freedom of Information Act; mandatory disclosure of public employee position and salary information; exceptions. Provides that the names and training records of law-enforcement officers as defined in § 9.1-101 and fire marshals as defined in § 27-30 shall be considered personnel records and excluded from mandatory disclosure under the Virginia Freedom of Information Act. Patron: Cosgrove

[SB 767](#) Form of ballot; party identification of candidates. VETOED

Amends § 24.2-613 of the Code of Virginia to provide that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. Patron: Suetterlein

Health and Human Resources

PASSED LEGISLATION

Behavioral and Mental Health

[HB 197](#) Commonwealth Mental Health First Aid Program; established.

Amends § 37.2-304 of the Code of Virginia and adds § 37.2-312.2 to the Code of Virginia to direct the Commissioner of the Department of Behavioral Health and Developmental Services to establish and maintain the Commonwealth Mental Health First Aid Program to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis. Patron: Lingamfelter

[HB 646](#) Behavioral Health and Developmental Services, Commissioner of; duties and powers.

Amends §§ 37.2-304 and 37.2-310 of the Code of Virginia to require the Commissioner of Behavioral Health and Developmental Services to submit an annual report to the Chairmen of the House Appropriations and Senate Finance Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The bill also eliminates the requirement that the Department of Behavioral Health and Developmental Services report biennially to the General Assembly on the comprehensive interagency state plan for substance abuse services. Patron: Aird

[SB 567](#) Temporary detention; notice of recommendation, communication with magistrate.

Amends §§ 16.1-337, 37.2-804.2, and 37.2-809 of the Code of Virginia to provide that the magistrate conducting a temporary detention

hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommendation of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody Patron: Barker

[HB 675](#) Auxiliary grants; supportive housing providers.

Amends § 51.5-160 of the Code of Virginia and adds § 37.2-421.1 to the Code of Virginia to extend eligibility for auxiliary grants to include individuals residing in supportive housing, provided that the supportive housing provider has entered into an agreement for the provision of supportive housing with the Department of Behavioral Health and Developmental Services. The bill establishes requirements for providers of supportive housing that enter into agreements with the Department. Patron: Peace

[SB 350](#) Prisoners; treatment to those unable to give consent for medical or mental health treatment.

Amends § 53.1-40.1 of the Code of Virginia to add licensed professional counselors and licensed clinical social workers to the list of providers who are required by court order to inform the court and the prisoner's attorney of any change in the prisoner's condition resulting in restoration of the prisoner's capability to consent to treatment. Patron: Deeds

[SB 556](#) Opiate addiction treatment; nonmethadone opioid replacements.

Amends § 37.2-406 of the Code of Virginia to remove certain restrictions on licensure of providers who provide treatment for persons with opiate addiction using opioid replacements that have been approved by the U.S. Food and Drug Administration for the treatment of opioid addiction. Such restrictions include the proximity of the provider to a school and community notice requirements. Patron: Wexton

General Health

[HB 58](#) Health benefit plans; large and small employers.

Amends §§ 38.2-3406.1, 38.2-3431, and 38.2-3551 of the Code of Virginia to delete provisions that as of January 1, 2016, changed the definition of a “large employer,” for purposes of a group health plan or health insurance coverage, from an employer who employed an average of more than 50 employees to an employer who employed more than 100 employees during the preceding calendar year. The definition of “small employer” is correspondingly revised to include employers who employ an average of 50 or fewer employees, which prior to January 1, 2016, was the threshold for delineating large employers from small employers. The measure has an emergency clause. The measure is a recommendation of the Health Insurance Reform Commission. Patron: Byron

[HB 87](#) Health Insurance Reform Commission; assessments of legislation.

Amends § 30-343 of the Code of Virginia to clarify the applicable governmental agency that is tasked with determining whether a proposed mandated health insurance benefit exceeds the scope of the essential health benefits. The existing provision that gives this task to the Exchange is misplaced because the Exchange is a program, administered by the Centers for Medicare and Medicaid Services, through which health insurance is offered. If applicable federal

rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible for making such identification, the Bureau of Insurance shall be the applicable agency. Patron: Byron

[HB 221](#) Active duty health care providers at public or private health care facilities; services and duties.

Amends § 54.1-2901 of the Code of Virginia to change the requirement that active duty health care providers in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States providing health care services at any public or private health care facility provide services in accordance with official military orders to a requirement that they provide services in accordance with official military duties. Patron: Stolle

[HB 222](#) / [SB 233](#) Recognition of EMS Personnel Licensure Interstate Compact; created.

Adds § 32.1-371 to the Code of Virginia to create the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw

from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. Patrons: Stolle and Reeves

[HB 233](#) / [SB 79](#) Fire or rescue volunteers; mental health treatment; funding by locality.

Amends § 15.2-1517 of the Code of Virginia to allow any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality. Patrons: Minchew and Wexton

[HB 310](#) Mobile dental clinics; exemption from registration requirements.

Amends § 54.1-2708.3 of the Code of Virginia to add to the list of mobile dental clinics exempt from the requirement to register with the Board of Dentistry mobile dental clinics operated by federally qualified health centers with a dental component that provides dental services via mobile model to adults and children within 30 miles of the federally qualified health center; mobile dental clinics operated by free health clinics or health safety net clinics that have been granted tax-exempt status pursuant to § 501(c) (3) of the Internal Revenue Code that provide dental services via mobile model to adults and children within 30 miles of the free health clinic or health safety net clinic; and mobile dental clinics that provide dental services via mobile model to individuals who are not ambulatory and who reside in long-term care facilities, assisted living facilities, adult care homes, or private homes. Patron: Orrock

[HB 311](#) Emergency medical services providers; interstate agreements.

An uncodified act to direct the Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services providers to provide emergency

medical services across state lines and to report to the General Assembly regarding the status of such efforts no later than November 1, 2016. The bill contains an emergency clause. Patron: Orrock

[HB 312](#) SHHR; increase sharing of electronic health records, report.

An uncodified act to direct the Secretary of Health and Human Resources to work with stakeholders, which shall include representatives of hospitals and other health care providers in the Commonwealth, to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records with the goal of ensuring that all health care providers in the Commonwealth are able to share electronic health information to reduce the cost of health care and improve the efficiency of health care services. The Secretary shall report his findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2016. The bill contains an emergency clause. Patron: Orrock

[SB 364](#) Health insurance plan; Department of Human Resource Management to consider all participants.

Amends § 2.2-1204 of the Code of Virginia to allow the Department of Human Resource Management to develop a plan under the local option health insurance plan with benefits similar to those in the state employee health insurance plan and that uses a single rating group. Patron: Chafin

[SB 369](#) Telemedicine pilot program; to expand access, etc., to health care services in certain areas.

An uncodified act to direct the Center for Telehealth of the University of Virginia and

the Virginia Telehealth Network to establish a pilot program to expand access to and improve coordination and quality of health care services in rural areas and medically underserved areas of the Commonwealth through the use of telemedicine. Such pilot program shall include a process for establishing and providing support to patient care teams and for assisting nurse practitioners who seek to participate in the pilot program with identifying and developing written practice agreements with patient care team physicians. The Center for Telehealth shall report to the General Assembly and the Governor on the results of the pilot program by October 15, 2017. The provisions of this act shall expire on July 1, 2018. Patron: Stanley

[SB 562](#) Health benefit plans; sale, renewal, or offer of plans, special exception.

Amends § 38.2-3454.1 of the Code of Virginia to authorize health carriers to sell, issue, or offer for sale any health benefit plan that would otherwise not be permitted to be sold, issued, or offered for sale due to conflict with the requirements of the federal Patient Protection and Affordable Care Act (PPACA), to the extent that the requirements of the PPACA are amended by any federal law. Patron: Norment

[SB 595](#) Dead human bodies; storage of body for more than 48 hours prior to disposition.

Adds § 32.1-309.5 to the Code of Virginia to require any institution that has initial custody of a dead human body to ensure, if the dead body is to be stored for more than 48 hours, that the dead body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or to enter into an agreement with a local funeral service establishment to store the dead body. Patron: Alexander

Public Safety

[HB 248](#) / [SB 249](#) Financial exploitation of adults; documentation referred to local law-enforcement agency.

Amends § 63.2-1605 of the Code of Virginia to provide that upon receipt of a report or during an adult protective services investigation of

suspected financial exploitation of an adult who is 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter to the local law-enforcement agency for investigation. Patrons: Minchew and Black

Sanitation

[HB 558](#) Onsite sewage systems and private wells; evaluation and design, report.

An uncodified act to direct the State Health Commissioner to develop a plan for the orderly reduction and elimination of evaluation and design services by the Department of Health for onsite sewage systems and private wells, which shall provide for the protection of the public health as the Department transitions to accepting only applications that are supported by private site evaluations and designs from a licensed professional engineer or licensed onsite soil evaluator or, for any work subject to regulations governing private wells in the Commonwealth, by a licensed water well system provider. The Commissioner shall report to the Governor and the General Assembly by November 15, 2016. Patron: Orrock

[HB 566](#) Licensed onsite soil evaluators; changes references in terminology.

Amends §§ 32.1-163.1, 32.1-163.4, 32.1-163.5, and other sections of the Code of Virginia to change references to authorized onsite soil evaluators to the more accurate term "licensed onsite soil evaluators." Patron: Knight

[HB 648](#) Sewage system or nonconforming system; development of procedure for processing requests.

Amends § 32.1-165 of the Code of Virginia to provide for the State Health Commissioner to develop a procedure for processing requests to approve an installed treatment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of

real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper. Patron: Knight

Social Services

HB 369 State Executive Council for Children's Services; state and local advisory team; membership.

Amends §§ 2.2-2648 and 2.2-5201 of the Code of Virginia to add to the membership of the State Executive Council for Children's Services (the Council) (i) the chairman of the state and local advisory team and (ii) a representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from certain entities. The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the Children's Services Act, to be appointed by the Council with recommendations from certain entities. Patron: Bell, Richard P.

HB 415 People with Disabilities, Virginia Board for; powers and duties, report.

Amends § 51.5-33 of the Code of Virginia to require the Board for People with Disabilities to submit an annual report, beginning July 1, 2017, to the Governor that provides an in-depth assessment of at least two major service areas for people with disabilities. Under current law, the Board assesses the entire system on a triennial basis. The bill provides that the Board once every four years shall make available to the public all the service areas it intends to review over the following four years and shall ensure that such areas are reviewed at least once in the four-year period. Patron: Pogge

HB 420 Auxiliary grants; regulations adopted by Commissioner of DARS for adult foster care home, etc.

Amends § 51.5-160 of the Code of Virginia to clarify that regulations adopted by the

Commissioner of the Department for Aging and Rehabilitative Services shall establish auxiliary grant rates for adult foster care homes and licensed assisted living facilities, the process for reporting and certification, and services to be provided to auxiliary grant recipients and paid for using auxiliary grant funds. The bill eliminates specific requirements for regulations related to reporting certain allowable costs and resident charges, the time period for reporting such costs, forms to be used, financial reviews, and audits of reported costs and clarifies processes for calculating auxiliary grant rates. Patron: Helsel

HB 428 Prisoner's spouse or children; support payments by county or city.

Amends § 20-63 of the Code of Virginia to designate the Department of Social Services as the entity to which a county or city within the boundaries of which a prisoner is put to work on a workhouse, city farm, or work squad shall pay funds for the support of the prisoner's spouse or children. The bill increases the minimum amount that the county or city shall pay from \$5 to \$20 and increases the maximum amount that the county or city shall pay from \$25 to \$40 for each week in the discretion of the court during any part of which any work is performed by the prisoner. Patron: Hope

HB 559 Social Services, Department of; eliminates obsolete reporting requirements.

Adds § 63.2-703 of the Code of Virginia and repeals § 63.2-619 of the Code of Virginia to eliminate the requirement for an annual report assessing the Temporary Assistance for Needy Families Program and regular reports on the fulfillment of Department of Social Services responsibilities related to faith-based and community initiatives. Patron: Orrock

HB 600 Child welfare; imposes certain mandates related to protection and encouragement of children.

Amends §§ 16.1-228, 16.1-281, 16.1-282.1 and other sections of the Code of Virginia and adds § 63.2-905.3 to the Code of Virginia to impose certain mandates related to the protection

and encouragement of children, including a requirement that certain information and options be given to a child in connection with foster care plans, the imposition of certain age-appropriate restrictions, and requirements of both the courts and the Department of Social Services regarding foster care plans. The bill adds to the definition of abused or neglected child any child who has been identified as a victim of sex trafficking or severe forms of trafficking as defined by the federal law. Patron: Bell, Richard P.

HB 674 Kinship foster care; waiver of foster home approval standards.

Amends § 63.2-900.1 of the Code of Virginia to allow local boards of social services, subject to approval by the Commissioner of the Department of Social Services, to grant a waiver regarding the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Patron: Peace

HB 676 Financial exploitation of adults; DARS work group to study.

An uncodified act to direct the Commissioner of the Department for Aging and Rehabilitative Services (DARS), together with the Director of the Department for Planning and Budget or his designee, representatives of DARS' Adult Protective Services Unit and local department of social services' adult protective services units, law-enforcement agencies, financial institutions in the Commonwealth, and organizations representing elderly individuals and adults with disabilities, to determine the cost of financial exploitation of adults in the Commonwealth and develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults and to report on his activities and recommendations to the Governor and the General Assembly by January 1, 2017. Patron: Peace

HB 782 Social services, local board of; proceedings against persons liable for support.

Repeals § 63.2-511 of the Code of Virginia to repeal the authority of a local board of social services to proceed in a manner provided by law against any person who is liable for support of an applicant or recipient of public assistance to require such person, if of sufficient financial ability, to support the applicant or recipient. Patron: Helsel

HB 896 Private school employees, certain; requirement of background checks.

Amends §§ 19.2-389, 22.1-296.3, 22.1-296.4, and 63.2-1515 of the Code of Virginia to require the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 of the Code of Virginia that operates a child welfare agency regulated by the Department of Social Services to accept evidence of a background check conducted by the Department of Social Services in lieu of a background check in accordance with the requirements governing private schools, beginning on July 1, 2016. The bill also requires governing boards or administrators of private schools accredited pursuant to § 22.1-19 to require, as a condition of employment, that any applicant who is offered or who accepts employment requiring direct contact with students provide written consent and personal information necessary to obtain a search of the central registry of founded complaints of child abuse and neglect maintained by the Department of Social Services beginning on July 1, 2016. Patron: Greason

HB 920 Barrier crimes; conviction or finding not guilty by reason of insanity.

Amends §§ 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia to add conviction or a finding that a person is not guilty by reason of insanity of any offense that results in the offender's requirement to register with the Sex Offender and Crimes Against Minors Registry to the list of crimes that constitute a barrier to licensure as a child welfare agency or assisted

living facility, approval as a foster or adoptive parent by a child-placing agency, approval as a family day home by a family day system, or employment or serving as a volunteer at a children's residential facility, assisted living facility, adult day care center, or child welfare agency. Patron: Mason

[HB 991](#) Virginia Initiative for Employment Not Welfare (VIEW); education and training programs.

Amends § 63.2-608 of the Code of Virginia to allow local departments of social services to place VIEW participants who are in need of job skills and who would benefit from additional job skills training in an apprenticeship program developed by the local department in accordance with requirements established by the Department of Social Services. Patron: Lopez

[HB 1026](#) Social Services, Department of; electronic notices.

Amends §§ 20-60.5, 46.2-320.1, 63.2-527, and other sections of the Code of Virginia to allow the Department of Social Services to deliver certain notices by electronic means, which in some cases is access to a secure portal for receipt of such notices. Under current law, such notices generally require service of notice or delivery by certified mail, return receipt requested. The bill allows the delivery by electronic means of notices of (i) intent to suspend a debtor's driver's license due to delinquency in the payment of child support; (ii) the availability of federal and state earned income tax credits to all recipients of public benefits; (iii) an action to enforce certain orders directing the payment of child or spousal support; (iv) an action to review the amount of support ordered; (v) withholding from a noncustodial parent's income for support obligations; (vi) intent to enforce a support lien by distraint, seizure, and sale of the property subject to such lien; (vii) a petition for a court order to suspend any license, certificate, registration, or other authorization to engage in a business, trade, or recreational activity issued to the obligor of a support order by the

Commonwealth due to delinquency in payment; (viii) certain administrative decisions of hearing officers; and (ix) payments of public assistance benefits or child support services. Patron: Sickles

[HB 1189](#) Child welfare agency; operating without a license, abuse and neglect of child, penalty.

Amends § 18.2-371.1 of the Code of Virginia to provide that operating or engaging in the conduct of a child welfare agency without first obtaining a license when it is known that such license is required or after such license has been revoked or has expired constitutes a willful act or willful omission for purpose of the crime of abuse and neglect of a child. Under current law, a parent, guardian, or other person responsible for the care of a child who by willful act or omission causes or permits serious injury to the life or health of such child is guilty of abuse and neglect of a child, which is punishable as a Class 4 felony. Patron: Hester

[SB 278](#) Child welfare agencies; background checks for volunteers and employees.

Amends §§ 63.2-1720 and 63.2-1720.1 of the Code of Virginia to prohibit assisted living facilities, adult day care centers, licensed and registered child welfare agencies, and family day homes approved by family day systems from continuing to employ individuals who have been convicted of specific offenses as defined in § 63.2-1719 that are barriers to employment. Patron: Wexton

[SB 417](#) Social Services, Department of; unauthorized practice of law.

Amends §§ 16.1-260, 54.1-3900, and 63.2-332 of the Code of Virginia to allow designated nonattorney employees of a local department of social services to (i) initiate a case on behalf of the local department by appearing before an intake officer and (ii) complete, sign, and file with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish

paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause. The bill also directs directors of local departments of social services to designate nonattorney employees who are authorized to perform such tasks. Patron: Vogel

[SB 455](#) Social Services, Department of; information sharing.

Amends § 63.2-101 of the Code of Virginia to require the Department of Social Services to provide access to information regarding a medical assistance applicant's receipt of public assistance from programs administered by the Department to entities approved by the Board of Medical Assistance Services to receive applications and to determine eligibility for medical assistance. Patron: Dunnavant

Transportation

PASSED LEGISLATION

Highways

HB 41 Thomas Jefferson Scenic Byway Loop; Virginia byway designation.

An uncodified act to designate portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in the Counties of Scott and Wise and the City of Norton as the “Thomas Jefferson Scenic Byway Loop.” Such designations are typically authorized by the Commonwealth Transportation Board. Patron: Kilgore

HB 97 Interstate 95; VDOT, et al., to evaluate traffic congestion in Stafford and Spotsylvania Counties.

An uncodified act to direct the Department of Transportation (the Department) to conduct an evaluation with the Fredericksburg Area Metropolitan Planning Organization of traffic congestion on the Interstate 95 corridor in the George Washington Regional Commission region to determine the feasibility of extending the HOT lanes south on Interstate 95. The bill also directs the Department to report on the evaluation by the first day of the 2019 Regular Session of the General Assembly. Patron: Cole

HB 407 Interstate 66; designation of HOV lanes.

Amends § 33.2-501 of the Code of Virginia to prohibit HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation. The bill has a delayed effective date of July 1, 2017, and an expiration date of January 1, 2020. Patron: Bulova

HB 715 Interstate 66; requirements that VDOT must satisfy prior to change in HOV-2 designation.

Amends § 33.2-501 of the Code of Virginia to add to the criteria on which the Commonwealth Transportation Board must base its decision to change the HOV-2 designation to a

more restrictive designation on Interstate 66 whether such change in designation has been screened and evaluated by the Department of Transportation in accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District. The bill has a delayed effective date of January 1, 2020. Patron: LeMunyon

HB 912 Transportation, Department of; installation of broadband conduit on public highways.

Adds § 33.2-280.1 to the Code of Virginia to allow the Department of Transportation to permit broadband service providers to install conduit capable of housing fiber optic cable to provide broadband service on public highways. Patron: Minchew

HB 1069 Tolls; toll collection procedures, fees, etc.

Amends §§ 33.2-500, 33.2-503, 33.2-504 and other sections of the Code of Virginia, adds §§ 46.2-819.8, 46.2-819.9 and 46.2-819.10, and repeals § 46.2-819.7 of the Code of Virginia to require the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens, from 30 to 60 days, the time period before the administrative fee increases from \$25 to \$100 for all toll violations. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first conviction there is a cap of \$2,200 on civil penalties and administrative fees. The

bill also provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period. The bill allows the Governor to enter into agreements on behalf of the Commonwealth with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the Department of Motor Vehicles (DMV) or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and that a HOT lanes operator shall mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations and requires toll operators to attempt to collect tolls through a debt collector before mailing a summons. The bill provides for a two-year statute of limitations for all toll violations. The bill contains technical amendments. Patron: Jones

[SB 765](#) Commissioner of Highways; powers, emergency removal of snow and ice.

Amends § 33.2-223 of the Code of Virginia to provide that the Commissioner of Highways has the authority to establish and use procedures as he deems necessary to ensure safe travel during an emergency or weather-related event and that procuring equipment and labor to ensure resources are available to address an emergency or weather-related event is an emergency pursuant to the Virginia Public Procurement Act. Patron: Suetterlein

Motor Vehicles

[HB 10](#) / [SB 25](#) Motorcycles; general illumination lights.

Amends § 46.2-1030 of the Code of Virginia to increase from four to five the maximum number of lights allowed on a motorcycle and used for general illumination ahead of the motorcycle. Current law restricts all motor vehicles to no more than four lights, including headlights, fog lights, etc., to provide general illumination ahead of the vehicle. Patrons: Cole and Reeves

[HB 98](#) License plates, special; issuance to family members of persons who have died in military service.

An uncodified act to authorize the issuance of special license plates to immediate family members of a member of the Armed Forces of the United States who died on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or National Guard unit in a drill status. Patron: Cole

[HB 117](#) / [SB 719](#) Boats or other watercraft; excess width permits for transporting vehicles.

Adds § 46.2-1149.8 to the Code of Virginia to authorize the Commissioner of the Department of Motor Vehicles to issue permits for vehicles transporting boats or other watercraft that exceed an outside width of 102 inches but do not exceed an outside width of 108 inches; under current law, no such vehicle shall exceed an outside width of 102 inches. Patrons: Knight and DeSteph

[HB 267](#) Length of vehicle combinations; clarification of provision limiting vehicles coupled with another.

Amends § 46.2-1112 of the Code of Virginia to clarify that the provision limiting vehicles coupled with another vehicle to a maximum combined length of 65 feet applies to motor homes and buses. The bill is declarative of existing law. Patron: Marshall, D.W.

[HB 329](#) / [SB 299](#) Amber lights, flashing; allows publicly owner or operated transit buses to use.

Amends § 46.2-1025 of the Code of Virginia to allow publicly owned or operated transit buses to use flashing amber lights. Patrons: Villanueva and Ebbin

[HB 374](#) / [SB 91](#) Registration of vehicles owned or used by emergency medical services agencies.

Amends §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia to require, upon application, the issuance of permanent license plates for emergency medical services vehicles owned by or under the exclusive control of a commercial or privately owned emergency medical services agency. Patrons: Yancey and Marsden

[HB 417](#) DMV; contracts with state or federal agencies to conduct customer service transactions.

Amends §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia and adds § 46.2-214.4 to the Code of Virginia to allow the Department of Motor Vehicles (DMV) to enter into contracts with contractors of state or federal agencies to conduct customer service transactions on behalf of such agencies for the benefit of Virginia residents. The bill allows DMV to receive a portion of the transaction fee required by the responsible agency or contractor to defray DMV's costs, provides a \$1 discount for specified DMV licensing transactions conducted online, and ensures that DMV does not charge fees to federal, state, and local government agencies for information they request provided that such agencies do not charge the Commonwealth when it requests the same or similar information from those agencies. Finally, the bill provides for a driver's license classification for passenger cars and eliminates the requirement that individuals under the age of 21 who have one or more specified convictions retake the written driver's license examination. Patron: Bagby

[HB 454](#) / [SB 286](#) Motor vehicles; vehicles not to be equipped with televisions and video within view of driver.

Amends §§ 46.2-750 and 46.2-1077 of the Code of Virginia to provide that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. Patrons: Davis and DeSteph

[HB 730](#) Commuter parking; lot signage in Planning District 8.

Amends § 46.2-1219.2 of the Code of Virginia to require that signage in commuter parking lots owned by the Virginia Department of Transportation in Planning District 8 clearly indicate that parking in such lots is only for commuters using mass transit or who are car pool or bicycle riders. Patron: LeMunyon

[HB 747](#) Service facilities; manufacturer of engines for certain trucks to own a facility.

Amends § 46.2-1572.1 of the Code of Virginia to allow a manufacturer of engines for trucks having a gross vehicle weight rating of more than 7,500 pounds to own, operate, or control up to five service facilities in the Commonwealth. Patron: Greason

[HB 748](#) Driver education; certification of online courses.

Amends §§ 46.2-1700, 46.2-1701, and 46.2-1702 of the Code of Virginia and adds § 46.2-1701.4 to the Code of Virginia to allow driver training schools to provide computer-based driver education courses for the classroom

portion of driver education. The Commissioner of the Department of Motor Vehicles is authorized to license such driver training schools as computer-based driver education providers. Patron: Greason

HB 869 Definitions; nonresident.

Amends §§ 46.2-100 and 46.2-600 of the Code of Virginia to include in the definition of “nonresident” for purposes of Title 46.2 (Motor Vehicles) a person who is in Virginia serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed. The bill provides that if vehicles owned by such nonresidents are registered in another state, those vehicles do not have to be registered in Virginia. Patron: Hugo

HB 1032 Vehicle registration; locality may impose penalty on owner annually as long as vehicle unregistered.

Amends § 46.2-662 of the Code of Virginia to clarify that a locality may impose a penalty of up to \$250 upon the resident owner of a motor vehicle annually for as long as the motor vehicle remains unregistered in Virginia. Patron: Sickles

HB 1060 Towing fees; localities in Northern Virginia shall establish by ordinance.

Amends § 46.2-1233 of the Code of Virginia to provide that localities in Planning District 8 shall establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. Under current law, \$135 is the maximum hookup and initial towing fee and \$25 is the permissible charge for towing at night, on weekends, or on a holiday. Patron: Hugo

SB 91 Emergency medical services agencies; registration of vehicles owned or used by agencies.

Amends §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia to require, upon application, the issuance of permanent license plates for

emergency medical services vehicles owned by or under the exclusive control of a commercial or privately owned emergency medical services agency. This bill is identical to HB 374. Patron: Marsden

SB 163 Driving in flooded areas; localities may by ordinance prohibit, penalties.

Adds § 46.2-800.3 to the Code of Virginia to allow localities to by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded street in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property and creates a Class 4 misdemeanor for a violation of such ordinance. The bill requires a locality to post signs warning of the prohibition and penalties. This prohibition does not apply to law-enforcement officers, firefighters, emergency medical services personnel, or operators of Department of Transportation or utility vehicles in the performance of their official duties. Patron: Locke

SB 286 Motor vehicles; vehicles not to be equipped with televisions and video within view of driver.

Amends §§ 46.2-750 and 46.2-1077 of the Code of Virginia to provide that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a “driving task,” which is defined by the bill. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. This bill is identical to HB 454. Patron: DeSteph

SB 555 Learner’s permit or provisional driver’s license holder; completion of driver ed.

Amends §§ 46.2-323, 46.2-324.1, 46.2-334, and other sections of the Code of Virginia to prohibit

a holder of a learner's permit from (i) using a cell phone while driving and (ii) having more than one passenger under age 21. Current law prohibits the holder of a provisional driver's license who is under the age of 19 from (a) having more than one passenger under age 21 unless a parent is present and (b) using a cellphone. The bill removes the exception that a provisional driver's license holder under age 18 may have more than one passenger under age 21 if a parent is present. The bill clarifies that the passenger limitations on all provisional driver's licenses do not include household or family members. The bill allows those who are at least 18 years old to be issued a driver's license after holding a learner's permit for 60 days instead of the current holding requirement of nine months for those under 19 years of age. The bill also requires only those driver's license applicants under 18 years of age to show proof of completion of a driver education program. Current law requires such proof of those under 19 years of age. Patron: Cosgrove

Rail and Public Transit

HB 613 Rail and Public Transportation, Department of; acquisition of real estate and rights-of-way.

Amends §§ 2.2-1147 and 2.2-1149 of the Code of Virginia to authorize the Department of Rail and Public Transportation to acquire real estate or rights-of-way for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes. The bill provides that acquisition of real property for office space or district offices remains subject to review by the Department of General Services and approval by the Governor. Patron: Krizek

HB 1229 Excursion trains; certification requirements, liability of railroad company.

Amends §§ 46.2-2099.41 and 46.2-2099.42 of the Code of Virginia to remove the requirement that a passenger train be operated primarily in Buchanan, Campbell, or Washington County in order to be certified as an excursion train.

The bill further removes the requirement that a locality pass a resolution to immunize a railroad company upon which an excursion train operates from liability for personal injury or wrongful death arising from the operation of the excursion train. Patron: Head

HB 1359 Transit Capital Project Revenue Advisory Board; established, report, sunset provision.

Adds §§ 33.2-1840 through 33.2-1844 to the Code of Virginia to establish the Transit Capital Project Revenue Advisory Board (the Advisory Board) within the Department of Rail and Public Transportation to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. The Advisory Board is required to provide both an interim and a final report on its work and findings. The Advisory Board expires on July 1, 2018. Patron: Peace

Transportation Governance

HB 181 / SB 277 Northern Virginia Transportation Commission; increases membership.

Amends § 33.2-1904 of the Code of Virginia to increase the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County. Patrons: Minchew and Wexton

HB 190 / SB 413 Northern Virginia Transportation Authority; use of population estimate in connection with decisions.

Amends § 33.2-2504 of the Code of Virginia to provide that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law, the

population estimates are adjusted on July 1 of the fifth year, which requires use of the previous year's data. Patrons: Bulova and Barker

[HB 384](#) Commonwealth Transportation Board; meeting.

Amends § 33.2-202 of the Code of Virginia to require the Commonwealth Transportation Board to hold at least one hearing on projects that are located wholly within a single highway construction district and valued in excess of \$25 million in the highway construction district where the project being considered is located prior to a vote on the project. Patron: Marshall, R.G.

[HB 501](#) / [SB 465](#) Request for Proposal; design-build transportation projects.

Amends § 33.2-209 of the Code of Virginia to allow for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project. Patrons: Villanueva and Carrico

[HB 719](#) Commonwealth Transportation Board; value of statewide prioritization factors.

Amends § 33.2-214.1 of the Code of Virginia to require the Commonwealth Transportation Board to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy. Patron: LeMunyon

[HB 727](#) Northern Virginia Transportation Authority; decision-making procedure.

Amends § 33.2-2510 of the Code of Virginia to require the Northern Virginia Transportation Authority to make certain information concerning projects in its regional transportation plan publicly available at least 15 days prior to any decision for the expenditure of funds to create or improve a transportation facility. Patron: LeMunyon

[HB 728](#) State and local transportation planning; results of reviews related to homeland security.

Amends § 15.2-2222.1 of the Code of Virginia to require that the results of Department of Transportation reviews of proposed local comprehensive plan amendments for issues related to homeland security be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. Patron: LeMunyon

[HB 731](#) Members of transportation district commissions; compensation.

Amends § 33.2-1907 of the Code of Virginia to allow the Northern Virginia Transportation Commission to reimburse its nonelected members appointed to the board of directors of the Washington Metropolitan Area Transit Authority (WMATA) for expenses incurred and compensate them in the amount of \$50 per day for attending WMATA meetings. Patron: LeMunyon

[HB 1111](#) / [SB 476](#) Hampton Roads Transportation Accountability Commission; distribution of moneys.

Amends §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia to allow an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Commission for one meeting if 48-hour notice is provided to the chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Commission and allows the Commission to invest moneys in excess of those required

to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. Patrons: Villanueva and Wagner

[HB 1237](#) Richmond Metropolitan Transportation Authority; powers.

Amends § 33.2-2902 of the Code of Virginia to authorize the Richmond Metropolitan Transportation Authority (RMTA) to construct, own, and operate coliseums and arenas, including facilities reasonably related to such coliseums and arenas, provided that the governing authorities of the localities that make up the RMTA approve. Patron: Loupassi

[HB 1383](#) Highways, Commissioner of; annual report to be made public.

Amends § 33.2-232 of the Code of Virginia to require the Commissioner of Highways to make his annual report public on the Department of Transportation's website. Currently such report is only provided to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board. The bill requires such report to include traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis. Patron: Keam

[SB 465](#) Request for Proposal of design-build projects.

Amends § 33.2-209 of the Code of Virginia to allow for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project. This bill is identical to HB 501. Patron: Carrico

[SB 476](#) Hampton Roads Transportation Fund; distribution of moneys.

Amends §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia to allow an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Commission for one meeting if 48-hour notice is provided to the chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently

effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. This bill incorporates SB 47 and SB 472 and is identical to HB 1111.
Patron: Wagner

[SB 515](#) Mobile food vending; allows units in commuter lots in Planning District 8.

Adds § 33.2-118 to the Code of Virginia to allow mobile food vending units to apply for a permit and pay a fee to the Department of Transportation that would allow them to sell food in commuter lots in Planning District 8. The bill requires the Department to establish criteria for the program and a fee for the permit and to publish the permit application form and the established fee for the permit on its website.
Patron: McPike

[SB 710](#) Composition of the Washington Metropolitan Area Transit Authority Compact of 1966.

Amends § 33.2-3100 of the Code of Virginia to change from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Washington Metropolitan Area Transit Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 (Highways and Other Surface Transportation Systems) in order to conform with federal law. Patron: Ebbin

Studies and Other Resolutions Passed

[HJR 7](#) Study; JLARC to review the Virginia Economic Development Partnership Authority; report.

Directs the Joint Legislative Audit and Review Commission to review the Virginia Economic Development Partnership Authority. This is a two-year study. Patron: Byron

[HJR 45](#) Study; continuing the study of mandating health insurance coverage for abuse deterrent formulations for opioid medications; report.

Continues the study by the Health Insurance Reform Commission of mandating health insurance coverage for abuse deterrent formulations for opioid medications. Patron: Byron

[HJR 69](#) Study; driver's license suspension for unpaid court fines and costs; report.

Establishes a joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs and make recommendations for improvements to the current law. Patron: Loupassi

[HJR 84](#) / [SJR 58](#) Recurrent flooding; joint subcommittee to formulate recommendations.

Continues the study of recurrent flooding for two additional years and renames the Joint Subcommittee as the joint subcommittee on coastal flooding to more accurately reflect its mission. Patrons: Stolle and Locke

[HJR 97](#) / [SJR 97](#) Commonwealth's aerospace industry; Virginia Economic Development Partnership to study.

Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program. Patrons: Yancey and Newman

[HJR 112](#) / [SJR 85](#) Public elementary & secondary education; education and health in the Commonwealth, report.

Establishes a two-year joint committee consisting of seven members of the House Committee on Education and six members of the Senate to study the future of public elementary and secondary education in the Commonwealth. Patrons: Landes and Deeds

[HJR 120](#) Biosolids and industrial residuals in Virginia; JLARC to study.

Directs the Joint Legislative Audit and Review Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. This is a two-year study. Patron: Landes

[HJR 157](#) Virginia Community College System; Joint Legislative Audit and Review Commission to review.

Directs the Joint Legislative Audit and Review Commission to review the Virginia Community College System. This is a two-year study.

[HJR 160](#) Dogs and cats, licensing; Virginia Department of Health to study Virginia's procedures.

Requesting the Virginia Department of Health to study Virginia's procedures for licensing dogs and cats. Patron: Orrock

[SJR 80](#) Historic properties without homeowner associations; VHC to study disclosure of information.

Directs the Virginia Housing Commission to study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations to prospective purchasers of such properties. Patron: Locke

SJR 88 Early childhood development programs; JLARC to study specific programs.

Directs the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. The Commission shall report to the 2018 Session of the General Assembly.
Patron: Norment

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To read the full text of legislation mentioned in this summary, as well as the legislative history and votes on individual bills, visit the Division of Legislative Services at lis.virginia.gov.