

2017



LEGISLATIVE SUMMARY

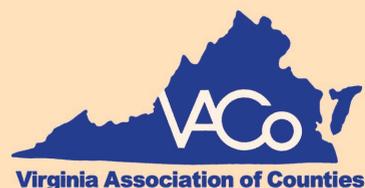


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VACo exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of Virginia.

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Vital Statistics from the 2017 Session

	Introduced	Passed Both	Failed	Vetoed
House Bills	1,086	515	686	26
House Joint Resolutions	551	443	111	0
House Resolutions	210	208	3	0
Senate Bills	813	365	553	14
Senate Joint Resolutions	232	178	72	0
Senate Resolutions	67	64	3	0
General Assembly Totals	2,959	1,773	1,428	40

2017 Legislative Priorities

OVERARCHING LEGISLATIVE PRIORITY POSITION

Increase Education Funding

To assure each child in Virginia a quality education necessary for his or her 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. The infusion of K-12 funding provided in the 2016 General Assembly session was a step in the right direction toward restoring the state's partnership with localities in fulfilling this critical mission. However, when adjusted for inflation, state per pupil spending on public education is less than funding levels in FY 2006. With increased educational mandates, increased numbers of 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 additional 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. Such additional tools may include broad impact fee authority for all counties, and adequate public facilities provisions in subdivision ordinances.

Proffers

VACo supports changes to the conditional zoning law to allow greater flexibility in the process for determining impacts to be addressed when considering an application for development.

Regulation of Home-based Businesses

VACo opposes any legislation that limits or restricts local authority to regulate home-based businesses, including short-term rentals regardless of whether services or goods are purchased through an online hosting platform.

ENVIRONMENT AND AGRICULTURE

Water Quality Improvement Funding

VACo supports effective partnerships among and across all levels of government to improve water quality.

VACo urges state and federal agencies to consider impacts on local governments of any initiatives intended to reduce loadings of pollutants into state waters from both point and non-point sources. In order for comprehensive, watershed-wide water quality improvement strategies to be effective, major and reliable forms of financial and technical assistance from federal and state governments will be necessary. VACo supports the goal of improved water quality, but will oppose 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 Finance

VACo supports the authority of county governments to levy and collect revenue from local business taxes.

Meals and Tobacco Tax Authority

VACo supports granting counties the authority to adopt a local meals tax without referendum. VACo proposes the county meals tax rate be raised to a cap of 8 percent, which is consistent with current rates used by cities and towns. VACo also supports equal authority among all counties to levy and collect a tobacco tax.

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. Additionally, VACo opposes mandates that limit or restrict local land use authority for the siting of telecommunications infrastructure or result in a negative fiscal impact to county budgets.

HEALTH AND HUMAN RESOURCES

Health and Human Resources Funding

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

TRANSPORTATION

Local-State Transportation Funding and Cooperation

VACo believes it is important to closely monitor and evaluate the implementation of "SMART-SCALE" and all other processes employed in recent years for distributing transportation funds. VACo supports the continuation of the state's investment in Virginia's transportation infrastructure statewide. While VACo appreciates the additional funding that has been provided in recent years to address the needs of Virginia's highway system, more funding will be needed in the immediate future for secondary roads, which are vital for economic development for Virginia's counties.

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

Key Electronic Links

[State Aid to Localities with Police Department \(HB 599\)](#)

[Constitutional Officers' FY 2018 Budget Estimates](#)

[K-12 Public Education](#)

State Budget Highlights

Fiscal Analytics, Ltd. | VACo Staff

Revenues

In August 2016, the Governor announced a nearly \$1.5 billion budget shortfall for the 2016-18 biennium. This estimated shortfall was the result of \$279 million in lower FY 2016 revenues that reduced carry-forward balances and created a lower revenue base going forward. Revenue growth forecasts for FY 2017 and FY 2018 were also revised lower. However, the March 2017 adopted 2016-18 budgeted shortfall was only about half the original August estimate. Revenue projections were revised higher, modest tax policy changes were enacted, \$117 million in additional non-general fund transfers were adopted, and unspent balances from FY 2016 were used. The revised budget was then balanced by drawing down the Rainy Day Fund by \$567 million and making \$162 million in actual net appropriation reductions.

The good news is that General Assembly still only adopted modest General Fund (GF) revenue growth forecasts of 2.9 percent in FY 2017 and 3.3 percent in FY 2018, leaving room for fiscal year-end surpluses if the economy and tax collections perform better than expected. Including transfers, available GF revenues are forecast to grow 3.4 percent in FY 2017 and 3.2 percent in FY 2018. These are conservative revenue growth estimates. The primary driver of the revenue forecast is expected individual income tax growth of 2.9 percent in FY 2017 and 3.6 percent in FY 2018. Sales taxes are expected to grow 2.7 percent and 1.8 percent, respectively.

Tax policy changes embedded in the adopted budget include an expected one-time revenue gain of \$89.5 million from a tax amnesty program, with \$35 million from these collections directed to a cash reserve. Other notable policy changes include \$47.9 million in additional accelerated sales tax collections, \$11.1 million through a tightened sales tax nexus program, and \$9.9 million from limiting the historic rehabilitation tax credit to \$5 million per return. ABC profits are also estimated to increase by nearly \$40 million.

Including carryforward balances from FY 2016 and transfers, \$40.478 billion in general funds are estimated to be available for appropriation in the FY 2016-18 biennium budget. The revised

FY 2016-18 budget has \$180 million less available for appropriation than last year's originally adopted budget.

Key Elements of Interest for Local Governments

Both the Governor and the General Assembly made compensation increases for state employees, teachers, and state-supported local employees a priority this session, as state funding for proposed increases in the biennium budget adopted by the 2016 General Assembly was rescinded in summer 2016 in response to the budget shortfall. In the introduced budget, the Governor proposed funding for a 1.5 percent bonus for these employees, in addition to several compensation actions targeted toward specific categories of employees (such as relieving salary compression among sheriff's deputies and members of the State Police and providing salary supplements for district court clerks). The General Assembly opted to provide salary increases instead; the budget includes funding for a three percent salary increase for state employees, effective July 10, 2017, and a two percent increase for Constitutional officers and state-supported local employees, effective August 1, 2017. Funding is also included for the state share of a two percent salary increase for SOQ-recognized instructional and support positions, effective February 15, 2018.

The budget also includes \$2.6 million for salary adjustments for district court clerks, \$7.3 million to address salary compression among sheriff's deputies, and \$3.3 million for the career development program for Constitutional officers.

K-12 Education

The Governor's introduced budget protected K-12 from additional program reductions after the rescission of the salary increases in summer 2016. However, formula-driven reductions were made to direct aid in the introduced budget because of a decrease in sales tax revenue (partially offset by an increase in basic aid, for a net reduction of \$40.1 million) and a decline in enrollment (a reduction of \$35.3 million statewide). As discussed above, the Governor proposed \$55.5 million GF in FY 2018 for the state's share of a 1.5 percent bonus payment for SOQ-recognized positions, to be awarded on December 1, 2017. The General Assembly redirected this funding, along with additional GF revenues, toward two main actions: a salary increase for teachers and an increase in the Supplementary Lottery Per-Pupil Allocation, which is returned to school divisions to be used at local discretion. The budget as passed by the GA provides the state's share of a two percent salary increase for SOQ-recognized positions, based on an effective date of February 15, 2018. In addition, the budget includes a \$34.1 million increase in the Supplementary Lottery Per-Pupil Allocation, bringing the total distribution to \$191.3 million per year, or 35 percent of lottery revenues. Language was added to the budget this year allowing all of this allocation to be spent on recurring expenses; previous language required that 50 percent of the allocation be used for non-recurring expenses, such as equipment and capital costs.

The General Assembly also included \$7.3 million in FY 2017 to assist smaller school divisions experiencing losses in enrollment. This funding is available to school divisions with fewer than 10,000 students in total that experienced losses of five percent or greater in Average Daily Membership over the five years between March 30, 2011 and March 30, 2016.

Neither the Governor nor the General Assembly proposed changes to the employer contribution rates to the Virginia Retirement System teacher plan, as had been requested by VACo and many school divisions. The repayment plan adopted in 2012 called for the contribution rates to be gradually increased over several biennia, with rates reaching 100 percent of the actuarial rate in FY 2019. The 2016 General Assembly accelerated this plan by one year, so that employer

contributions would reach 100 percent in FY 2018, a decision made when state revenues appeared to be in a stronger position. Under the schedule adopted in 2016, the employer contribution rate increases from 14.66 percent in FY 2017 to 16.32 percent in FY 2018. VACo advocated for a reversion to the original schedule, which would provide some budget flexibility for both the state and localities, while still making progress toward reducing the teacher plan's unfunded liability. The Administration and the legislature ultimately decided to continue following the accelerated plan; the importance of demonstrating Virginia's commitment to an actuarially-sound retirement system to bond rating agencies was frequently cited as an argument for adhering to the 2016 decision.

Detailed information about allocations for each school division may be found in the [February 28, 2017, Superintendent's Memo](#).

Health and Human Resources

Reforms to the state's behavioral health system continued to be a major area of focus for both the Administration and the legislature this year. The introduced budget contained a package of funding items, including funding for same-day access to screening and assessments at Community Services Boards (CSBs), \$9.4 million to CSBs for discharge assistance planning and other services; \$200,000 for naloxone and overdose reversal kits; and \$3 million for purchase of private inpatient beds. The General Assembly modified this package by supplanting some General Fund dollars with federal funding and adding several priority items.

As passed, the budget includes the following behavioral health spending items:

- \$9.4 million for CSB community behavioral health services
- \$6.2 million for same-day access at CSBs
- \$5 million for permanent supportive housing for individuals with mental illness
- \$3 million for purchase of private inpatient beds
- \$2.1 million to expand eligibility for the Governor's Access Plan (which provides Medicaid-funded medical and behavioral health services to individuals with serious mental illness) from 80 to 100 percent of the federal poverty level
- \$100,000 to fund a state substance use coordinator
- \$200,000 for naloxone and overdose reversal kits
- \$2.1 million for additional staff and medications at state hospitals

The Governor's budget had also included \$4.2 million for training on mental health screening and assessments in local and regional jails. The General Assembly removed this funding and instead included language in the budget directing that inmates be screened for mental illness upon admission to a jail, using a scientifically validated instrument to be designated by the Commissioner of Behavioral Health and Developmental Services. The Compensation Board is to review jail staffing standards for the provision of mental health services and report on the costs and benefits of requiring an assessment within 72 hours of an initial screening for those

inmates whose initial screening suggests mental illness. Language is also included directing the preparation of a report on the potential use of the Peumansend Creek Regional Jail as a mental health facility for inmates.

Another area of negotiation this year was funding for further development of reforms to the behavioral health system. The Governor's budget included \$4.5 million for an independent contractor to develop a plan, in consultation with stakeholders, to expedite changes to the system. The General Assembly instead provided \$250,000 for the Secretary of Health and Human Resources to prepare an implementation plan for the "financial realignment" of the behavioral health system, and \$250,000 for the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century to contract for assistance in its work.

A number of other study directives related to mental health are included in the budget. The Joint Commission on Health Care is directed to study options for increasing the use of telemental health services in the Commonwealth. The Department of Housing and Community Development is directed to develop and implement strategies for housing individuals with serious mental illness, to include potential use of Medicaid funding. Finally, the Joint Subcommittee to Study Mental Health Services in the Commonwealth is extended until December 1, 2019.

The Children's Services Act (CSA) was also the subject of budget action this year, particularly with respect to private day placements made pursuant to Individual Education Plans (IEPs). The Governor's budget included \$85.7 million over the biennium to address increasing caseloads and costs in CSA, an increase in spending largely attributable to growth in costs for private special education day placements. The budget also includes language directing staff to the House Appropriations and Senate Finance committees to convene a workgroup of state agency representatives to evaluate options regarding these placements and how their cost and quality could be better managed. One option under discussion during the session, and included in the study directive, is to carve funding for these placements out of CSA and transfer it to the Department of Education. Local governments have expressed concerns about this proposal and its potential effects on the sum-sufficiency provisions that are currently attached to mandatory spending under CSA. If the state's contribution were fixed, rather than increasing to meet the needs of the mandated population, local governments could be left to make up the difference.

The General Assembly considered a variety of proposals for the use of surplus dollars in the Temporary Assistance to Needy Families block grant. The budget includes a 2.5 percent increase to the cash assistance benefit payment. It also provides \$7.5 million for grants to local community employment and training programs and \$2.5 million to reorganize localities from three categories to two (a change which will provide a modest adjustment to benefits to recognize changes in cost of living since the categories were developed).

The budget also creates a joint subcommittee to respond to potential federal action amending the Affordable Care Act, Medicaid, or the Children's Health Insurance Program. The subcommittee will also provide oversight of the Virginia Medicaid program and agencies in the Health and Human Resources Secretariat.

Economic Development

The Governor's budget included reductions to several programs of interest to local governments; as the budget shortfall was reduced, the General Assembly was able to restore some of these funds. The introduced budget proposed a \$15 million reduction to the GO Virginia program,

which was approved by the General Assembly in 2016. The budget as passed by the General Assembly restores half of this funding, providing \$650,000 per qualifying region in FY 2017 for organizational building and gap analyses, with no local match requirement; \$10.9 million in FY 2018 for grants based on each region's share of the state population; and \$11.3 million in FY 2018 for competitive grants. Similarly, the General Assembly partially restored funding for the Enterprise Zone program, which was cut by \$1.8 million in the introduced budget (the GA provided \$1 million over the biennium). The GA fully restored funding for the Brownfields Restoration and Economic Development Assistance Fund.

Finance

Recent events in the city of Petersburg have elevated the issue of local financial trouble to a focus of major attention by the legislature and the Administration. The budget includes funding to address specific situations in the short term by providing \$500,000 in FY 2017 to be used at the discretion of the Secretary of Finance to address situations of local fiscal distress that have been documented prior to January 1, 2017. It also seeks to address future situations by requiring the Auditor of Public Accounts (APA) to convene a workgroup to develop criteria for determining whether a locality is in fiscal distress, and sets out a process for state intervention in financially troubled localities. Under that process, the APA must notify a local governing body if it makes a preliminary determination that the locality may meet the criteria for fiscal distress. Upon request by the locality, the APA may conduct a more detailed review of the locality's finances; after that review, if the APA believes that state intervention is needed, he or she must notify the Governor, the chairs of the House Appropriations and Senate Finance Committees, and the local governing body. The Governor may reappropriate up to \$500,000 from unspent aid to local governments for technical assistance and intervention, after consulting with the money committee chairs about a plan for state intervention. The locality's governing body must assist staff conducting the intervention.

The budget also directs the creation of a joint subcommittee of money committee members to look more broadly at the issue of local fiscal stress, including local responsibilities for service delivery and disparity between city and county taxing authority. Savings opportunities from regional consolidation and financial incentives to encourage regional cooperation are also to be considered.

The budget also directs the continuation of a workgroup convened to examine liability insurance for Constitutional officers, and adds language refining the group's charge, to include the effect of unanticipated premium increases for the state's VA Risk program on local budgets.

Other Studies of Note

Budget language directs the Secretary of Agriculture and Forestry to convene a panel of stakeholders to develop recommendations on how the state can better foster farm wineries. The group is to consider state and local noise and traffic regulations, among other factors, in its work, and report to the Governor and GA by November 30, 2017.

Budget language also directs the Department of Conservation and Recreation to convene a stakeholder group to evaluate methods to stabilizing funding for Agricultural Best Management Practices. The review is to consider the use of the Water Quality Improvement Fund reserve and the potential effects on the staffing and technical assistance needs of the Soil and Water Conservation Districts, and report to the chairs of the Senate Finance, House Appropriations, and House and Senate Agriculture, Conservation and Natural Resources Committees by November 15, 2017.

GF Budget Accounting						
		<u>2016 Session</u>		<u>2017 Session</u>		<u>Biennial</u>
	<u>FY 16</u>	<u>2017</u>	<u>2018</u>	<u>2017</u>	<u>2018</u>	<u>Change</u>
Legislative and Executive	107.7	115.5	115.5	115.7	119.4	4.1
Judicial Dept.	456.0	484.5	485.2	482.9	485.6	(1.2)
Administration/Comp Board	691.7	711.8	718.7	705.2	715.4	(9.9)
Treasury Board Debt Service	675.0	734.9	766.3	722.1	763.7	(15.4)
Other Finance/Technology	181.6	191.6	188.6	189.1	186.0	(5.1)
Rainy Day Fund	-	605.6	-	605.6	-	-
Car Tax Reimbursement	950.0	950.0	950.0	950.0	950.0	-
Commerce and Trade	197.0	203.8	217.3	188.3	205.6	(27.2)
Agriculture / Nat. Resources	174.7	237.7	172.2	234.2	163.7	(12.1)
K-12 Education/Central Office	5,576.0	5,900.0	6,190.6	5,735.6	6,088.5	(266.5)
Higher & Other Education	1,865.5	2,046.6	2,081.1	2,040.0	2,015.2	(72.5)
DMAS Medicaid	4,159.5	4,293.9	4,421.0	4,332.8	4,605.7	223.6
Other Health & Human Services	1,682.6	1,759.3	1,764.8	1,799.9	1,831.6	107.4
Public Safety & Veterans/HS	1,837.5	1,921.8	1,949.4	1,907.1	1,932.9	(31.2)
Transportation	69.1	41.0	41.0	41.0	41.0	-
Central Appropriations	334.8	139.5	223.0	63.5	214.9	(84.0)
Cash Reserve	-	-	-	-	35.0	35.0
Independent Agencies/Capital	143.2	12.0	0.3	2.2	0.3	(9.8)
Total GF Appropriations	19,102.0	20,349.5	20,285.0	20,115.2	20,354.6	(164.7)
GF Revenues/Transfers	19,119.3	19,481.2	20,230.3	19,210.6	19,835.4	(665.5)
Rainy Day Fund Withdrawal				294.7	272.5	567.2
Balances	932.1	946.2	(0.5)	736.3	128.2	(81.2)
Unreserved Balance	265.3	77.9	22.6	126.4	7.9	

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2017.

ECONOMIC DEVELOPMENT AND PLANNING

PASSED LEGISLATION

Economic Development

HB 1486/SB 1225 Arts and cultural districts.

Amends § 15.2-1129.1 of the Code of Virginia, relating to arts and cultural districts. Allows two or more localities to jointly create arts and cultural districts. (*Patrons: Albo and Barker*)

HB 1565 Local tax and regulatory incentives; green development zones.

Amends § 58.1-3245.12 of the Code of Virginia and adds a section numbered 58.1-3854 to authorize localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment. (*Patron: Webert*)

HB 1591/SB 976 Virginia Economic Development Partnership Authority; site and building assessment program.

Amends § 2.2-2238 of the Code of Virginia, relating to the Virginia Economic Development Partnership (VEDP) Authority; site and building assessment program; minimum size of industrial sites. Lowers the minimum size of industrial sites that may be included in the Authority's site and building assessment

program from 250 acres to 100 acres. (*Patrons: James and Hanger*)

HB 1970 Economic revitalization zones; counties may establish by ordinance.

Amends the Code of Virginia by adding in Article 1 of Chapter 12 of Title 15.2 a section numbered 15.2-1232.2, relating to creation of economic revitalization zones in counties. Grants counties the same authority, as given to cities, to create economic revitalization zones. The zones shall be for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. Each county establishing an economic revitalization zone may grant incentives and provide regulatory flexibility. (*Patron: Landes*)

HB 1973/SB 1591 Economic Development Access Program; bonded projects.

Imposes a four-year moratorium on the repayment of funds allocated for a bonded project pursuant to the Economic Development Access (EDA) Program provided that the conditions of the Commonwealth Transportation Board's economic development access policy are met. (*Patrons: O'Quinn and Carrico*)

HB 2055 Rural Coastal Virginia Community Enhancement Authority; created, report.

Establishes the Rural Coastal Virginia Community Enhancement Authority, consisting of the 12 counties within the Northern Neck, Middle Peninsula, and Accomack-Northampton planning districts, if approved by the respective governing bodies. The Authority is created for the purpose of serving as a regional economic development body and represents a partnership of the Commonwealth, the planning districts, and the 12 counties of the coastal region. The Authority shall be governed by a board of up to 15 members. The Authority may seek and approve loans and solicit

donations, grants, and any other funding from the Commonwealth, the federal government, and regional, local government, and private entities to carry out its purposes, powers, and duties. Also, the Authority will (i) assist the region in obtaining necessary job training or employment-related education, leadership and civic development, and business development, especially entrepreneurship for the coastal region; (ii) provide special assistance to distressed and underdeveloped counties within the coastal region; and (iii) fund demonstration projects, and conduct. *(Patron: Hodges)*

HB 2347 Commonwealth’s Development Opportunity Fund; limitation on use of moneys from the Fund.

An Act to amend and reenact §§ 2.2-115 and 30-310 of the Code of Virginia, relating to the Commonwealth’s Development Opportunity Fund; limitation on use of moneys from the Fund. Provides that unless an exception has been granted by the Secretary of Commerce and Trade, moneys in the Commonwealth’s Development Opportunity Fund shall not be used for any economic development project involving a business that relocates or expands its operations in one or more Virginia localities while simultaneously closing its operations or substantially reducing the number of its employees in another Virginia locality. Under current law, this limitation on the use of the Fund is stated as a general policy rather than as a requirement. The bill also requires the Secretary of Commerce and Trade to provide written notice to the Chairmen of the Senate Finance and House Appropriations Committees at least 48 hours prior to the final approval of the grant or loan. Currently, the notice must be provided promptly, and a time frame is not specified. *(Patron: Byron)*

HB 2471/ SB 1574 Virginia Economic Development Partnership Authority; membership, powers and duties.

Restructures the membership of the board of directors of the Virginia Economic Development Partnership Authority (VEDP) by reducing membership from 24 to 17 and

setting minimum qualifications to serve. The bill also requires the board to develop a strategic plan for economic development, marketing, and operations. In addition, the bill establishes additional oversight and internal controls through (1) the creation of an internal auditor position that reports directly to the board; and (2) establishes a Division of Incentives within VEDP to track, manage, and coordinate economic development incentives. The Division of Incentives is required to obtain certification from the Attorney General prior to certifying that an approved project has met the investment and job creation requirements and the review of the Attorney General prior to seeking the repayment of any public funds from an approved project due to a failure of the project to meet the investment and job creation requirements set forth in the contract or memorandum of understanding. *(Patrons: Jones and Ruff)*

SB 1328 Enterprise zone grants and tax credits; qualified real property improvement expenditures.

Amends §§ 59.1-280.1 and 59.1-548 of the Code of Virginia, relating to enterprise zone grants and tax credits; qualified real property improvement expenditures. Provides that an expenditure for an improvement to real property may qualify for a grant or tax credit regardless of whether it is capitalized or deducted as a business expense under federal Treasury Regulations. *(Patron: Carrico)*

SB 1463 Virginia Tobacco Region Revolving Fund; revises definition of project.

Amends § 3.2-3112 of the Code of Virginia, relating to the Virginia Tobacco Region Revolving Fund; definition of project. Revises the definition of “project” under the Virginia Tobacco Region Revolving Fund to mean any proposal recommended for loan evaluation and disbursement by the Virginia Tobacco Region Revitalization Commission, subject to such conditions and policies as agreed to by both the Virginia Tobacco Region Revitalization Commission and the Virginia Resources Authority. *(Patron: Ruff)*

Eminent Domain

HB 2024 Condemnation powers and proceedings; notice to owner or tenant.

Amends §25.1-306 and 33.2-1020. Requires an authorized condemnor or the Commissioner of Highways to give notice to the owner or tenant of freehold property subject to condemnation between 30 and 45 days prior to the filing or recordation of a certificate in any “quick take” condemnation proceeding. Current law requires notice but does not provide a time frame within which such notice must be given. The bill also requires such condemnor to notify the owner or tenant within four business days of the filing or recording by providing a copy of the certificate by certified or registered mail. *(Patron: Freitas)*

SB 927 Eminent domain; timing for initiation of “quick-take” condemnation procedure and petition for determination of just compensation.

Amends §25.1-313 and 25.1-318. Provides that an authorized condemnor in a “quick-take” condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the owner of the property. Under current law, such proceedings must be instituted within 60 days after the completion of the construction of the improvements upon the property. The bill further provides that the owner of such property has 180 days after the authorized condemnor has entered upon and taken possession of the property or after the recordation of a certificate to petition the court for a determination of just compensation for the property taken or damaged by the authorized condemnor. *(Patron: Petersen)*

SB 1153 Inverse condemnation proceeding; reimbursement of owner’s costs.

Amends §25.1-420. Directs 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. *(Patron: Obenshain)*

SB 1421 Interest on the amount of award; condemnation proceeding.

Amends §25.1-244, §25.1-315 and §33.2-1026. Provides that the interest on an award in a condemnation proceeding that is greater than the amount that the condemnor deposited with the court shall accrue at the judgment rate of interest *(Patron: Mason)*

Local Planning, Zoning and Housing

HB 1686 Planning district commissions; Indian tribes; membership.

Amends §§ 15.2-4202 and 15.2-4203 of the Code of Virginia, relating to planning district commissions; Indian tribes. Permits certain Indian tribes recognized by the federal government to join planning district commissions as members and to negotiate the terms of such membership. *(Patron: Hodges)*

HB 1697 Extension of approvals to address housing crisis.

Amends § 15.2-2209.1 of the Code of Virginia and amends and reenacts the second enactment of Chapter 509 of the Acts of Assembly of 2013, relating to extension of certain local approvals. Extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2020. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2017. *(Patron: Marshall, D.)*

HB 1797 Proffers; notice of amendment.

Amends § 15.2-2302 of the Code of Virginia, relating to amendment of proffers; notice. Provides that when any landowner applies to the governing body for amendments to proffered conditions, direct mail notice shall be given to those directly affected by the amendment. *(Patron: Stolle)*

HB 1936 Derelict and blighted buildings; land banks, receivership.

Amends § 15.2-907.2 of the Code of Virginia, relating to land banks; receivership. Authorizes a locality to petition the circuit court to appoint a land bank entity to act as a receiver in certain limited circumstances to repair derelict and blighted buildings that contain residential dwelling units. *(Patron: Carr)*

HB 1994 Zoning Appeals, Board of; clarifies provisions referring to appeal costs, includes governing body.

Amends § 15.2-2314 of the Code of Virginia, relating to board of zoning appeals. Clarifies that provisions that currently state that appeal costs may not be awarded against the locality unless it appears to the court that the locality acted in bad faith also apply to the governing body. *(Patron: Habeeb)*

HB 2418 Alcoholic beverage control; banquet licenses for wineries and breweries.

Amends §§ 4.1-215, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; banquet licenses for breweries. Increases from four to eight the number of banquet licenses a brewery or winery may obtain for events in any one-year period if the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about beer or wine products, respectively. The bill also specifically provides that such wine or beer manufacturer is limited to eight banquet licenses for such events per year without regard to the number of wineries or breweries, respectively, owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. The bill contains a technical amendment. *(Patron: Robinson)*

HB 2469 Zoning; delinquent charges.

Amends § 15.2-2286 of the Code of Virginia, relating to zoning; delinquent charges. Provides that the local treasurer may give authorization

in an instance where a land use applicant is required to first provide satisfactory evidence that various taxes or charges have been paid. *(Patron: Jones)*

SB 919 Removal of blight; building collapse; emergency.

Amends § 15.2-906 of the Code of Virginia, relating to removal of blight; building collapse. Allows a locality to charge owners of property the cost the locality incurred in removing or repairing a building or structure on such property if permitted under the Virginia Uniform Statewide Building Code in the event of an emergency. *(Patron: Edwards)*

SB 1173 Vested property rights; nonconforming uses.

Amends § 15.2-2307 of the Code of Virginia, relating to vested property rights. Provides that if a structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. The provisions of the bill are declared to not be deemed retroactive. *(Patron: Obenshain)*

SB 1559 Zoning appeals, board of; recipient to receive notice of zoning violation.

Amends § 15.2-2311 of the Code of Virginia, relating to board of zoning appeals. Requires that the recipient of certain notices from the board of zoning appeals receive notice via certified mail, last known address, or usual abode prior to the commencement of the 30-day appeal period. *(Patron: Peterson)*

Sanitation and Water

HB 1740 Sanitary districts; creation by board of supervisors.

Amends §§ 21-113 through 21-116, 21-117, 21-117.1, 21-118, 21-118.4, and 21-119 of the

Code of Virginia, relating to sanitary districts; authority to create or expand. Transfers authority to create or enlarge sanitary districts from the circuit court with jurisdiction over the locality in which the district is located to the governing body of the county in which the district is located. The bill requires the governing body, at a hearing for the creation or enlargement of a sanitary district, to make a finding of fact of whether the action is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in the case of enlargement, the area proposed to be included in the existing district. The bill also requires a minimum standard regarding timeliness for hearings. *(Patron: Minchew)*

Utilities, Electrical and Communications

HB 1671 Natural gas utilities; qualified projects, investments in eligible infrastructure.

Amends § 56-607 of the Code of Virginia, relating to qualified projects of natural gas utilities; investments in eligible infrastructure. Exempts any natural gas utility serving fewer than 2,000 residential customers and fewer than 350 commercial and industrial customers in the year in which the utility makes an investment for qualifying projects from the provision that limits the amount of investment that a natural gas utility may make in qualifying projects to one percent of its net plant investment that was used in establishing base rates in its most recent rate case. The measure applies only to projects located in the coalfield region of Virginia. The existing exemption to the one percent cap was enacted in 2013 and applies to any natural gas utility serving fewer than 1,000 residential customers and fewer than 250 commercial and industrial customers in such year. Legislation enacted in 2012 established a mechanism for natural gas utilities to recover the eligible infrastructure development costs of a qualifying project

through future rates. A qualifying project is an economic development project for which, among other things, the utility has received a binding commitment from the developer or occupant of the proposed project regarding capacity or a financial guarantee from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made in the proposed project. *(Patron: Morefield)*

HB 1760 Electric utilities; costs of pumped hydroelectricity generation and storage facilities.

Amends § 56-585.1 of the Code of Virginia, relating to electric utility regulation; pumped hydroelectricity generation and storage facilities. Authorizes an investor-owned electric utility to petition the State Corporation Commission for approval of a rate adjustment clause for recovery of the costs of one or more pumped hydroelectricity generation and storage facilities that utilize associated on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth. The measure provides that the requirement that a utility demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process applies only to a generation facility that is described in clauses (i) and (ii) of subdivision A 6 of Code section 56-585.1. *(Patron: Kilgore)*

HB 1766 Utility Facilities Act; associated facilities of an electrical transmission line.

Amends § 56-265.2 of the Code of Virginia, relating to State Corporation Commission approval of utility facilities. Provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of an electrical transmission line of 138 kilovolts and any associated facilities shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities.

The measure defines “associated facilities” as including any station, substation, transition station, and switchyard facilities to be constructed outside of any county operating under the county executive form of government that is located in Planning District 8 (e.g., Prince William County) in association with the 138 kilovolt transmission line. *(Patron: Habeeb)*

HB 2108 Virginia Wireless Services

Authority Act; rates and charges.

Amends § 15.2-5431.25 of the Code of Virginia, relating to the Virginia Wireless Services Authority Act; rates and charges. Provides that a wireless services authority may fix rates, fees, and charges for services provided, or facilities owned, operated, or maintained by the authority, for which the authority has received loan funding. Currently, an authority may do so only if it has issued revenue bonds. A similar change authorizes rates to be set at levels to provide for payment of loans. The measure also requires each authority to maintain records demonstrating compliance with certain provisions and to make the records available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act. *(Patron: Byron)*

HB 2303/SB 1394 Small agricultural generators; establishes parameters of a program.

Amends § 56-594 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 56-594.2, relating to small agricultural generators; sale of electric power; net metering. Establishes the parameters of a program under which small agricultural generators may sell the electricity generated from a small agricultural generating facility to its utility. Effective July 1, 2019, enrollment by eligible agricultural customer-generators in an existing net energy metering program conducted by an electric cooperative will cease, though a cooperative’s customers who were participating as eligible agricultural customer-generators before that date are allowed to remain in the net metering program for not

more than 25 years. A small agricultural generator is defined in this measure as a customer who operates an electrical generating facility as part of an agricultural business, which generating facility, among other conditions, has a capacity of not more than 1.5 megawatts, uses renewable energy as its total source of fuel, has a capacity that does not exceed 150 percent of the customer’s expected annual energy consumption based on the previous 12 months of billing history, uses not more than 25 percent of contiguous land owned or controlled by the agricultural business for purposes of the renewable energy generating facility. *(Patrons: Minchew and Wagner)*

HB 2358 Water utilities; suspension of proposed rate increases.

Amends § 56-238 of the Code of Virginia, relating to the suspension of proposed rates increases; water utilities. Extends the maximum period that the State Corporation Commission is authorized to suspend the implementation of a proposed rate increase rates from 150 to 180 days. The measure applies only to certain investor-owned water utilities. *(Patron: Ransone)*

SB 932 Conveyance of utility easements; transportation.

Amends § 15.2-1800 of the Code of Virginia, relating to conveyance of utility easements; transportation. Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. *(Patron: Favola)*

SB 1282 Wireless communications infrastructure; procedure for approved by localities.

Amends the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 7.2, consisting of sections numbered 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5, and by adding in Title 56 a chapter numbered 15.1, consisting of sections numbered 56-484.26

through 56-484.31, relating to wireless communications infrastructure. Provides a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way. The measure includes provisions that establish requirements applicable to the location of micro-wireless facilities. The measure also addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way or easements. *(Patron: McDougle)*

SB 1395 Small renewable energy projects; eligibility for permits by rule.

Amends §§ 10.1-1197.5, 10.1-1197.6, and 10.1-1197.8 of the Code of Virginia, relating to small renewable energy projects; environmental permit by rule process. Increases the threshold solar generation from 100 megawatts to 150 megawatts to bypass State Corporation Commission (SCC) approval under the permit by rules (PBR) process. The bill also allows utilities and electric cooperatives to participate in PBR. While localities still exercise existing land use authority over solar PBR, the allowable increase in the size means they could be potentially see an application for a single project covering as much as 2500 acres (or more) of land.

SB 1473 Electric utilities; recovery of costs of undergrounding distribution lines.

Amends § 56-585.1 of the Code of Virginia, relating to electric utility regulation; recovery of costs of undergrounding distribution lines. Declares that the replacement of any subset of an investor-owned electric utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. The measure also provides that there shall be a rebuttable presumption that (i) the conversion of such facilities will provide local and system-wide benefits, (ii) the new

underground facilities are cost beneficial, and (iii) the costs associated with the new underground facilities are reasonably and prudently incurred. An enactment clause provides that the measure shall apply to any applications pending with the Commission regarding new underground facilities on or after January 1, 2017. *(Patron: Saslaw)*

SB 1492 Water utilities; retail rates of affiliated utilities, definitions, etc.

Amends the Code of Virginia by adding a section numbered 56-235.11, relating to water utilities; retail rates of affiliated entities. Requires that in any ratemaking proceeding for certain investor-owned water utilities that are part of a water utility network the State Corporation Commission shall ensure that equal fixed and volumetric rates are charged for each customer class of every water utility that is in the water utility network. In such proceeding, the Commission is authorized to aggregate the revenues and costs of the water utilities that are members of the applicable water utility network. *(Patron: Stuart)*

FAILED LEGISLATION

HB 1674 Conditional rezoning proffers; definition of public facilities.

Amends § 15.2-2303.4 of the Code of Virginia, relating to conditional rezoning proffers. Expands the definition of public facilities to include libraries, court facilities, and certain other public buildings. The bill also provides that when considering the offsite impact of a development on public facilities for purposes of determining the reasonableness of an offsite proffer, the time period of consideration is extended through the anticipated completion of the development. *(Patron: Dudenhefer)*.

HB 1735 Conditional rezoning proffers; provisions applicable to certain proffers.

Amends § 15.2-2303.4 of the Code of Virginia, relating to conditional rezoning proffers. Provides that for purposes of determining what constitutes the requesting of an unreasonable

proffer, the term “locality” shall not include a person participating at a meeting sponsored by a locality for the purpose of facilitating communication among interested parties and the applicant, provided that the person does not have a statutory role in the approval of a rezoning or a proffer condition amendment. *(Patron: Bulova)*

HB 1899 Conditional zoning proffers; affordable dwelling units.

Amends § 15.2-2303.4 of the Code of Virginia, relating to conditional rezoning proffers. Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. *(Patron: Bell, J.)*

SB 802 Camping in tent or recreational vehicle; special use permit.

Amends the Code of Virginia by adding a section numbered 15.2-2288.2:1, relating to special use permits for camping. 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: Stanley)*

SB 857 Conditional rezoning; certain conditional rezoning proffers, floor area ratio.

Amends § 15.2-2303.4 of the Code of Virginia, relating to conditional rezoning; floor area ratio. Reduces from 3.0 to 2.0 the minimum floor area ratio necessary for a new residential development to be exempted from provisions applicable to certain proffers as a condition for rezoning. *(Patron: Locke)*

SB 1139 Vested property rights; nonconforming uses.

Amends § 15.2-2307 of the Code of Virginia, relating to vested property rights. Provides that if a structure is one that requires no building permit, and an authorized local government official informs the property

owner that the structure will comply with the zoning ordinance, and the owner relies upon the representation and constructs the improvements, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. The provisions of the bill are declared to not be deemed retroactive. *(Patron: Obenshain)*

SB 1569 Water and sewer fees; calculation factors.

Amends § 15.2-2119 of the Code of Virginia, relating to water and sewer fees; calculation factors. Changes the standard a locality may use to calculate the charges for water and sewer connection services from fair and reasonable to practicable and equitable defined by a number of factors. The bill has a delayed effective date of January 1, 2018. *(Patron: Reeves)*

STUDIES AUTHORIZED

House Committee on Commerce & Labor:
Virginia Wireless Communications
Infrastructure Work Group – deployment of
wireless infrastructure in rural Virginia.

EDUCATION

PASSED LEGISLATION

Career and Technical Education

HB 1552 Career and technical education; notification by school board to students and parents of programs.

Amends § 22.1-253.13:1 of the Code of Virginia to require each local school board to implement a plan to notify students and their parents of the availability of career and technical education programs and to include annual notice on its website to enrolled high school students and their parents of the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center. *(Patron: Bulova)*

HB 1708 Standards of Accreditation; industry certification credentials obtained by high school students.

An uncodified act that requires the Board of Education to consider for inclusion in the student outcome measures included in the Standards of Accreditation the number of industry certification credentials, as defined by the Board, obtained by high school students. The bill requires the Board to report its conclusion to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2017 and prohibits the Board from including the number of such credentials in the Standards of Accreditation prior to the 2018 Session of the General Assembly. *(Patron: Filler-Corn)*

The provisions of the above bill may not become law, pending final action by the Governor.

HB 1770/SB 1583 Teacher licensure; career and technical education, certain local waivers.

Amends § 22.1-298.1 of the Code of Virginia to permit each local school board or division superintendent to waive certain enumerated licensure requirements for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education. *(Patrons: Freitas and Suetterlein)*

SB 1159 Public schools; career and technical education credential.

Amends §§ 22.1-253.13:4 and 22.1-254 of the Code of Virginia to provide that the career and technical education credential, when required for high school graduation, adult education, or an alternative education plan, may be satisfied with the successful completion of the Armed Services Vocational Aptitude Battery. *(Patron: Reeves)*

Higher Education

HB 1662/SB 1534 Higher educational institutions, public; general education course credit, dual enrollment courses.

Adds § 23.1-905.1 to the Code of Virginia to require the State Council of Higher Education for Virginia (SCHEV), in consultation with each public institution of higher education, to establish a policy for granting undergraduate general education course credit to any entering freshman student who has successfully completed a dual enrollment course. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on SCHEV's and the institution's websites. *(Patrons: Greason and Sturtevant)*

HB 1592/SB 999 Comprehensive community colleges; academic credit.

Adds § 23.1-2907.1 to the Code of Virginia to mandate the State Board for Community

Colleges to require each comprehensive community college to develop policies and procedures for awarding academic credit to enrolled students who have successfully completed a state-approved registered apprenticeship credential. (*Patrons: James and Ruff*)

HB 2172/SB 949 Southern Virginia Higher Education Center; members of board of trustees, powers and duties.

Amends §§ 23.1-3120, 23.1-3121, and 23.1-3122 of the Code of Virginia to require the Southern Virginia Higher Education Center (the Center) to encourage the development and delivery of workforce training in collaboration with educational institutions serving the region, with a focus on critical shortage areas and the needs of industry. The bill replaces the superintendent of the Halifax County Public Schools as an ex officio member of the board of trustees with a superintendent of a public school division located in the Southside region appointed by the Governor. The bill also broadens the eligibility requirements to serve as one of the representatives of business and industry on the board of trustees and requires the board of trustees to seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if the local comprehensive community college is unable to meet such needs, then the board may seek to collaborate with other education providers or provide Center-delivered specialized noncredit workforce training. (*Patrons: Edmunds and Ruff*)

SB 1100 New Economy Workforce Credential Grant Program; reporting by SCHEV on Program.

Amends § 23.1-627.7 of the Code of Virginia to require the State Council of Higher Education for Virginia to include in its annual report on the New Economy Workforce Credential Grant Program information on the wages of students who have completed noncredit workforce training programs, organized by

credential name and relevant industry sector and including average wage and other relevant information. (*Patron: Newman*)

SB 1245 Public education; economics education and financial literacy.

Amends § 22.1-200.03 of the Code of Virginia to require the Board of Education to include evaluating the economic value of postsecondary studies, including the net cost of attendance, potential student loan debt, and potential earnings, in the Board's objectives for economics education and financial literacy. The bill requires the Board to amend such objectives by July 1, 2018. (*Patron: Dunnivant*)

Libraries

HB 1787/SB 1586 Libraries, local and regional; boards not mandatory.

Amends § 42.1-36 of the Code of Virginia to provide an exemption for counties with a charter from having to create a managing library board appointed by the local governing body. (*Patrons: Habeeb and Suetterlein*)

Public Schools

HB 1392 School security officers; carrying a firearm in performance of duties.

Authorizes a school security officer to carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board he was an active law-enforcement officer in the Commonwealth; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications to carry a concealed handgun as a retired law-enforcement officer; (iv) he has met the additional training and certification requirements of the Department of Criminal Justice Services (DCJS); (v) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law

from possessing, purchasing, or transporting a firearm; and (vi) the local school board grants him the authority to carry a firearm in the performance of his duties. The bill requires DCJS to establish additional firearms training and certification requirements for school security officers who carry a firearm in the performance of their duties. Existing law requires DCJS to establish minimum training and certification requirements for school security officers. *(Patron: Lingamfelter)*

HB 1408 Student vision screenings; requirements for certain students.

Amends § 22.1-273 of the Code of Virginia to require (i) the principal of each public elementary school to cause the vision of students in kindergarten and grades two or three to be screened unless certain exceptions apply and (ii) the principal of each public middle and high school to cause the vision of students in grades seven and 10 to be screened unless certain exceptions apply, and permits any such screening to be conducted by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program, or other methods that comply with Department of Education requirements. The bill defines “qualified nonprofit vision health organization” and “comprehensive vision program.” Under current law, the frequency of such vision screenings is determined by the Board of Education pursuant to regulations. Current law is silent on the method and provider of such vision screenings. *(Patron: Ware)*

HB 1414 Standards of Learning; DOE to review multipart assessment questions, partial credit, etc.

An uncodified act that requires the Department of Education to collaborate with the existing educational advisory committees in the Commonwealth that advise on student assessments to review multipart Standards of Learning assessment questions and determine the feasibility of awarding students partial credit for correct answers on one or more

parts of such questions. The bill requires the Department to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2017. The bill prohibits the Department from taking action regarding the awarding of partial credit prior to the 2018 Session of the General Assembly. *(Patron: Austin)*

HB 1437 Public school students; sight and hearing testing, exceptions.

Amends § 22.1-273 of the Code of Virginia to exclude from the requirement that the sight and hearing of public school students be tested any student who has an Individualized Education Program or a Section 504 Plan that documents a defect of vision or hearing or a disease of the eyes or ears when the principal determines that such a test would not identify any previously unknown defect of vision or hearing or disease of the eyes or ears. *(Patron: Head)*

HB 1661 Administration of medications to treat adrenal crisis.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia to provide that a prescriber may authorize an employee of (i) a school board, (ii) a school for students with disabilities, or (iii) an accredited private school who is trained in the administration of injected medications for the treatment of adrenal crisis to administer such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol and with the consent of the student’s parents. The bill provides that any such authorized employee who administers or assists in the administration of such medications in accordance with the prescriber’s instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. *(Patron: Greason)*

HB 1829 Teacher licensure; certification or training in emergency first aid, cardiopulmonary resuscitation.

Amends § 22.1-298.1 of the Code of Virginia to specify that the certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators that is required of every person seeking initial licensure or renewal of a license as a teacher shall include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. *(Patron: Dudenhefer)*

HB 1924/SB 829 Public schools; suspensions.

An uncodified act that directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. *(Patrons: Bagby and Wexton)*

HB 1981 School Divisions of Innovation; definition, regulatory provisions.

Adds §§ 22.1-212.28 through 22.1-212.32 to require the Board of Education to promulgate regulations for the designation of School Divisions of Innovation in which a local school board shall, pursuant to a plan of innovation, be exempted from certain regulatory provisions and be permitted to adopt alternative policies for school administrators, teachers, and staff to meet the diverse needs of students. *(Patron: Greason)*

HB 1982 Graduation requirements; verified units of credit, satisfactory score on the PSAT examination.

Amends § 22.1-253.13:4 of the Code of Virginia to require the Board of Education, in establishing graduation requirements, to provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination. *(Patron: Greason)*

HB 2014 Standards of quality; biennial review by Board of Education.

Amends § 22.1-18.01 of the Code of Virginia to change from even-numbered years to odd-numbered years the biennial review of the standards of quality that is required of the Board of Education. *(Patron: Keam)*

HB 2140/SB 1523 Teacher turnover; exit questionnaire.

An uncodified act that requires the Department of Education to develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. *(Patrons: LeMunyon and Mason)*

HB 2141 Public education; Board of Education to report on condition and needs.

Amends § 22.1-18 of the Code of Virginia to require the Board of Education's annual report on the condition and needs of public education in the Commonwealth to include an explanation of the need to retain or maintain the frequency of any report that local school divisions are required to submit to the Board of Education or any other state agency; any recommendation for the elimination, reduction in frequency, or consolidation of such reports when such elimination, reduction in frequency, or consolidation would require an amendment to the laws of the Commonwealth; and a description of any other such report that the Board has eliminated, reduced in frequency, or consolidated. *(Patron: LeMunyon)*

HB 2174 School boards; annual report on pupil/teacher ratios in elementary, middle, etc., school classrooms.

Amends § 22.1-253.13:2 of the Code of Virginia to require each school board to report to the public annually the actual pupil/teacher ratios in middle school and high school by school for the current school year. *(Patron: Murphy)*

[HB 2218](#) Public charter school applications and charter agreements; review by the Board of Education.

Amends § 22.1-212.10 of the Code of Virginia to permit the Board of Education to communicate any Board finding relating to the rationale for a local school board's denial of a public charter school application, revocation of a charter agreement, or failure to renew the charter agreement, based on documentation submitted by the school board in any school division in which at least half of the schools receive funding pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended. *(Patron: Miyares)*

[HB 2257](#) High school family life education curricula; effective and evidence-based programs on consent.

Amends § 22.1-207.1:1 of the Code of Virginia to provide that any high school family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. *(Patron: Filler-Corn)*

[HB 2306](#) Arlington County School Board; maximum salary of members.

Amends § 22.1-32 of the Code of Virginia to remove the \$25,000 cap on the salary of certain members of the Arlington County School Board, thereby permitting each member of such school board to be paid a salary in accordance with the general procedures and limits that are applicable to elected school boards in the Commonwealth. *(Patron: Hope)*

[HB 2332](#) Teachers; compensation at rate competitive with national average salary.

Amends § 22.1-289.1 of the Code of Virginia to provide that for the purpose of the stated goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive, the term "competitive" is defined as, "at a minimum, at or above the national average teacher compensation." *(Patron: Tyler)*

[HB 2341](#) Education, Board of; membership.

Amends § 22.1-9 of the Code of Virginia to require at least two of the nine members of the Board of Education to represent private-sector business and industry. *(Patron: Landes)*

[HB 2352](#) Teacher licensure by reciprocity; professional teacher's assessments, report.

Amends § 22.1-298.1 of the Code of Virginia to exempt from any professional teacher's assessment requirements any individual who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed. The bill requires the Department of Education to analyze the current requirements for teacher licensure by reciprocity in the Commonwealth, including any recommendations for changes to such requirements, to the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2017. *(Patron: Freitas)*

[HB 2395/SB 1516](#) Public Schools; dyslexia advisor.

Amends § 22.1-253.13:2 to require one reading specialist employed by each local school board that employs a reading specialist to have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and to have an understanding of the definition of dyslexia and a working knowledge of several topics relating to dyslexia. *(Patrons: Cline and Black)*

[HB 2431](#) School property; retail fee-based electric vehicle charging stations.

Amends §§ 22.1-131, 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia to permit any school board to locate and operate retail fee-based electric vehicle charging stations

on school property, provided that the use of each such station during the school day is restricted to school board employees, students, and authorized visitors and each such station is accompanied by appropriate signage that provides reasonable notice of such restriction. *(Patron: Bulova)*

SB 1098 Standards of Quality; standards for accreditation in public schools.

Amends § 22.1-253.13:3 of the Code of Virginia to require that the regulations establishing standards for accreditation adopted by the Board of Education ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board. *(Patron: Newman)*

SB 1116 Public school employees, certain; assistance with student insulin pumps by registered nurse, etc.

Amends §§ 8.01-225 and 22.1-274.01:1 of the Code of Virginia to authorize local school board employees who are registered nurses, licensed practical nurses, or certified nurse aides and who have been trained in the administration of insulin and glucagon to assist a student who is diagnosed with diabetes and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts, provided that assistance has been authorized by the prescriber and consented to by the student's parent. *(Patron: McPike)*

SB 1160 Teacher Education and Licensure, Advisory Board on; increases membership.

Amends §§ 2.2-2101 and 22.1-305.2 of the Code of Virginia to add three legislative members, two of whom shall be members of the House of Delegates appointed by the Speaker of the House of Delegates and one of whom shall be a member of the Senate appointed by the Senate Committee on Rules, to the Advisory Board on Teacher Education and Licensure. The bill provides an exception to the prohibition against service by legislators

on boards within the executive branch for the Advisory Board. *(Patron: Reeves)*

SB 1359 School boards, local; lead testing of potable water in schools.

Adds § 22.1-135.1 to the Code of Virginia to require each local school board to develop and implement a plan to test for lead and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, giving priority in such testing plan to schools whose school building was constructed, in whole or in part, before 1986. *(Patron: McPike)*

FAILED LEGISLATION

HB 1400/SB 1240 Virginia Virtual School Board; established, report.

Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. *(Patrons: Bell, Richard P. and Dunnavant) (VETOED)*

HB 1498 School boards; assignment of teachers; class size limits.

Reduces from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six. *(Patron: LeMunyon)*

[HB 1534](#) Student discipline; long-term suspension.

Reduces the maximum length of a long-term suspension from 364 calendar days to 90 school days. The bill prohibits a long-term suspension from extending beyond any 45-school day period unless the school principal or division superintendent finds that aggravating circumstances exist, as defined by the local school board and requires that any long-term suspension that extends beyond any 45-school-day period shall be reviewed at the end of each such period. *(Patron: Bell, Richard P.)*

[HB 1535/SB 996](#) Public schools; student discipline.

Provides that no student shall receive a long-term suspension or expulsion for disruptive behavior unless such behavior involves intentional physical injury or credible threat of physical injury to another person. *(Patrons: Bell, Richard P. and Stanley)*

[HB 1536/SB 997](#) Student discipline; suspension or expulsion of students in preschool through grade five.

Prohibits students in preschool through grade three from being suspended for more than five school days or expelled except for drug offenses, firearm offenses, or certain criminal acts. *(Patrons: Bell, Richard P. and Stanley)*

[HB 1561](#) Public school buses; seat belts.

Requires the Board of Education to make regulations to require each new public school bus to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July 1, 2027, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. *(Patron: Krizek)*

[HB 1578](#) Students who receive home instruction; participation in interscholastic programs

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 receives home instruction and complies with requirements specified in the bill regarding academic progress, disciplinary rules, and other rules applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2022. *(Patron: Bell, Robert B.) (VETOED)*

[HB 1605](#) Virginia Parental Choice Education Savings Accounts; established, report.

Permits the parent of a public preschool, elementary, or secondary school student who meets certain criteria to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student. The bill contains a reenactment clause. *(Patron: LaRock) (VETOED)*

[HB 1690](#) Virginia Preschool Initiative; local matching funds.

Removes the requirement for local governing bodies to commit to providing the required matching funds in order to qualify for grants under the Virginia Preschool Initiative. *(Patron: Dudenhefer)*

[HB 1757](#) School personnel; staffing ratios; school nurses.

Requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 1,000 students in grades kindergarten through 12. (*Patron: Dudenhefer*)

[HB 1764/SB 1380](#) Regional school boards; full-time virtual school programs.

Requires the establishment of eight regional school boards composed of one member of each local school board that governs each local school division in each of the eight superintendent's regions in the Commonwealth and requires each such regional school board to enter into a contract with at least one approved multidivision online provider to operate a full-time virtual school program for students enrolled in each local school division in such region. The bill contains provisions relating to student eligibility, educational standards, and funding for such full-time virtual school programs. The bill requires each local school board to make the option to participate in a full-time online learning program or full-time virtual school program available to at least two percent of students enrolled in the local school division and permits school boards to satisfy such requirement by providing the option to participate in the full-time virtual school program offered by the relevant regional school board. (*Patrons: Bulova and Petersen*)

[HB 1805](#) School divisions, certain; development of plan to fund and phase in full-day kindergarten.

Requires each local school board that does not offer a full-day kindergarten program for each kindergarten student in the school division to develop a plan to fund and phase in a full-day kindergarten program for each kindergarten student in the school division and submit the plan to the General Assembly in advance of the 2018 Regular Session of the General Assembly. (*Patron: Bell, John J.*)

[HB 1983](#) School calendar; opening day of school year.

Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (*Patron: Greason*)

[HB 2173](#) Science laboratory classes; establishes a maximum class size of 24 students in grades 6 through 12.

Establishes a maximum class size of 24 students in science laboratory classes in grades six through 12. (*Patron: Murphy*)

[HB 2191](#) School boards; procedures for handling sexually explicit instructional materials, etc.

Amends § 22.1-253.13:7 of the Code of Virginia to require each school board's procedures for handling controversial instructional materials to include procedures for (i) annually notifying the parent of any student enrolled in a course in which the instructional materials or related academic activities may include sexually explicit content and (ii) providing, as a replacement for instructional materials or related academic activities that include sexually explicit content, nonexplicit instructional materials or related academic activities to any student whose parent so requests. The bill defines "sexually explicit content" as content that involves any criminal sexual assault defined and punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia or any act defined and punishable as a felony under §18.2-361. (*Patron: Landes*) (**VETOED**)

[HB 2342/SB 1283](#) Public schools; Board of Education shall only establish regional charter school divisions.

Amends §§ 22.1-25 and 22.1-212.10 of the Code of Virginia and adds §§ 22.1-57.01, 22.1-57.02, and 22.1-212.16:1 through 22.1-212.16:7. Authorizes the Board of Education to establish regional charter school divisions

consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions. The bill requires the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides to be transferred to such regional charter school. *(Patrons: Landes and Obenshain) (VETOED)*

SB 995 Student discipline; long-term suspension.

Prohibits a long-term suspension from extending beyond 60 school days unless the school board or the superintendent finds that the student's behavior could constitute an offense of an enumerated crime if the offense occurred at school, on school property, or at a school-sponsored event. The bill requires the school board or the superintendent to conduct a review of any suspension that exceeds 60 days at the end of each grading period to determine if the student can return to school early. *(Patron: Stanley)*

SB 1015 Public schools; kindergarten instructional time.

Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill directs the Board of Education to promulgate regulations by July 1, 2019, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. *(Patron: Barker)*

SB 1246 At-Risk Youth and Families, Comprehensive Services for; special education programs.

Grants, for a period of three years, eligibility for funding from the state pool of funds available through the Comprehensive Services for At-Risk Youth and Families program to children and youth placed for purposes of special education in a public school special educational program established and funded jointly by a local governing body and school board pursuant to a Memorandum of Agreement. *(Patron: Stuart)*

STUDIES AUTHORIZED

Regional Special Education Programs

The Department of Education is expected to return to the General Assembly with a proposed plan to redesign the funding structure for regional special education programs. VDOE's intention is to redistribute funding for special education programs so that each school division may participate.

Joint Committee to Study the Future of Public Elementary and Secondary Education in the Commonwealth

Legislation passed in 2016 created this subcommittee, which is scheduled to submit its final report by November 2017. Topics under consideration in its first year included virtual learning, revisions to the Standards of Quality and Standards of Learning, and school leadership.

Environment and Agriculture

PASSED LEGISLATION

Agriculture

HB 1781 Farmers' markets; farm and forest land conversion; plans.

Amends § 3.2-3501 of the Code of Virginia and repeals § 3.2-206 of the Code of Virginia, relating to farmers' markets; reports; farm and forest land conversion; plans. Removes requirements for certain agencies to analyze the impact of regulations on the conversion of farm and forest lands. Requires the Commissioner of Agriculture and Consumer Services to summarize the reports of the operators of state-owned farmers' markets to the General Assembly. *(Patron: Plum)*

HB 2154/SB 964 Running bamboo; designates as a noxious weed.

Amends § 15.2-901 of the Code of Virginia and adds a section numbered 15.2-901.1, relating to running bamboo; local ordinance; civil penalty. Authorizes any locality to adopt an ordinance that requires proper upkeep of running bamboo and prohibits its spread from a landowner's property. *(Patrons: Rasoul and Hanger)*

SB 1195 Produce safety; farm inspections, civil penalty.

Amends the Code of Virginia by adding in Title 3.2 a chapter numbered 51.1, consisting of sections numbered 3.2-5146 through 3.2-5156, relating to produce safety; civil penalty. Prohibits certain farms from violating the federal regulations that set minimum standards for the safe growing, harvesting, packing,

and holding of fruits and vegetables. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out the purposes of the law and gives the Commissioner of Agriculture and Consumer Services free access at reasonable hours to certain farms to inspect the farms and take samples. The Commissioner also is authorized to seize certain produce if he believes it is being grown, kept, or exposed for sale or held in violation of federal regulations or state law, and the bill provides a court process by which the seizure may be contested. *(Patron: Stuart)*

Animal Care, Fishing and Hunting

HB 1477/SB 856 Cats and dogs; local government may, by ordinance, provide for lifetime licenses.

Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at \$50, and limits the fee for a duplicate dog or cat tag to \$1. *(Patrons: Orrock and Hanger)*

HB 2381 Dangerous dogs; clarifies definition, etc.

Amends § 3.2-6540 of the Code of Virginia, relating to dangerous dogs. Removes the requirement that a law-enforcement officer or animal control officer apply for a summons requiring a dog owner to appear before a general district court when the officer has reason to believe that the dog is dangerous. In the case of a dog that has bitten a cat or dog, the bill requires investigation by an officer for certain exemptions from the definition of "dangerous dog" to apply and removes an exemption for good cause as determined by a court. *(Patron: Fariss)*

SB 852 Pet shops; procurement of dogs from unlicensed dealers.

Amends § 3.2-6511.1 of the Code of Virginia, relating to pet shops; procurement of dogs from unlicensed dealers. Prohibits any companion animal dealer who is not licensed

or exempted from licensure by the U.S. Department of Agriculture (USDA) from selling any dog to a pet shop. The bill also prohibits a pet shop from selling a dog procured from someone who knowingly obtained the dog directly or indirectly from a person with such citations. *(Patron: Stanley)*

[SB 906](#) Introduction of snakehead fish; penalty.

Amends § 18.2-313.2 of the Code of Virginia, relating to the introduction of snakehead fish. Prohibits the introduction of snakehead fish from any location into state waters. *(Patron: Surovell)*

Energy

[SB 910](#) Virginia Oil and Gas Act; sampling and replacing contaminated wells.

Amends §§ 45.1-361.43 and 45.1-361.44 of the Code of Virginia, relating to gas and oil drilling; groundwater. Increases from 750 feet to 1,320 feet the radius of surface lands around gas wells on which gas well operators (i) have a right to enter and obtain water samples from water wells and (ii) are required to replace contaminated water supplies. *(Patron: Stuart)*

[SB 911](#) Orphaned Well Fund; surcharge.

Amends § 45.1-361.40 of the Code of Virginia, relating to Orphaned Well Fund. Raises from \$50 to \$200 the surcharge to be paid by a gas or oil operator for a permit to conduct any activity other than geophysical operations. *(Patron: Stuart)*

[SB 1398](#) Coal combustion residuals unit; closure permit, assessments required.

Requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by recycling the ash for use in cement or moving it to a landfill, and demonstrate the long-term safety of the CCR unit. By December 1, 2017, the owner or operator of each CCR unit is to

transmit a progress report to the Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR.) The report must also be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources. The Director of DEQ is required to suspend issuance of a permit to close a CCR unit until May 1, 2018 unless otherwise directed by the 2018 General Assembly. *(Patron: Surovell)*

The provisions of the above bill may not become law pending final action by the Governor.

General Natural Resource Protection

[HB 1600](#) Landfills; DEQ, et al., to work towards odor reduction in Campbell County.

Directs the Department of Environmental Quality and the Region 2000 Services Authority to continue to reduce the odor issues at the landfill operated by the Authority in Campbell County and to report on their efforts to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources by November 1, 2017. *(Patron: Fariss)*

[HB 1793](#) Burn ban; exception for frost or freeze protection of orchard or vineyard.

Amends § 10.1-1142 of the Code of Virginia, relating to burn ban; exception for freeze protection of orchard or vineyard. Adds an exception to the ban on fires from February 15 through April 30 of each year for fire set for the prevention of damage to orchards or vineyards by frost or freezing temperatures. *(Patron: Fariss)*

Water Quality and Supply

[HB 1454/SB 1196](#) James River; designation portion a component of Scenic Rivers System.

Amends § 10.1-413 of the Code of Virginia, relating to James River State Scenic River. Extends the scenic river designation of a

portion of the James River located in Botetourt and Rockbridge Counties from 14 miles to 59 miles. *(Patrons: Austin and Deeds)*

[HB 1562](#) Dam Safety, Flood Prevention and Protection Assistance Fund; grants from Fund.

Amends § 10.1-603.19 of the Code of Virginia, relating to grants from the Dam Safety, Flood Prevention and Protection Assistance Fund. Authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Dam Safety, Flood Prevention and Protection Assistance Fund in the form of grants or loans to dam owners, which may be a local government or private entity that owns a dam. *(Patron: Cole)*

[HB 1597](#) Stormwater management utility, local; waiver of charges when stormwater retained on site.

Amends § 15.2-2114 of the Code of Virginia, relating to stormwater utilities. Requires any locality establishing a stormwater management utility to provide a full or partial waiver of charges for a person whose approved stormwater management plan indicates that the stormwater produced by his property is retained and treated on site. *(Patron: Webert)*

[HB 1619](#) Watershed discharge permits; review of allocations.

Amends § 62.1-44.19:14 of the Code of Virginia, relating to watershed general permit for nutrients. Starting in 2020 directs the State Water Control Board to incorporate into the general permit procedures that will provide for a review once every 10 years of (i) load allocations to determine whether changes in the use of a facility have halted or reduced nutrient discharges and (ii) the need for reallocations based on a variety of factors, including changes in treatment technologies and land use. *(Patron: Bulova)*

[HB 1774](#) Stormwater management; work group to examine ways to improve.

Amends the tenth enactments of Chapters 68 and 758 of the Acts of Assembly of 2016.

Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to convene a work group to consider alternative methods of stormwater management in rural Tidewater localities. The work group is to review and consider the creation of rural development growth areas, the development of a volume credit program, the payment of fees to support regional best management practices, and the allowance of the use of stormwater in highway ditches to generate volume credits. The Center is to report the results of the work group's examination to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by January 1, 2018. The bill also delays from July 1, 2017, to July 1, 2018, the effective date of new stormwater laws enacted during the 2016 Session of the General Assembly. *(Patron: Hodges)*

[HB 2009](#) Stormwater and erosion management; administration of program by certified third party.

Amends § 62.1-44.15:27, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to stormwater and erosion management; administration of program by third party. Authorizes the hiring of certified third-party professionals to administer any or all aspects of a program for the management of stormwater and erosion, including plan review and inspection but not including enforcement. *(Patron: Hodges)*

[HB 2076](#) State Water Control Board; stormwater management programs, regulations, professional license.

Amends § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to stormwater management programs. Directs the State Water Control Board to adopt regulations requiring that all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and

sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018. *(Patron: Wilt)*

HB 2383/SB 898 Department of Environmental Quality (DEQ); combined sewer overflow (CSO) outfalls; Chesapeake Bay Watershed.

Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, to bring it into compliance by July 1, 2025. Until compliance is achieved, the bill requires the outfall owner to annually report its progress to DEQ. *(Patrons: Lingamfelter and Stuart)*

The provisions of the above bill may not become law pending final action by the Governor.

SB 1203 Working waterfront development areas; establishment.

Amends §§ 15.2-2201 and 15.2-2283 of the Code of Virginia and adds a section numbered 15.2-2306.1, relating to working waterfront development areas. Authorizes localities to establish a working waterfront development area and grant certain incentives and regulatory flexibility to private entities for the development of working waterfronts in such area. *(Patron: Lewis)*

FAILED LEGISLATION

HB 1679/SB 1291 Well permit applications; disclosure of trade secrets. Would have authorized the Department of Mines, Minerals and Energy to require disclosure of chemical ingredient names, chemical abstracts numbers, or the amount or concentration of chemicals or ingredients used to stimulate a well

notwithstanding exclusion from mandatory disclosure under the Virginia Freedom of Information Act as a trade secret. *(Patrons: Robinson and Chafin)*

SB 1491 Agritourism activity; definition to include rental of a single-family residence.

Would have defined “agritourism activity” to include the rental of a single-family residence for a period of at least one week. This provision would have limited the authority of local governments to regulate short-term rentals in areas zoned for agricultural use. *(Patron: Stuart)*

STUDIES AUTHORIZED

HB 1774 Stormwater management; work group to examine ways to improve.

Convenes a work group to consider alternative methods of stormwater management in rural Tidewater localities. The work group is to review and consider the creation of rural development growth areas, the development of a volume credit program, the payment of fees to support regional best management practices, and the allowance of the use of stormwater in highway ditches to generate volume credits. The Center is to report the results of the work group’s examination to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by January 1, 2018. *(Patron: Hodges)*

HB 2319 National Flood Insurance Program; participation by affected localities, report.

Amends the Code of Virginia by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.4, relating to National Flood Insurance Program; report. Requires the Secretary of Natural Resources to issue a report by November 1, 2018, listing any locality not participating in the Community Rating System of the National Flood Insurance Program and recommending any legislation necessary to encourage participation. *(Patron: Miyares)*

Finance

investment performance and expenses such as carried interest fees. (*Patron: Garrett*)

PASSED LEGISLATION

Assessments

[HB 1476](#) Real property tax; special assessment for land preservation.

Amends § 58.1-3234 of the Code of Virginia to prohibit any locality from requiring any taxpayer who is the lessor of real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation. (*Patron: Orrock*)

[HB 1820](#) Real property tax; board of equalization members in certain counties.

Amends §§ 15.2-716 and 15.2-716.1 of the Code of Virginia to require that the board of equalization of real estate assessments in any county having the county manager plan of government (Arlington County) be composed of an odd number of not less than three nor more than 11 members, as determined by the local governing body. The circuit court of the county shall appoint a number of members equal to the lowest number that constitutes a majority of members, and the governing body shall appoint the remainder. (*Patron: Hope*)

Compensation and Retirement

[HB 1768](#) Virginia Retirement System; stress testing and reporting policies.

An uncodified act that requires the Virginia Retirement System (VRS) to formally adopt stress testing and additional reporting policies. The bill requires VRS to analyze and regularly report on projections of benefit levels, pension costs, liabilities, and debt reduction under various scenarios; to provide a detailed online statement of investment policy and include investment performance data in certain timeframes up to 25 years; and to report

Taxation

[HB 1415](#) Transient occupancy tax; Goochland, Powhatan, and Warren Counties authorized to impose.

Amends § 58.1-3819 of the Code of Virginia to add the Counties of Goochland, Powhatan, and Warren to the list of counties authorized to impose a transient occupancy tax at a rate not to exceed five percent, provided that any excess over 2 percent is designated and spent solely for tourism purposes. Under current law, all counties are authorized to impose such tax at a rate not to exceed two percent, and specified counties may impose the tax at a rate not to exceed five percent. (*Patron: Ware*)

[HB 1455](#) Real property tax; partial exemption for certain commercial and industrial structures.

Amends § 58.1-3221 of the Code of Virginia to reduce from 20 years to 15 years the minimum age of a structure in a technology zone that is rehabilitated for commercial use that qualifies the rehabilitated structure for a partial exemption from real property taxes. Under current law, a 15-year age minimum applies only to structures located in an enterprise zone designated by the Commonwealth, and a 20-year age minimum applies in all other situations. The bill contains technical amendments. (*Patron: Ware*)

[HB 1463](#) Delinquent taxes; publication of list by governing body or treasurer.

Amends § 58.1-3924 of the Code of Virginia to authorize the governing body of a locality and the treasurer to publish lists of certain local delinquent taxes, whether or not they are based on information as it exists at the end of the fiscal year. (*Patron: Sullivan*)

[HB 1478/SB 875](#) Recordation tax; exemption.

Amends § 58.1-811 of the Code of Virginia

to exempt from recordation tax deeds of trust given by utility consumer services cooperatives. *(Patrons: Orrock and Ruff)*

[HB 1521/SB 977](#) Commonwealth's tax code; conformity with federal law; emergency.

Amends § 58.1-301 of the Code of Virginia to advance conformity with the federal tax code to December 31, 2016. The bill contains an emergency clause. *(Patrons: Ware and Hanger)*

[HB 1626](#) License tax on peddlers and itinerant merchants; adhesive license display.

Amends § 58.1-3717 of the Code of Virginia to provide that any locality requiring an itinerant merchant, for the purpose of license taxation, to display its license at its temporary place of business shall provide to the itinerant merchant an adhesive label that satisfies such requirement. *(Patron: Robinson)*

[HB 1884](#) Real property tax; exemption for certain surviving spouses.

Adds sections 58.1-3219.13 through 58.1-3219.16 to the Code of Virginia to authorize localities to exempt the primary residence of the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel member, or emergency medical services personnel member who is killed in the line of duty. The exemption does not apply to that portion of the value of the residence in excess of the average assessed value of dwellings in the locality. The bill implements Article X, Section 6-B of the Constitution of Virginia, which was adopted by the voters in 2016. *(Patron: Hugo)*

[HB 1889/SB 1274](#) License taxes, local; exemption for certain defense production businesses.

Amends §§ 58.1-3700.1 and 58.1-3703 of the Code of Virginia to clarify that the exemption for wholesale manufacturers from local license taxes includes a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair,

and maintenance services at the place of manufacture to the United States or for which consent of the United States is required. *(Patrons: Hugo and McDougale)*

[HB 1909](#) Real property tax; nonjudicial sale of tax-delinquent property.

Amends § 58.1-3975 of the Code of Virginia to permit the nonjudicial sale of unimproved real property valued at less than \$5,000 if taxes are delinquent for at least three years. The bill also permits the nonjudicial sale of real property valued at no less than \$5,000 but no greater than \$20,000 if taxes are delinquent for at least three years, the property is not subject to a recorded mortgage or deed of trust lien, and the property (i) is unimproved and measures less than 4,000 square feet; (ii) is unimproved and has been determined to be unsuitable for building (the bill expands the bases on which unsuitability may rest); (iii) has a structure on it that has been condemned by the local building official; (iv) has been declared a nuisance by the locality; (v) contains a derelict building; or (vi) has been declared to be blighted by the locality. The bill also modifies current law regarding notice of the sale, redemption of the property, and application of excess proceeds. *(Patron: Yost)*

[HB 1913/SB 1390](#) Cigarettes; purchase for resale, issuance of a cigarette exemption certificate, penalties.

Amends §§ 58.1-623, 58.1-1000, and 58.1-1017.3 of the Code of Virginia and adds sections numbered 58.1-623.2 and 58.1-1017.4 to create a new requirement that purchasers of cigarettes for resale must apply for a special cigarette exemption certificate from the Department of Taxation in order not to be liable for the payment of sales tax at the time of purchase. The bill sets forth numerous requirements that a taxpayer must meet in order to qualify for a cigarette exemption certificate and establishes processes and procedures for the application, renewal, denial, and revocation of the certificates. The bill creates new recordkeeping requirements

for the sale or distribution of any quantity of cigarettes in excess of 50 cartons, or with a value greater than \$10,000 in any single sale. *(Patrons: Anderson and Howell)*

HB 1950 Cigarette tax, local; refund of returned tax stamps.

Amends § 58.1-3832 of the Code of Virginia to require localities that impose a local cigarette tax and require stamps as evidence of payment to provide a refund for any stamps that are returned to the locality. *(Patron: Peace)*

HB 1961 License tax, local; methodology for deducting certain gross receipts.

An uncodified act to require the Department of Taxation to promulgate regulations that clarify the appropriate methodology for determining deductible gross receipts attributable to business conducted in another state or a foreign country. *(Patron: Hugo)*

HB 1992/SB 920 Lien priority.

Amends §§ 15.2-901, 15.2-906, 15.2-907, 15.2-908, 15.2-908.1, and 15.2-1115 of the Code of Virginia to insert “real estate” in several places related to the priority of tax liens so that the operative language now reads “on a parity with liens for unpaid local real estate taxes.” *(Patrons: Habeeb and Edwards)*

HB 2058/SB 962 Sales and use tax; nexus for out-of-state businesses.

Amends § 58.1-612 of the Code of Virginia to provide that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. *(Patrons: Watts and Hanger)*

HB 2169/SB 886 Gas severance tax.

Amends § 58.1-3713 of the Code of Virginia to extend the sunset date from January 1, 2018, to January 1, 2020, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. *(Patrons: Pillion and Chafin)*

HB 2193 Personal property tax; business property.

Amends § 58.1-3506 of the Code of Virginia to require localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250. *(Patron: Rush)*

HB 2219/SB 1248 Real property tax; Stafford County allowed, by ordinance, to restrict deferral of taxes.

An uncodified act that allows Stafford County, by ordinance, to restrict the deferral of real property taxes authorized under current law to a taxpayer’s sole dwelling whose tax levy for 2016 exceeded the tax levy for 2015 by at least 25 percent due to improvements made to adjacent property by Stafford County. The amount of the deferral shall not exceed 95 percent of such excess. *(Patron: Dudenhefer and Stuart)*

HB 2246/SB 1438 Virginia Tax Amnesty Program; established.

Adds a section numbered 58.1-1840.2 to the Code of Virginia to establish the Virginia Tax Amnesty Program, which will be administered by the Department of Taxation during the 2017-2018 fiscal year. The program will be open to any taxpayer who is required but has failed to file a return or to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities, will be waived upon payment of the taxes and interest. *(Patrons: Jones and Norment)*

HB 2455 Personal property tax, tangible; list of uncollected balances.

Amends § 58.1-3921 of the Code of Virginia to expand the uncollected personal property

tax on vehicles for which the treasurer is required to compile a list to include the personal property tax on trailers, semitrailers, watercraft, and manufactured homes. *(Patron: Hodges)*

[SB 1296](#) County food and beverage tax; referendum.

Amends § 58.1-3833 of the Code of Virginia to prohibit a county from holding a new referendum on the levy of a food and beverage tax in the three calendar years after its electoral defeat, but only if such referendum is initiated by a resolution of the board of supervisors. The bill also requires the ballot for any such referendum to state the total tax, as a percentage, that would be imposed on food and beverage if the referendum were to pass, based upon a four percent food and beverage tax and any other ad valorem taxes applicable to the purchase of prepared food and beverage in the county. *(Patron: Vogel)*

The provisions of the above bill may not become law, pending final action by the Governor.

[SB 1320](#) Admissions tax; Washington County to impose on multi-sports complex and entertainment venue.

Adds a section numbered 58.1-3818.03 to the Code of Virginia to authorize Washington County to impose a tax on admissions to a multi-sports complex and entertainment venue that (i) is located on land that contains at least 250 acres and (ii) is in business on or before June 30, 2027. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The bill expires on July 1, 2027, if no such venue is in business on or before June 30, 2027. *(Patron: Carrico)*

Other

[HB 1719/SB 1003](#) Wireless E-911 Fund; distribution percentages.

Amends § 56-484.17 of the Code of Virginia to postpone from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of

the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. *(Patrons: Anderson and Ebbin)*

[HB 2003](#) Local government revenues and expenditures; reports to Auditor of Public Accounts.

Amends § 15.2-2510 of the Code of Virginia to provide that the submittal of the comparative report of local government revenues and expenditures by a locality to the Auditor of Public Accounts shall include a notarized statement from the chief elected official and the chief administrative officer of the locality that the locality's audited financial report has been presented to the local governing body. *(Patron: Poindexter)*

[HB 2105/SB 1416](#) Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund.

Adds a section numbered 2.2-4513.1 to the Code of Virginia to authorize a treasurer to act on behalf of his locality to become a participating political subdivision in qualified investment pools without an ordinance adopted by the locality. The bill defines a qualified investment pool as a jointly administered investment pool organized as a trust fund pursuant to Article 1 of Chapter 13 of Title 15.2 that has a professional investment manager. Investments in qualified investment pools pursuant to the bill are required to comply with the requirements of the Investment of Public Funds Act (§ 2.2-4500 et seq.) applicable to municipal corporations and other political subdivisions. The bill states that none of its provisions shall be construed to diminish existing legal authority of treasurers related to the investment of public funds. *(Patrons: Byron and Newman)*

[HB 2151/SB 1042](#) Virginia Resources Authority.

Amends §§ 2.2-204 and 2.2-211 of the Code

of Virginia to transfer the responsibility for the Virginia Resources Authority from the Secretary of Commerce and Trade to the Secretary of Finance. *(Patrons: Aird and Dance)*

HB 2442 Collection fees, local; an ordinance for collection of overdue accounts.

Amends § 15.2-105 of the Code of Virginia to provide that an ordinance for collection of overdue accounts may also provide for the imposition of collection and administrative fees, not to exceed the amount provided for in § 58.1-3958. *(Patron: Ingram)*

The provisions of the above bill may not become law pending final action by the Governor.

HB 2460/SB 1034 Historic rehabilitation; limits amount of tax credits that may be claimed by each taxpayer.

Limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years, for taxable years beginning on and after January 1, 2017, but before January 1, 2019. *(Patrons: Bloxom and Howell)*

SB 1313 Regional jails; reimbursement of capital costs of construction, etc., to locality.

Amends §§ 53.1-81 and 53.1-82 of the Code of Virginia to provide that on or after July 1, 2017, the Commonwealth shall reimburse a locality a maximum of one-fourth of the capital costs for any regional jail construction, enlargement, or renovation project that has been approved by the Governor on or after July 1, 2017, and is specifically authorized in the general appropriation act. *(Patron: McDougale)*

HJ 562 Constitutional amendment; real property tax exemption for spouse of disabled veteran.

Amends Section 6-A of Article X of the Constitution of Virginia to provide that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction

on the spouse's moving to a different principal place of residence. *(Patron: Miyares)*

This amendment must be passed in identical form by the 2018 General Assembly and approved in a referendum before taking effect.

SJ 331 Constitutional amendment; property tax, exemption for flooding remediation, abatement, etc.

Amends Section 6 of Article X of the Constitution of Virginia to provide that the General Assembly may authorize a county, city, or town to partially exempt any real property subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. *(Patron: Lewis)*

This amendment must be passed in identical form by the 2018 General Assembly and approved in a referendum before taking effect.

FAILED LEGISLATION

HB 1488 Collection of delinquent local taxes; period of delinquency.

Amends § 58.1-3934 of the Code of Virginia to reduce from six months to three months the minimum period of time that a tax has been delinquent before a locality may refer the delinquency to an attorney, collection agency, or the sheriff for collection. *(Patron: Albo)*

HB 1502 Communications sales and use tax; sales price.

Amends § 58.1-647 of the Code of Virginia to provide that the sales price for the communications sales and use tax shall be reduced by any separately identified universal-service fund fees. *(Patron: Davis)*

HB 1595 Vehicle license fees and taxes, local; collection by counties and adjoining towns.

Amends § 46.2-752 to allow counties and adjoining towns to enter into reciprocal agreements to collect each other's vehicle license fees and taxes. Currently, such

collection is limited to nondelinquent license fees and taxes. *(Patron: Boysko)*

HB 1925 Local cigarette tax.

Amends § 58.1-3831 of the Code of Virginia to authorize all counties to impose a cigarette tax. *(Patron: Campbell)*

HB 1967 Virginia Retirement System; modifies hybrid retirement program.

Amends § 51.1-169 of the Code of Virginia to modify the hybrid retirement program by (i) increasing the mandatory employer contribution to the defined contribution component from 1 percent to 2 percent of creditable compensation, (ii) decreasing the employer's maximum matching contribution to the defined contribution component from 2.5 percent to 1.5 percent of creditable compensation, (iii) increasing the employee's mandatory contribution to the defined contribution component from 1 percent to 2 percent of creditable compensation, (iv) decreasing the employee's maximum contribution to the voluntary defined contribution component from 4 percent to 3 percent of creditable compensation, (v) decreasing from three years to two years the period in which a new member of the hybrid retirement program is required to make the maximum voluntary contribution to the defined contribution component, and (vi) decreasing the employee's contribution to the defined benefit component from 4 percent to 3 percent of creditable compensation. The bill also sets a new employee's voluntary contribution rate to the defined contribution component at 0.5 percent unless the employee opts out. *(Patron: Massie)*

HB 2038 Recordation tax; refinancing deeds of trust.

Amends § 58.1-803 to exempt from recordation tax deeds of trust or mortgages that refinance an existing deed of trust or mortgage on which the recordation tax was paid within the last two years. *(Patron: Murphy)*

HB 2070 Additional powers of certain counties.

Amends §§ 15.2-204, 33.2-319, and 58.1-3840 of the Code of Virginia to grant counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing, and payments for highway maintenance. Such powers currently are generally granted to cities and towns. *(Patron: Watts)*

HB 2104 Machinery and tools tax; valuation, appeal of certain local taxes.

Amends §§ 58.1-3507 and 58.1-3983.1 to permit the commissioner of the revenue to utilize any method that may reasonably be expected to determine actual fair market value of machinery and tools, in addition to specific methods required under current law. The bill also requires the commissioner of the revenue, upon request, to consider the condition of the machinery and tools, all forms of depreciation, including obsolescence, and any other factor that is not adequately taken into account by the valuation method otherwise used. The bill requires the commissioner of the revenue to provide to taxpayers upon request a description of his valuation methods, any adjustments that have been made to reflect the taxpayer's appraisal or written concerns, and the factual and legal bases on which the commissioner relies for disagreeing with the taxpayer's qualified appraisal. The bill also gives the Tax Commissioner authority to issue advisory written opinions in specific cases to interpret the law related to valuations involving independent appraisals of manufacturers' machinery and tools that are presented by the taxpayer to the commissioner of the revenue. In appeals to the Tax Commissioner, the bill permits the taxpayer to value the property by allocating the total value of all machinery and tools at a facility among individual items of property according to the percentage of the original cost that each such item of property bears to the total original cost of all of the property. The bill also requires the Tax Commissioner to make

certain determinations and findings related to the appeal. *(Patron: Byron)*

[HB 2251](#) Virginia Retirement System; establishes an optional defined contribution retirement plan.

Requires the Virginia Retirement System (VRS) to establish an optional defined contribution retirement plan for state and local employees. Participation in the plan is in lieu of other retirement plans offered by VRS. Employees hired on or after July 1, 2019, shall make an irrevocable election whether to participate in the plan. A person who is employed on June 30, 2019, shall make an irrevocable election by October 31, 2019, to participate in the new retirement plan beginning January 1, 2020, in lieu of his retirement plan at the time. Under the plan, the employer makes a mandatory contribution in the amount of 8.5 percent of the employee's compensation, and the employee contributes five percent of his compensation. The employer's contribution becomes fully vested upon the employee's completion of five years of continuous participation. *(Patron: Jones)*

[HB 2294](#) Health insurance; credits for retired school division employees.

Amends §§ 51.1-1400 and 51.1-1401 of the Code of Virginia to require school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. Currently, the \$4 per year health insurance credit is provided only to teachers, and non-teacher school division employees are eligible for a credit of \$1.50 per year of service, capped at \$45 per month, if the locality has elected such coverage. An enactment clause provides that this measure does not apply to any local school division employee who retired on disability prior to July 1, 2017, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2017, but who did not receive a health insurance credit prior to that date will only receive the \$4 per year

health insurance credit prospectively. *(Patron: McQuinn)*

[HB 2447](#) Motor vehicles, local licensure; eliminates ability of a locality to assess local license fees.

Amends §§ 46.2-100, 46.2-102, 46.2-752, and 58.1-3995 of the Code of Virginia and repeals §§ 46.2-753, 46.2-754, 46.2-755, and 46.2-756 to eliminate the ability of a locality to assess local license fees for motor vehicles, trailers, and semitrailers. The bill has a delayed effective date of July 1, 2018. *(Patron: Marshall, R.G.)*

[SB 836](#) License taxes; if locality imposes tax upon business, tax shall be based upon Va. taxable income.

Amends § 58.1-3702 of the Code of Virginia to provide that if a locality imposes a license tax upon a business, the tax shall be based upon the Virginia taxable income of the business. Current law allows a locality to impose the tax upon gross receipts or Virginia taxable income. *(Patron: Chase)*

[SB 881](#) Virginia Retirement System (VRS); receipt of retirement allowance while employed in a covered position.

Amends § 51.1-155 of the Code of Virginia to permit a person who has attained the age of 62 to receive a retirement allowance from VRS and be employed in a VRS-covered position. The years of service and the compensation earned during such employment do not affect the amount of the retirement allowance during or after such employment. *(Patron: Spruill)*

[SB 956](#) County food and beverage tax.

Amends §§ 58.1-3833 and 58.1-3842 of the Code of Virginia to increase from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. *(Patron: Locke)*

SB 1181 Virginia Retirement System; return to employment by retired public safety employees.

Amends § 51.1-155 of the Code of Virginia to authorize a person retired from a public safety position and receiving a service retirement allowance to continue to receive such retirement allowance if rehired in a position covered for retirement purposes. The bill provides that such new employment does not affect the person's retirement benefit and that such employee is not eligible to participate in the cash match plan, the group insurance program, or the sickness and disability program. *(Patron: Reeves)*

SB 1268 Localities; public hearings for tax rate increases.

Amends § 58.1-3321 of the Code of Virginia to authorize localities to hold hearings on tax rate increases at the same time as the annual budget hearing. Current law requires a hearing on a tax rate increase to occur at a separate proceeding. *(Patron: Ebbin)*

SB 1329 Cigarettes; all localities allowed to impose a tax.

Amends §§ 58.1-3830 and 58.1-3831 of the Code of Virginia to allow all localities to impose a cigarette tax by removing the requirement that only those localities that had such authority prior to 1977 are eligible. *(Patron: Carrico)*

SB 1520 Property tax; notice by locality of public hearing of tax increase.

Amends § 58.1-3321 of the Code of Virginia to change the notice required by a governing body for a public hearing when a reassessment of real property in a locality would result in an increase of one percent or more in the property tax levied. Current law requires notice to be published at least 30 days in advance of a public hearing through both publication in a newspaper of general circulation and posting in a prominent location in the building where the government body conducts its business. The bill would require newspaper publication

at least 25 days in advance and would continue to require notice in the government building to be posted at least 30 days in advance. *(Patron: Ebbin)*

SB 1526 Income-producing realty; income data.

Amends § 58.1-3294 of the Code of Virginia to authorize the owner of certain income-producing realty to submit documents other than statements of income and expenses to a real estate assessor, board of assessors, or department of real estate assessments for purposes of valuation of the property. The bill specifies that such other documents include appraisals, tax returns that demonstrate the income generated by the property, or other documents relevant to the valuation of the property. *(Patron: Obenshain)*

SB 1544 Food and beverage tax; York County authorized to impose.

Amends § 58.1-3833 of the Code of Virginia to authorize York County to impose a food and beverage tax at a rate of up to eight percent. The Board of Supervisors would be required to hold a public hearing and adopt an ordinance implementing the tax by a unanimous vote, but would not be required to hold a referendum. *(Patron: Norment)*

STUDIES AUTHORIZED

Local Fiscal Stress

Budget language directs the creation of a Joint Subcommittee on Local Government Fiscal Stress, which will review local responsibilities for service delivery, disparity in taxing authority between cities and counties, and savings opportunities from increased regional cooperation. The budget also directs the Auditor of Public Accounts to convene a workgroup to develop a proposed "early warning" system for local fiscal distress. This system will be used to guide potential future state interventions in localities experiencing financial trouble.

General Government

PASSED LEGISLATION

Conflicts and Ethics

[HB 1472/SB 965](#) Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.

Amends § 2.2-3110 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; prohibited contracts; exceptions for certain contracts entered into by officer or employee or immediate family member of officer or employee of soil and water conservation district. Provides an exception to the prohibition against contracts between employing agencies and their officers or employees for contracts by an officer or employee of a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under such program. The bill provides that the exception applies to all contracts entered on and after July 1, 2017, and to any contract entered by an officer or employee or an immediate family member of such officer or employee with a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality prior to the effective date of this act. *(Patrons: Lingamfelter and Hanger)*

[HB 1727/ HB 2354](#) State and Local Government Conflict of Interests Act; school boards and school board employees – Planning Districts 4 and 17.

Amends § 2.2-3119 of the Code of Virginia,

relating to the State and Local Government Conflict of Interests Act; school boards and school board employees. Provides that school divisions located in Planning District 17, Northern Neck, and Planning District 4 new River Valley are not subject to the prohibition against hiring a school division employee who is related to a member of the school board under certain circumstances. *(Patrons: Ransone and Rush)*

[HB 1854/SB 1312](#) Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments.

Amends §§ [2.2-419](#), [2.2-422](#), [2.2-423](#), [2.2-426](#), [2.2-430](#), [2.2-431](#), [2.2-3101](#), [2.2-3103.1](#), [2.2-3110](#), [2.2-3112](#), [2.2-3114](#), [2.2-3115](#), [2.2-3116](#), [2.2-3121](#), [2.2-4369](#), [24.2-502](#), [30-101](#), [30-103.1](#), [30-105](#), [30-106](#), [30-110](#), [30-124](#), [30-129.1](#), [30-356](#), and [30-356.2](#) adds [2.2-3118.2](#) and [30-111.1](#). Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone

number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. **The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap.** The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) attendance at a reception or similar function. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction. *(Patrons: Gilbert and Norman)*

Courts

HB 1515 Circuit court clerks; electronic transfer of certain documents.

Permits circuit court clerks to transfer

electronically, or provide electronic access to, documents related to certain real property information to certain public officials. *(Patron: Cole)*

HB 1589 Order of publication; use of electronic medium.

Provides that a court may direct that an order of publication be electronically posted using an electronic medium chosen by the court, in lieu of directing such order be published in a newspaper. *(Patron: Campbell)*

HB 1815 Computer trespass; government computers and computers used for public utilities; penalty.

Amends § 18.2-152.4 of the Code of Virginia, relating to computer trespass; government computers and public utilities; penalty. Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer affected is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities. *(Patron: Yancey)*

HB 2034 Virginia Residential Property Disclosure Act; adds two new disclosures.

Adds two new disclosures required to be made by a seller of residential real property to a purchaser, one for whether the property is subject to one or more conservation or other easements and a second for whether the property is subject to a community development authority approved by a local governing body. The bill also (i) adds a definitions section for the Virginia Residential Property Disclosure Act, (ii) provides for electronic delivery of required disclosures, and (iii) provides that the required disclosures provided by the Real Estate Board appear on its website. The bill has numerous technical amendments. *(Patron: Miller)*

HB 2035/SB 870 Electronic filing of land records; fee for paper filing.

Provides that a clerk of a circuit court that has established an electronic filing system for land

records may charge a fee not to exceed \$5 per instrument for every land record filed by paper. *(Patrons: Miller and Stuart)*

[HB 2386](#) Unpaid court fines, etc.; increases grace period for collection.

Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. The bill also establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties *(Patron: Loupassi)*

[SB 947](#) Petition for appeal to Supreme Court; time period within which petition must be presented.

Authorizes the Supreme Court of Virginia to grant a 30-day extension of the deadline for presentation of the petition for appeal in all cases for good cause shown. Under current law, the Court may grant an extension in criminal cases only. The bill also expresses time periods, currently expressed as months, in an equivalent number of days to reduce ambiguity. *(Patron: Obenshain)*

[SB 1044/HB 1713](#) Nonconfidential court records; secure remote access, date of birth verification.

Provides that the Supreme Court and any other court clerk may provide online access to subscribers who have entered into an agreement with the clerk to have secure remote access to court records of nonconfidential criminal case information to confirm the complete date of birth of a defendant. *(Patrons: Obenshain and Minchew)*

[SB 1257](#) Two-way video testimony; forensic analysis and examination.

Provides that any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, from a person who

performed an analysis or examination that resulted in a certificate of analysis may be presented by two-way video conferencing. The bill provides that any decision to purchase a two-way electronic video and audio communication system is at the discretion of the locality. *(Patron: Obenshain)*

[SB 1276](#) Traffic violations, certain; dismissal for proof of compliance with law.

Provides that a court may, in its discretion, dismiss a violation for failure to notify the Department of Motor Vehicles of change of address, for failure to register, title, or properly display license plates, for failure to pay local licensing fees or taxes, for failure to have certain safety equipment or having unsafe or defective equipment, or for improper tinting, if such a person can prove to the court compliance with the law on or before the court date and payment of court fees. *(Patron: McDougle)*

[SB 1284](#) Court-ordered restitution; form order, enforcement, noncompliance.

Makes numerous changes related to the repayment of court-ordered restitution, including: (i) requiring the court to enter the amount of restitution, the date by which all restitution is to be paid, and the terms and conditions of repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court; (ii) providing that docketing an order of restitution as a civil judgment does not prohibit the court from enforcing such order by any other available means; (iii) requiring the clerk of every circuit and district court to submit quarterly reports to the attorney for the Commonwealth and any probation agency serving the locality listing (a) all defendants with outstanding balances of court-ordered restitution and (b) all accounts where more than 90 days have passed since such account was sent to collections and no payments have been made; and (iv) removing the court's authority to impose a fine not to exceed \$500 for a defendant's nonpayment of court-ordered fines, costs, restitution, forfeiture, or

penalties after the defendant has entered into an installment or deferred payment agreement
(Patron: Obenshain)

SB 1285 Restitution; supervised probation.

Amends §§ 19.2-303, 19.2-304, 19.2-305, 19.2-305.1, and 19.2-368.15 of the Code of Virginia, relating to restitution; probation. Provides that for any offense that occurs on or after July 1, 2017, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing if any restitution remains unsatisfied on the date upon which restitution was to be paid in full within 90 days of such date if no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full
(Patron: Obenshain).

The provisions of the above bill may not become law pending final action by the Governor.

Elections

HB 1431 Voter registration drives; compensation prohibitions.

Amends § 24.2-416.6 of the Code of Virginia, relating to voter registration drives; compensation prohibitions. Prohibits any individual or group conducting a voter registration drive from compensating its volunteers or employees based on the number of completed voter registration applications the volunteer or employee collects. The bill also prohibits volunteers and employees from accepting compensation based on the number

of completed voter registration applications he collects. *(Patron: Cole)*

HB 2179/SB 1104 Form of ballot; order of independent candidates, required paperwork.

Amends § 24.2-613 of the Code of Virginia, relating to form of ballot; order of independent candidates. Provides that when there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office. If two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, this order applies only to the names of candidates for school board, and the names of all other independent candidates appear alphabetically. *(Patrons: Sickles and Surovell)*

HB 2364/SB 1487 Public officers; automatic suspension upon conviction of felony.

Provides that any officer who is convicted of a felony under the laws of any state or the United States shall be automatically suspended upon such conviction, regardless of any appeals, pleadings, delays, or motions. The bill contains an emergency clause. *(Patrons: Heretick and Lewis)*

SB 864 Electoral board appointments; chief judge of the judicial circuit or his designee make appointment.

Amends § 24.2-106 of the Code of Virginia, relating to electoral board appointments; chief judge of the judicial circuit or his designee to make appointment. Provides that appointments to the electoral board of each county and city are to be made by the chief judge of the judicial circuit for the county or city or that judge's designee, who shall be any other judge sitting in that judicial circuit. Currently, such appointments are made by a majority of the circuit judges and if a majority of the judges cannot agree, the senior judge makes the appointment. The bill also contains technical amendments. *(Patron: Stuart)*

SB 960 Absentee ballots; expediting counting of absentee ballots returned by mail prior to election day.

Amends § 24.2-710 of the Code of Virginia, relating to absentee ballots; expediting the counting of absentee ballots returned by mail prior to election day. Provides that if a general registrar has opted to expedite the counting of absentee ballots returned by mail by opening the sealed ballot envelopes in accordance with law, the requirement that the absentee ballot return envelope and unopened ballot envelope be deposited into an appropriate container does not apply. Current law contains a contradiction that absentee ballot return envelopes and unopened ballot envelopes are to be deposited into an appropriate container while also allowing the sealed ballot envelopes to be opened so that they may be inserted into a ballot scanner machine or other secure ballot container. (Patron: Spruill)

SB 961 Absentee voting; processing of rejected absentee ballots.

Amends § 24.2-711 of the Code of Virginia, relating to absentee voting; processing of rejected absentee ballots. Provides that when an absentee ballot is rejected, at least two officers of election, one representing each political party, are required to write and sign a statement for the cause of the ballot's rejection. Currently, the law requires that a majority of the officers write and sign such statement. (Patron: Spruill)

SB 1254 Department of Elections; annual audit of ballot scanner machines.

Requires the Department of Elections to coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit are to be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The audits are required to be conducted by the local electoral boards and general registrars in accordance with procedures prescribed by the Department. The local

electoral boards report the results of the audit to the Department and the Department shall submit a report on the audits to the State Board of Elections. The bill has a delayed effective date of July 1, 2018. (Patron: Obenshain)

SB 1467 Central absentee voter precincts; expedited counting of absentee ballots.

Allows the officers of election at a central absentee voter precinct to begin tallying the absentee ballots that are counted by hand at any time after 3:00 p.m. on the day of the election. Currently, absentee ballots may be processed at the central absentee voter precinct prior to the closing of the polls but shall not be counted until after the polls have closed. The bill prohibits any counts of tallies to be determined or transmitted outside of the central absentee voter precinct until after the closing of the polls. It also prohibits the use of cell phones and other communication devices during such tallying and until the close of polls. Any persons present in the central absentee voter precinct during this time is required to sign a statement under oath that he will not transmit any counts prior to the closing of the polls. Any person who transmits any counts in violation of the provisions of the bill is guilty of a Class 1 misdemeanor. (Patron: Marsden)

**Freedom of Information Act/
Transparency**

HB 1539 Virginia Freedom of Information Act (FOIA); public access to records of public bodies.

Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically

clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also limits the application of the working papers exemption by stating that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format but does not contain a material revision to such information shall not be deemed working papers. The bill contains numerous technical amendments. *(Patron: LeMunyon)*

[HB 1540](#) Virginia Freedom of Information Act (FOIA); public access to meetings of public bodies.

Amends §§ 2.2-3701, 2.2-3707, 2.2-3707.1, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712, 10.1-104.7, 15.2-1416, 23.1-1303, and 54.1-2400.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public

access to meetings of public bodies. Revises FOIA's various open meeting exemptions relating to legal matters, litigation, certain museums, and the Virginia Commonwealth University Health System Authority. The bill also (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Science and Technology when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. *(Patron: LeMunyon)*

[HB 1587](#) Uniform Statewide Building Code; security of certain records.

Provides that information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall be confidential and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request. *(Patron: Campbell)*

[HB 1932](#) Virginia Freedom of Information (FOIA) Advisory Council; terms of nonlegislative citizen members.

Clarifies that at the end of the appointed term of a nonlegislative citizen member of the FOIA Advisory Council, the nonlegislative citizen member shall continue to serve until a successor is appointed. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. *(Patron: Carr)*

[HB 2143](#) FOIA; training approved by Virginia Freedom of Information Advisory Council, online courses offered.

Amends § 2.2-3704.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; training approved by the Virginia Freedom

of Information Advisory Council. Requires the Freedom of Information Advisory Council to maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve. The bill requires the name and contact information of FOIA officers trained by legal counsel of a public body to be submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and to be updated in a timely manner in the event of any changes to such information. The bill also provides that training through an online course offered by the Council shall satisfy the annual training requirement for FOIA officers. *(Patron: LeMunyon)*

[HB 2144](#) Virginia Freedom of Information Advisory Council; increases membership, effect of missing meetings.

Amends § 30-178 of the Code of Virginia, relating to the Virginia Freedom of Information Advisory Council; membership; effect of missing meetings. Increases the Virginia Freedom of Information Advisory Council from 12 members to 14 members by adding one additional member from the House of Delegates and one additional member from the Senate. The bill also provides that if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority, who may, upon receipt of such notification, remove the member and appoint a successor as soon as practicable. *(Patron: LeMunyon)*

[HB 2146](#) Freedom of Information Advisory Council; online public comment form.

Amends §§ 2.2-3704.1 and 30-179 of the Code of Virginia, relating to the Virginia Freedom of Information Act; Freedom of Information Advisory Council; online public comment form. Requires the Freedom of Information Advisory Council to develop an online public comment form to be posted on its official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body. The bill also

requires all state public bodies subject to the provisions of FOIA and any county or city, and any town with a population of more than 250, to post a link on its official public government website to the online public comment form. *(Patron: LeMunyon)*

[SB 1040](#) FOIA; record exclusion for personal contact information, definition.

Amends § 2.2-3705.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exclusion for personal contact information; limitation. Provides that personal contact information provided to a public body for the purpose of receiving electronic mail from the public body is excluded from the mandatory disclosure provisions of FOIA, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill defines "personal contact information" as the home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device. Current law excludes "personal information," which is defined as including a broader range of information than the limited definition of personal contact information in the bill. *(Patron: Hanger)*

[SB 1226](#) Virginia Freedom of Information Act; Public Procurement Act; proprietary records and trade secrets; solar energy agreements.

Excludes from the mandatory disclosure provisions of FOIA proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a solar photovoltaic services agreement, a solar power purchase agreement, or a solar self-generation agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary. The bill also (i) allows a solar services agreement contractor or provider to designate specific provisions in a solar services agreement as proprietary

information not subject to disclosure, and (ii) authorizes a locality to withhold from disclosure such information provided by a private entity in connection with a franchise, lease or use under a solar photovoltaic services agreement, a solar power purchase agreement, or a solar self-generation agreement. *(Patron: Edwards)*

[SB 1341](#) Digital certification of government records. Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency, to develop standards for the use of digital signatures by government agencies on electronic records generated by such agencies. The bill further provides that such agencies may provide copies of digital records, via a website or upon request, and may charge a fee of \$5 for each digitally certified copy of an electronic record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record. The bill defines “agency” to include all state agencies and local government entities, including constitutional officers, except circuit court clerks. *(Patron: Surovell)*

Jails

[HB 1845](#) Model addiction recovery program; DCJS.

Amends § 9.1-102 of the Code of Virginia, relating to Department of Criminal Justice Services; model addiction recovery program; jails. Requires the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, to develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. *(Patron: Cox)*

[HB 2462](#) Inpatient psychiatric hospital admission; defendant found competent.

Amends § 19.2-169.6 of the Code of Virginia, relating to inpatient psychiatric hospital

admission; defendant found incompetent. Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. *(Patron: Bell, Robert)*

[SB 1063](#) Corrections, State Board of; membership, powers and duties.

Amends §§ 53.1-2, 53.1-5, and 53.1-127 and 53.1-69.1, relating to State Board of Corrections; membership; powers and duties; review of deaths of inmates in local correctional facilities. Authorizes the State Board of Corrections to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate’s death and whether the facility was in compliance with the Board’s regulations. The bill requires the Board to develop and implement policies and procedures for the review of the death of any inmate that occurs in any local or regional correctional facility. The bill provides that the Board (i) may request the Department of Corrections to conduct a death review if the Board determines that it cannot adequately conduct such review because the Board is already in the process of conducting another review and (ii) shall request the Office of the State Inspector General to review the operation of any entity other than a correctional facility if such review is necessary to complete the death review. Emergency clause. *(Patron: Deeds)*

Miscellaneous

[HB 1713/SB 1044](#) Nonconfidential court records; secure remote access, date of birth verification.

Amends §§ 17.1-293 and 17.1-295 of the Code of Virginia, relating to remote access to nonconfidential court records for date of birth verification. Provides that the Supreme Court and any other court clerk may provide online access to subscribers who have entered into an agreement with the clerk to have secure remote access to court records of nonconfidential criminal case information to confirm the

complete date of birth of a defendant. (*Patrons: Minchew and Obenshain*)

[HB 1943/SB 1431](#) Administrative Process Act; economic impact analysis of proposed regulations.

Amends § 2.2-4007.04 of the Code of Virginia, relating to the Administrative Process Act; economic impact analysis; opportunity for comment by affected businesses or other entities. Requires the Department of Planning and Budget to revise and reissue its economic impact analysis within the time limits set forth for the Department's review of regulations at the final stage pursuant to the Governor's executive order for executive branch review if one of the following conditions is present and would materially change the Department's analysis: (i) public comment timely received at the proposed stage indicates significant errors in the economic impact analysis or (ii) there is a significant or material difference between the agency's proposed economic impact analysis and the anticipated negative economic impacts to the business community as indicated by public comment. The bill provides that the determination as to whether either such condition is present shall be made by the Department and shall not be subject to judicial review. The bill contains an emergency clause. (*Patrons: Peace and Reeves*)

[HB 2203](#) Uniform Statewide Building Code; notice to residents of code violations.

Directs the Department of Housing and Community Development to consider revision to the Uniform Statewide Building Code, relating to notice to residents of manufactured home parks of building code violations by the park owner. Requires the Department of Housing and Community Development to consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and to report to the General Assembly regarding the

status of such efforts no later than November 1, 2017. The bill contains an emergency clause. (*Patron: Torian*)

[HB 2313](#) Courthouses; county removal.

Amends § 15.2-1644 of the Code of Virginia, relating to removal of courthouse. Provides that in the case of the removal of a county courthouse that is not located in a city or town, and is not being relocated to a city or town, such removal shall not require a petition or approval by the voters. (*Patron: Ransone*)

[SB 926](#) Noise violations; civil penalty.

Allows localities to authorize the chief law-enforcement officer in the locality to enforce a uniform schedule of civil penalties for violation of that locality's noise ordinance.

[SB 1044/HB 1713](#) Secure remote access to nonconfidential court records; date of birth verification.

Amends §17.1-293 and §17.1-295 of the Code of Virginia and provides that the Supreme Court and any other court clerk may provide online access to subscribers who have entered into an agreement with the clerk to have secure remote access to court records of nonconfidential criminal case information to confirm the complete date of birth of a defendant. (*Patrons: Obenshain and Minchew*)

[SB 1341](#) Digital certification of government records.

An Act to amend and reenact § [8.01-390](#) of the Code of Virginia and to amend the Code of Virginia by adding sections numbered [2.2-3817](#), [2.2-3818](#), and [2.2-3819](#), relating to the digital certification of government records. Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency to develop standards for the use of digital signatures the authentication of digital records by state agencies. The bill further provides that state agencies may provide copies of digital records, via a website or upon request and may charge a fee of \$5 for each digitally certified copy of a record. Any digitally certified record submitted to a court in the Commonwealth

shall be deemed to be authenticated by the custodian of the record (*Patron: Surovell*)

SB 1578 Short-term rental of property.

An Act that will amend §4.1-100, §4.1-200 and add §15.2-983. Authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The bill defines “short-term rental” as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days. Persons and entities already licensed related to the rental or management of property by the Board of Health, the Real Estate Board, or a locality would not be required to register. The bill authorizes localities to impose fees and penalties on persons who violate the registry ordinance or who offer short-term rentals that have multiple violations of state or federal laws or ordinances, including those related to alcoholic beverage control. The bill amends the Alcoholic Beverage Control (ABC) Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing. (*Patron: Norment*)

HJ 545 Constitutional amendment; powers of General Assembly, etc.

Amends Section 14 of Article IV of the Constitution of Virginia to provide that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution agreed to by a majority of the members elected to each house. The amendment also grants to the General Assembly the authority to authorize a legislative committee or legislative committees acting jointly or a legislative commission to suspend any or all portions of any administrative rule or regulation while the General Assembly is not in a regular session. Such suspension would continue until the end of the next regular session. (*Patron: Head*)

This amendment must be passed in identical form by the 2018 General Assembly and approved in a referendum before taking effect.

SJ 295 Constitutional amendment; legislative review of administrative rules.

Adds Section 19 to Article IV of the Constitution of Virginia to grant to the General Assembly the authority to review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. The amendment provides that after such review, the General Assembly may approve or reject, in whole or in part, any rule as provided by law and that the approval or rejection of a rule by the General Assembly shall not be subject to veto by the Governor. (*Patron: Vogel*)

This amendment must be passed in identical form by the 2018 General Assembly and approved in a referendum before taking effect.

Personnel

HB 1571 Workers’ compensation; fees for medical services.

Amends § 65.2-605 of the Code of Virginia relating to workers’ compensation; fees for medical services. Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers’ Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. The measure also (i) expands the definition of codes, as used in the provision directing the Commission to establish fee schedules for scheduled medical services, to include revenue

codes, which are defined in the bill; (ii) clarifies the definition of “HCPCS codes”; (iii) directs the Commission to use the regulatory advisory panel on all matters involving or related to the fee schedule as deemed necessary by the Commission; (iv) adds a definition of “new type of technology”; and (v) extends the deadline by which the regulatory advisory panel is required to meet, review, and make recommendations to the Commission from July 1, 2017, to July 1, 2018. The bill contains an emergency clause. *(Patron: Farrell)*

HB 1646 Form of garnishment summons; maximum portion of disposable earnings subject to garnishment. Provides that the form of garnishment summons will state that an employee who makes the minimum wage or less for his week’s earnings will ordinarily get to keep 40 times the minimum hourly wage when such earnings are subject to a garnishment, not 30 times as stated in Title 8.01, Civil Remedies and Procedures. The bill directs the Office of the Executive Secretary of the Supreme Court to update the form of garnishment summons accordingly. *(Patron: Loupassi)*

HB 1659/SB 1175 Workers’ compensation; employer’s lien, third party actions. Amends § 65.2-309 of the Code of Virginia, relating to workers’ compensation; lien of employer; notice and approval. Requires that any arbitration proceeding regarding an employer’s right of subrogation to an employee’s claim against a third party shall be limited solely to arbitrating the amount and validity of the employer’s lien and shall not affect the employee’s rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers’ Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the

injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration; (iii) upon receipt of the itemization of the lien, the employee shall have 21 days to provide a written objection to any expenses included in the lien to the employer, and if the employee does not do so any objections to the lien to be arbitrated shall be deemed waived; and (iv) the employer shall have 14 days after receipt of the written objection to notify the employee of any contested expenses that the employer does not agree to remove from the lien, and if the employer does not do so any itemized expense objected to by the employee shall be deemed withdrawn and not included in the arbitration. *(Patrons: Habeeb and Chafin)*

HB 2243 Line of Duty Act; clarifies provisions of Act.

Amends §§ 9.1-400, 9.1-400.1, 9.1-401, 9.1-404, and 9.1-407, as they shall become effective, and 9.1-408 of the Code of Virginia, relating to clarifications to the Line of Duty Act. Clarifies provisions of the Line of Duty Act, including clarifying that suspension or reinstatement of health insurance benefits begins and ends at the beginning of a health insurance plan year rather than in the middle of a plan year and recognizing current practice that the Line of Duty Act administrator provides materials for training. The bill codifies certain provisions of the Line of Duty Act that currently are in the appropriation act. The bill modifies the provision that would have disqualified, effective July 1, 2017, the surviving spouse of a deceased member who remarried from receiving health insurance benefits, by restricting the disqualification to surviving spouses who remarry on or after July 1, 2017. The bill contains an emergency clause. *(Patron: Jones)*

SB 936 Employees of constitutional officers; local leave benefits. Amends §15.2-1605. Authorizes constitutional officers who have contracted with a county or city to grant vacation and sick leave to their employees

under the locality's benefits leave policy instead of the state required leave policy if the leave amounts are not less than the state required policy. *(Patron: Favola)*

SB 1201 Workers' compensation; suitably equipped automobile for incapacitated employee.

Amends § 65.2-603 of the Code of Virginia, relating to workers' compensation; employer's duty when employee incapable of work. Authorizes the Workers' Compensation Commission to require an employer to provide funds for the purchase of a suitably equipped automobile for an incapacitated employee if it finds that it is medically necessary and that modifications to the employee's automobile are not technically feasible or will cost more than the funds available for a replacement automobile. The total of the costs of the automobile and of any bedside lifts, adjustable beds, and modification of the employee's principal home are limited to \$42,000, which is the amount of the existing cap on expenses for modifications to the injured employee's automobile and home. *(Patron: Lewis)*

SB 1459 Discharge of treasurer; legal pleadings.

Provides that the attorney for a locality may prepare and file any pleadings necessary in a proceeding to discharge the treasurer. If the locality does not have an attorney, or the attorney declines or is unable to perform this task, the circuit court shall assign legal counsel. *(Patron: Edwards)*

Procurement

HB 1693 Virginia Public Procurement Act; contracts for architectural and engineering services.

Amends § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; contracts for architectural and engineering services relating to multiple construction projects; maximum fee for any single project. Increases the maximum permissible fee for any single project encompassed in a contract

for architectural or professional engineering services relating to multiple construction projects from \$100,000 to \$150,000. *(Patron: Collins)*

HB 1712 Energy performance-based contract; cooperative procurement.

Amends § 11-34.3 of the Code of Virginia, relating to energy performance-based contracting; cooperative procurement. Authorizes a public body, defined as a contracting entity, to purchase energy conservation or operational efficiency measures from an energy performance-based contract entered by another contracting entity pursuant to the Energy and Operational Efficiency Performance-Based Contracting Act even if the entity did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure permits the use of cooperative procurement for energy conservation or operational efficiency measures in such instances. The bill provides, however, that energy conservation or operational efficiency measures shall not include roof replacement projects. *(Patron: Minchew)*

HB 2017 Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities.

Authorizes a locality, where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the locality. The bill prohibits localities from entering into more than 10 such contracts per year in which the bidder or contractor's prequalification requirement has been waived. The bill contains technical amendments. *(Patron: Villanueva)*

[HB 2366/SB 1129](#) Virginia Public Procurement Act; requirements for use of construction management contracts.

Amends various sections including §§ [2.2-4301](#), [2.2-4303](#), [2.2-4305](#), [2.2-4343](#), [2.2-4345](#), [23.1-1002](#), [33.2-209](#) [2.2-4378](#) through [2.2-4383](#); § [2.2-4306](#), [2.2-4307](#), and [2.2-4308](#), relating to procurement by public bodies; requirements for use of construction management and design-build contracts. Establishes requirements for the procurement of construction using the construction management and design-build procurement methods by state and local public bodies and covered institutions of higher education, as defined in the bill, and the conditions under which such methods may be used. Public bodies must comply with procedures adopted by the Secretary of Administration for construction management or design-build projects. For local public bodies, construction management contracts may be used for projects whose cost is expected to be less than \$10 million, provided that the project is a complex project and the project procurement method is approved by the local governing body. The bill also requires DGS to report to the Governor and certain General Assembly committees annually by December 1 information pertaining to (i) the agency's evaluation of projects submitted by state public bodies and covered institutions and (ii) all completed capital projects in excess of \$2 million. (*Patrons: Albo and Ruff*)

[HB 2396/SB 1538](#) Virginia Public Procurement Act; participation of employment services organizations.

Amends § 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; participation of employment services organizations. Provides that contracts and subcontracts awarded to employment services organizations shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies as well as state contractors. (*Patrons: Hope and Hanger*)

[SB 1508](#) Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations on project fees; certain school divisions.

Includes a school division in a locality with a population more than 78,000 under the exception from (i) the \$100,000 single-project fee limit for architectural and professional engineering term contracts and (ii) the \$1 million annual aggregate total of all such projects. Under the bill, such school divisions may pay a single-project fee of up to \$2.5 million and an annual aggregate of \$6 million. (*Patron: Cosgrove*)

[SB 1548](#) Virginia Public Procurement Act; cooperative procurement; Virginia Sheriffs' Association.

Provides that a public body may purchase from the contract of the Virginia Sheriffs' Association. (*Patron: Reeves*)

Public Safety

[HB 1404/SB 1054](#) Fire alarms; maliciously activating, penalty.

Amends §§ 15.2-1716.1 and 18.2-212 of the Code of Virginia, relating to malicious activation of fire alarms; reimbursement of expenses; penalty. Removes the condition that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a building's fire alarm to apply. The bill authorizes any locality to provide by ordinance that a person convicted of maliciously activating a fire alarm shall be liable for the reasonable expense in responding to such a fire alarm. Current law allows such an ordinance to impose liability for the reasonable expense of an emergency response to an imitation version of a weapon of terrorism, fire bomb, other explosive device, bomb threat, or incitement of a bomb threat. The bill increases the maximum amount that a locality or volunteer emergency medical services agency may recover under such an ordinance from \$1,000 to \$2,500. (*Patrons: Cole and Stuart*)

HB 1457 Part-time deputy sheriffs; compensation.

Amends § 15.2-1609.9 of the Code of Virginia, relating to compensation of part time deputies. Includes like rank and experience as a factor in setting the maximum allowable hourly equivalent compensation paid to part-time deputy sheriffs performing like duties of full-time deputy sheriffs. *(Patron: Cole)*

HB 1524 Special conservators of the peace; liability insurance.

Requires that each person registered as or seeking registration as a special conservator of the peace be covered by a policy of (i) personal injury liability insurance, (ii) property damage liability insurance, and (iii) miscellaneous casualty insurance that includes professional liability insurance that provides coverage for any activity within the scope of the duties of a special conservator of the peace, in an amount and with coverage for each as fixed by the Criminal Justice Services Board. *(Patron: Garrett)*

HB 1532 Fire Programs Fund. Increases the share of certain moneys in the Fund to be allocated to localities for the improvement of volunteer and career fire services from 75 percent to 80 percent. Governor's amendments added a reenactment clause. *(Patron: Wright)*

HB 1579 Defendants; transportation order from correctional facility.

Amends § 19.2-240 of the Code of Virginia, relating to transportation order for defendant held in correctional facility. Requires the court or clerk, upon request of the attorney for the Commonwealth or counsel for the defendant, to issue a transportation order for a defendant to be brought to court from a correctional facility. *(Patron: Campbell)*

HB 1590 Duty of care to law-enforcement officers and firefighters; fireman's rule.

Amends § 8.01-226 of the Code of Virginia, relating to duty of care to law-enforcement officers and firefighters; the fireman's rule. Provides that the common-law doctrine

known as the fireman's rule, as described in the bill, shall not be a defense to certain claims. The fireman's rule is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a nonnegligent act of the defendant. *(Patron: Campbell)*

SB 867 Lien against person whose negligence causes injury; emergency medical services agency. Clarifies that whenever any person sustains personal injuries caused by the alleged negligence of another and receives emergency medical services and transportation provided by an emergency medical services vehicle, the emergency medical services provider or agency shall have a lien for the amount of a just and reasonable charge for the services rendered, not to exceed \$200 for each emergency medical services provider or agency, on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries. *(Patron: Stuart)*

SB 873 Authority of fire chief over unmanned aircraft systems at a fire, etc.; civil liability. Includes immediate airspace under the current authority of the fire chief or other officer in charge of maintaining order where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property. *(Patron: Marsden)*

SB 1260 Search warrants; person subject to arrest. Authorizes the issuance of a search warrant to search for and seize any person for whom a warrant or process for arrest has been issued. This bill is a recommendation of the Virginia State Crime Commission. *(Patron: Obenshain)*

SB 1501 Physical evidence recovery kit; victim's right to notification of scientific analysis information. Provides that for any physical evidence recovery kit that was

received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified of the completion of the analysis and shall, upon request, receive information regarding the results of any analysis from the law-enforcement agency. *(Patron: Favola)*

FAILED LEGISLATION

HB 1409 House of Delegates and Senate district boundaries.

Authorizes the General Assembly to make technical adjustments to legislative districts subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precincts. Any adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. *(Patron: Cole)*

HB 2380 Virginia Conflict of Interest and Ethics Advisory Council; investigative authority.

Adding a new code section, §30-356.3. Authorizes the Virginia Conflict of Interest and Ethics Advisory Council to investigate alleged violations of the State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act (the Acts). The Council may initiate an investigation upon its own motion or in response to a citizen complaint. Before beginning an investigation in response to a citizen complaint, the Council is required to conduct a preliminary inquiry to determine whether the facts stated in the complaint, when taken as true, are sufficient to show a violation of the Acts warrants an investigation. The bill details (i) the authority of the Council to issue subpoenas and the rights of the subject of an investigation; (ii) prerequisites for a finding of a violation of the Acts, including the conduct of a public hearing; and (iii) the requirements for referral of a violation of the Acts to appropriate authorities. *(Patron: Simon)*

SB 1157 Lobbyist disclosure; reporting by certain political subdivisions.

Would have amended §2.2-419 and added §2.2-421.1. Requires the governing body of any association or other nonstock corporation that is established by a political subdivision or combination of political subdivisions of the Commonwealth to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account. *(Patron: Reeves)*

SJR 289 Study; Virginia Conflict of Interest and Ethics Advisory Council; local government officers and employees; report.

Directs the Virginia Conflict of Interest and Ethics Advisory Council to study the procedures for the filing and review of disclosure forms by local government officers and employees. *(Patron: Ebbin)*

HB 1428/SB 872 Absentee voting; photo identification required with application.

Amends § 24.2-701 of the Code of Virginia, relating to absentee voting; photo identification required with application. Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts military and overseas voters and persons with a disability from this requirement. *(Patrons: Fowler and Chase)*

HB 1733 Removal of public officers from office; recall elections for certain elected and appointed officers.

Would have amended §24.2-233 through §24.2-236 and §24.2-238 and added §24.2-235.1. Provides a process by which elected officers and officers appointed to an elected office may be recalled and removed from office. The recall process is initiated by a petition signed by a

number of registered voters residing within the jurisdiction of the officer equal to 20 percent of the total number of votes cast at the last election for the office the officer holds. (*Patron: Anderson*)

[HB 2343](#) Voter registration list maintenance; voters identified as having duplicate registrations.

Amends §§ 24.2-114 and 24.2-404.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 4 of Title 24.2 a section numbered 24.2-426.1, relating to voter registration list maintenance; voters identified as having duplicate registrations. Requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state. (*Patron: Bell, Robert B.*) **(VETOED)**

[SB 1105](#) Registered voters and persons voting; reports of persons voting at elections.

Amends § 24.2-404.4 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-405.1 and 24.2-406.1, relating to investigations and reports of registered voters. Requires the local electoral boards to direct the general registrars to investigate the list of registered voters whenever the number of registered voters in a county or city exceeds the population of persons age 18 years or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia. The bill also requires the local electoral boards to direct the general registrars to investigate the list of persons voting at an election whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city. The Department of Elections is required to provide certain data to any general registrar conducting such an investigation for the registrar's use during the investigation. (*Patron: Obenshain*) **(VETOED)**

[SB 1253](#) Voter identification; photograph contained in electronic pollbook.

Requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2018. (*Patron: Obenshain*) **(VETOED)**

[SB 1585](#) Form of ballot; party identification of candidates. Amends §24.2-613. Provides 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*)

[HB 1678](#)/[HB 1679](#)/[SB 1291](#)/[SB 1292](#) Virginia Freedom of Information Act (FOIA); trade secrets submitted to the Department of Mines, Minerals and Energy.

This was a bill to amend §2.2-3705.6 to exclude 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 that identify the amount or concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or Department regulations concerning such ground-disturbing activities. The bill required that for such records to be protected, the submitting party must (i) invoke this FOIA 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. The bill

required the Department to determine whether the information claimed to be a trade secret is entitled to such protection. *(Patrons: Robinson and Chafin)*

HB 1701 Virginia Freedom of Information Advisory (FOIA) Council; membership.

Would have amended §30-178 to increase the membership of the FOIA Council from 12 to 13. The bill increases the number of nonlegislative citizen appointees made by the Speaker of the House of Delegates that represent the news media from at least one to at least two of his four appointments. *(Patron: Yancey)*

HB 2223 Virginia Freedom of Information Act; right to speak at open meetings.

This bill would have amended §2.2-3707 and §23.1-1303 requiring that every public body afford an opportunity for public comment during any open meeting and required that the public comment periods be noticed on the public body's agenda. The bill permits the public body to have discretion in where it places the public comment period on its agenda and permits the public body to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. The bill required that for meetings of all public bodies, the notice provided for any such meeting include a statement as to approximately what point during the meeting public comment will be received. *(Patron: Kory)*

HB 2401 Virginia Freedom of Information Act; minutes of closed meetings required; audio recordings. Would have amended §2.2-3712 to provide that a public body shall (i) take closed meeting minutes, (ii) also make an audio recording of the entirety of every meeting that is closed to the public, and (iii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting. The bill provided that the minutes or recordings made shall not be subject to the disclosure provisions of FOIA. *(Patron: Morris)*

HB 2402 Virginia Freedom of Information Act; willful violations; grounds for termination. Proposed to amend the Code of Virginia by adding §2.2-3715. Provided that if the court finds that any officer or employee of a public body (i) receives a request for records that was sent by a requester by certified mail, return receipt requested, and (ii) without legal excuse or justification, deliberately, willfully, and knowingly fails to make a response to such request, such officer or employee may be terminated for cause by his appointing authority or agency head. *(Patron: Morris)*

SB 795 Register of funds expended; required posting by localities and school divisions. Adds §15.2-2510.1. Requires every locality and each 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, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. A locality and school division may exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court ordered payment, or any information related to undercover law enforcement officers. This bill has a delayed effective date of July 1, 2018. *(Patron: Sturtevant)*

SB 972 Requests for information by members of the General Assembly; responses not subject to redaction. Would have created a code section §30-19:2.1 and required all departments, agencies, and institutions of the Commonwealth and staff and employees thereof to respond to a request for information made by a member of the General Assembly. The bill further provides that notwithstanding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), a response to a request for information made by a member of the General Assembly shall not be subject to redaction. *(Patron: DeSteph)*

[SB 1103](#) Virginia Freedom of Information Act (FOIA); closed meeting violations; civil penalty.

This proposal would have changed the provision in §2.2-3714 to provide that in addition to any penalties imposed under FOIA, if the court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification constituted a departure from the requirements of FOIA, the court shall impose on all members voting to certify in their individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500 each, which amount shall be paid into the State Literary Fund. *(Patron: Surovell)*

[SB 1128](#) Virginia Freedom of Information Act; failure to respond to request for records; rebuttable presumption.

This bill would have amended §2.2-3704 to provide that there shall be a rebuttable presumption that a failure to respond to a request for records was willful and knowing. *(Patron: DeSteph)*

[SB 1572/HB 2145](#) Department of Professional and Occupational Regulation; regulation of land surveyor photogrammetrists.

Amends §54.1-400, §54.1-402, §54.1-404 and §54.1-406 as well as adding §54.1-407.1. Provides for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines “land surveyor photogrammetrists” and sets the criteria for their licensure. *(Patrons: Stanley and LeMunyon)*

[SB 1558](#) Blanket surety bonds; proof of coverage of local officer.

Amends §15.2-1522. Allows a local officer required to give bond to provide confirmation from the Division of Risk Management that such officer is included in a blanket surety bond. Current law requires the officer to

provide an extract of the master surety bond as proof of coverage. *(Patron: Petersen)*

[HB 1596](#) Virginia Public Procurement Act; public works contracts; prevailing wage provisions.

Amends § 2.2-4321.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; public works contracts; prohibited terms. Prohibits state agencies from requiring bidders, offerors, contractors, or subcontractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of laborers and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The measure further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law. *(Patron: Webert)*
(VETOED)

[SB 851](#) Weekend jail time; replaces the provision limiting nonconsecutive days.

Amend and reenact § 53.1-131.1 relating to nonconsecutive jail days. Weekend jail time. Replaces the provision limiting nonconsecutive days in jail for the purpose of allowing the defendant to retain gainful employment with a good cause standard and allows the court to sentence the defendant to nonconsecutive days in jail only if the active portion of the sentence remaining to be served is 90 days or less. If there is no objection from the Commonwealth, the court may sentence felons to nonconsecutive days in jail if the felony was not an act of violence as defined in § 19.2-297.1. *(Patron: Stanley)*

[SB 1146](#) Jail inmates; costs of medical treatment.

Amends § 53.1-126 of the Code of Virginia, Costs of medical treatment; jail inmates. Provides that no sheriff or jail superintendent or locality is responsible for payment of the cost of medical treatment of an inmate's pre-existing condition. Under current law, the sheriff, jail superintendent, or locality is responsible for payment of the cost of medical treatment for such inmate's pre-existing condition if that condition is a communicable disease, serious medical need, or life-threatening condition. The bill provides that adequate medical treatment shall not be withheld due to an inmate's inability to pay. *(Patron: DeSteph)*

[HB 1481/SB 1198](#) Operators of emergency vehicles; Emergency Vehicle Operator's Course.

Proposed to amend §27-9 and §27-14. Requires that ordinances relating to the powers and duties of fire departments and fire companies and regulations made by fire companies contain the requirement that a member of a fire department or fire company who operates an emergency vehicle possess a valid motor vehicle operator's permit and complete an approved Emergency Vehicle Operator's Course or equivalent training course recognized by the Department of Fire Programs or the Office of Emergency Medical Services. *(Patron: Hesel, DeSteph)*

[HB 2077](#) Emergency Services and Disaster Law of 2000; firearms; emergency shelter.

Amends §44-146.15. Removes the authority of a governmental entity under the Emergency Services and Disaster Law of 2000 to limit lawful possession, carrying, transportation, sale, or transfer of firearms in any place or facility used by the governmental entity as an emergency shelter. *(Patron: Wilt) (VETOED)*

[SB 980](#) Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.

Authorizes the use of consumer fireworks

in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The bill also creates a 12 percent tax on the purchase of all consumer fireworks to be paid to the locality in which the tax was collected for the support of fire and rescue services. *(Patron: Stanley)*

[SB 1411](#) Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.

Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are

to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. *(Patron: Suetterlein)*

[SB 1433](#) Regulation of the sale of consumer fireworks; Board of Housing and Community Development; criminal and civil penalties.

Authorizes a person to sell consumer fireworks if he possesses a federal permit to sell fireworks, a permit issued by the Board of Housing and Community Development, and a local permit, if and as required by the locality where the sales facility is located. The measure directs the Board to establish requirements and establish a process for the issuance and renewal of permits for the sale of consumer fireworks. A permittee is required to carry, with respect to each permitted facility, public liability and product liability insurance with minimum limits of \$5 million to cover the losses, damages, or injuries that might ensue to persons or property as a result of the sales of consumer fireworks. The measure specifies certain requirements for facilities at which consumer fireworks are permitted to be sold, including prohibitions on an individual under 18 years of age (i) being admitted into any consumer fireworks retail sales facility unless accompanied by a parent, guardian, or responsible adult or (ii) working in any consumer fireworks retail sales facility. The measure prohibits a person from, among other

acts, (a) selling consumer fireworks within the Commonwealth unless he is a permittee or an employee or agent of a permittee; (b) selling consumer fireworks from a place other than a permanent consumer fireworks retail sales facility; (c) selling consumer fireworks to an individual who appears to be under the influence of alcohol or drugs; (d) knowingly selling or otherwise furnishing consumer fireworks to an individual under 18 years of age; (e) purchasing, using, or possessing consumer fireworks if the individual is under 18 years of age; or (f) selling or storing fireworks that are not consumer fireworks as defined in a standard established by the American Pyrotechnics Association. Certain violations are punishable as a Class 1 misdemeanor. A person violating restrictions on the hours during which, or places where, consumer fireworks may be used is subject to a civil penalty not to exceed \$150 per violation. *(Patron: Reeves)*

Health and Human Resources

PASSED LEGISLATION

Behavioral and Mental Health

[HB 1426/SB 1221](#) Emergency custody or involuntary admission process; alternative transportation model.

An uncodified act that directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, and the House and Senate Committees for Courts of Justice. *(Patrons: Garrett and Barker)*

[HB 1491](#) Background checks; exceptions, sponsored living and shared residential service providers.

Amends §§ 37.2-416 and 37.2-506 of the Code of Virginia to allow a provider licensed by the Department of Behavioral Health and Developmental Services or a community services board to approve as a sponsored residential service provider or to permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 (assault and battery) or 18.2-57.2 (assault and battery

of a family member), if ten years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. *(Patron: Hope)*

[HB 1508/SB 894](#) Critical incident reports; DBHDS to provide written report.

Amends § 37.2-304 of the Code of Virginia to require the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the serious injury or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department. *(Patrons: Hope and Favola)*

[HB 1548/SB 1511](#) Advance directives; admission of person for mental health treatment, capacity determinations.

Amends §§ 54.1-2983.2 and 54.1-2986.2 of the Code of Virginia to provide that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. *(Patrons: Farrell and Deeds)*

[HB 1551/SB 1006](#) Commitment hearings; sharing of records and information.

Amends § 2.2-3705.5 of the Code of Virginia and adds a section numbered 37.2-308.01 to require the Office of the Executive Secretary of

the Supreme Court to provide electronic data, including individually identifiable information, on involuntary commitment proceedings to the Department of Behavioral Health and Developmental Services upon request and provides that the Department may use such data for the purpose of developing and maintaining statistical archives, conducting research on the outcome of such proceedings, and preparing analyses and reports for use by the Department. The bill requires the Department to take all necessary steps to protect the security and privacy of the records and information provided pursuant to the provisions of the bill in accordance with the requirements of state and federal law and regulations governing health privacy. *(Patrons: Farrell and Hanger)*

[HB 1767/SB 1009](#) Telemedicine, practice of; prescribing controlled substances.

Amends §§ 54.1-3303 and 54.1-3423 of the Code of Virginia to provide that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill contains an emergency clause. *(Patrons: Garrett and Dunnivant)*

[HB 1777](#) Hospitals providing psychiatric services; denials of admission.

Amends § 32.1-127 of the Code of Virginia to require the Board of Health to promulgate regulations that require each hospital that provides inpatient psychiatric services to establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by the referring

physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician. *(Patron: Stolle)*

[HB 1784/SB 941](#) Forensic discharge planning services; local and regional correctional facilities.

An uncodified act that directs the Commissioner of Behavioral Health and Developmental Services, in conjunction with relevant stakeholders, to develop a comprehensive plan, by November 1, 2017, for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses who are to be released from such facilities. *(Patrons: Bell, Robert B. and Cosgrove)*

[HB 2095/SB 1020](#) Registration of peer recovery specialists and qualified mental health professionals.

Amends §§ 37.2-203, 37.2-304, 54.1-2400.1, 54.1-2400.6, 54.1-3500, 54.1-3505, and 54.1-3506.1 of the Code of Virginia to authorize the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill adds qualified mental health professionals and registered peer recovery specialists to the list of mental health providers that are required to take actions to protect third parties under certain circumstances and notify clients of their right to report to the Department of Health Professions any unethical, fraudulent, or unprofessional conduct. The bill directs the Board of Counseling and the Board of Behavioral Health and Developmental Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment. *(Patrons: Price and Barker)*

[HB 2184](#) Inmates; inpatient psychiatric hospital admission.

Amends § 19.2-169.6 of the Code of Virginia to require that if the person having custody of an inmate of a local correctional facility files a petition for inpatient psychiatric hospital

admission of the inmate, the person having custody shall ensure that the appropriate community services board or behavioral health authority is advised of the need for a preadmission screening. The bill further requires the person having custody of the inmate to contact the director or other senior management at the community services board or behavioral health authority if such board or authority does not respond to the advisement that a preadmission screening is necessary or fails to complete the preadmission screening. *(Patron: Yost)*

[HB 2331/SB 975](#) Community services boards; duties include providing preadmission screening to regional jail inmates.

Amends § 37.2-505 of the Code of Virginia to provide that the duties of a community services board include reviewing any existing Memorandum of Understanding between the community services board and any other community services boards that serve the regional jail to ensure that such memorandum sets forth the roles and responsibilities of each community services board in the preadmission screening process, provides for communication and information sharing protocols between the community services boards, and provides for due consideration, including financial consideration, should there be disproportionate obligations on one of the community services boards. *(Patron: Heretick and Lucas)*

General Health

[HB 1567](#) Medicaid applications; information about advance directives.

Amends §§ 32.1-325 and 63.2-501 of the Code of Virginia to require all entities approved by the Board of Medical Assistance Services to receive applications and determine eligibility for medical assistance to provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives

and how the applicant may make an advance directive. *(Patron: Orrock)*

[HB 1625](#) Mobile food units; licenses.

Amends § 35.1-21 of the Code of Virginia to direct the Department of Health to issue a license in the form of a sticker to a restaurant that is a mobile food unit that meets the requirements for licensure, and requires the licensee to prominently display the license on the mobile food unit. *(Patron: Robinson)*

[HB 1728](#) Air transportation services providers; VDH to review rules for use in medical situations.

An uncodified act that requires the Department of Health to review the rules governing dispatch and use of air transportation services providers in emergency medical situations. Directs the Department of Health to convene a work group to review the rules governing use of air transportation services, also known as air ambulances, in emergency medical situations and protocols for the dispatch of air transportation services in response to emergency medical situations and to provide recommendations for changes to such rules or protocols. The Department shall report its findings and recommendations to the Governor and the General Assembly by December 1, 2017. *(Patron: Ransone)*

[HB 1736/SB 1043](#) Joint Commission on Health Care; sunset.

Amends § 30-170 of the Code of Virginia to extend the expiration of the Joint Commission on Health Care from July 1, 2018, to July 1, 2022. *(Patrons: Hope and Dance)*

[HB 1846](#) Death certificates; filing.

Amends § 32.1-263 of the Code of Virginia to provide that a non-electronically filed death certificate may be filed in any registration district in the Commonwealth and that electronically filed death certificates must be filed with the State Registrar of Vital Records. Under current law, death certificates are required to be filed in the district in which the death occurs. *(Patron: Cox)*

[HB 2183](#) Medicaid; eligibility of incarcerated individuals.

An uncodified act that requires the Secretary of Health and Human Resources to convene a work group to identify and develop processes for streamlining the application and enrollment process for Medicaid and FAMIS for incarcerated individuals so that applicable services shall be available to such individuals immediately upon release from the correctional facility. The work group is to report its findings and recommendations by November 30, 2017. *(Patron: Yost)*

[HB 2276/SB 1048](#) Death certificate; amendments other than correction of information.

Amends § 32.1-269.1 of the Code of Virginia to establish a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. *(Patrons: Wilt and Hanger)*

[HB 2300](#) Health, Department of; frequency of inspections.

Amends §§ 32.1-111.7, 32.1-125.1, 32.1-126, 32.1-162.4, 32.1-162.10, and 35.1-22 of the Code of Virginia to provide that in cases in which inspections of emergency medical services agencies and vehicles, hospitals, hospices, home care organizations, restaurants, summer camps, campgrounds, and hotels are required, no licensee shall receive additional inspections until every other licensee in that category has been inspected, unless the additional inspection is (i) necessary to follow up on a preoperational inspection or one or more violations, (ii) required by a uniformly applied risk-based schedule established by the Department of Health, (iii) necessary to investigate a complaint, or (iv) otherwise deemed necessary to protect the public health and safety. *(Patron: O'Bannon)*

[HB 2477](#) Onsite sewage systems and private wells; VDH to take steps to eliminate site evaluation.

An uncodified act to require the Department of Health to take steps to begin eliminating site evaluation and design services for onsite sewage systems and private wells provided by the Department. *(Patron: Orrock)*

[SB 1577](#) Alternative onsite sewage systems; sampling.

An uncodified act to require the Department of Health to evaluate the need for 180-day biochemical oxygen demand sampling of small alternative onsite sewage systems and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2017. *(Patron: Peake)*

Juvenile Justice

[HB 2287/SB 1288](#) Juvenile Justice, Department of; confidentiality of records.

Amends § 16.1-300 of the Code of Virginia to permit the Department of Juvenile Justice to disclose, at its discretion, the social reports and records of children who are committed to the Department to a gang task force, provided that its membership (i) consists of only representatives of state or local government or (ii) includes a law-enforcement officer who is present at the time of the disclosure. *(Patrons: Collins and McDougle)*

Social Services

[HB 1451](#) Social Services, Department of; survey for children aging out of foster care.

An uncodified act directing the Department of Social Services, in coordination with the Commission on Youth, to develop a process and standardized survey to gather feedback from children aging out of foster care. *(Patron: Farrell)*

[HB 1568/SB 897](#) Child care providers; applicant criminal history background checks, penalty.

Amends §§ 63.2-1720 through 63.2-1721.1, 63.2-1722, 63.2-1724, and 63.2-1725 of the Code of Virginia to require the following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. The bill also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. The bill has an expiration date of July 1, 2018. The bill further provides that if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing a corresponding requirement is repealed prior to July 1, 2018, the provision of the bill establishing such requirement shall expire upon the date of such repeal. (*Patrons: Orrock and Wexton*)

[HB 1580](#) Possession of child pornography by employees of the Department of Social Services.

Amends § 18.2-374.1:1 of the Code of Virginia to provide that an employee of the Department of Social Services or a local department of

social services may, in the course of conducting his professional duties, lawfully possess child pornography for a bona fide purpose. (*Patron: Campbell*)

[HB 1604](#) Foster care; definitions, reasonable efforts to prevent removal of child.

Amends §§ 16.1-251, 16.1-252, 16.1-278.2, 16.1-278.4, and 16.1-282.1 of the Code of Virginia and adds a section numbered 63.2-910.2. Allows a local board of social services to take a child into immediate custody pursuant to an emergency removal order in cases in which the child is alleged to have been abused or neglected, and allows a court to issue certain orders in such cases, without requiring that reasonable efforts be made to prevent removal of the child from his home, under certain circumstances. The bill provides that, in each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child, unless the court finds that such consultation is not in the best interests of the child. The bill makes other changes related to foster care to comply with federal requirements. (*Patron: Bell, Richard P.*)

[HB 1795](#) Adoptive and foster care placements; Mutual Family Assessment home study.

Amends §§ 63.2-900, 63.2-904, 63.2-1231, and 63.2-1232 of the Code of Virginia to require that home studies conducted by local boards of social services to determine the appropriateness of an adoptive or foster placement comply with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill authorizes the Department to amend or update its Mutual Family Assessment home study template and any addenda thereto when necessary to improve the process of adoptive and foster placements, provided that such amendments or updates do not lessen the requirements of the home study process. (*Patron: Bell, Richard P.*)

[HB 1919/SB 1191](#) Assisted living facilities; cap on civil penalties.

Amends § 63.2-1709.2 of the Code of Virginia to increase the aggregate amount of civil penalties that the Commissioner of Social Services may assess against an assisted living facility for noncompliance with the terms of its license from \$10,000 per 24-month period to \$10,000 per 12-month period. *(Patrons: Robinson and Sturtevant)*

[HB 1922/SB 1462](#) Financial exploitation of adults; reporting to local law enforcement and State Police.

Amends § 63.2-1605 of the Code of Virginia to clarify that all cases involving suspected financial exploitation of an adult shall be immediately referred to a local law-enforcement agency for investigation. The bill directs local law-enforcement agencies to provide a preferred point of contact for referrals. *(Patrons: Bell, Robert B. and McPike)*

[HB 1942](#) Fostering Futures program; individual participating subject to a background check.

Amends § 63.2-901.1 of the Code of Virginia to require any individual participating in the Fostering Futures program to undergo a background check, the results of which shall be used for the sole purpose of determining whether other children should be placed or remain in the same foster home as the individual subject to the background check. The bill defines “individual participating in the Fostering Futures program” as a person who is 18 years of age or older but has not reached 21 years of age and is receiving foster care services through the Fostering Futures program. *(Patron: Peace)*

[HB 1945](#) Adult exploitation; broadens definition for purposes of social services laws.

Amends §§ 63.2-100 and 63.2-1606 of the Code of Virginia to broaden the definition of “adult exploitation” for the purposes of social services laws to include the unauthorized, improper,

or fraudulent use of an adult 60 years of age or older, or 18 years of age or older who is incapacitated, or his funds, property, benefits, or other assets for the benefit of another, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, or other assets. The bill provides that “adult exploitation” includes certain instances of financial exploitation. In addition, the requirement that such adult 60 years of age or older be incapacitated is removed from the definition, and the bill amends the definitions of “adult abuse,” “adult neglect,” and “adult protective services” to apply to adults 60 years of age or older, or 18 years of age or older who are incapacitated. *(Patron: Peace)*

[HB 2156](#) Child welfare agencies; licensure for agencies operated by the Commonwealth.

Amends § 63.2-1701 of the Code of Virginia to provide for licensure of child welfare agencies operated by agencies of the Commonwealth. *(Patron: Rasoul)*

[HB 2215](#) Adoption assistance; children with special needs.

Amends §§ 63.2-1300 through 63.2-1303 of the Code of Virginia to modify requirements for a child with special needs to receive certain types of adoption assistance and for a child who is between the ages of 18 and 21 to receive adoption assistance. The bill also provides that a representative of the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. *(Patron: Toscano)*

[HB 2279/SB 1164](#) Child-protective services; complaints involving members of the United States Armed Forces.

Amends § 63.2-1503 of the Code of Virginia to require local departments of social services to transmit information regarding reports, complaints, family assessments, and

investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information, but are only required to transmit information regarding founded complaints or family assessments. *(Patrons: Hester and Reeves)*

SB 868 Child protective services; investigation of complaints of child abuse or neglect.

An uncodified act that requires the State Board of Social Services to promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints. *(Patron: Favola)*

SB 1122 Applicants for public assistance; contact information.

Amends § 63.2-501.1 of the Code of Virginia to require local departments of social services to collect from every applicant for public assistance alternative contact information, such as the applicant's email address and cell phone number, and the applicant's preferred method of contact, including direct mail, email, text message, or phone call. Under current law, local departments of social services are required to obtain only the applicant's best available address and telephone number. *(Patron: McPike)*

SB 1239 Child day programs; exemptions from licensure, certification of preschool or nursery school program.

Amends §§ 15.2-741, 15.2-914, 19.2-392.02, 63.2-1715, 63.2-1717, 63.2-1724, and 63.2-1809 and repeals § 63.2-1716 of the Code of Virginia to remove certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child

day programs that remain listed as exempt from licensure, including religious-exempt programs, and requires that such programs, in addition to meeting certain safety standards, file with the Commissioner of Social Services (the Commissioner) a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the program has disclosed to all the parents the fact that it is exempt from licensure; (b) report all incidents involving serious injury to or death of children attending the program; and (c) post in a visible location notice that the program is exempt from licensure. The bill adds to the list of child day programs exempt from licensure certain programs offered by local school divisions. The bill directs the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2018, except for the provisions related to religious-exempt child day programs and certain directives to the Commissioner, which shall become effective July 1, 2017. *(Patron: Hanger)*

The provisions of the above bill may not become law pending final action by the Governor.

SB 1315 Foster care; possession of firearm.

Amends § 63.2-904 of the Code of Virginia to require that possession of any firearms or other weapons in a foster home comply with federal and state laws and that the individual providing foster care services store all firearms, other weapons, and ammunition in a locked closet or cabinet unless they are being lawfully carried on the individual's person. The bill requires that the key or combination to the locked closet or cabinet be maintained out of the reach of all children in the home. *(Patron: Carrico)*

The provisions of the above bill may not become law pending final action by the Governor.

[SB 1434](#) Assisted living facilities and adult day care centers; background checks.

Amends § 63.2-1720 of the Code of Virginia to allow licensed assisted living facilities and adult day care centers to continue to employ a person convicted of one misdemeanor barrier crime not involving abuse or neglect if five years have elapsed following the conviction.

(Patron: Wexton)

[SB 1461](#) Foster care; Commonwealth's program of medical assistance.

Adds § 63.2-905.4 to the Code of Virginia to direct local departments of social services to ensure that any individual who was in foster care on his eighteenth birthday is enrolled, unless the individual objects, in the Commonwealth's program of medical assistance, provided that such individual is eligible to receive such health care services and was enrolled in such program on his eighteenth birthday. The bill requires local departments to provide basic information about such health care services and inform such individuals that, if eligible, they will be enrolled in the Commonwealth's program of medical assistance unless they object. *(Patron: McPike)*

Substance Abuse

[HB 1453/SB 848](#) Naloxone; dispensing for use in opioid overdose reversal, etc.

Amends §§ 8.01-225 and 54.1-3408 to allow a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that has obtained a controlled substances registration from the Board of Pharmacy to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal under certain circumstances. The bill further provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to

whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill contains an emergency clause. *(Patrons: LaRock and Wexton)*

[HB 1467/SB 1323](#) Board of Health to adopt regulations to include neonatal abstinence syndrome as reportable disease.

An uncodified act that requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of reportable diseases. *(Patrons: Greason and Carrico)*

[HB 1750](#) Dispensing of naloxone; patient-specific order not required.

Amends § 54.1-3408 of the Code of Virginia to provide that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. *(Patron: O'Bannon)*

[HB 1786/SB 1086](#) In utero exposure to a controlled substance; departments of social services to collect information.

Amends §§ 63.2-1505, 63.2-1506, and 63.2-1509 of the Code of Virginia to require local departments of social services to collect information during a family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth. The bill requires mandated reporters of suspected child abuse or neglect to make a report if a finding is made by a health care provider (i) within six weeks following a child's birth that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) within four years following a child's birth that the child has an illness, disease, or condition that is attributable to maternal abuse of a controlled

substance during pregnancy; or (iii) within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. The bill provides that if a local department of social services receives a report or complaint of suspected child abuse or neglect on the basis of one or more of the aforementioned factors, the local department shall (a) conduct a family assessment, unless an investigation is required by law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law. *(Patrons: Stolle and Wexton)*

[HB 1885/SB 1232](#) Opioids; limit on amount prescribed, extends sunset provision.

Amends § 54.1-2522.1 and the second enactment of Chapter 113 and the second enactment of Chapter 406 of the Acts of Assembly of 2016 to require a prescriber registered with the Prescription Monitoring Program to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022. *(Patrons: Hugo and Dunnavant)*

[HB 2046](#) Unused dispensed drugs; guidelines for provision of counseling and information on proper disposal.

An uncodified act that requires the Board of Pharmacy to develop guidelines for the provision of counseling and information regarding proper disposal of unused dispensed drugs. *(Patron: Murphy)*

[HB 2161/SB 1179](#) Opioids; workgroup to establish guidelines for prescribing.

An uncodified act that requires the Secretary of Health and Human Resources to convene a workgroup to develop educational standards

and curricula for training health care providers in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause. *(Patrons: Pillion and Chafin)*

[HB 2162](#) Substance-exposed infants; study of barriers to treatment in Commonwealth.

An uncodified act that requires the Secretary of Health and Human Resources to convene a work group to study barriers to treatment of substance-exposed infants in the Commonwealth. The Secretary shall report his findings to the Governor and the General Assembly by December 1, 2017. *(Patron: Pillion)*

[HB 2163/SB 1178](#) Buprenorphine without naloxone; prescription limitation.

Adds § 54.1-3408.4 to the Code of Virginia to provide that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed seven days, or (iii) as permitted by regulations of the Board of Medicine, the Board of Nursing, or the Board of Veterinary Medicine. *(Patrons: Pillion and Chafin)*

[HB 2165/SB 1230](#) Opiate prescriptions; electronic prescriptions.

Amends §§ 54.1-3401, 54.1-3408.02, and 54.1-3410 of the Code of Virginia to require a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill requires the Secretary of Health and Human Resources to convene a work group to review actions necessary for the implementation of

the bill's provisions, to report on its progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017, and to issue a final report to such Chairmen by November 1, 2018. *(Patrons: Pillion, Dunnivant)*

[HB 2167](#) Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.

Adds a section numbered 54.1-2708.4 and a section numbered 54.1-2928.2 to the Code of Virginia to direct the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. *(Patron: Pillion)*

[HB 2317](#) Harm reduction programs; public health emergency, etc.

Amends § 54.1-3467 of the Code of Virginia and adds a section numbered 32.1-45.4 to authorize the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile and disposal of used hypodermic needles and syringes. The programs will be located in at-risk communities, in accordance with criteria established by the Department of Health. The bill requires the Commissioner to establish standards and protocols for the comprehensive harm reduction programs and requires the Secretary of Health and Human Services and the Secretary of Public Safety to approve such standards and protocols. The bill requires the Department of Health to submit, to the Governor and to the General Assembly, a progress report concerning any such program established under this bill by October 1, 2018, and a report evaluating the effectiveness of any such program by October 1, 2019. The bill has an expiration date of July 1, 2020. *(Patron: O'Ban)*

FAILED LEGISLATION

[HB 1435](#) VIEW; pilot program for substance abuse screening and assessment.

Requires the Department of Social Services

to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare (VIEW) program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2017, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2018. *(Patron: Head)*

[HB 1480/SB 1064](#) Mental health awareness training; law-enforcement officers, firefighters, and emergency personnel.

Requires the Department of Behavioral Health and Developmental Services (DBHDS) to establish and administer a mental health awareness program for training persons in emergency services professions in recognizing potential mental health issues and assisting themselves and each other with mental health issues and requires law-enforcement officers, emergency medical services personnel, and firefighters other than volunteer firefighters to participate in a mental health awareness program created or certified by DBHDS once every two years. *(Patrons: Helsel, Deeds)*

[HB 1583](#) Southwestern Virginia Training Center; delay closure.

Provides that the Southwestern Virginia Training Center shall remain open until June 30, 2019, and continue to accept new admissions of individuals with intellectual disabilities for whom treatment in a training center is appropriate. *(Patron: Campbell)*

[HB 1783/SB 940/SB 1442](#) Prisoners; mental health screening upon admission to a local correctional facility.

Requires that the staff of a local, regional, or community correctional facility screen persons admitted to the facility for mental illness using a scientifically validated instrument identified by the Department of Criminal Justice Services in consultation with the State Board of Corrections and the Department of Behavioral

Health and Developmental Services. The bill also requires that these entities develop and deliver a training program for employees of such facilities in the administration of such instrument. The bill provides that if the screening indicates that a person may have a mental illness, an assessment of his need for mental services shall be conducted within 72 hours of the time of the screening by a qualified mental health professional. *(Patrons: Bell, Robert B., Cosgrove, Deeds)*

HB 1972 Closure of the Southwestern Virginia Training Center and the Southeastern Virginia Training Center.

Provides that the Southwestern Virginia Training Center and the Southeastern Virginia Training Center shall not be closed and shall continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. *(Patron: O'Quinn)*

HB 2041/SB 838 Department of Social Services; Temporary Assistance for Needy Families Scholarship Pilot Program.

Directs the Department of Social Services (the Department) to establish and administer a three-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide prepaid scholarships to select community colleges in the amount of \$2,000 per year, to be applied toward the costs of tuition and books. The Program would be funded by the unexpended balance in federal TANF block grant funds. *(Patrons: Murphy, Stanley)*

HB 2092 Application for public assistance; eligibility, review of records.

Amends §§ 32.1-325 and 63.2-503 of the Code of Virginia to require entities processing applications for medical assistance and other public assistance to conduct a review of death records and records relating to incarceration

status, employment status, and income of the applicant to determine whether the applicant is eligible for assistance and to review the records of the Virginia Lottery to determine whether the applicant has received any winnings from the Virginia Lottery that may constitute income or resources for purposes of determining eligibility for medical assistance or public assistance. The bill also requires the Department of Social Services to report annually on the types and sources of information reviewed in verifying eligibility and the number of applications for public assistance approved, denied, or referred for investigation. *(Patron: LaRock) (VETOED)*

HB 2213 TANF; time limit on receipt of financial assistance.

Reduces the total lifetime limit on TANF financial assistance to 24 months; reduces the number of consecutive months a person may receive TANF before a period of ineligibility from 24 to 12 consecutive months; and reduces the time period of ineligibility from 24 months to 12 consecutive months. *(Patron: O'Bannon)*

HB 2305/SB 1482 Certain waivers under the Supplemental Nutrition Assistance Program.

Prohibits the Secretary of Health and Human Resources from applying for, accepting, or renewing any statewide or local waivers of the eligibility requirements for participation in the Supplemental Nutrition Assistance Program. *(Patrons: Orrock and Sturtevant)*

SB 876 Kinship Guardianship Assistance program.

Creates the Kinship Guardianship Assistance program to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. *(Patron: Favola)*

SB 1149 Virginia Initiative for Employment Not Welfare; transitional support services, time limit.

Extends from 12 months to 24 months the amount of time a Virginia Initiative for Employment Not Welfare participant whose Temporary Assistance for Needy Families financial assistance has been terminated can receive transitional support services, provided the participant is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. The bill provides that such transitional support services shall terminate when the participant completes his curriculum at such institution or school or is otherwise no longer enrolled in such institution or school, or at the end of 24 months, whichever comes first. The bill directs the Board of Social Services to promulgate regulations to implement the provisions of the bill. *(Patron: Favola)*

SB 1373 Group homes; written notice prior to issuance of license.

Provides that any entity intending to locate a public or private detention home, group home, or other residential care facility in a locality shall give the chief administrative officer of that locality and the president of any home owner's association for the neighborhood in which such public or private detention home, group home, or other residential care facility is to be located at least 90 days written notice prior to the issuance of the license. Within 15 days of the date of the notice, the local governing body is required to provide notice to the home owners' association, if any, serving the neighborhood in which the facility is to be located, and within 30 days, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. Such comments shall include any comments received from the home owners' association serving the affected

neighborhood. The bill also sets restrictions on the granting of a license to operate a public or private detention home, group home, or other residential care facility. *(Patron: Norment)*

SB 1551 Central Virginia Training Center; closure prohibited without General Assembly authorization.

Provides that the Central Virginia Training Center shall not be closed without authorization of the General Assembly. *(Patron: Newman)*

STUDIES AUTHORIZED

Children's Services Act (CSA)

Language in the budget directs staff to the House Appropriations and Senate Finance Committees to convene a workgroup of representatives from state agencies to review options to improve the quality of private special education day placements funded through CSA and better manage costs for these placements. An approach under consideration is carving the funding for these placements out of CSA and transferring it to the Department of Education, which has raised concerns among local government representatives, but the workgroup is also to look more broadly at the issue.

Mental Health

Budget language directs the Department of Housing and Community Development to develop and implement strategies for housing individuals with serious mental illness, to include Medicaid financing. Budget language also provides \$250,000 for the Secretary of Health and Human Resources to prepare an implementation plan for the "financial realignment of Virginia's public behavioral health system." Language in the budget also extends the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by two years, until December 1, 2019.

In addition, the budget directs the Compensation Board to review its jail staffing standards to determine the costs and benefits

of requiring a mental health assessment within 72 hours of an initial screening for inmates who appear to have a mental illness. Language is also included directing the preparation of a report on the potential use of the Peumansend Creek Regional Jail as a mental health facility for state, regional, or local inmates.

Federal Legislation

Budget language creates a joint legislative subcommittee to respond to federal legislation that would repeal or amend the Affordable Care Act, Medicaid, or the Children's Health Improvement Program (CHIP), and recommend actions to be taken by the General Assembly to address the impact of such legislation. The joint subcommittee is also to provide oversight of the Virginia Medicaid program and agencies in the Health and Human Resources secretariat.

Transportation

PASSED LEGISLATION

Highways and Highway Safety

HB 2015 DRIVE SMART Virginia Education Fund; created.

Amends the Code of Virginia by adding in Chapter 6 of Title 33.2 a section numbered 33.2-616, relating to the DRIVE SMART Virginia Education Fund. Establishes a method by which holders of an account for an electronic toll collection device that is the property of the Commonwealth may opt in to make a voluntary contribution through electronic means to the DRIVE SMART Virginia Education Fund. *(Patron: Villanueva)*

HB 2022 Transportation, Department of; traffic incident response and management.

Amends §§ 46.2-808.1, 46.2-888, 46.2-920.1, 46.2-1210, and 46.2-1212.1 of the Code of Virginia, relating to Department of Transportation; traffic incident response and management. Allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The bill requires a driver to move a vehicle from the roadway after an emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. *(Patron: Villanueva)*

HB 2023 Highway maintenance payments; bicycle lanes.

Amends § 33.2-319 of the Code of Virginia and repeals the second enactment of Chapter 722 of the Acts of Assembly of 2015, relating to maintenance payments to certain cities and towns for moving-lanes converted to bicycle-

only lanes. Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to bicycle-only lanes, provided that the number of moving-lane-miles is not more than 50 moving-lane-miles or three percent of the municipality's total number of moving-lane-miles, whichever is less. *(Patron: Villanueva)*

HB 2139 Highways, Commissioner of; annual report requirements.

Amends § 33.2-232 of the Code of Virginia, relating to Commissioner of Highways; annual report requirements. Requires that the Commissioner of Highways, in his annual report, report specifically about transportation projects approved or modified during the prior fiscal year and include a listing of the total number of lane miles of all primary and secondary roads that have been resurfaced and all primary and secondary roads that are rated "poor" or "very poor." *(Patron: LeMunyon)*

HB 2463 Highways, Commissioner of; commercial establishment entrances.

Amends § 33.2-241 of the Code of Virginia, relating to Commissioner of Highways; commercial establishment entrances. Requires the Commissioner of Highways to document and maintain a list of anyone who has requested an onsite meeting with the resident engineer or his staff for connecting commercial establishment entrances to the paved part of the highway. The list shall include recommendations regarding compliance with the Department of Transportation's design standards and access management regulations. The bill requires the list along with other information to be provided to a locality upon request. *(Patron: Hodges)*

HB 2474 Virginia Coalfields Expressway Authority; established, report.

Amends the Code of Virginia by adding in Title 15.2 a chapter numbered 60.01, consisting of

sections numbered 15.2-6015.1 through 15.2-6015.5, relating to the creation of the Virginia Coalfields Expressway Authority; report. Creates the Virginia Coalfields Expressway Authority to improve the transportation into, from, within, and through Southwest Virginia; assist in regional economic development; and generally enhance highway safety in the affected localities through development of a proposed Coalfields Expressway. *(Patron: Pillion)*

SB 1021 Failure to obey highway sign where driver sleeping or resting; prepayable offense.

Amends §§ 16.1-69.40:1 and 46.2-830.1 of the Code of Virginia, relating to failure to obey highway sign where driver sleeping or resting; prepayable offense. Provides that a violation of a highway sign where a driver has parked or stopped his vehicle on the shoulder of the highway in order to sleep or rest is a prepayable offense unless such vehicle is parked or stopped in such manner as to impede or render dangerous the shoulder or other portion of the highway. *(Patron: Barker)*

Motor Vehicles

HB 1440 Farm use vehicles; imposes \$250 fine for violating limitations while operating unregistered vehicle

Amends § 46.2-613 of the Code of Virginia, relating to farm use vehicles; exemption from registration requirements. Imposes a \$250 fine for willfully and intentionally violating the limitations for the use of farm use vehicles on a highway for a second or subsequent violation. *(Patron: Bell, Richard P.)*

SB 1316 Trucks; overweight permits for hauling asphalt.

Amends § 46.2-1143 of the Code of Virginia, relating to maximum gross weight and overweight permits for trucks hauling asphalt. Adds trucks hauling asphalt to those vehicles whose owner or operator may obtain an overweight permit from the Commissioner of the Department of Motor Vehicles to operate in

counties that impose a severance tax on gases or a severance license tax on coal producers. *(Patron: Carrico)*

HB 1519 Overweight permits; hauling Virginia-grown farm produce, validity.

Amends § 46.2-1148 of the Code of Virginia, relating to overweight permits for hauling Virginia-grown farm produce; validity throughout the Commonwealth. Authorizes the Commissioner of the Department of Motor Vehicles to issue overweight permits that are valid statewide for vehicles hauling Virginia-grown farm produce from the point of origin to the first place of delivery. *(Patron: Knight)*

HB 1785 Emergency vehicles, privately owned volunteer; exemptions and requirements.

Amends § 46.2-1024 of the Code of Virginia, relating to warning lights on privately owned volunteer emergency vehicles; requirements. Clarifies that the current limit of no more than two flashing or steady-burning red or red and white combination warning lights applies to light units rather than individual lights on a vehicle owned by a member of a fire department, volunteer fire company, or volunteer EMS agency or a police chaplain. *(Patron: Bell, Robert B.)*

HB 2239 Farm use vehicles, certain; registration exemption, highway distance limitations.

Amends §§ 46.2-665, 46.2-666, and 46.2-670 of the Code of Virginia, relating to registration exemption for certain farm use vehicles. Increases from 50 to 75 miles the maximum travel distance allowable for travel to obtain supplies or from one part of the owner's land to another by a vehicle used for agricultural or horticultural purposes in order to qualify for exemption from the requirements to obtain a registration certificate, license plates, or decals and pay a registration fee. *(Patron: Fariss)*

SB 1069 Salvage vehicles, out-of-state; titling vehicles in the Commonwealth.

Amends §§ 46.2-1600, 46.2-1603, 46.2-1603.2,

46.2-1604, 46.2-1605, and 46.2-1606 of the Code of Virginia, relating to titling salvage vehicles. Provides a process by which the owner of a salvage vehicle that has been rebuilt, titled, and registered in another state may obtain a nonnegotiable title for such vehicle to operate on the highways of the Commonwealth. *(Patron: Deeds)*

[SB 1211](#) Vehicle license fees and taxes, local; collection by counties and adjoining towns.

Amends § 46.2-752 of the Code of Virginia, relating to collection of local motor vehicle taxes and license fees. Allows counties and adjoining towns to enter into reciprocal agreements to collect each other's delinquent (in addition to nondelinquent) vehicle license fees and taxes. *(Patron: Wexton)*

[SB 1497](#) Manufactured home; excludes a park model recreation vehicle from definition.

Amends § 46.2-100 of the Code of Virginia, relating to manufactured homes. Excludes a park model recreational vehicle from the definition of "manufactured home" and defines a park model recreational vehicle as a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard. *(Patron: Carrico)*

[SB 1532](#) Motor vehicle license fees; exemption of antique vehicles.

Amends § 46.2-755 of the Code of Virginia, relating to motor vehicle license fees; exemption of antique vehicles. Exempts a motor vehicle, trailer, or semitrailer that is licensed as an antique vehicle from the imposition of local license fees. *(Patron: Lewis)*

Rail and Public Transit

[HB 1931](#)/[SB 1172](#) Fare enforcement inspectors; enforcement of payment of fares for use of mass transit facilities.

Amends § 18.2-160.3 of the Code of Virginia, relating to fare enforcement inspectors. Provides for the appointment of fare enforcement inspectors to enforce payment of fares for use of mass transit facilities operated anywhere in the Commonwealth. Currently, fare enforcement inspectors may be appointed only in Planning District 8 (Northern Virginia). *(Patrons: Carr and Dance)*

[HB 2136](#) Washington Metrorail Safety Commission Interstate Compact; Va. authorized to become a signatory.

Amends the Code of Virginia by adding in Title 33.2 a chapter numbered 31.1, consisting of a section numbered 33.2-3101, relating to the Washington Metrorail Safety Commission Interstate Compact. Authorizes Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact. Requires the Secretary of Transportation to negotiate, on the Commonwealth's behalf, the terms for revision of the Washington Metropolitan Area Transit Authority (WMATA) Compact with the other signatories to the WMATA Compact. The bill contains an emergency clause. *(Patron: LeMunyon)*

[HB 2168](#) Virginia Coal Train Heritage Authority; established.

Amends the Code of Virginia by adding in Title 15.2 a chapter numbered 67.1, consisting of sections numbered 15.2-6705 through 15.2-6710, relating to the Virginia Coal Train Heritage Authority. Creates the Virginia Coal Train Heritage Authority to be governed by a 25-member board consisting of three representatives from the governing body of each of the Counties of Dickenson, Russell, and Wise; two citizen members from each of those three counties; one citizen member from each

of the Towns of Clinchco, Haysi, and St. Paul; three commissioners of the Breaks Interstate Park Commission; two citizen members with experience in the excursion train business; and two members of the General Assembly. The Authority is authorized to cooperate with any private or governmental entity in the state of West Virginia, Kentucky, Tennessee, or North Carolina in the development of a tourist train. *(Patron: Pillion)*

The provisions of the above bill may not become law pending final action by the Governor.

Transportation Network Companies, Towing and Taxis

HB 1761 Regulation of taxicabs.

Amends § 46.2-2062 of the Code of Virginia and repeals § 46.2-2059.1 of the Code of Virginia, relating to regulation of taxicabs. Provides that the governing body of any county, city, or town that regulates taxicabs may authorize any taxicab to operate software-based devices that utilize GPS or other measurement data in the calculation of time-and-distance fares, notwithstanding the requirements for the specifications and tolerances for measuring and weighing devices. The bill repeals the requirement that all taxicabs display roof signs and specific markings. The bill contains an emergency clause. *(Patron: Anderson)*

HB 1960 Tow truck drivers and towing and recovery operators; civil penalty for improper towing.

Amends §§ 46.2-1231, 46.2-1232, and 46.2-1233.2 of the Code of Virginia and adds a section numbered 46.2-1233.3, relating to tow truck drivers and towing and recovery operators; requirements; civil penalties. Creates a civil penalty of \$150 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing in Planning District 8 (Northern Virginia). The bill exempts tow truck drivers and towing and recovery operators

in Planning District 8 from any requirement by a towing advisory board for written authorization in addition to a written contract in the event that a vehicle is being removed from private property. The bill requires that a tow truck driver in Planning District 8 immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. *(Patron: Hugo)*

The provisions of the above bill may not become law pending final action by the Governor.

HB 2019/SB 1366 Transportation network company partner; vehicle registration repeal.

Amends §§ 46.2-2000, 46.2-2001.3, 46.2-2011.20, 46.2-2011.29, and 46.2-2099.50 of the Code of Virginia, relating to transportation network company partner vehicle registration repeal; safety inspections. Removes the requirement that a transportation network company (TNC) partner register his personal vehicle for use as a TNC partner vehicle with the Department of Motor Vehicles. The bill allows the Department of State Police to recognize another state's annual motor vehicle safety inspection in lieu of a Virginia inspection and clarifies that a TNC partner can keep proof of inspection in or on the vehicle. The bill contains an emergency clause. *(Patrons: Villanueva and Newman)*

HB 2032/SB 1101 Filing and application fees for transportation network companies.

Amends § 46.2-2011.5 of the Code of Virginia, relating to filing and application fees for transportation network companies. Allows transportation network companies two fee options when applying for an original or renewal of a certificate. A transportation network company may either pay the existing certificate fees of \$100,000 upon application and \$60,000 for renewal or pay a \$20 surcharge per record when purchasing a driver transcript in addition to the current transcript fee. *(Patrons: Adams and Newman)*

HB 2362 Tow truck drivers; issuance of temporary registration by Department of Criminal Justice Services.

Amends § 46.2-116 of the Code of Virginia, relating to tow truck drivers; temporary registration with Department of Criminal Justice Services. Allows for the issuance of temporary registration or driver authorization documentation by the Department of Criminal Justice Services for tow truck drivers, effective upon the submission of an application and until the issuance or denial of permanent registration. *(Patron: Pogge)*

SB 1494 Transportation network company; brokers allowed to arrange rides with TNC.

Amends §§ 46.2-2000, 46.2-2001, 46.2-2001.1, 46.2-2011.11, 46.2-2011.14, 46.2-2011.16, 46.2-2011.22, 46.2-2099.17, 46.2-2099.18, 46.2-2099.19, and 46.2-2099.48 of the Code of Virginia and adds Article 10 of Chapter 20 a section numbered 46.2-2099.19:1, relating to transportation network company brokers. Allows brokers to arrange rides with transportation network company (TNC) partner vehicles. *(Patron: McClellan)*

Transportation Governance

HB 1888 Wireless telecommunications devices; use by persons driving school buses.

Amends § 46.2-919.1 of the Code of Virginia, relating to use of wireless telecommunications devices by persons driving school buses. Allows school bus drivers to use, in addition to two-way radio devices, wireless telecommunications devices used hands free to communicate with school or public safety officials. *(Patron: Hugo)*

HB 1929 Public-Private Transportation Act; comprehensive agreement.

Amends § 33.2-1808 of the Code of Virginia, relating to Public-Private Transportation Act; comprehensive agreement. Requires all comprehensive agreements originally entered into on or after July 1, 2017, resulting in privately funded roads open for public

transportation to include a provision requiring funding for adequate staffing, defined in the bill, for general law enforcement services by the Virginia State Police. *(Patron: Bagby)*

HB 1993 Interstate pipeline construction; Department of Transportation oversight.

Amends the Code of Virginia by adding a section numbered 33.2-272.1, relating to interstate pipeline construction; Department of Transportation oversight. Allows the Department of Transportation to enter into agreements with any entity constructing interstate pipelines setting forth a reasonable procedure to identify and remedy damage caused by their construction to public highways of the Commonwealth. *(Patron: Habeeb)*

HB 2016/SB 1207 Electric personal delivery devices; operation on sidewalks and shared-use paths

Amends §§ 46.2-100, 46.2-904, 46.2-908, 46.2-908.1, 46.2-1015, and 46.2-2101 of the Code of Virginia by adding in Article 12 of Chapter 8 of Title 46.2 a section numbered 46.2-908.1:1, relating to electric personal delivery devices. Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. *(Patrons: Villanueva and DeSteph)*

HB 2137 Northern Virginia Transportation Authority; regional transportation plan.

Amends § 33.2-2508 of the Code of Virginia, relating to the Northern Virginia Transportation Authority; regional transportation plan. Requires the Northern Virginia Transportation Authority to annually publish on its website any land use or transportation elements of a locality's comprehensive plan that are inconsistent with the Authority's regional transportation plan. Additionally, the bill requires the Authority to consider for revision and revise as necessary its regional transportation plan at least once every five years. The bill has a delayed effective date of July 1, 2018. *(Patron: LeMunyon)*

[HB 2138](#) Transportation planning, state and local; adoption of comprehensive plan in Northern Virginia.

Amends § 15.2-2222.1 of the Code of Virginia, relating to state and local transportation planning. Provides that prior to the adoption of or amendment to any comprehensive plan that substantially affects transportation on state-controlled highways in Planning District 8 (Northern Virginia), the Department of Transportation shall specify any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the facility's capacity. *(Patron: LeMunyon)*

[HB 2241/SB 1331](#) Transportation planning activities; responsibility of Office of Intermodal Planning and Investment.

Amends §§ 2.2-229, 33.2-214.1, 33.2-222, and 33.2-256 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.2-214.2, relating to Department of Transportation; Office of Intermodal Planning and Investment of the Secretary of Transportation. Shifts responsibilities for transportation planning activities from the Virginia Department of Transportation (VDOT) to the Office of Intermodal Planning and Investment of the Secretary of Transportation. The bill specifies VDOT's core functions and limits the agency's duties to those core functions. The bill requires transparency in the development of the Six-Year Improvement Program and the State of Good Repair Program by the Commonwealth Transportation Board (CTB) and requires the CTB and VDOT to make public certain information related to the selection of projects. *(Patrons: Jones and Carrico)*

[HB 2244/SB 1322](#) Public-Private Transportation Act of 1995; changes name of Advisory Committee.

Amends §§ 33.2-1801, 33.2-1803, 33.2-1803.1, 33.2-1803.2, and 33.2-1809 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 33.2-1803.1:1,

relating to the Public-Private Transportation Act of 1995. Renames the Transportation Public-Private Partnership Advisory Committee the Transportation Public-Private Partnership Steering Committee and requires the Deputy Secretary of Transportation to serve as its chair. The bill provides that a responsible public entity may grant approval for the development and/or operation of a transportation facility by a private entity if that private entity can develop and/or operate the transportation facility for less cost than the Department of Transportation (VDOT) or the Department of Rail and Public Transportation (DRPT). The bill requires VDOT or DRPT to ensure competition through the procurement process. *(Patrons: Jones and Carrico)*

[SB 932](#) Conveyance of utility easements; transportation.

Amends § 15.2-1800 of the Code of Virginia, relating to conveyance of utility easements. Exempts a locality from the requirement of holding a public hearing on the conveyance of utility easements related to transportation projects. *(Patron: Favola)*

[SB 1363](#) Statewide one-stop online portal for address changes; Secretary of Transportation to study.

Requires the Secretary of Transportation or his designee to convene a task force to study the feasibility of establishing a one-stop online portal for citizen address changes in order to develop a single statewide address database for utilization by state entities. *(Patron: Obenshain)*

[SB 1417](#) Commercial air service plan; Virginia Aviation Board to develop and review.

Amends § 5.1-2.16 of the Code of Virginia by adding sections numbered 5.1-2.2:2 and 5.1-2.2:3, relating to Virginia Aviation Board; commercial air service plan and use of funds. Requires the Virginia Aviation Board to develop and review every five years a commercial air service plan for commercial air service airports

in the Commonwealth and, prior to allocation of funds from the Commonwealth Airport Fund by the Board, ensure that requested funds are consistent with the plan. *(Patron: Newman)*

HI 693 Constitutional amendment (first resolution); Transportation Funds.

Amends Article X of the Constitution of Virginia by adding a section 7-B to direct that revenues dedicated to Transportation Funds (including the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund) on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. *(Patron: LaRock)*

This amendment must be passed in identical form by the 2018 General Assembly and approved in a referendum before taking effect.

FAILED LEGISLATION

HB 1836 Spotsylvania Parkway; VDOT to maintain a certain segment beginning in 2020.

Requires the Virginia Department of Transportation, as of July 1, 2020, to take over maintenance of an approximately two-mile segment of Spotsylvania Parkway that is currently maintained pursuant to a 2005 “Easement and Cost Sharing Agreement” unless the homeowners association that is party to such cost-sharing agreement and Spotsylvania County reach a new road maintenance agreement prior to July 1, 2020. *(Patron: Orrock) (VETOED)*

HB 2447 Motor vehicles, local licensure; eliminates ability of a locality to assess local license fees. Would have eliminated the ability of a locality to assess local license fees for motor vehicles, trailers, and semitrailers. *(Patron: Marshall)*

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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.