

2018



LEGISLATIVE SUMMARY



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

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Vital Statistics from the 2018 Session

	Introduced	Passed Both	Failed	Vetoed
House Bills	1,610	507	1,064	8
House Joint Resolutions	576	484	90	0
House Resolutions	210	200	10	0
Senate Bills	996	367	482	2
Senate Joint Resolutions	249	197	34	0
Senate Resolutions	81	78	3	0
General Assembly Totals	3,722	1,833	1,683	10

2018 Legislative Priorities

OVERARCHING LEGISLATIVE PRIORITY POSITION

Increase Education Funding

To assure each child in Virginia the 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, where these recommendations coincide with prevailing local practice, as well as 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 and the additional dollars supplied in 2017 were steps in the right direction toward restoring the state's partnership with localities in fulfilling this critical mission. However, when adjusted for inflation, state direct aid per-pupil spending on public education in FY 2018 is less than funding levels in FY 2006. With increased educational mandates, increased numbers of students, increased numbers of students with special needs, 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

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.

Proffers and Growth Management Tools

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. VACo also 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.

ENVIRONMENT AND AGRICULTURE

Water Quality Improvement Funding

VACo supports effective partnerships across all levels of government to improve water quality. VACo urges state and federal agencies to consider impacts of any initiatives intended to reduce pollutants in state waters from point and non-point sources. In order for comprehensive water quality improvement strategies to be effective, major and reliable forms of financial and technical assistance will be necessary. VACo supports the goal of improved water quality and opposes strategies that penalize local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements without providing sufficient resources. 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.

Hydraulic Fracturing

Advances in technology for the extraction of natural gas known as "hydraulic fracturing" has the potential to tap vast reserves in what are known as the Marcellus Shale and Taylorsville Basin deposits. Concerns about how the process of hydraulic fracturing could impact both public and private groundwater supplies have been raised both regionally and nationally. VACo supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate and/or ban this type of mining activity through their land use ordinances. VACo supports a state regulatory program that addresses these concerns, promotes transparency and accountability, and protects the authority of local governments to regulate this type of mining activity through their land use ordinances.

FINANCE

Local Finance

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

Equal Taxing Authority

VACo supports granting counties equal taxing authority to that enjoyed by cities and towns to enact local excise taxes without referendum, such as the authority to adopt a local meals tax without referendum and to levy and collect a cigarette tax.

GENERAL GOVERNMENT

Local Authority

VACo supports relaxation of the Dillon Rule by granting and maintaining local authority and autonomy in matters including land use, revenue measures, procurement and other issues of local concern. VACo supports extending powers currently granted to some local governments to all local governments.

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 and their state administrative entities 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 that the 2018 General Assembly Session must confront the funding challenges facing Virginia's transportation systems. These include addressing an annual \$130 million shortfall for transit capital needs and finding a dedicated funding solution for Metro. Unless increased revenues are approved, Virginia will continue to face a congestion and mobility crisis that is strangling economic growth, threatening public safety and negatively affecting the quality of life of all residents. 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. VACo also 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.

FY 2018-2020 State Budget Analysis

Governor Northam signed the FY 2018 “caboose” and 2018-2020 biennium budgets on June 7, marking the resolution of a months-long impasse. The following is an analysis of key elements of the biennium budget, which makes investments in county priorities such as K-12 education, mental health, early childhood, and public safety.

2018 Session Adopted State GF Budget (\$ Million)

	GF Budget Accounting (\$ Mil.)						
	2018 Caboose	FY 2019	Change from FY18		FY 2020	Change from FY19	
			\$	%		\$	%
Legislative and Executive	\$119.4	\$129.5	\$10.1	8.5%	\$129.4	-\$0.1	-0.1%
Judicial Dept.	485.6	495.7	\$10.1	2.1%	505.1	\$9.4	1.9%
Administration/Comp Board	714.3	738.0	\$23.7	3.3%	740.2	\$2.2	0.3%
Treasury Board Debt Service	739.5	759.1	\$19.6	2.7%	807.6	\$48.5	6.4%
Other Finance	187.5	184.2	-\$3.3	-1.8%	179.4	-\$4.8	-2.6%
Rainy Day Fund Deposit	-	-	-	-	-	-	-
Car Tax Reimbursement	950.0	950.0	\$0.0	0.0%	950.0	\$0.0	0.0%
Commerce and Trade	203.5	225.7	\$22.2	10.9%	230.1	\$4.4	1.9%
Agriculture / Nat. Resources	163.7	213.4	\$49.7	30.4%	173.8	-\$39.6	-18.6%
K-12 Education/Central Office	6,021.5	6,334.4	\$312.9	5.2%	6,512.6	\$178.2	2.8%
Higher & Other Education	2,015.2	2,109.2	\$94.0	4.7%	2,176.8	\$67.6	3.2%
DMAS Medicaid	4,651.4	4,693.0	\$41.6	0.9%	4,775.5	\$82.5	1.8%
Other Health & Human Services	1,850.6	1,954.7	\$104.1	5.6%	2,046.0	\$91.3	4.7%
Public Safety & Veterans/HS	1,938.0	2,035.8	\$97.8	5.0%	2,041.0	\$5.2	0.3%
Transportation	41.0	41.0	\$0.0	0.0%	41.0	\$0.0	0.0%
Central Appropriations	212.0	81.3	-\$130.7	-61.7%	288.8	\$207.5	255.2%
Cash Reserve	156.4	45.0	-\$111.4	-71.2%	45.0	\$0.0	0.0%
Independent Agencies/Capital	0.3	0.3	\$0.0	NM	0.2	-\$0.1	-33.3%
Total GF Appropriations	\$20,449.9	\$20,990.3	\$540.4	2.6%	\$21,642.5	\$652.2	3.1%
GF Revenues	19,328.2	20,173.7	\$845.5	4.4%	20,976.2	\$802.5	4.0%
Transfers	625.3	621.0	-\$4.3	-0.7%	631.0	\$10.0	1.6%
Rainy Day Fund Withdrawal	272.5	-			-		
Balances for Appropriation	212.2	22.0			(0.5)		
Unappropriated Balance		38.6			2.8		

GF State Aid to Localities (\$ Mil.)					
	FY 2009	FY 2014	FY 2018	FY 2019	FY 2020
Direct Aid to K-12	\$5,607.6	\$5,240.3	\$5,963.0	\$6,273.1	\$6,451.3
K-12 % of Total GF Appropriations	35.2%	29.6%	29.2%	29.9%	29.8%
Health and Human Services	888.4	791.7	951.0	1,003.4	1,034.4
<i>CSA</i>	<i>299.7</i>	<i>217.2</i>	<i>279.9</i>	<i>298.6</i>	<i>308.5</i>
<i>Community MH/SA Services</i>	<i>249.4</i>	<i>269.3</i>	<i>350.4</i>	<i>371.0</i>	<i>392.7</i>
<i>Local Social Services Staff</i>	<i>117.4</i>	<i>115.3</i>	<i>122.1</i>	<i>126.8</i>	<i>128.2</i>
<i>Community Health Programs</i>	<i>117.6</i>	<i>107.2</i>	<i>117.9</i>	<i>125.5</i>	<i>123.5</i>
<i>Welfare Services and Programs</i>	<i>104.3</i>	<i>82.7</i>	<i>80.7</i>	<i>81.5</i>	<i>81.5</i>
Public Safety	734.3	687.9	738.8	758.4	768.2
<i>Local Sheriffs Offices</i>	<i>406.1</i>	<i>411.3</i>	<i>452.4</i>	<i>464.5</i>	<i>466.1</i>
<i>Local Police Depts HB 599</i>	<i>197.3</i>	<i>172.4</i>	<i>178.0</i>	<i>184.5</i>	<i>191.7</i>
<i>Local Jail Per diem</i>	<i>80.1</i>	<i>59.4</i>	<i>61.3</i>	<i>61.7</i>	<i>62.7</i>
<i>Assistance for Juvenile Justice</i>	<i>50.8</i>	<i>44.8</i>	<i>47.1</i>	<i>47.7</i>	<i>47.7</i>
Constitutional Officers	155.3	145.8	158.0	161.5	161.5
Dept. of Accounts Transfers	49.3	49.3	49.6	48.9	48.9
Car Tax	950.0	950.0	950.0	950.0	950.0
Aid-to-Locality Reduction	(50.0)	-	-	-	-
Total Local GF Aid	\$8,334.9	\$7,865.0	\$8,810.4	\$9,195.3	\$9,414.3
Total GF Appropriations	\$15,943.0	\$17,705.2	\$20,449.9	\$20,990.3	\$21,642.5
Local Aid % of Total GF	52.0%	44.1%	43.1%	43.8%	43.5%

(Charts courtesy of Jim Regimbal, Fiscal Analytics, Ltd.)

K-12 Education

- Provides \$481 million General Funds (GF) over the biennium to fund costs of biennial rebenchmarking of the Standards of Quality (SOQ).
- Includes an increase in the Supplemental Lottery Per Pupil Amount of \$43.4 million in FY 2019 and \$48.1 million in FY 2020 (funds represent a combination of additional lottery revenue, additional General Funds, and funding redirected from several proposals in the introduced budget, including “no loss” funding for schools that would otherwise lose state funding in FY 2019 relative to FY 2018 and funds to provide a full-time principal in each elementary school).
- Provides \$6.1 million GF in FY 2019 for small school divisions experiencing enrollment declines in enrollment.
- Increases the maximum “At-Risk Add-On” payment to 14 percent in the second year (currently the additional per-pupil support for schools educating low-income students ranges from one to 13 percent, depending on schools’ percentages of students eligible for free lunch) and expands options for use of these funds to include teacher recruitment programs and incentives.
- Adds reviewing savings opportunities from jointly operating or merging small school divisions to the duties of the Joint Subcommittee on Local Government Fiscal Stress.
- Provides an additional \$1.3 million GF in FY 2019 for School Resource Officer Incentive Grants.
- Detailed information about estimated allocations for each school division may be found in the [June 8, 2018, Superintendent’s Memorandum](#).

Other Education

- Language directs the President of the University of Virginia to lead a collaborative evaluation among the University of Virginia, Virginia Tech, and Virginia State University, to “analyze the problems facing rural Virginia and develop strategic recommendations for improvement.” Recommendations are due to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2018.
- Provides \$250,000 GF in FY 2019 and \$500,000 GF in FY 2020 for aid to libraries for summer reading materials and programs or instructional materials related to science, technology, engineering, the arts, or mathematics.
- Provides an additional \$2 million GF per year for the New Economy Workforce Credential Grant Program.

Compensation

- Provides \$131.4 million for the state’s share of a three percent salary increase for SOQ-recognized instructional and support positions, effective July 1, 2019, contingent on revenue projections for FY 2019 and FY 2020 remaining consistent with revenues assumed in the 2018 Appropriations Act when the 2019 budget is developed.
- Provides funding for a two percent salary increase for state-supported local employees, effective July 1, 2019, also contingent on stable revenue projections.
- Provides funding to support the cost of increasing the entry-level pay for sworn deputy sheriffs (grades 7 and 8) by \$871, effective February 1, 2019, also contingent on stable revenue projections.

Constitutional Officers

- Language directs the Compensation Board to review the feasibility and benefits of allocating positions to be shared between offices in multiple localities or multiple offices within one locality for small localities which currently have minimal staffing.
- Directs the Executive Secretary of the Compensation Board to convene a working group to investigate the effect of body worn cameras on the workloads of Commonwealth’s Attorneys’ offices.
- Directs the Compensation Board, in consultation with the Executive Secretary of the Supreme Court, to conduct a study of circuit court clerk salaries in relation to district court clerk salaries, with specific emphasis in jurisdictions where locally-funded supplements are not provided.

Judiciary

- Provides funding in FY 2020 to fill all Circuit Court, General District Court, and Juvenile and Domestic Relations District Court judgeships authorized in statute.
- Provides \$400,000 GF per year to be allocated by the State Drug Treatment Court Advisory Committee for the establishment of drug courts in jurisdictions with high drug-related caseloads, or to increase funding provided to existing drug court programs experiencing high caseload growth.
- Provides \$500,000 GF per year to support the creation and expansion of mental health court dockets in jurisdictions with high caseloads, to be allocated by the Virginia Supreme Court. The Executive Secretary of the Supreme Court is to report on the results of the expansion, as well as recommendations for expansion of mental health dockets to other courts, by October 1, 2018.

Economic Development

- Provides an additional \$15 million for the Virginia Growth and Opportunity Fund over the biennium. Language allows for the Virginia Growth and Opportunity Board to grant waivers for the matching funds requirement and raises the eligible minimum amount a region may receive based on its share of the state population to \$1 million. Language directs the Chairman of the Virginia Growth and Opportunity Board to convene a workgroup to develop a framework for broadband policies, to include facilitating “deployment-friendly policies at the regional and local level to expedite implementation of plans and projects, as well as mitigate costs.”
- Provides \$4 million per year for the Virginia Telecommunication Initiative and directs the Department of Housing and Community Development to develop criteria and guidelines for use of the funding, to include encouraging local governments to assist in the timely completion of projects, such as through assistance with permitting or easement issues.
- Increases Enterprise Zone funding by approximately \$686,000 GF each year.

Virginia Grocery Investment Fund

- Final budget does not include authorizing language or funding for the Virginia Grocery Investment Fund, which had been slated to receive \$3.75 million GF per year under the introduced budget.

Children’s Services Act (CSA)

- Provides \$250,000 GF in FY 2019 for the Office of Children’s Services to contract for a study on the current rates paid by localities to special education private day programs licensed by the Virginia Department of Education, to include recommendations for implementing a rate-setting structure for educational services reimbursed through the Children’s Services Act.
- Imposes a two percent cap on rate increases for private day special education services in FY 2020 (rates paid in FY 2020 may not increase more than two percent over the rates paid in FY 2019). Requires localities to submit their contracted rates for private day educational services to the Office of Children’s Services by August 1 each year.
- Directs the Office of Children’s Services and the Department of Education to facilitate a workgroup to identify and define outcome measures to assess students’ progress in private day placements; a report is due by November 1, 2018.

Mental Health

- Directs the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to examine options for increasing the participation of community hospitals in the provision of services for individuals subject to Temporary Detention Orders (TDOs).
- Provides \$2.5 million GF in FY 2019 and \$4.5 million GF in FY 2020 for the provision of alternative transportation for adults and children subject to TDOs, with services to be phased in over a three-year period.
- Provides \$1.6 million GF each year for discharge planning at jails for individuals with serious mental illness; funding is to be used to create staff positions at Community Services Boards and be implemented at two jails with a high percentage of inmates with serious mental illness.
- Provides \$708,663 GF per year for diversion programs in up to three rural communities.
- Provides \$657,648 GF each year to establish Crisis Intervention Team training programs in six rural communities.

- Provides \$1.1 million GF per year to establish the Appalachian Telemental Health Initiative, a telemental health pilot program.
- Provides \$5.9 million GF per year to complete the phase-in of same-day access to assessment at CSBs, in accordance with the STEP-VA plan (also provides \$3.2 million GF over the biennium for the state's share of these services that are partially funded through Medicaid).
- Provides \$3.7 million GF in FY 2019 and \$7.4 million GF in FY 2020 for primary care outpatient screening at CSBS, in accordance with the STEP-VA plan.
- Provides \$15 million GF in FY 2020 to begin phasing in outpatient mental health and substance abuse treatment at CSBs, in accordance with the STEP-VA plan.
- Provides \$2 million GF in FY 2020 to begin phasing in statewide expansion of detoxification services at CSBs, in accordance with the STEP-VA plan.
- Provides \$900,000 GF in FY 2019 and \$1.8 million GF in FY 2020 for grants to establish crisis intervention assessment centers in six unserved rural communities.
- Provides \$7 million GF over the biennium for permanent supportive housing for individuals with serious mental illness and pregnant or parenting women with substance use disorders.

Medicaid Expansion

- Authorizes the Department of Medical Assistance Services (DMAS) to submit an application to amend Virginia's State Plan for Medical Assistance to expand Medicaid eligibility to uninsured Virginians with incomes up to 138 percent of the federal poverty level, in accordance with the Affordable Care Act. Directs DMAS to submit an application for a federal waiver to implement the Training, Education, Employment, and Opportunity (TEEOP) program, which requires work or other community engagement activities for able-bodied adults of working age and includes "lock-out" provisions for failure to comply for three months out of a year. Language directs workforce development programs under the Virginia Employment Commission to give priority to TEEOP enrollees to the extent allowed by federal law. DMAS is directed to develop a supportive employment and housing benefit targeted to high-risk Medicaid beneficiaries with mental illness, substance use disorder, or other complex conditions.
- The state's share of the funding for the expansion population is to be covered by an assessment on private acute care hospital net patient revenue. Language in the budget provides for a separate assessment on private acute care hospitals that would be used to increase Medicaid payment rates for inpatient and outpatient services.
- Directs the Joint Subcommittee on Health and Human Resources Oversight to monitor implementation of Medicaid expansion and to develop an annual Medicaid state spending target.
- Provides an additional \$2.2 million GF in FY 2019 and \$3.6 million GF in FY 2020, with associated matching federal funds, to assist local departments of social services with implementation of Medicaid expansion. The Virginia Department of Social Services has informed local departments that no local match will be required for these funds in FY 2019, though the standard match will be required in FY 2020.
- Directs the Secretary of Health and Human Resources to convene a work group to examine recent trends in the individual insurance market and state options for stabilizing the market; authorizes the Secretary of Health and Human Resources to apply for a state innovation waiver under the Affordable Care Act to implement innovative solutions to help stabilize the individual insurance market.

Other Health and Human Resources Issues

- Provides \$1.8 million GF in FY 2019 and \$2.8 million GF in FY 2020 to address projected growth in Early Intervention/Part C caseloads.
- Directs the Secretary of Health and Human Resources to create a trauma-informed care workgroup to develop strategies to build a trauma-informed system of care for agencies within the Secretariat.
- Directs the Virginia Department of Health to design and conduct a pilot epidemiological study of the human health effects of the land application of biosolids.
- Directs the Virginia Department of Agriculture and Consumer Services and the Virginia Department of Health to develop a long-term plan to fund the food safety and restaurant inspection programs.
- Establishes fees for certain permits and authorizations from the Virginia Department of Health related to onsite sewage system construction permits, repairs, and voluntary upgrades.
- Funds an additional 384 Community Living waiver slots over the biennium (of which 120 are expected to be used for individuals transitioning from facility care), an additional 895 Family and Individual Supports waiver slots over the biennium, and an additional 40 Building Independence slots in FY 2020. Also provides 25 Community Living waiver slots each year as reserve capacity to address emergency situations. Provides an additional 326 Family and Individual Supports waivers in FY 2020 to address the Priority One waiting list. Directs the Department of Behavioral Health and Developmental Services to report annually on the allocation of waiver slots.
- Authorizes the Department of Behavioral Health and Developmental Services to receive proposals under the Public-Private Education Facilities and Infrastructure Act to partner with private not-for-profit entities to provide care for residents at the Central Virginia Training Center.
- Increases the Auxiliary Grant rate for adult foster care, assisted living facilities, and supportive housing by \$35 per month in FY 2019 and \$25 per month in FY 2020.
- Provides an additional \$2 million per year from the Temporary Assistance to Needy Families (TANF) block grant for Community Action Agencies to provide services to meet the needs of low-income individuals.
- Provides an additional \$3 million per year from the TANF block grant for a second round of grants to community employment and training programs designed to move low-income individuals out of poverty.
- Provides an additional \$500,000 per year to address the waiting list for services available through local Area Agencies on Aging.

Early Childhood

- Adds several areas of study to the Joint Subcommittee on the Virginia Preschool Initiative (VPI), to include an integrated early childhood fund. Directs the Virginia Department of Education (VDOE) to convene a workgroup of state agencies, facilitated by the Virginia Early Childhood Foundation, to identify strategies for developing an Integrated Early Childhood Fund; the workgroup's findings are to be reported to the Joint Subcommittee by October 15, 2018.
- Provides \$275,000 GF per year for the University of Virginia's Center for Advanced Study of Teaching and Learning (CASTL) to work with VDOE to implement a statewide assessment of all kindergarten students using the Virginia Kindergarten Readiness Program (VKRP) and train school division staff on how to use VKRP data to improve instructional practices. CASTL and VDOE are directed to use the VKRP data to determine

how well the Virginia Preschool Initiative promotes school readiness.

- Provides \$2.3 million GF per year for VDOE to support school divisions to provide grants to local school divisions to provide financial incentives for provisionally-licensed VPI teachers to attain full licensure, with priority to be given to hard-to-staff schools and schools with the highest number of provisionally-licensed VPI teachers.
- Provides \$300,000 GF in FY 2019 and \$700,000 GF in FY 2020 for CASTL to provide professional development for VPI teachers.
- Provides \$75,000 GF in FY 2019 for VDOE to develop a plan to ensure that high-quality instruction is provided in VPI classrooms.
- Provides \$350,000 GF per year for the University of Virginia to plan and implement assessments for VPI classrooms.
- Sets out a process by which additional one-time VPI slots may be allocated to school divisions that have used their calculated slots and have waiting lists for unserved eligible children.
- Includes language clarifying that philanthropic or other private support may be used as the required local match for VPI.
- Directs the Virginia Department of Health to assess the feasibility of developing a home visiting “Pay for Success” pilot program.
- Provides \$925,000 in FY 2019 and \$325,000 in FY 2020 from federal Child Care and Development Funds to implement a pilot program with CASTL to improve early childhood classrooms in faith-based and private day care centers.
- Directs the Virginia Department of Social Services to develop and publish curricula and professional development materials as a resource for child care professionals participating in the child care subsidy program.
- Provides \$250,000 in FY 2019 and \$600,000 in FY 2020 from the TANF block grant to contract with Early Impact Virginia to coordinate voluntary home visiting programs.

Water Quality

- Deposits \$22.5 million GF in FY 2019 into the Water Quality Improvement Fund.
- Increases the amount of un-refunded marine fuel sales tax revenues transferred to the Water Quality Improvement Fund by \$2.6 million per year.
- Provides \$20 million GF in FY 2019 for the Stormwater Local Assistance Fund.
- Transfers \$1.35 million per year from the Department of Game and Inland Fisheries to the Virginia Port Authority to fund dredging projects through the Virginia Waterway Maintenance Grant Program and Fund, which was established in statute during the 2018 Session.
- Provides \$100,000 GF in FY 2019 and \$200,000 GF in FY 2020 to fund additional engineering staff to support Soil and Water Conservation Districts.
- Authorizes the Department of Environmental Quality to charge a voluntary fee of \$30,000 for an expedited stormwater review of sites within a common plan of development with land-disturbance acreage equal to or greater than 100 acres.

Environment and Natural Resources

- Removes funding included in the introduced budget for two positions supporting an initiative for environmental education.
- Directs the Board of Conservation and Recreation to develop a prioritization process to evaluate the relative priority of improvements for all properties that have not yet been fully developed as state parks or natural area preserves.
- Provides \$1.6 million GF over the biennium for start-up and operational costs at

Widewater State Park and approximately \$366,000 GF over the biennium for operation of Seven Bends State Park. Provides \$50,000 GF in the first year to develop a plan to expand bike facilities at First Landing State Park. Authorizes acquisition of land by donation for expansion of Middle Peninsula State Park. Provides \$112,500 GF in FY 2019 for emergency repairs at the Breaks Interstate Park dam.

Jails

- Adds the Henry County jail to projects authorized for reimbursement from the Commonwealth.
- Provides funding to the Compensation Board, DMAS, Department of Corrections, and Department of Juvenile Justice to implement recommendations of a 2017 workgroup on streamlining eligibility determination and enrollment of inmates in Medicaid.
- Directs the Department of Corrections to evaluate options to reduce the number of state-responsible inmates with serious mental illness who serve the entirety of their state-responsible sentences in local and regional jails.
- Provides funding to extend the jail mental health pilot program authorized by the 2016 General Assembly through the first year of the biennium (but not the second year, as proposed in the introduced budget).
- Provides an additional \$374,114 GF in FY 2019 and \$1.4 million GF in FY 2020 to cover anticipated increases in jail per diem payments due to projected inmate population growth.

HB 599

- Provides \$6.6 million in FY 2019 and \$13.8 million in FY 2020 for aid to localities with police departments.

Juvenile Justice

- Authorizes one 60-bed juvenile correctional center in Isle of Wight County and directs the Department of General Services (DGS) to determine options for a second juvenile correctional center, to be located in Central Virginia, and report on location options to the Chairman of the “money committees” and the Governor by October 31, 2018. Language excludes the current Bon Air property from consideration as the second location. DGS is directed to work with Chesterfield County to determine a fair market value and the highest and best use of the Bon Air site and report its preliminary findings by December 1, 2018. In addition, DGS is to determine the highest and best use of the Beaumont site, to include viability of potential use by the Department of Corrections, Department of Conservation and Recreation, and/or the Department of Juvenile Justice.

Transportation

- Eliminates proposed transit capital bond authorization that was included in the introduced budget and directs the Department of Rail and Public Transportation and the Department of General Services to investigate options to develop a program for the financing of statewide transit capital needs using the Master Equipment Leasing Program operated through the Department of the Treasury as a model to facilitate group purchases of mass transit equipment.
- Directs the Commonwealth Transportation Board to review and report on the overall condition and funding needs of large and unique bridge and tunnel structures in the Commonwealth, to include recommendations addressing funding of such projects within the State of Good Repair program.

Revenue Reserve Fund

- Deposits \$45 million each year of the biennium into the newly-created Revenue Reserve Fund, in addition to a deposit of \$156.4 in FY 2018 based on FY 2017 revenues, and an additional expected deposit of 100 percent of FY 2018 surplus revenues, after any required deposits to the Revenue Stabilization Fund (“Rainy Day Fund”) and Water Quality Improvement Fund.

Communications Sales and Use Tax

- Diverts \$2 million per year in expected savings from the telecommunications relay contract (which is funded by Communications Sales and Use Tax Trust Fund revenues) to the General Fund. VACo has requested that the Governor commit to removing this proposed transfer, the first installment of which is scheduled to take effect June 30, 2019, in his proposed budget for the 2019 Session.

Tobacco Taxes

- Directs the Joint Subcommittee to Evaluate Tax Preferences to study options for the modernization of tobacco taxation, to include products that produce vapor or aerosol from heating tobacco or liquid nicotine. The Joint Subcommittee is directed to study “possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the Commonwealth.” A report is due November 1, 2018.

VACo Contact: [Katie Boyle](#)

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2018.

ECONOMIC DEVELOPMENT AND PLANNING

PASSED LEGISLATION

Economic Development

HB 431 Enterprise Zone Grant Program; designation of enterprise zone.

Amends §§ 59.1-542 and 59.1-544 of the Code of Virginia to codify the minimum and maximum size of enterprise zones under the Enterprise Zone Grant Program. Boundary amendments made by local governments that include the elimination of an area from a zone shall not exceed maximum size provisions, and shall be reviewed by the Department of Housing and Community Development with the potential impact on affected businesses and property owners given primary consideration. *(Patron: Marshall)*

HB 671/SB 383 Tourism Development Authority; reorganizes Authority.

Amends §§ 15.2-5502 and 15.2-5505 of the Code of Virginia, relating to Tourism Development Authority. The bill increases the governing board membership from eight to 18 members, where eight are Tourism Directors representing each county and the City of Norton. Remaining seats will be filled by travel industry representatives from the eight governing localities. The board shall create two ex-officio nonvoting positions from the Jefferson National Forest Clinch Ranger District Office and Virginia State Parks. Each

participating locality shall establish a local tourism advisory committee. *(Patrons: Kilgore and Chafin)*

SB 677 Local tourism board, etc.; member of a local government authorized to be elected or appointed.

Amends § 15.2-1535 of the Code of Virginia to authorize a member of a local governing body to be elected or appointed by that body to be a member of a local convention, visitors, or tourism board, authority, or agency. *(Patron: Deeds)*

HB 888 Onsite sewage systems; evaluation and design services.

Amends § 54.1-1129.1 of the Code of Virginia and directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination. *(Patron: Orrock)*
(Amended by Governor)

HB 1148 Economic growth-sharing; review of agreements.

Amends § 15.2-1301 of the Code of Virginia to require all economic growth-sharing agreements provide a report at least annually from each locality receiving funds under the agreement to the participating local governing body. The report includes (i) the amount of money transferred among the localities pursuant to the agreement, and (ii) the use of those funds. Parties involved in such an agreement for at least 10 years as of July 1, 2018 and with annual payments exceeding \$5 million shall provide the report and convene an annual meeting to discuss future plans for economic growth in localities. *(Patron: Landes)*

HB 1452 Regional industrial facility authority; amends enabling statute for creation of an authority.

Amends § 15.2-6402 of the Code of Virginia

to reduce the required minimum number of participating localities in a regional industrial facility authority to two. *(Patron: James)*

Local Planning, Zoning, and Housing

HB 161 Service districts; general government facilities may be constructed pursuant to power of districts.

Amends § 15.2-2403 of the Code of Virginia to add general government facilities to the types of facilities a governing body may construct pursuant to powers granted to service districts. *(Patron: Cole)*

HB 164 Contractors, Board for; prerequisites to obtaining a building permit.

Amends § 54.1-1111 of the Code of Virginia to eliminate the requirement a building permit applicant obtain an affidavit, providing that a written statement certifies the individual is not subject to licensure or certification as a contractor or subcontractor. *(Patron: Yancey)*

HB 552 Bed-and-breakfast operations; definition of restaurant.

Amends §§ 35.1-1, 35.1-25, and 58.1-3833 of the Code of Virginia to exempt from the definition of “restaurant” and from the requirement for a license as a restaurant any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, so long as (i) the premises of the bed-and-breakfast operation is a home that is owner-occupied or owner-agent occupied, (ii) the operation prepares food for and offers food to guests, (iii) the number of guests served by the operation does not exceed 18, and (iv) guests for whom food is prepared and to whom food is offered are informed that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants. *(Patron: Freitas)*

HB 594/SB 451 Local government; authority to require abatement of criminal blight on real property.

Amends § 15.2-907 of the Code of Virginia to

authorize any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions that endanger residents of the community by the (i) regular presence of persons using the property for controlled substance use or sale and other criminal activities, (ii) usage for commercial sex acts, or (iii) repeat acts of the malicious discharge of a firearm within a building or dwelling. *(Patrons: Carr and Dance)*

HB 609/SB 391 Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.

Amends §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia to allow a locality to adopt an ordinance that requires the installation of smoke alarms in (i) buildings containing one or more dwelling units, (ii) hotels or motels regularly used, offered for, or intended to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used, offered for, or intended to provide overnight sleeping accommodations. Installation shall not require additional wiring or upgrading, and be in conformance with the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, 23 Part III of the Uniform Statewide Building Code. *(Patrons: Carr and Barker)*

HB 709/SB 187 Zoning; violation, penalties.

Amends § 15.2-2286 of the Code of Virginia to increase the maximum fine for failure to remove or abate the zoning violation after conviction from to \$2,000 for succeeding 10-day periods. *(Patrons: Bell, J.J., and Favola)*

HB 796 Zoning; modification, etc., to property for persons with disabilities, board of zoning appeals.

Amends §§ 15.2-2283 and 15.2-2309 of the Code of Virginia to require a locality consider in a zoning ordinance the need for reasonable modifications in accordance with the Americans with Disabilities Act

of 1990. Variances are subject to state and federal fair housing laws. Or the Americans with Disabilities Act of 1990. The bill also provides that a granted variance may expire upon the individual no longer in need of the modification. *(Patron: Hope)*

[HB 824](#) Short-term rentals; local ordinances in City of Lexington.

Requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. The bill provides that (i) any business license that was required by any ordinance in effect regulating short-term rentals shall be null and void, (ii) any license taxes collected for short-term rentals subject to any ordinance in effect shall be refunded, and (iii) any taxpayer who was required to pay transient occupancy taxes for rental of real property for more than 30 days shall be refunded. The bill mandates a deadline of September 30, 2018, for refunds and for the City to amend its existing ordinance. The bill also prohibits the City of Virginia Beach from requiring a conditional use permit, special exception, or special use permit for a dwelling unit used as a short-term rental. *(Patron: Knight)*

[SB 993](#) Local planning commissions; proposed plats.

Amends § 15.2-2259 of the Code of Virginia to prohibit a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The bill eliminates exemptions for deficiencies caused by changes, errors, or omissions occurring in the applicant's plat, site plan, or plan of development filings after the initial submission of such plat, site plan, or plan of development. *(Patron: Reeves)*

[HB 1179/SB 448](#) Abandoned schools; creation of revitalization zones.

Amends the Code of Virginia by adding section 15.2-941.1 to allow localities to establish by ordinance one or more abandoned school revitalization zones to provide incentives to

private entities to purchase or develop real property or to assemble parcels suitable for economic development that include such site. Each locality establishing an abandoned school revitalization zone may grant incentives and provide regulatory flexibility. The incentives may include, but not be limited to: (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax or any other type of local tax as permitted by state law, and (iv) waiver of tax liens to facilitate the sale of property, if deemed appropriate. A school located in an abandoned school revitalization zone shall be eligible for participation in the Virginia Shell Building Initiative. *(Patrons: Pillion and Chafin)*

Utilities, Electrical and Communications

[HB 508/SB 429](#) Solar facilities; local regulation.

Amends the Code of Virginia by adding section 15.2-2288.7, relating to the local regulation of solar facilities. The bill provides that a property owner may install a facility on the roof of a dwelling or other building for the electrical or thermal needs of that dwelling or building. The facility must comply with requirements of (i) height and setback in the zoning district where the property is located, and (ii) local historic or architectural preservation districts. Unless prohibited by ordinance, the same provisions apply to a ground-mounted solar energy generation facility. Such solar energy generation facilities existing as of January 1, 2018 shall be deemed as legal nonconforming use with certain exceptions. The bill has a delayed effective date of January 1, 2019 for such solar energy generation facilities. The bill also provides that localities can provide by-right authority for the installation of solar facilities in any zoning classification. *(Patrons: Hodges and Stanley)*

[HB 509/SB 179](#) Comprehensive plan; solar facilities.

Amends § 15.2-2232 of the Code of Virginia to require that solar facilities, with comprehensive

plans approved by the local planning commission, are deemed to be substantially in accordance with the plan if such proposed facility (i) is located in a zoning district that allows the facilities by right, and (ii) is designed to serve the electricity or thermal needs of the property upon which such facility is located or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accordance with the comprehensive plans. A locality may also allow for a substantial accordance review for such facilities to be advertised and approved concurrently in a public hearing with a rezoning, special exception, or other approval process. *(Patrons: Hodges and Stanley)*

HB 640 Comprehensive plan, locality's; shall consider broadband infrastructure.

Amends §§ 15.2-2223 and 15.2-2224 of the Code of Virginia to provide that local planning commissions shall consider strategies to provide broadband infrastructure sufficient to meet the current and future needs of residents and businesses in the locality. The local planning commission may consult with and receive technical assistance from the Center for Innovative Technology. *(Patron: Boysko)*

HB 698 Land use permits; issuance by Department of Transportation.

Amends § 2.2-1151.1 of the Code of Virginia to allow the Virginia Department of Transportation (VDOT) to issue land use permits to the owner of a private residence or business for water and sewer services crossing VDOT rights-of-way when no viable alternative exists for providing potable water or transferring sewer effluent to a drain field. *(Patron: Poindexter)*

HB 922/SB 908 Electric vehicle charging stations; local and public operation.

Amends §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia and adds sections numbered 10.1-104.01, 15.2-967.2, 23.1-

1301.1, and 23.1-2908.1 to authorize a locality, public institution of higher education, or the Department of Conservation and Recreation to locate and operate a retail fee-based electric vehicle charging station on property owned by such entity. *(Patrons: Bulova and McClellan)*

HB 1258/SB 405 Wireless communications infrastructure; zoning.

Amends § 15.2-2316.3 of the Code of Virginia and adds sections 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3 to establish parameters for zoning approval by localities for (i) certain new wireless supports structures 50 feet in height or less, and (ii) co-location small cell facilities on existing structures. The bill exempts both from the special use permit process in place of administrative review, capping the application review cost to \$500. The bill prohibits localities from disapproving applications due to unreasonable discrimination, and provides prescriptive questions the locality can include in the application. The bill requires publicly-owned or privately-owned wireless service providers operating within the Commonwealth or serving residents of the Commonwealth to report to the Department of Housing and Community Development by January 1, 2019 until January 1, 2025 detailing by county, city, or town, enhanced service capacity in previously served areas and expansion of services in unserved areas. *(Patrons: Kilgore and McDougle) (Amended by Governor)*

HB 1427/SB 823 Wireless support structures; public rights-of-way use fees established.

Amends the Code of Virginia by adding in Chapter 15.1 of Title 56 section 56-484.32 to establish fees for wireless support structure public rights-of-way use fees by pole height. The annual fees and heights are the following: (i) \$1,000 for a structure below 50 feet, (ii) \$3,000 for a structure between 50 feet and 120 feet, (iii) \$5,000 for a structure above 120 feet, and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. *(Patrons: Kilgore and McDougle) (Amended by Governor)*

HB 1451 Net energy metering; SCC to establish pilot program for schools generating electricity.

Directs the State Corporation Commission to require a Phase II Utility to submit a proposal to conduct a pilot program, not to exceed 10 megawatts in the aggregate in its service territory, for public schools generating more electricity from a wind-powered or solar-powered generation facility than it consumes to credit the excess energy to the metered accounts of other schools in the division or be paid for the electricity at a contractually negotiated rate. *(Patron: Sullivan)*

SB 72 Electric distribution lines; minimum height upon or over agricultural land.

Amends the Code of Virginia by adding in Article 4 of Chapter 10 of Title 56 section 56-256.1 to require that electric distribution lines installed on or after July 1, 2018, upon or over agricultural land, shall be placed at a height that is not less than the minimum height requirement that applies to lines above road crossings. *(Patron: Cosgrove)*

FAILED LEGISLATION

HB 69/HB 85/SB 37 Virginia Grocery Investment Program and Fund; created, report.

Amends the Code of Virginia by adding in Title 36 chapter 10.2, consisting of sections 36-156.3 through 36-156.6 to create the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities. The bill also requires the Department of Housing and Community Development to provide a report each year to the Secretary of Commerce and Trade, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance to include the amount of funding committed to projects or other such items. *(Patrons: McQuinn, Bell, R.P., and Stanley)*

HB 606 Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.

Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the Department's review process as is required under Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018. *(Patron: Gooditis)*

HB 639 Fiber optics and other communications infrastructure; identifying during road construction projects.

The bill directs the Department of Transportation to convene a workgroup to examine the process for identifying and relocating fiber optics and other communications infrastructure during road construction projects. *(Patron: Boysko)*

HB 714/SB 784 Building Code; provisions for buildings & structures in rural areas.

Amends the Code of Virginia by adding section 36-99.02 to direct the Board of Housing and Community Development to make amendments to the Uniform Statewide Building Code applicable to buildings and structures in rural areas in which commercial enterprises are located. The bill provides that amendments shall not apply to any building or structure for which (i) a building permit has been issued or on which construction has commenced, or (ii) working drawings have been prepared in the year prior to the effective date of the amendments. The bill also requires the Board to establish guidelines for the adequate training of building officials, enforcement personnel, contractors, and design professionals regarding Building Code provisions applicable to farm buildings and structures in rural areas. *(Patrons: Bell, R.P. and Obenshain)*

[HB 1224](#) Uniform Statewide Building Code; applicability to farm buildings and structures.

Amends § 36-99 of the Code of Virginia to provide that the current exemption for farm buildings and structures from the Uniform Statewide Building Code does not apply if a building or a portion of a building is operated as a licensed winery, farm winery, or brewery. The bill has a delayed effective date of July 1, 2020. *(Patron: Hugo)*

[HB 1387](#) Zoning; aquaculture in agricultural zone, preexisting use.

Amends the Code of Virginia by adding section 15.2-2307.2 and amends Chapter 435 of the Acts of Assembly of 2014 by adding a third enactment to provide that any aquaculture use established on property zoned as an agricultural district, but later was rezoned to disallow agriculture, is a valid nonconforming use of the property. The bill also provides that language from the Acts of Assembly of 2014 expanding the definition of agricultural products is declaratory of existing law. *(Patron: Freitas)*

[SB 208](#) Impact fees; residential development.

Repeals § 15.2-2328 of the Code of Virginia, relating to impact fees for residential development. The bill extends the same authority given to a limited number of jurisdictions to all localities for utilizing impact fees for residential development. Such authority allows a locality to calculate costs of public facilities to serve all new homes, and provides an improved alternative to the proffer system which applies only to conditional rezoning applications. *(Patron: Stuart)*

[SB 290](#) Affordable dwelling unit ordinances; program to address housing needs.

Amends § 15.2-2304 of the Code of Virginia to expand, from specific localities to any locality, the scope of existing enabling legislation related to affordable dwelling unit ordinances, making such legislation applicable statewide. *(Patron: McClellan)*

[SB 312](#) Cooperative procurement of professional services; construction, solar power purchase agreements.

Amends §§ 11-34.2 and 11-34.3 of the Code of Virginia and adds section 11-34.3:1 to allow contracting entities to contract for the provision of solar services in order to reduce energy cost. The measure authorizes any contracting entity to purchase services under a solar services agreement entered into by another contracting entity, even if it 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 specifies that terms and conditions of project agreements for the provision of solar energy that reference the terms and conditions of a master solar power purchase agreement shall be binding and effective for the life of the project agreements, whether or not the master power purchase agreement is still in effect. The bill provides that it is applicable to any solar services agreement regardless of the date of the agreement. *(Patron: Edwards)*

[SB 714](#) Local economic development; expenditure shall be first approved by local governing body.

Amends § 15.2-940 of the Code of Virginia provides that any locality shall approve all economic development gr, on an annual basis, ant made to any person and the local economic development authority budget. *(Patron: Chase)*

EDUCATION

PASSED LEGISLATION

Conduct

HB 292 Abduction; reports to school division superintendents.

Amends §§ 16.1-260, 19.2-83.1, and 22.1-279.3:1 of the Code of Virginia, relating to abduction reports to school division superintendents. The bill adds abduction to the list of offenses reported to school division superintendents by a juvenile intake officer when a petition is filed alleging a student committed such an offense. The bill also adds abduction and acts of violence by mobs to offenses reported to superintendents by law-enforcement officers when a student, 18 years old or older, is arrested for such an offense. Lastly, the bill adds abduction on school property, a school bus, or a school-sponsored activity to the list of incidents reported to school division superintendents and principals. *(Patron: Collins)*

HB 438/SB 605 School boards, local; prohibits assisting person for new job if engaged in misconduct w/minor.

The bill requires the Department of Education and local school boards to adopt policies prohibiting job assistance to an individual who is an employee, contractor, or agent of a local school board believed to have engaged in sexual misconduct with a minor. *(Patrons: Bulova and Ebbin)*

SB 170 Public schools; student discipline.

Amends §§ 22.1-254, 22.1-277, and 22.1-277.2:1 of the Code of Virginia to prohibit students in preschool through grade three from being suspended for more than three school days or expelled. Students may be expelled for drug offenses, firearm offenses, or certain criminal acts, unless (i) the offense involves physical harm or credible threat of physical harm to others, or (ii) the local school board

or the division superintendent or his designee finds that aggravating circumstances exist.

(Patron: Stanley)

Curriculum and Course Requirements

HB 45 Family life education curricula; personal privacy and personal boundaries.

Amends § 22.1-207.1:1 of the Code of Virginia to provide that any elementary, middle, or high school family life education curricula shall incorporate age-appropriate elements of effective and evidence-based programs on personal privacy and personal boundaries of others. *(Patron: Filler-Corn)*

HB 84 American Sign Language, instruction in; academic credit, foreign language requirements.

Amends § 22.1-207.5 of the Code of Virginia to require local school boards that do not offer elective courses in American Sign Language (ASL) to (i) grant academic credit for completed ASL courses at a comprehensive community college or a multidivision online provider approved by the Board of Education, and (ii) count completion toward the fulfillment of any foreign language requirement for graduation. *(Patron: Bell, R. P.)*

HB 442 Career and technical education credentials; testing accommodations for English language learners.

Amends § 22.1-253.13:4 of the Code of Virginia to require the Department of Education to make available to local school boards a catalogue of testing accommodations for English language learners. The school boards then shall develop and implement policies requiring high school principals or their designees to notify those students of the accommodations participation. The bill has a delayed effective date of July 1, 2019. *(Patron: Carroll Foy)*

HB 507 Standards of Quality; instructional programs and positions, dual language.

Amends §§ 22.1-253.13:1 and 22.1-253.13:2 of the Code of Virginia to provide that (i) the

instructional programs for students with limited English proficiency implemented by each local school board may include dual language programs whereby such students receive instruction in English and in a second language and (ii) the additional full-time equivalent instructional positions for students identified as having limited English proficiency that are funded pursuant to the general appropriation act may include dual language teachers who provide instruction in English and in a second language. *(Patron: Mullin)*

[HB 1419/SB 273](#) Public schools; instructional time.

Requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and requires the Board of Education to accept, elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours. *(Patrons: Delaney and Petersen)*

[HB 1532](#) Health education program; program to include safe use of prescription drugs.

Amends § 22.1-207 of the Code of Virginia to permit the health education program for each public elementary and secondary school to include an age-appropriate program of instruction on the safe use and risk of abuse of prescription drugs consistent with curriculum guidelines developed by the Board of Education and approved by the State Board of Health. The bill provides curriculum adopted by the City of Virginia Beach School Board regarding drugs and the opioids crisis. *(Patron: Herring)*

[SB 126](#) Driver education programs; parent/student driver education component.

Permits any school division outside Planning District 8, at the discretion of the local school board, to administer a parent/student driver education component as a part of the driver education curriculum. *(Patron: Cosgrove)*

Teacher Licensure

[HB 2/SB 103](#) Teacher licensure; reciprocity, spouses of Armed Forces members.

Amends § 22.1-298.1 of the Code of Virginia to extend teacher licensure reciprocity to spouses of any active duty member of the Armed Forces of the United States or the Commonwealth with a valid out-of-state license. The individual shall submit a complete application to the Department of Education. The bill also removes the Department's authority to promulgate regulations to include other reasons for reciprocity. *(Patrons: Bell, R. P. and Suetterlein)*

[HB 80](#) Teacher licensure by reciprocity; third-party verification of application documents.

Amends § 22.1-298.1 of the Code of Virginia to require the Board of Education to allow applicants to submit third-party employment verification forms under regulations governing teacher licensure by reciprocity. *(Patron: Krizek)*

[HB 215](#) Teacher licensure; regulations governing licensure.

Amends § 22.1-298.1 of the Code of Virginia to require the Board of Education to include in regulations governing alternate routes to teacher licensure eligibility for an individual to receive a renewable one-year license to teach in public high schools. For the license, an individual must have (i) received a graduate degree from a regionally accredited institution of higher education, (ii) completed at least 30 credit hours of teaching experience as an instructor at such institution, (iii) received qualifying scores on the professional teacher's assessments required by the Board, and (iv)

met child abuse recognition and intervention study requirements and certification in first aid, cardiopulmonary resuscitation, and in the use of automated external defibrillators. *(Patron: Knight)*

Other

HB 50/SB 840 School meal policies; each local school board required to adopt policies.

Amends the Code of Virginia by adding section 22.1-79.7 to require local school boards adopt policies that (i) prohibit a student who cannot afford lunch to perform work or wear a wristband or hand stamp to pay for such meal; and, (ii) require communication related to a school meal debt to the student's parents by letter. *(Patrons: Hope and Favola)*

HB 399 School boards; work-based learning experiences for students, notification.

Amends § 22.1-253.13:1 of the Code of Virginia, relating to work-based learning experiences for students. The bill requires each school board to implement a plan to notify students and parents of availability of internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences. *(Patron: Keam)*

HB 810/SB 557 School bus operators; classroom and behind-the-wheel training.

Amends §§ 22.1-181 and 46.2-339 of the Code of Virginia to require any school bus operator applicant who does not possess a commercial driver's license to receive (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. *(Patrons: O'Quinn and Hanger)*

HB 1085 Public schools; open enrollment for military students.

Amends the Code of Virginia by adding section 22.1-7.2 to require any local school board located in a division in which a military installation or other military housing is located to establish and implement policies for the enrollment of a student residing in such installation or housing upon the request of his parents and if there is space. *(Patron: Yancey)*

HB 1377 Epinephrine; possession and administration at outdoor educational programs.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia to allow an employee of an outdoor educational experience organization or youth program, who is authorized and trained in the administration of epinephrine, to possess and administer the drug. *(Patron: Torian)*

SB 359 Driver education courses; instructor qualifications.

Amends § 46.2-1702 of the Code of Virginia to provide that the Commissioner of the Department of Motor Vehicles may, in lieu of Department of Education requirements, accept 20 years' service with a local police department by a law-enforcement officer with certain traffic enforcement and patrol experience and certification for driver education instructor qualification. *(Patron: McClellan)*

SB 658 Literary Fund; application for loans by regional and joint schools.

Amends § 22.1-153 of the Code of Virginia to clarify that school boards of school divisions participating in a regional or joint school may jointly apply to the Board of Education for a loan from the Literary Fund to benefit such school. *(Patron: Wagner)*

SB 960 High School to Work Partnerships; establishment, exemptions.

Amends §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia, relating to High School to Work Partnerships. The bill permits each local school board to establish Partnerships or delegate the authority to the local school

division's career and technical education administrator or his designee. The bill also requires the Board of Education, the Department of Labor and Industry, and the State Board for Community Colleges to identify and establish exemptions from such Partnerships. *(Patron: Suetterlein)*

FAILED LEGISLATION

HB 13 Instructional positions; students identified as having limited English proficiency.

Amends § 22.1-253.13:2 of the Code of Virginia to require state funding to be provided pursuant to the general appropriation act to support 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. *(Patron: Kory)*

HB 109 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 to develop a plan to fund and phase-in such a program. The local school board shall submit the plan to the General Assembly prior to the 2019 General Assembly Session. *(Patron: Delaney)*

HB 176 Students with disabilities; feasibility of educational placement transition of certain students.

Requires the Department of Education to implement a pilot program in two local school divisions to (i) identify resources, services, and supports required by each student in the division and who is educated in a private school, (ii) study the feasibility of transitioning each student from private school to an appropriate public school setting in the division and providing identified resources, services, and supports, and (iii) recommend a process for redirecting federal, state, and local funds to provide support in the appropriate public school setting. *(Patron: Bell, R.P.)*

HB 224 School buses, public; requirement of seat belts.

Amends § 22.1-177 of the Code of Virginia to require that each school board ensure, no later than July 1, 2036, that each school bus used to transport students be equipped with a seat belt for every seat. The bill also requires regulations governing the purchase of school buses have new buses equipped with a seat belt consisting of a lap belt and shoulder strap or harness for every seat. *(Patron: Krizek)*

HB 252 High school staffing; mental health counselors.

Amends § 22.1-253.13:2 of the Code of Virginia to require each school board to employ at least one mental health counselor per 250 students in each high school in the local school division. *(Patron: Guzman)*

HB 255 Public Preschool Fund and Grant Program; established.

Amends the Code of Virginia by adding section 22.1-199.7 to establish the Public Preschool Fund and Grant Program. The program provides grants on a competitive basis to local school boards to establish and maintain public preschool programs for children in the school division reaching their fourth birthday on or before September 30 of the school year. The Department of Education will administer the program, and will prioritize applications that propose innovative facility use. *(Patron: Guzman)*

HB 305 Standards of Quality funding; apportionment of state and local share.

Amends the Code of Virginia by adding in Chapter 13.2 of Title 22.1 section 22.1-253.13:11 to apportion the state and local share of the costs of providing an educational program meeting the Standards of Quality beginning January 1, 2018. The formula to determine a locality's ability to pay and a locality's composite index of ability to pay. *(Patron: Watts)*

HB 372 School calendar; opening day of the school year.

Amends §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia to make 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. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a “good cause” waiver for the 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. *(Patron: Robinson)*

HB 380 Grow Your Own Teacher Program Fund and Programs; established.

Amends the Code of Virginia by adding in Chapter 15 of Title 22.1 an article 7, consisting of sections 22.1-318.3, 22.1-318.4, and 22.1-318.5 to establish the Grow Your Own Teacher Program. The bill permits the Department of Education to award grants to local school boards to establish pilot programs whereby each local school board provides a scholarship not to exceed \$7,500 per year for attendance at a baccalaureate institution of higher education in Virginia. Eligible individuals (i) graduated from a public high school in the local school division, (ii) was eligible for free or reduced price lunch while attending school in the division, and (iii) committed to teach within three years of graduating, at least four years of teaching in the division where at least 50 percent of students qualify for free or reduced price lunch. If a scholarship recipient fails to comply the scholarship shall be converted into a loan subject to repayment with interest. The provisions of the act expire July 1, 2023. *(Patron: Krizek)*

HB 423 Composite index of local ability-to-pay; use value of real estate in certain localities.

Amends the Code of Virginia by adding section 22.1-98.3 to require that the composite index of local ability-to-pay utilize the use value of all applicable real estate for determining the state and local shares of basic aid funding. Such real estate includes property (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality with an ordinance providing for the use valuation and taxation of such real estate, and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation. *(Patron: Gooditis)*

HB 496 Students who receive home instruction; participation in interscholastic programs.

Amends the Code of Virginia by adding in Chapter 1 of Title 22.1 section 22.1-7.2 to prohibit public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. *(Patron: Bell, R. B.)*

HB 497 Students who receive home instruction; dual enrollment courses in local school division.

Amends §§ 22.1-253.13:1 and 23.1-907 of the Code of Virginia to require each school board to permit any student receiving home instruction and residing in the local school divisions to apply for enrollment as a part-time student in any dual-enrollment course offered pursuant to an agreement for postsecondary degree attainment at a public high school in the local school division or at a comprehensive community college. The student shall not be required to pay more in tuition or fees than those paid by public school students or division of residence on behalf of such students to enroll. *(Patron: Bell, R. B.)*

HB 670 Local match for basic aid, required; debt service on projects in certain school divisions.

Amends the Code of Virginia by adding section 22.1-96.1 to permit any local school board governing a school divisions, (i) designated as fiscally at-risk or fiscally distressed and (ii) for which the composite index of local ability to pay is less than or equal to 0.2, to expend up to 25 percent of required local effort for basic aid for debt service on school building capital renovation or construction projects. The Department of Education is required to include such expenditure for debt service towards the division's local effort for Standards of Quality Basic Aid funding amount. Upon no longer meeting the criteria, the local school board shall develop and implement a plan to readjust expenditures, but the division, upon meeting the criteria again, may seek approval by the Superintendent to amend the plan. The provisions of the act expire July 1, 2030. *(Patron: Kilgore)*

HB 791/SB 366 School personnel; staffing ratios, school nurses.

Amends §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia to exclude school nurse positions from requirements for student support positions. The bill requires each local school board to employ at least one full-time

equivalent school nurse (i) in each elementary, middle, and high school in the division, or (ii) per 550 students in grades kindergarten through 12. *(Patrons: Pogge and Stuart)*

HB 809 School boards, local; display of advertising material on school buses.

Amends § 22.1-177 of the Code of Virginia to permit local school boards to display advertising material on school buses provided that no such material (i) obstructs the name of the school division or the number of the school bus; (ii) is sexually explicit; or (iii) pertains to alcohol; food or beverages that do not meet the nutrition standards developed by the U.S. Department of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school, gambling, politics, or tobacco. *(Patron: O'Quinn)*

HB 827 School buses, new; Board of Education to promulgate regulations requiring extended warning signs.

Requires the Board of Education to (i) promulgate regulations requiring any new public school bus placed into service on or after July 1, 2018, to be equipped with an extended warning sign that works in conjunction with the existing warning sign and extends into the lane of travel immediately adjacent to the bus to the left of the bus driver and (ii) determine the feasibility and effectiveness of requiring that public school buses placed into service prior to July 1, 2018, be equipped with such extended warning signs. *(Patron: Bell, R. P.)*

HB 1020/HB 354/SB 300 School calendar; opening day of the school year.

Amends §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia to make 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. *(Patrons: Adams, L., Reid, and Favola)*

HB 1046 School personnel; staffing ratios, school nurses.

Amends §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia to exclude school nurse positions from requirements for student support positions. The bill requires each local school board to employ at least one full-time equivalent school nurse (i) in each elementary, middle, and high school in the division, and (ii) per 550 students in grades kindergarten through 12. *(Patron: Torian)*

HB 1254 School personnel; staffing ratios, school nurses.

Amends §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia to exclude school nurse positions from requirements for student support positions and instead 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: Thomas)*

HB 1286 Parental Choice Education Savings Accounts; established, report.

Amends the Code of Virginia by adding 22.1-222.1 through 22.1-222.5, relating to Parental Choice Education Savings Accounts. The bill creates one year accounts consisting of an amount equivalent to 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. The bill also permits parents to use such funding to pay for education-related expenses, including tuition, fees and textbooks for private schools. *(Patron: LaRock)*

HB 1431 Public School Capital Grant Program; established.

Amends the Code of Virginia by adding section 2.2-2271.1 to require the Virginia Public Building Authority to establish and administer the Public School Capital Grant Program. Grants are provided on a competitive basis to any

local school board that governs a local school division in a locality determined to have high fiscal stress for such board to use for school building capital renovation or construction projects. The bill caps each Program grant at \$10 million and requires local matching funds for each such grant. *(Patron: Bell, R.P.)*

HB 1477 School boards; establishes several requirements relating to school meals.

Amends the Code of Virginia by adding section 22.1-79.7 to establish several requirements relating to school meals, including requiring each school board to (i) require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make meals available pursuant to such programs to any student who requests such a meal, regardless of such student's family income or whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student, and (ii) adopt policies prohibiting any school employee from (a) requiring a student to throw away a meal after the meal has been served because the student does not have the money to pay for the meal or owes money for a meal previously provided and (b) requiring a student who does not have the money to pay for a meal or who owes money for a meal previously provided to do chores or other work to pay for the meal. *(Patron: Roem)*

HB 1501 Standards of Learning Innovation Committee; adoption of recommendations.

Amends § 22.1-253.13:10 of the Code of Virginia to require an affirmative vote by a majority of the Standards of Learning Innovation Committee members present at a meeting to adopt any recommendations. *(Patron: Hurst)*

[HB 1504](#) Virtual Virginia; enrollment in online learning program.

Amends § 22.1-212.2 of the Code of Virginia to require enrollment in the Virtual Virginia online learning program during the school year to be open, on a space-available basis, to each public high school student including students receiving home instruction. *(Patron: Cline)*

[HB 1576/SB 880](#) Composite index; local ability to pay for certain counties.

Amends the Code of Virginia by adding section 22.1-98.3 to require that the composite index of local ability to pay for any county within a school division composed of a town is calculated as if no division composed of a town existed within the county. *(Patrons: Peace and Stuart)*

[HB 1579](#) Public schools; no charge for online courses and virtual programs.

Amends §§ 22.1-212.27 and 22.1-253.13:4 of the Code of Virginia and adds in Article 1.4 of Chapter 13 of Title 22.1 section 22.1-212.27:1 to provide that no student shall be charged tuition or fees for enrolling in any online course or virtual program required or offered by the school division in which the student resides. The bill provides that no local school board can offer or require such a class unless every student in the course is offered or provided a computer or electronic device free of charge. Lastly, the bill creates an exception to the high school graduation requirement to take a virtual course if such requirements are not met. *(Patron: Kory)*

[HB 1586](#) Public school buses, seat belts.

Amends § 22.1-177 of the Code of Virginia to require the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. *(Patron: Convirs-Fowler)*

[HJ 91](#) Composite index of local ability to pay; DOE to study effect of local use value assessment.

Requests the Department of Education to (i) determine for each locality adopting ordinances for use value assessment and taxation of certain real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use; and, (ii) recalculate the composite index of local ability to pay for each location after considering such use values. *(Patron: Webert)*

[HJ 108](#) Virginia Preschool Initiative programs; JLARC to study universal access.

Directs the Joint Legislative Audit and Review Commission to study the amount of funds required to make preschool available to each four-year-old in the Commonwealth through the Virginia Preschool Initiative. *(Patron: Aird)*

[HJ 112](#) Standards of Quality; Secretary of Education to study full funding.

Requests the Secretary of Education to study the requirements of full funding of the Standards of Quality by establishing a work group. The work group will review current methods and formulae the General Assembly uses for funding, with an emphasis on adjustment or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners. *(Patron: Rodman)*

[HJ 115](#) Standards of Quality; JLARC to study cost to implement.

Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. *(Patron: LaRock)*

[SB 80](#) State School Health Advisory Board; established, report.

Amends § 2.2-2101 of the Code of Virginia and adds in Article 2 of Chapter 14 of Title 22.1 section 22.1-275.2 to establish the State School Health Advisory Board in the executive branch.

The Board advises the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and to provide guidance on any associated training requirements. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Favola*)

SB 261 Standards of Quality; staffing requirements, librarians and clerical personnel.

Amends § 22.1-253.13:2 of the Code of Virginia to provide that a local school board that is required to employ two full-time librarians for any middle school or high school may meet such requirement by employing two full-time librarians or one full-time librarian and one full-time media specialist or instructional resource teacher. The bill also provides that a local school board that is required to employ a full-time school-based clerical person for the library for any middle school or high school may meet such requirement by employing one full-time school-based clerical person for the library, for instruction, or for assessment or career planning, or by employing one full-time classroom instructional assistant. (*Patron: Suetterlein*)

SB 440 School boards, local; prior authorization for legal action.

Amends § 22.1-82 of the Code of Virginia to exempt elected school boards from the requirement that they receive prior authorization from their local governing body prior to instituting any legal action against another government body. (*Patron: Wexton*)

SB 491 Public schools; Standards of Learning assessments.

Amends § 22.1-253.13:3 of the Code of Virginia to reduce the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended. The bill

requires the Department of Education to calculate any potential or realized savings from the implementation of the bill, and to report the amount to the Governor and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by November 1, 2019. Such amount shall be included in the total for Direct Aid to Public Education in any general appropriation act for fiscal years 2021 and 2022. (*Patron: Sturtevant*)

SB 516 Public schools; Board of Education to establish regional charter school divisions.

Amends §§ 22.1-25 and 22.1-212.10 of the Code of Virginia and adds sections 22.1-57.01, 22.1-57.02, and 22.1-212.16:1 through 22.1-212.16:7, relating to public regional charter school divisions. The bill 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 where each school division has an enrollment of more than 3,000 students, and where one or more schools have been denied accreditation for two of the past three years. Such divisions are required 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 requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. (*Patron: Obenshain*)

SB 537 Computation of composite index; land-use assessment value.

Amends the Code of Virginia by adding in Chapter 13.2 of Title 22.1 section 22.1-253.13:11 to require the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay by July 1, 2018. The bill provides that the calculation of local ability to pay incorporate within the real property tax value indicator of local wealth the land-use assessment value for those properties located within a land-use plan. (*Patron: Hanger*)

SB 713 Standards of Quality; mathematics intervention services.

Amends § 22.1-253.13:1 of the Code of Virginia to require local school divisions to identify students in grades 10, 11, and 12 who are at risk of graduating without the skills to take college-level mathematics coursework, as demonstrated by performance on a Standards of Learning assessment, the PreACT, PSAT/NMSQT, ACT, or SAT, the Virginia Placement Test, or any diagnostic test that has been approved by the Department. The bill requires such intervention services to be aligned with the developmental math curriculum offered by the Virginia Community College System and provides that local school divisions may partner with a local comprehensive community college to provide such intervention services. *(Patron: Dunnavant)*

SB 785 Electronic textbooks; prohibits local school boards from requiring use in any course in grades 6-12.

Amends § 22.1-241 of the Code of Virginia and adds section 22.1-241.1 to establish a policy of the Commonwealth that all textbooks approved by the Board of Education for use in grades six through 12 shall be equally accessible to all students at a school and in their residence. The bill prohibits local school boards from requiring the use of any electronic textbook in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2020, (i) each student enrolled in such course will have access to at least one personal computing device not shared with another student containing the appropriate operating system and hardware to support the format of each device used in such course, and (ii) the relevant school will be equipped with the fiber optic or wireless broadband connections necessary to provide adequate connectivity. The bill also requires the Board of Education to annually develop, update, and distribute to each local school division a list of personal computing devices that comply with this section. *(Patron: Surovell)*

SB 863 Teachers; alternate route to licensure for elementary education preK-6, etc.

Amends § 22.1-298.1 of the Code of Virginia to require the Board of Education to include in its teacher licensure regulations an alternate licensure route for elementary education preK-6 and for special education general curriculum K-12. The bill requires individuals seeking such alternate routes to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought, and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the content areas prescribed by the Board. *(Patron: Sturtevant)*

SB 865 Standards of Quality; reading diagnostic tests.

Amends § 22.1-253.13:1 of the Code of Virginia to require that the first reading diagnostic test administered to a student in kindergarten through grade three include a rapid alphabet naming component. The bill provides that the local school division reports the results of the reading diagnostic test to parents, including subset scores. *(Patron: Black)*

SB 869 Education Improvement Scholarships tax credits; benefits & elig. requirements for disabled students.

Amends §§ 58.1-439.25 and 58.1-439.28 of the Code of Virginia to broaden eligibility criteria for students with a disability to include students with an Individualized Instructional Plan (IIP) attending a school for students with a disability licensed by the Department of Education and complies with accredited requirements of the Virginia Council of Private Education. The bill increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per-pupil amount distributed to the local school division as the state's share of the standards of quality costs. A second enactment clause requires an appropriation for the bill to become effective. *(Patron: DeSteph)*

Environment and Agriculture

PASSED LEGISLATION

Agriculture

HB 987 Agricultural operations; nuisance.

Amends § 3.2-302 of the Code of Virginia to require agricultural operations be in substantial compliance with applicable statutes and best management practices to be exempt from becoming a public or private nuisance. *(Patron: Gilbert)*

HB 1382 Agricultural best management practices tax credit; refundability for corporations.

Amends § 58.1-439.5 of the Code of Virginia to make the corporate Agricultural Best Management Practices Tax Credit refundable. The bill also prohibits taxpayers receiving the credit from claiming credits under a similar Virginia law for the same practices. *(Patron: Byron)*

Animal Care

HB 359 Rabies; quarantine of dog after possible exposure, police dogs.

Amends § 3.2-6522 of the Code of Virginia to require that in determining whether a dog should be confined, the local health director weigh the proof that the dog has current certificates for both rabies vaccines and special training for police, military, or first responder work. *(Patron: Rush)*

SB 996 Animal shelters; administration of Schedule VI biological products.

Amends §§ 3.2-6546, 54.1-3423, and 54.1-

3801, as it is currently effective and as it shall become effective, of the Code of Virginia to authorize the operator or custodian of a public animal shelter to vaccinate animals that are confined in such shelter to prevent the risk of communicable diseases. The bill also provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols. *(Patron: Chafin)*

Energy

SB 807 Coal combustion residuals and other units; permits, request for proposals.

Directs the Director of the Department of Environmental Quality to suspend, delay, or defer until July 1, 2019, the issuance of any permit required for closure of a coal combustion residuals (CCRs) surface impoundment or other CCRs unit that no longer receives CCRs, located within the Chesapeake Bay Watershed. These limits do not apply to a permit required for an impoundment where CCRs have already been removed and placed in another impoundment on site, are being removed, or are being processed in connection with a recycling or beneficial use project. The bill also requires the owner or operator of such a CCRs surface impoundment or unit to issue a request for proposals (RFP) for entities to conduct recycling or beneficial use projects for the CCRs at such impoundment or unit. The RFP shall require responding entities to provide information from which the owner or operator is able to determine, among other things, the cost of the recycling or beneficial use of the CCRs. The owner or operator is required by November 15, 2018, to transmit to the Governor and certain committees and agencies a business plan that compiles the information collected through the RFP process. *(Patron: Surovell)*

General Natural Resource Protection and Land Preservation

HB 264 Oyster-planting ground; transfer or assignment of lease to locality.

Amends § 28.2-625 of the Code of Virginia to expand the categories of persons who can receive a transfer of oyster planting ground leases to include a locality or other political subdivision of the Commonwealth, and makes the change effective retroactively to July 1, 1966. *(Patron: Turpin)*

HB 284 Historical African American cemeteries; owners and localities receiving funds.

Amends § 10.1-2211.2 of the Code of Virginia to add any locality or person that owns a historical African American cemetery to the list of qualified organizations able to receive funds for the preservation of historical African American cemeteries and graves. The bill also allows a locality to receive and hold such funds on behalf of a qualified organization until the organization can receive or utilize the funds. The bill requires that the owner of a historical African American cemetery allow reasonable ingress and egress to such cemetery by members of an organization qualified to receive funds for cemetery care and maintenance. *(Patron: McQuinn) (Amended by Governor)*

Waterways

HB 220/SB 371 Parks, local; waterway activities, liability.

Amends §§ 15.2-1806, 15.2-1809, and 15.2-1809.1 of the Code of Virginia to authorize a locality or park authority to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. *(Patron: Morefield)*

HB 1091 Virginia Resources Authority; dredging projects.

Amends § 62.1-199 of the Code of Virginia, to expand the list of projects eligible for financing through the Virginia Resource Authority to include dredging programs or projects undertaken by local governments for economic and community development purposes. *(Patron: Hodges)*

HB 1092 Dredging projects; tax increment financing.

Amends § 58.1-3245 of the Code of Virginia to expand the definition of development project area to include dredging projects eligible for tax increment financing. Projects by or for the Virginia Port Authority are ineligible unless there's an agreement between the Port and the local governing body to seek such financing. *(Patron: Hodges)*

HB 1093 Middle Peninsula Chesapeake Bay Public Access Authority; duties.

Amends § 15.2-6601 of the Code of Virginia to authorize the Middle Peninsula Chesapeake Bay Public Access Authority (the Authority) to receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists. The bill requires such projects to enhance recreational or commercial public access. *(Patron: Hodges)*

HB 1095 Chesapeake Bay public water access authorities; regional dredging.

Amends §§ 15.2-6606, 15.2-6632, and 15.2-7401 of the Code of Virginia to authorize the Middle Peninsula Chesapeake Bay Public Access Authority and the Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those public access authorities and the Eastern Shore Water Access Authority, which currently is empowered to undertake dredging projects, to work together in any combination to undertake dredging projects in any of their jurisdictions. *(Patron: Hodges)*

[HB 1096](#) Dredged material siting; fast-track permitting program.

Directs the Marine Resources Commission to develop a fast-track regulatory permitting program for the selection and use of appropriate sites in Tidewater Virginia for the disposal of material dredged in such region, to be effective no later than July 1, 2019. *(Patron: Hodges)*

Water Quality and Supply

[HB 192](#) Rainwater and gray water; regulations.

Amends § 32.1-248.2 of the Code of Virginia to direct the State Department of Health to adopt regulations regarding the use of gray water and rainwater. The regulations shall (i) describe the conditions for the use of such water, (ii) include the categories of gray water appropriate for reuse, and (iii) provide standards for the use of rainwater harvesting systems to include systems that collect rainwater for use by commercial enterprises but not for human consumption. Such regulations shall not apply to non-potable water used by certain specified facilities. The bill also directs the Department, in conjunction with the Department of Environmental Quality, to consider recognizing rainwater as an independent source of fresh water. *(Patron: Yancey) (Amended by Governor)*

[HB 211](#) Ground water withdrawal permit term; lengthening to 15 years, permit fee.

Amends §§ 62.1-44.15:6, 62.1-266, and 62.1-267 of the Code of Virginia to lengthen the maximum term of ground water withdrawal permit issued by the State Water Control Board from to 15 years, and increases the permit fee to \$9,000. The bill has a delayed effective date of January 1, 2019. *(Patron: Wright)*

[HB 358](#) Ground water management; subdivisions, technical evaluation.

Amends § 62.1-255 of the Code of Virginia and adds section 62.1-259.1 to require the developer of a subdivision located in a designated ground water management

area, for which the developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation from the Department of Environmental Quality (DEQ). The application needs to be made before the final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells. DEQ is authorized to charge a developer a fee not to exceed \$5,000 to perform a technical evaluation. *(Patron: Bulova)*

[HB 377](#) Virginia Water Protection Permit; exception for stormwater management facility on dry land.

Amends § 62.1-44.15:21 of the Code of Virginia to exempt wetland and open water impacts to a stormwater management facility created for dry land for conveying, treating, or storing stormwater. The Department of Environmental Quality must establish guidance to monitor the environmental impact of exempted projects. *(Patron: Bulova)*

[HB 494](#) Land development; replacement of trees, locality within Chesapeake Bay watershed.

Amends § 15.2-961 of the Code of Virginia to authorize any locality in the Chesapeake Bay Watershed to adopt an ordinance for planting and replacing trees during the development process. The ordinance shall require that the site plan at 20 years provide a 10 percent tree canopy on the site of any cemetery, and not exceed requirements in the law. *(Patron: Hodges)*

[HB 866](#) Scenic river designations; consolidates provisions of Scenic Rivers Act.

Amends §§ 10.1-407 through 10.1-418.9 of the Code of Virginia and adds a section 15.2-5704.1 to consolidate provisions related to prohibitions on the construction of dams and limits on the effects of the Scenic Rivers Act. The bill establishes formal designations of rivers in the Virginia Scenic Rivers System. Lastly, the bill authorizes the Northern Virginia Regional Park Authority to acquire real property of interest for public use in the Goose Creek Scenic River Report. *(Patron: Orrock)*

[HB 887](#) Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.

Amends § 32.1-163 of the Code of Virginia to clarify that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system not requiring a permit. *(Patron: Orrock) (Amended by Governor)*

[HB 925](#) Industrial & high-risk programs; locality to adopt, etc., runoff programs.

Amends the Code of Virginia by adding section 62.1-44.15:49.1 to authorize any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill limits the ability of the State Water Control Board, unless it is required to do so by the federal Clean Water Act, to impose certain regulatory conditions on any locality that administers such a program, and it prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement. *(Patron: Bulova)*

[HB 1035](#) Virginia Water Supply Revolving Fund; loans for regional projects.

Amends § 62.1-239.1 of the Code of Virginia to direct the Board of Health to prioritize water projects not withdrawing groundwater from the coastal plain aquifers to conserve water in the Eastern Virginia Groundwater Management Area. *(Patron: Hodges)*

[HB 1307](#) Stormwater management; rural Tidewater, tiered approach to water quantity technical criteria.

Amends §§ 62.1-44.15:24 and 62.1-44.15:27, as they are currently effective and as they shall become effective, of the Code of Virginia and adds section 62.1-44.15:27.2, relating to stormwater management. The bill allows

any rural Tidewater locality to adopt a tiered approach to water quantity management for Chesapeake Bay Preservation Act land-disturbing activities. *(Patron: Hodges)*

[HB 1308](#) Stormwater management; local plan review, acceptance of signed plan in lieu of review.

Amends § 62.1-44.15:24, as it is currently effective and as it shall become effective, of the Code of Virginia and adds section 62.1-44.15:27.2, relating to acceptance of signed plan in lieu of review. The bill authorizes rural Tidewater localities to require a licensed professional to submit a plan and supporting calculations for land-disturbing activities impacting between 2,500 square feet and one acre of land. The bill also directs the Department of Environmental Quality to consider expanding the agreement in lieu of a stormwater management plan to include nonresidential development sites less than one acre. *(Patron: Hodges)*

[HB 1475/SB 344](#) Sewerage systems; state adoption of federal criteria.

Amends § 62.1-44.15:1 of the Code of Virginia, to direct the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act that includes consideration of infrastructure needs of the local community and other factors. The bill also directs the Department of Environmental Quality (DEQ) to: (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify procedures for implementation of the criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and, (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee,

and the House Appropriations Committee by November 1, 2018. The bill also provides that the inclusion of such implementation program shall not require reproposal and shall not be considered “changes with substantial impact” under the Code of Virginia as long as DEQ facilitates a 60-day public comment period before presenting to the Board for adoption. *(Patrons: Poindexter and Peake)*

[HB 1608/SB 340](#) Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.

Amends § 10.1-2131 of the Code of Virginia to authorize the Director of the Department of Environmental Quality (DEQ) to distribute grants from the Virginia Water Quality Improvement Fund for cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan. The bill requires DEQ to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. DEQ shall report such estimate November 1, 2018, to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on Agriculture, Conservation and Natural Resources, and the House Committee on Agriculture, Chesapeake and Natural Resources. *(Patrons: Poindexter and Peake)*

[SB 211](#) Comprehensive plans; groundwater and surface water.

Amends §§ 15.2-2223 and 15.2-2224 of the Code of Virginia to authorize a locality to show in their comprehensive plan long-range recommendations for groundwater and surface

water availability, quality, and sustainability. The bill requires the local planning commission to survey and study such matters in preparation of the plan. *(Patron: Stuart)*

[SB 576](#) Stream restoration; standards and specifications.

Amends §§ 62.1-44.15:31, as it shall become effective, and 62.1-44.15:55, as it is currently effective, of the Code of Virginia, to allow a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. The bill also authorizes such person to file general erosion and sediment control standards and specifications for review and approval consistent with guidelines established by the State Water Control Board. *(Patron: Hanger)*

[SB 693](#) Virginia Waterway Maintenance Fund and Grant Program; established.

Amends the Code of Virginia by adding sections 62.1-132.3:3 and 62.1-132.3:4 to establish the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants to political subdivisions and local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the grant program by developing guidelines and procedures for the application process and for the awarding of annual grants. *(Patron: Lewis)*

FAILED LEGISLATION

HB 14/SB 175 Dogs or cats; public animal shelters required to notify intent to euthanize.

Amends § 3.2-6546 of the Code of Virginia to require a public animal shelter to wait three days beyond the five-day holding period before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the animal. The shelter must make reasonable efforts to accomplish the release of the dog or cat, but is not required to hold the animal if it has reason to believe the animal has seriously injured a human or is critically injured, ill, or was lawfully surrendered. *(Patrons: Kory and Stanley)*

HB 264 Oyster-planting ground; transfer or assignment of lease to locality.

Amends § 28.2-625 of the Code of Virginia to authorize a person holding a lease of oyster-planting ground to transfer or assign the lease to a locality or other political subdivision of the Commonwealth, retroactive to July 1, 1966. *(Patron: Turpin)*

HB 487 Oyster planting-ground lease; transfer or assignment to localities.

Amends § 28.2-625 of the Code of Virginia to authorize the holder of an oyster-planting ground lease to transfer or assign the lease to localities and other political subdivisions of the Commonwealth. *(Patron: Stolle)*

HB 493 Stormwater Local Assistance Fund; recipient of grants to use portion to pay administrative costs.

Amends § 62.1-44.15:29.1, as it shall become effective, of the Code of Virginia to authorize the recipient of a grant from the Stormwater Local Assistance Fund (SLAF) to use a portion of the grant funds to pay for reasonable administrative costs. The bill also allows a grant recipient to count the fair market value of administrative services as an in-kind match for as much as half of the amount of any matching funds required. *(Patron: Hodges)*

HB 675 Alternative onsite sewage systems; Board of Health to review regulations.

Directs the Board of Health to publish a Notice of Intended Regulatory Action for alternative onsite sewage systems regulations no later than October 1, 2018. The bill also directs the Board to work with stakeholders to consider such regulatory amendments related to requirements governing sampling, field sampling procedures, performance requirements, and such other revisions deemed necessary by the Board. *(Patron: Hodges)*

HB 723 Stormwater management facilities; private residential lots, disclosure.

Amends §§ 55-519 and 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia and adds section 55-519.5 to direct the State Water Control Board to adopt regulations requiring a local stormwater management authority that requires a landowner of property zoned for residential use to maintain a stormwater management facility on such property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such facility to disclose such specifications, requirements, and schedule of audits to a purchaser of the property. *(Patron: Plum)*

HB 801 Stormwater regulation; no stricter than federal law.

Amends § 62.1-44.15:25, as it is currently effective and as it shall become effective, of the Code of Virginia to prohibit the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document. *(Patron: O'Quinn)*

HB 805/SB 507 Stormwater management regulations; localities outside Chesapeake Bay watershed.

Amends the Code of Virginia by adding section 62.1-44.15:24.1 to provide that in a locality located outside of the Chesapeake Bay

watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014. *(Patrons: O'Quinn and Carrico)*

[SB 872](#) Tethering animals; outdoor tethering of companion animals, definitions of adequate shelter and space.

Amends §§ 3.2-6500 and 3.2-6543 of the Code of Virginia to provide that outdoor tethering of a companion animal shall not meet the requirement that an animal be given adequate shelter when (i) the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (ii) during a heat advisory; or, (iii) during a severe weather warning. The bill provides that a tether give an animal adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain or weigh more than one-tenth of the animal's body weight. The bill exempts companion animals engaged in an agricultural or hunting activity, or agricultural animals from existing provisions related to tethering. *(Patron: Spruill)*

[HB 889](#) Dogs, tethering of; locality authorized to adopt an ordinance to restrict.

Amends §§ 3.2-6500 and 3.2-6543 of the Code of Virginia to authorize the governing body of any locality to adopt an ordinance restricting the tethering of a companion animal outdoors. The ordinance may limit the maximum number of hours or the weather conditions during which the dog may remain tethered but shall not restrict normal hunting or agricultural activities. *(Patron: Orrock)*

[HB 1004](#) Stormwater; locality shall provide for full waiver of certain charges for public use airport runway.

Amends § 15.2-2114 of the Code of Virginia to require localities to provide for a full waiver of service charges for stormwater management to airports for runways and taxiways. *(Patron: Byron)*

[HB 1094](#) Chesapeake Bay Preservation Areas; regulations, local permit to raise land.

Amends the Code of Virginia by adding section 62.1-44.15:69.1 to direct the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land to mitigate the effects of flooding. *(Patron: Hodges)*

[HB 1185](#) State Water Control Board regulations; regional water resource planning.

Amends §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia to direct the State Water Control Board to adopt regulations designating regional planning areas based primarily on a river basin. Each locality shall identify water supply risks, and propose the most cost-effective regional strategies to address such risks. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan to the Department of Environmental Quality. The bill directs that the Board and DEQ to prioritize the allocation of funds to localities that sufficiently participate in regional planning. *(Patron: Carr)*

[HB 1270](#) Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.

Amends the Code of Virginia by adding section 10.1-1184.1 to prohibit the Governor or any state agency or political subdivision from adopting any regulation establishing a carbon dioxide cap-and-trade program or allow the Commonwealth to participate in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate upon the House of Delegates and the Senate of Virginia adopting a resolution that specifically

references and approves the regulatory text proposed for adoption by a state agency.

(Patron: Poindexter) (VETOED)

[HB 1374](#) Sewerage systems; state adoption of federal criteria, ammonia.

Amends § 62.1-44.15:1 of the Code of Virginia to direct the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in writing that such timing is unlawful under the federal Clean Water Act. The bill also directs the Department of Environmental Quality to: (i) identify any other states that have adopted the criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the criteria that will minimize the impact of implementation on Virginia sewerage systems while complying with the Act; and, (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. *(Patron: Poindexter)*

[HB 1566](#) Stormwater; local plan review, acceptance of plan by professional engineer in lieu of review.

Amends the Code of Virginia by adding section 62.1-44.15:27.2 to authorize any stormwater management program authority or erosion and sediment control program authority, or a locality that has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional engineer retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities of greater than one acre in extent. The bill requires the plans to be signed and stamped by the engineer. The program authority or locality is required to accept such plans in satisfaction of the local plan review requirement. *(Patron: Hodges)*

[HJ 93](#) Stormwater best management practices; planting and preservation of trees.

Requests the Department of Environmental Quality to study the planting and preservation of trees as a stormwater best management practice. *(Patron: Lopez)*

[HJ 101](#) Energy storage devices; DMME to study use.

Requests the Department of Mines, Minerals and Energy, as directed through the Virginia Solar Energy Development and Energy Storage Authority, to conduct a two-year study to determine what regulatory reforms and market incentives are necessary to increase the use of energy storage devices in the Commonwealth. *(Patron: Toscano)*

[SB 367](#) Stormwater; localities to provide for partial waiver of service charges for management at airports.

Amends § 15.2-2114 of the Code of Virginia to allow localities to provide for a partial waiver of service charges for stormwater management to airports for runways and taxiways. *(Patron: Newman)*

Finance

PASSED LEGISLATION

Assessments

HB 190 Real property tax; boards of equalization.

Amends § 58.1-3378 of the Code of Virginia to provide that applications for relief from real property assessments sent electronically to boards of equalization are deemed received on the date applicants send the applications. *(Patron: Hope)*

HB 871 Real property tax; land use valuation.

Amends §§ 58.1-3230, 58.1-3231, and 58.1-3234 of the Code of Virginia to provide that (i) land devoted to agricultural use includes land devoted to the sale of products made from plants and animals located on the property, (ii) land devoted to horticultural use includes land devoted to plants and the sale of products made from horticultural items, (iii) the agreement pursuant to soil and water conservation programs that qualifies land as devoted to agricultural or horticultural uses may be made with the Commonwealth, (iv) land designated for use value assessment shall not lose such designation solely because of its location in a newly created zoning district that was not requested by the property owner, and (v) if the state uniform standards for eligibility for real estate devoted to agricultural use or horticultural use require a minimum length of time of a specified use, then the use of other similar property by a lessee of the owner shall be included in calculating such time, and the Commissioner of Agriculture and Consumer Services shall include in the uniform standards a shorter length of time for real estate with no prior qualifying use, provided that the owner submits a written document of the

owner's intent regarding use of the real estate containing elements set out in the uniform standards. The governing body of the locality may require revalidation at least every six years. *(Patron: Orrock)*

HB 1442 Real property tax; assessment of wetlands.

Amends § 58.1-3284.3 of the Code of Virginia to clarify the assessment procedure for specially and separately assessing the fair market value of all wetlands on real property upon the request of a property owner. If the commissioner of the revenue or other assessing official disagrees with the property owner as to the presence of wetlands, then the commissioner of the revenue or other assessing official shall recognize (i) the National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service, (ii) a wetland delineation map confirmed by a Preliminary Jurisdictional Determination, or (iii) an Approved Jurisdictional Determination issued by the U.S. Army Corps of Engineers and provided by the property owner in making the determination. *(Patron: Orrock)*

HB 1495 Real property tax; increases term of boards of equalization.

Amends §§ 58.1-3370 and 58.1-3378 of the Code of Virginia to allow for an extension of the term for a board of equalization appointed by the circuit court. The bill provides that if a taxpayer applies to the commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue for relief from a real property tax assessment prior to the expiration of the board of equalization's term, and the term of the board of equalization expires prior to a final determination on such application for relief, and the taxpayer advises the circuit court that he wishes to appeal the determination to the board of equalization, then the circuit court may reappoint the board of equalization to hear and act on such appeal. *(Patron: Orrock)*

Compensation and Retirement

HB 846/SB 248 Virginia Retirement System; technical amendments.

Amends §§ 51.1-124.3, 51.1-142.2, 51.1-159, 51.1-513.2, and 51.1-513.3 of the Code of Virginia to make technical recommendations by the VRS Board of Trustees. The bill (i) adds other health care professionals to the definition of Medical Board, (ii) clarifies that only full-time civilian service members of the United States are able to purchase certain types of prior service, and (iii) gives VRS flexibility to offer a program similar to the current optional long-term care program for local government employees, local officers, and teachers. *(Patrons: Ingram and Dance)*

Taxation

HB 119 Merchants' capital tax; classification.

Adds § 58.1-3510.02 to the Code of Virginia to create a separate class for merchants' capital of any wholesaler reported as inventory that is located, and is normally located, in a structure that contains at least 100,000 square feet, with at least 100,000 square feet used solely to store such inventory. Any locality may impose a tax rate on such inventory that is lower than that applicable generally to merchants' capital. *(Patron: Thomas)*

HB 154/SB 230 Commonwealth's tax system; conformity with federal law, emergency.

Amends § 58.1-301 of the Code of Virginia to conform the Commonwealth's tax code with the Internal Revenue Code as of February 9, 2018. The bill conforms to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018, and to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause. *(Patrons: Ware and Hanger)*

HB 222/SB 883 Income tax, corporate & state; modification for certain companies, grants.

Amends §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia and adds sections 15.2-958.2:01 and 58.1-405.1 to establish an income tax modification for certain companies that, from 2018 through 2024, either (i) invest at least \$5 million in new capital investment in a qualified locality and create at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) create at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. A company is eligible to claim the modification only if it had no property or payroll in Virginia on the effective date of the act. The bill defines "qualified locality" to include (a) the Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Galax, and Norton; (b) the Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward and the Cities of Danville and Martinsville; (c) the Counties of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland; and (d) the Counties of Brunswick and Dinwiddie and the City of Petersburg.

The bill requires a company to obtain annual certification from the Virginia Economic Development Partnership Authority (the Authority) that the company will have a positive fiscal impact on Virginia, based on consideration of certain factors, including job creation and anticipated additional state and local tax revenues. Generally, the amount of the modification is the value of the company's property, payroll, and sales in qualified localities. Eligibility for the income tax apportionment modifications shall continue

for six years following the year in which the company initially makes a modification to its apportionment formula. Continuing eligibility is contingent on the company's maintaining its capital investment and jobs created in qualified localities and obtaining re-certification from the Authority.

The bill permits qualified localities to provide grants and loans to companies that qualify for the modification provided by the bill. The bill also authorizes grants and loans of up to \$2,000 per job per year from the Commonwealth's Development Opportunity Fund to an eligible company. *(Patrons: Morefield and Stanley)*

[HB 489](#) Registration and licensing of vehicles; payment of local taxes and fees.

Amends § 46.2-752 of the Code of Virginia to provide that in localities in which the treasurer or director of finance has entered into an agreement with the Commissioner of the Department of Motor Vehicles for the Commissioner to refuse to issue or renew vehicle registrations for persons with certain delinquent taxes or fees, the Commissioner may issue an initial registration for a period of up to 90 days for vehicles purchased subsequent to an enforcement action to allow the applicant to satisfy all applicable requirements, provided that the applicant pays a fee sufficient for the registration period. *(Patron: Hurst)*

[HB 828/SB 268](#) Personal property tax; computer equipment and peripherals used in data centers.

Amends §§ 58.1-3503 and 58.1-3506 of the Code of Virginia by creating a separate classification of tangible personal property for computer equipment and peripherals used in data centers. The valuation must be by a means of percentage or percentage of original cost, or by other method that reasonably may be expected to determine fair market value. *(Patrons: Bagby and Dunnavant)*

[HB 894](#) Real property tax; exemption for single member limited liability company.

Amends § 58.1-3651 of the Code of Virginia to

specify that a single member limited liability company whose sole member is a nonprofit organization is eligible to be considered for a real property tax exemption by a locality. *(Patron: Webert)*

[HB 1022/SB 314](#) Personal property tax; definition of agricultural products.

Amends § 58.1-3505 of the Code of Virginia to clarify the definition of agricultural products for tangible personal property tax to include livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silviculture, or other farm crops. *(Patrons: Adams, L.R. and Ruff)*

[HB 1390](#) Food and beverage tax; counties to enact ordinances providing that bonds shall be paid from revenue.

Amends §§ 15.2-2607 and 58.1-3833 of the Code of Virginia to authorize counties to enact an ordinance or resolution providing that bonds shall be repaid from food and beverage tax revenues. The bill provides that if a county enacts such ordinance or resolution, the referendum submitted to the voters shall include as a single question the (i) purpose of the bond issuance, (ii) estimated maximum amount of proposed bonds, (iii) request of approval from voters of a county food and beverage tax, (iv) language currently required for such referendum, and (v) explanation that such bonds will be issued upon referendum approval. Under current law, the questions of bond issuance and tax enactment are submitted as separate ballot questions. *(Patron: Aird)*

[SB 228](#) Real estate taxes; clarifies when amount of taxes deferred pursuant to a local ordinance become due.

Amends § 58.1-3216 of the Code of Virginia to clarify when deferred real estate taxes are due. The bill provides that deferred taxes must be paid upon transfer of real estate other than transfer to a spouse or transfer to certain types of trusts. Currently, deferred taxes become due upon the sale of the real estate or from the estate of the decedent within one year after the death of the last owner who qualifies for tax deferral. *(Patron: Howell)*

SB 902 Property tax exemption for solar energy equipment and facilities.

Amends § 58.1-3660 of the Code of Virginia to limit the property tax exemption for solar equipment and facilities owned and operated by a business, which currently applies to 80 percent of the assessed value of certain projects, to those projects equaling less than 150 megawatts. The 150-megawatt cap applies only to projects for which an initial interconnection request form was filed on or after July 1, 2018. *(Patron: Lucas)* ***(Amended by Governor)***

SB 942 Sales and Use Tax; creates a state sales tax and use tax in the Historic Triangle.

Amends §§ 58.1-638 and 58.1-3823 of the Code of Virginia and adds section 58.1-603.2 to establish an additional one percent state sales and use tax in the “Historic Triangle,” defined as the City of Williamsburg and the Counties of James City and York. The tax would not be applied to the sale of food. Fifty percent of the revenues will be used to market, promote, and advertise the Historic Triangle as an overnight tourism destination and the other 50 percent will be distributed to the localities in which the revenues were collected. The revenues for tourism will be deposited into a fund to be administered by the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council), created by the bill. The bill retains the authority of the Historic Triangle localities to impose the current \$2 transient occupancy tax used to promote tourism in the area, but directs the revenues to the new tourism fund created by the bill. The bill is contingent on the City of Williamsburg repealing recently-enacted ordinances raising the local transient occupancy, food and beverage, and admission taxes and will expire if any of the localities in the Historic Triangle raise such taxes in the next seven years. *(Patron: Norment)* ***(Amended by Governor)***

Other

HB 495 Secrecy of tax information; authorizes localities to disclose information to third-party contractors.

Amends § 58.1-3 of the Code of Virginia to allow local officials who collect or administer taxes for a county, city, or town to disclose information to nongovernmental entities with which their locality has contracted to provide services to assist in the administration of refund processing or other non-audit services related to the administration of taxes. The bill prohibits such third-party contractors from disclosing the tax information to other parties. Under current law, only the Department of Taxation is authorized to disclose tax information to nongovernmental entities with which it has contracted to provide services. *(Patron: Hodges)*

HB 763 Revenue Reserve Fund created.

Amends § 2.2-1514 of the Code of Virginia and adds sections 2.2-1831.1 through 2.2-1831.5 to create a Revenue Reserve Fund in the state treasury to be used to offset shortfalls in the budget of two percent or less of general fund resources collected. *(Patron: Jones)* ***(Amended by Governor)***

Constitutional Amendments

HJ 6/SJ 76 Constitutional amendment; real property tax exemption for spouse of disabled veteran.

Proposes to amend 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 surviving spouse’s moving to a different principal place of residence. [HB 71](#) and [SB 900](#) provide for submission of this proposed Constitutional amendment to the voters at the November 6, 2018, general election. *(Patrons: Miyares and Stuart)*

[SJ 21](#) Constitutional amendment; real property tax exemption for flooding remediation, abatement, etc.

Proposes to amend 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 estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. [SB 219](#) provides for submission of this proposed Constitutional amendment to the voters at the November 6, 2018, general election. (*Patron: Lewis*)

FAILED LEGISLATION

[HB 66](#) Health insurance; credits for retired school division employees.

Amends §§ 51.1-1400 and 51.1-1401 of the Code of Virginia to expand the requirement for local 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 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. (*Patron: McQuinn*)

[HB 256](#) Income tax, state, and property tax; exemption for substantial-capacity solar equipment.

Amends § 58.1-3660 of the Code of Virginia and adds in Article 3 of Chapter 3 of Title 58.1 section 58.1-339.13 to provide an individual income tax credit for the cost of substantial-capacity solar equipment for which the taxpayer obtains certification. The amount of the credit would be limited to the lesser of (i) \$10,000, (ii) 10 percent of the total installed cost of the equipment, or (iii) the taxpayer's tax liability for the taxable year. The credit is subject to an annual cap of \$500,000 and only applies to equipment installed on or after January 1, 2018, but before January 1, 2023. This bill would also provide a mandatory local property tax exemption for such equipment.

Current law provides an exemption for a broader category of solar energy equipment, facilities, or devices; however, such exemption is permissive for localities and may be partial or full. (*Patron: Guzman*)

[HB 288](#) Recordation tax; exemptions, certain limited liability companies & limited or general partnerships.

Amends § 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia to provide an exemption from the recordation tax for deeds conveying real estate or the lease of real estate to (i) a subsidiary limited liability company ("LLC") or limited liability partnership ("LLP") from its parent LLC or LLP, or vice versa, if the transaction qualifies for non-recognition of gain or loss under the Internal Revenue Code. (*Patron: Miyares*)

[HB 302](#) Counties, certain; granted powers of cities & towns.

Amends §§ 15.2-204, 33.2-319, and 58.1-3840 of the Code of Virginia to grant counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and eligibility for payments for highway maintenance. (*Patron: Watts*)

[HB 471](#) Small businesses, new; state and local tax and regulatory exemptions.

Amends §§ 13.1-619, 13.1-634, 13.1-1011, 13.1-1015, 58.1-609.3, and 58.1-3703 of the Code of Virginia and adds sections 12.1-19.2 and 60.2-212.3 to exempt eligible businesses from taxation on (i) tangible personal property purchased and used by such business, and (ii) local license taxes. The bill defines an eligible business as a domestic stock corporation or domestic limited liability company that (i) has its principal place of business in the Commonwealth, (ii) has not been in existence for more than five years, and (iii) has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception. (*Patron: Reid*)

[HB 526](#) Cigarette tax, local; refund of unused stamps.

Amends § 58.1-3832 of the Code of Virginia to require that localities imposing a local cigarette tax and require stamps as evidence of payment shall provide a refund for returned stamps only if such stamps are undamaged and reusable. *(Patron: Brewer) (Continued to 2019)*

[HB 786](#) Taxes, local; taxpayer's application to court to correct erroneous assessments.

Amends § 58.1-3984 of the Code of Virginia to provide that in an appeal of a real property assessment to circuit court, the taxpayer is not required to show that the assessment is a result of manifest error or disregard of controlling evidence. *(Patron: Keam)*

[HB 787](#) Real property taxes; appeals to boards of equalization.

Amends § 58.1-3379 of the Code of Virginia to provide that in an appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence. *(Patron: Keam)*

[HB 966](#) Income tax, sales tax, etc.; refundable credit for certain local taxes.

Amends §§ 58.1-320, 58.1-602, 58.1-603, 58.1-609.5, 58.1-609.6, 58.1-611.1, 58.1-612, and 58.1-623 of the Code of Virginia and adds § 58.1-439.12:13. The bill imposes a sales tax on all services except for business-to-business, educational, health care, and real estate services. The bill exempts from the state sales tax food purchased for human consumption, beginning July 1, 2018. This bill would eliminate the lowest two individual income tax brackets, effective for taxable years beginning on and after January 1, 2019. The bill would provide a refundable tax credit for tax years 2018 through 2022 against the individual or corporate income tax in an amount equal to a business's aggregate tax liability for machinery and tools tax, merchants' capital tax, and business, professional, and occupational license (BPOL) taxes. *(Patron: Davis)*

[HB 981](#) Disposable paper and plastic bags; local taxation.

Amends the Code of Virginia by adding § 58.1-3835, to authorize a locality to impose a five-cent per bag tax on disposable paper bags or disposable plastic bags provided to customers by certain retailers, with certain exemptions. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax to be used by such locality for pollution and litter mitigation. The bill also allows every retailer that collects the tax to retain one cent of the tax. *(Patron: Rodman)*

[HB 1051](#) Communications sales and use tax; services subject to taxation.

Amends §§ 58.1-647 and 58.1-648 of the Code of Virginia to repeal the Communications Sales and Use Tax exemption for prepaid calling services, and expands the definition of "communications services" to include audio and visual streaming services. The tax would apply to communications services regardless of whether the customer is charged a subscription fee, a periodic fee, or an actual usage fee. *(Patron: Watts)*

[HB 1146](#) Real property tax; land use valuation.

Amends § 58.1-3233 of the Code of Virginia to reduce the minimum number of acres for real property to qualify as devoted solely to forest use for the purpose of land use valuation for the special assessment for land preservation from 20 to 15 acres. *(Patron: Wilt)*

[HB 1326](#) Virginia Retirement System; E-911 dispatchers.

Amends § 51.1-138 of the Code of Virginia to add E-911 dispatchers to the list of local employees eligible for hazardous duty benefits, if a locality opted to provide the enhanced benefit. *(Patron: Reid)*

[HB 1338/SB 510](#) Cigarette tax; counties authorized to hold referendum.

Amends §§ 58.1-3830 and 58.1-3831 of the Code of Virginia and adds section 58.1-

3831.1 to authorize the board of supervisors of any county to impose a tax on the sale or use of cigarettes, not to exceed five cents per pack or the amount levied under state law, whichever is greater, but only if approved in a referendum. The bill also mandates that once such referendum has been held in a county, no other referendum on the same question shall be held in the same county for a period of 23 months. *(Patrons: Campbell and Carrico)*

[HB 1358](#) Commonwealth's Development Opportunity Fund; criteria for awarding grants and loans.

Amends § 2.2-115 of the Code of Virginia to change the criteria for awarding funds from the Commonwealth's Development Opportunity Fund to include an above average or high fiscal stress score as evidenced by the Commission on Local Government Fiscal Stress Index.

The bill awards no less than one-third of the moneys appropriated to the Fund in every five-year period to counties and cities that apply for funding and are experiencing above average or high fiscal stress as evidenced by the Commission on Local Government Fiscal Stress Index. Currently, the law awards one-third of the moneys appropriated to the Fund in every five-year period based on unemployment rates of cities and counties. *(Patron: Aird)*

[HB 1363](#) Historic rehabilitation tax credit; expand availability of credit for project rehabilitating school.

Amends § 58.1-339.2 of the Code of Virginia to expand the Historic Rehabilitation Tax Credit by allowing taxpayers to claim credits for eligible expenses incurred in the rehabilitation of property for new use as a school. Current law requires projects to be used either for their historic purpose or for a new use that requires minimal change to the defining characteristics of the building. *(Patron: Miyares)*

[HB 1448](#) Land preservation; special assessment, agricultural use.

Amends § 58.1-3230 of the Code of Virginia to provide that the standards adopted by the Commissioner of Agriculture and Consumer

Services for the designation of real estate as devoted to agricultural use shall not require that the real estate have been devoted to agricultural production for any amount of time prior to such designation. *(Patron: Guzman)*

[HB 1557/SB 879](#) Intangible personal property; personal property used in manufacturing.

Amends § 58.1-1101 of the Code of Virginia to clarify that personal property used directly in manufacturing in the locality in which the tax is assessed is classified as intangible personal property. Current law does not require that the property be used directly in manufacturing in order to be considered intangible, nor does it require that the property be in the locality in which manufacturing actually occurs. *(Patrons: Pillion and Chafin)*

[SB 56](#) Line of Duty Act; eligible dependents.

Amends § 9.1-400 of the Code of Virginia to provide that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if such coverage does not result in an increase in the premium. *(Patron: DeSteph)*

[SB 115/SB 527](#) County food and beverage tax; increases maximum tax that any county is authorized to impose.

Amends §§ 58.1-3833 and 58.1-3842 of the Code of Virginia to increase the maximum tax rate that any county is authorized to impose on food and beverages sold by a restaurant to eight percent. The bill also removes the requirement that a county hold a referendum before imposing a food and beverage tax. *(Patrons: Locke and Mason)*

[SB 200](#) Local government taxing authority; equalizes municipal and county taxing authority.

Amends § 15.2-1200 of the Code of Virginia to equalize municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective

date of July 1, 2019. The bill also directs the Joint Subcommittee on Local Government Fiscal Stress to develop recommendations for additional legislative changes needed to implement the provisions of the bill, soliciting input from (i) urban and rural counties, (ii) counties with low, average, and high population densities, (iii) the Virginia Association of Counties, (iv) the Virginia Municipal League, and (v) any other relevant stakeholders.
(Patron: Favola)

SB 494 Line of Duty Act; health insurance coverage for eligible spouses.

Amends §§ 9.1-400 and 9.1-401 of the Code of Virginia to allow the eligible spouse of a deceased person under the Line of Duty Act (the Act) whose death occurred prior to July 1, 2017, to continue to receive health insurance coverage under the Act after the eligible spouse remarries. The eligible spouse would be required to pay for such continued coverage after the spouse remarries. *(Patron: Carrico)*

SB 822 Delinquent taxes; collection of amounts due locality.

Amends §§ 58.1-3919.1 and 58.1-3934 of the Code of Virginia to permit the treasurer of any county, city, or town to employ the services of private collection agents to collect other charges in addition to the collection of delinquent local taxes. The bill reduces from six to three months the period that certain taxes or other charges must be delinquent prior to collection by an attorney, sheriff, or other tax collector hired by the local governing body with the approval of the local treasurer.
(Patron: Edwards)

HB 1204 Real property tax; special and separate assessment of open space in certain counties.

Adds § 58.1-3284.4 to the Code of Virginia to require that a commissioner of the revenue or other assessing official, at the request of a property owner, determine fair market value by specially and separately assessing any real estate devoted to open-space use, that contains at least 20 acres. The bill mandates

that the actual physical use of the property would be the only determining factor of its value. This bill applies to any county with a population, according to the July 1, 2016 population estimates by the Weldon Cooper Center for Public Service at the University of Virginia, that is at least 14 percent greater than its population according to the 2010 federal census. This bill would be effective for taxable years beginning on or after January 1, 2018.
(Patron: Hugo) (VETOED)

SB 904 Line of Duty Act; disabled persons to participate in state & local health insurance.

Amends §§ 9.1-400 and 9.1-401 of the Code of Virginia to allow a person disabled in the line of duty to continue to participate in the state or local health plan that he or she participated in prior to the disability. The bill also allows any natural or adopted child of a deceased person or a disabled person to be an eligible dependent for purposes of the Line of Duty Act, regardless of the date of birth or adoption of such child. *(Patron: Petersen)*

STUDIES AUTHORIZED

HJ 98 Business property; Department of Taxation to study appeals concerning valuation.

Directs the Department of Taxation to study and make recommendations by December 1, 2019, on the appeals process for valuation of real and personal property of businesses.
(Patron: Byron)

General Government

PASSED LEGISLATION

Conflicts and Ethics

HB 990/SB 298 Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions.

Amends § 30-356.2 of the Code of Virginia to clarify that the authority of the Virginia Conflict of Interest and Ethics Advisory Council to grant extensions from filing disclosure deadlines does not apply to statements of economic interest filed by a candidate for public office. *(Patrons: Gilbert and Norment)*

HB 992 Conflict of Interests Act, State and Local Government; disclosure statements, multiple positions.

Amends § 2.2-3118.1 of the Code of Virginia to change filing requirements such that a filing of a single current statement of economic interests by an individual will suffice for the course of the calendar year. Individuals meeting the requirement for filing an annual disclosure statement will not be required to file an additional disclosure statement upon reappointment to the same office or position if the reappointment is within 12 months of the filing. *(Patron: Gilbert)*

HB 212/SB 124 Conflict of Interests Act, State and Local Government; school boards and school board employees.

Amends § 2.2-3119 of the Code of Virginia to provide that the prohibition on employment of certain relatives of school board members does not apply to any school district of any county, city, or town if (i) the board member certifies that he had no involvement in the hiring decision of the relative, and (ii) the superintendent certifies to the remaining board

members in writing that the employment is based on merit and fitness and competitive rating of qualifications. *(Patrons: Wright and Black)*

SI 75 Study; ethics laws; report.

Establishes a two-year joint subcommittee consisting of six legislative members and two nonlegislative citizen members to study the current ethics laws in the Commonwealth. The subcommittee shall study the disclosure requirements of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form. Although the language of the study focuses on the General Assembly and Lobbyist provisions of the law, changes to these sections will likely result in changes to the State and Local Government Conflicts Act and thus impact local government officials. *(Patron: Norment)*

Courts

HB 202 Court fines and costs; community service.

Amends § 19.2-354 of the Code of Virginia to require courts assessing the fine or cost to provide notice to the appropriate individual of the availability of earning credit through community service. *(Patron: Mullin)*

HB 484/SB 994 Restitution; probation.

Amends §§ 9.1-176.1, 19.2-305.1, 19.2-358, 19.2-368.15, and 53.1-145 of the Code of Virginia, relating to restitution. The bill requires local community-based probation officers and probation and parole officers to monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation. When the court orders a defendant to pay restitution and places the defendant on active supervision, the defendant notifies the court and attorney of the Commonwealth of the amount of unsatisfied restitution (i) 60 days prior to release from supervision or (ii) at the time the agency requests the defendant be released.

The attorney from the Commonwealth shall provide a copy of the notice to the victim. After providing notice to the defendant and the attorney for the Commonwealth, the court shall conduct a hearing. The court shall also docket the restitution order as a civil judgment unless the order has been previously docketed. *(Patrons: Bell, R. B. and Obenshain)*

[HB 780/SB 564](#) Nonconfidential court records; clerk of court shall make records available to public upon request.

Amends §§ 2.2-3703, 17.1-208, and 17.1-292 of the Code of Virginia and adds sections 16.1-69.54:1 and 17.1-293.1, relating to public access to nonconfidential court records. The bill provides that a clerk of court make non-confidential court records available to the public upon request no later than 30 days after the request. The clerk may charge a fee for the actual cost of producing the records. Also, the bill requires the Executive Secretary of the Supreme Court make available to the public an online case information system of such information for criminal cases by July 1, 2019. *(Patrons: Habeeb and Obenshain)*

[HB 1546](#) County courthouse; provisions regarding removal.

Amends § 15.2-1644 of the Code of Virginia to provide that certain provisions regarding removal of a county courthouse shall not apply to the removal or relocation of any county courthouse, whether located on county or city property, that is surrounded by a city, and any such courthouse shall be removed or relocated only in accordance with the existing procedures. *(Patron: Bell, R.B.)*

[SB 14](#) Service of process on county attorney.

Amends § 8.01-300 of the Code of Virginia, relating to the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, it provides that only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served. *(Patron: Petersen)*

[SB 108](#) Orders of publication to enforce tax lien; limited-value property.

Amends § 8.01-321 of the Code of Virginia to allow a locality to publish an order to enforce a tax lien on property assessed in the local tax records for \$50,000 only once. *(Patron: Lucas)*
**SB 108 is the result of Public Notice Stakeholder group led by Delegate Head*

[SB 538](#) Courthouses; expansion to contiguous land.

Amends § 15.2-1646 of the Code of Virginia to provide that relocation or expansion of a courthouse to land contiguous with its present location and within the same county or city shall not trigger a referendum requirement. *(Patron: Hanger)*

Elections

[HB 690/SB 556](#) General registrars; residency requirement, exemption for certain counties and cities.

Amends § 24.2-110 of the Code of Virginia to exempt counties and cities with a population of 25,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which he is appointed. *(Patrons: Simon and Mason)*

[HB 767/SB 983](#) Elections; precincts not to be changed between certain dates.

Amends § 24.2-309.2 of the Code of Virginia to prohibit counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. *(Patrons: Jones and Obenshain)*

[HB 1598/SB 106](#) Congressional and state legislative districts; standards and criteria.

Amends the Code of Virginia by adding § 24.2-304.04 to provide criteria by which congressional and state legislative districts are to be drawn, including (i) equality of population, (ii) the requirements of federal and

state laws regarding racial and ethnic fairness, (iii) respect for existing political boundaries, (iv) contiguity, (v) compactness, and (vi) consideration of communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. *(Patrons: Jones, S.C. and Suetterlein)* ***(Governor's Amendments rejected. Pending final action by Governor)***

SB 152 Assistants to general registrars; full-time status.

Amends § 24.2-112 of the Code of Virginia to clarify that when determining the number of assistant registrars to serve in the office of the general registrar, the electoral board may include any to serve full-time. *(Patron: Edwards)*

SB 379 Office of the general registrar; open five days a week.

Amends § 24.2-411 of the Code of Virginia to provide that the office of the general registrar in all counties and cities is to be open a minimum of five days a week. Under current law, counties with a population of less than 10,000 and cities with a population of less than 7,500 are required to be open a minimum of three days a week, and additional days may be required by the general appropriation act. *(Patron: Chafin)*

SB 474 Elections; status of officers of election.

Amends § 24.2-122 to provide that a county or city may retain officers of election as independent contractors. *(Patron: Reeves)*

Election Study Authorized

Joint Subcommittee on Election Review.

The Joint Subcommittee will consider issues related to the conduct of elections, including absentee balloting, the assignment of voters in split precincts, and recount law and procedures.

Eminent Domain

HB 1564 Eminent domain proceedings; selection of commissioners.

Amends § 25.1-227.2 of the Code of Virginia to increase from at least six to at least eight the number of names of qualified persons each party shall submit to the court if they cannot agree upon five to nine qualified persons to act as commissioners. The bill also increases from nine to thirteen the number of names the court shall select as potential commissioners from the submitted lists. *(Patron: Yancey)*

SB 278 Eminent domain proceedings; prompt payment of funds.

Amends § 25.1-310 of the Code of Virginia and adds in section 25.1-247.1 and 33.2-1027.1 to require that any funds due to the landowner, whether such funds are in the possession of the court or are outstanding, shall be payable to the landowner or, if the owner consents, to the landowner's attorney within 30 days of a settlement or final determination in an eminent domain proceeding. The bill provides that the requirements do not alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds. *(Patron: Petersen)* ***(Amended by Governor)***

SB 809 Eminent domain; calculation of lost profits amends definitions.

Amends §§ 25.1-100 and 25.1-230.1 of the Code of Virginia to specify that the individual claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing. But, such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. *(Patron: Petersen)*

Freedom of Information Act/ Transparency/Public Notice

HB 228 Virginia Public Records Act; records retained in electronic medium.

Amends the Code of Virginia by adding section 42.1-86.01 to require an agency retaining any public record in an electronic medium, to have the record accessible through the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act. *(Patron: Cole)*

HB 683/SB 921 Uniform Statewide Building Code; security of certain records.

Amends § 36-105.3 of the Code of Virginia to clarify that information in engineering and construction drawings and plans for single-family residential dwelling units submitted for compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) are not subject to FOIA disclosure. *(Patrons: Pogge and Ebbin)*

HB 905 Virginia Public Procurement Act; designation of trade secrets and proprietary information.

Amends §§ 2.2-4342 and 2.2-4343 of the Code of Virginia, relating to the Virginia Public Procurement Act designation of trade secrets and proprietary information. The bill provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of such a document that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. *(Patron: Robinson)*

HB 906 Virginia Freedom of Information Act; clarifies definition of electronic communication.

Amends § 2.2-3701 of the Code of Virginia to clarify the definition of electronic communication to mean the use of technology having electrical, digital, magnetic, wireless,

optical, electromagnetic, or similar capabilities to transmit information. *(Patron: Robinson)*

HB 907 Virginia Freedom of Information Act; meetings held by electronic communication means.

Amends §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3714, 10.1-1322.01, 23.1-1301, 23.1-2425, 30-179, 33.2-1912, 62.1-44.15:02 of the Code of Virginia, and adds section 2.2-3708.2 to consolidate sections of FOIA related to holding public meetings through electronic communication means. *(Patron: Robinson)*

HB 908 Virginia Freedom of Information Act; meetings held by electronic communication means.

Amends §§ 2.2-3708, 2.2-3708.1, and 30-179 of the Code of Virginia to remove the requirement that remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. Instead, members of the public must be provided an electronic communication means substantially equivalent. The bill provides that public access to remote locations from which members of the public body participate through electronic communication means shall be encouraged, but not required; however, if three or more members are gathered at the same remote location, such remote location must be open to the public. *(Patron: Robinson)*

HB 909 Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.

Amends §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia to clarify that the discretionary exemptions contained in FOIA pertaining to law-enforcement and criminal records may be used by any public body. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any

person, to only those portions of noncriminal incident or other noncriminal investigative reports or materials that are in the possession of public bodies engaged in (i) emergency medical services, (ii) fire protection services, (iii) criminal law-enforcement activities, or (iv) processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. *(Patron: Robinson)*

[HB 1277/SB 580](#) Government Data Collection and Dissemination Practices Act; sharing and dissemination of data.
Amends §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia to facilitate the sharing of data among and between agencies of the Commonwealth and political subdivisions. *(Patrons: Garrett and Hanger)*

Jails

[HB 83](#) Feminine hygiene products; no cost to female prisoners or inmates.

Directs the State Board of Corrections to adopt and implement a standard and the Director of the Department of Corrections to adopt and implement a policy and procedure to ensure the provision of feminine hygiene products to female prisoners and inmates without charge. *(Patron: Kory) (Amended by Governor)*

[HB 364](#) Execution of temporary detention orders; inmates in local correctional facilities.

Amends § 19.2-169.6 of the Code of Virginia to authorize certain deputy sheriffs or jail officers of local correctional facilities to execute temporary detention orders for inmates in those facilities. *(Patron: Rush)*

[SB 36](#) Weekend jail time; replaces provision limiting nonconsecutive days.

Amends § 53.1-131.1 of the Code of Virginia to allow courts, for good cause and absent objection by the Commonwealth, to impose weekend jail time for defendants convicted of a misdemeanor, traffic offense, any offense

under Chapter 5 (§ 20-61 et seq.) of Title 20, or a nonviolent felony, provided that the active portion of the sentence is 45 days or less. *(Patron: Stanley)*

Procurement

[HB 97](#) Virginia Public Procurement Act; methods of procurement, single or term contracts.

Amends §§ 2.2-4303 and 2.2-4303.1 of the Code of Virginia to increase the maximum permissible aggregate or sum of all phases of single or term contracts for professional services procured without requiring competitive negotiation to \$80,000. The bill also increases the maximum total amount of all construction projects that may be performed in a one-year contract term of a contract for architectural or professional engineering services relating to multiple construction projects to \$750,000, applying to localities with populations of 78,000 or less. *(Patron: Bell, J.J.)*

[HB 134/SB 125](#) Value engineering; raises minimum project cost.

Amend and reenact § 33.2-261 of the Code of Virginia, relating to value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. *(Patrons: Bell, J. and Black)*

[HB 398](#) Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset.

Amends Chapter 789 of the Acts of Assembly of 2017 by adding a sunset date of July 1, 2021 to the provisions: (i) authorizing a locality to waive the prequalification requirement of a bidder with a current Class A contractor license for nontransportation-related construction contracts between \$100,000 and \$300,000 upon a written determination made in advance by the local governing body, and (ii) prohibiting

localities from entering into more than 10 such contracts per year. *(Patron: Davis)*

[HB 574/SB 688](#) Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.

Amends § 2.2-4304 of the Code of Virginia to exclude from the Virginia Public Procurement Act from the prohibition on using cooperative procurement to purchase construction: (i) the installation of artificial turf and track surface, (ii) stream restoration, or (iii) stormwater management practices, and all associated and necessary construction and maintenance. *(Patrons: Hodges and Ruff)*

[HB 760](#) Virginia Public Procurement Act; exemption for Virginia-grown food products.

Amends § 2.2-4343 of the Code of Virginia to exempt Virginia-grown food products for use by a public body from the Virginia Public Procurement Act where the annual cost of the product does not exceed \$100,000. Exemption from the Act requires written statements that include the (i) solicitation of a minimum of three bidders if practicable, and (ii) basis for awarding the contract. *(Patron: Landes)*

Public Safety

[HB 260](#) Virginia Critically Missing Adult Alert Program; created.

Amends the Code of Virginia by adding in Title 52, consisting of sections numbered 52-34.10, 52-34.11, and 52-34.12 to establish the Virginia Critically Missing Adult Alert Program. The program requires the Virginia State Police (VSP) to establish standards and procedures for local, regional, or statewide notification processes. VSP is also required to establish verification processes for local law-enforcement agencies. *(Patron: Jones, J. C.)*

[HB 638/SB 526](#) Trespass; use of an unmanned aircraft system, penalty.

Amends § 15.2-926.3 of the Code of Virginia, adds sections 18.2-121.3, 18.2-324.2, and repeals the second enactment of Chapter 451

of the Acts of Assembly of 2016 to address trespass by an individual with an unmanned aircraft system. The bill expands the current prohibition on the regulation of private drones by localities to political subdivisions. The bill clarifies that the change does not permit a person to enter upon land owned by a political subdivision just because he is in possession of a drone if under other circumstances he is not permitted to enter upon such land. The bill repeals the second enactment of Chapter 451 of the 2016 Acts of Assembly, which set the sunset provision on the prohibition on localities to regulate drones for July 1, 2019. The bill adds that the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, shall study the impact of this legislation on unmanned aircraft research, innovation, and economic development in Virginia. *(Patrons: Collins and Obenshain)* ***(Amended by Governor)***

[HB 996/SB 783](#) Pretrial services agencies; Department of Criminal Justice Services to review, report.

Amends § 19.2-152.7 of the Code of Virginia to require the Department of Criminal Justice Services to report to the Governor and the General Assembly by December 31 of each year the performance of each pretrial services agency to determine compliance with its submitted plan and operating standards. *(Patrons: Gilbert and Peake)*

[HB 1266/SB 566](#) Arrests; law-enforcement agency to report, etc.

Amends § 19.2-390 of the Code of Virginia to add trespass and disorderly conduct in public places to crimes law-enforcement agencies report to the Central Criminal Records Exchange, which includes fingerprints and a photograph of the person arrested. *(Patrons: Toscano and Obenshain)*

[HB 1367](#) Emergency Management, Virginia Department of; local sheltering data.

Amends § 44-146.19 of the Code of Virginia to require all political subdivisions provide data relating to emergency shelter capabilities to the

State Coordinator of Emergency Management by May 1 of each year. *(Patron: Jones, J.C.)*

[HB 1388/SB 513](#) Enhanced Public Safety Telephone Services Act; implementation of 9-1-1 (NG9-1-1) services.

Amends §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia and repeals §§ 56-484.12:1, 56-484.12:2, and 56-484.15 to transition public service answering points and originating service providers to the next generation 9-1-1 (NG9-1-1) service. The bill alters the funding formula and criteria set by the 9-1-1 Service Board for distribution of monies from the Wireless E-911 Fund. The bill also repeals provisions related to notice of protocol to subscribers, plans for subscribers to obtain E-911 service, and the Wireless Carrier E-911 Cost Recovery Subcommittee. *(Patrons: Leftwich and Suetterlein)*

[HB 1482](#) Unmanned aircraft systems; use by Public Bodies.

Amends § 19.2-60.1 of the Code of Virginia to expand the use unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage. *(Patron: Thomas)*

[HB 1525](#) Handheld personal communications devices; prohibits use in highway work zones.

Amends § 46.2-1078.1 of the Code of Virginia to add a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone. *(Patron: Yancey)*

[HB 1595/SB 972](#) Vested rights; owners of property not required to retrofit existing landscape cover materials.

Amends § 15.2-2307 of the Code of Virginia to

provide that an owner of real property, who has an occupancy permit issues as of January 1, 2018, shall not be required to retrofit existing landscape cover materials. The owner shall not be prohibited from continuing to use, supplement, or refurbish existing materials at the property. Materials include mulch, wood chips, rock, stone, or similar materials to maintain the health of plants and bushes. *(Patrons: Wilt and Obenshain) (Governor's Amendments rejected. Pending final action by Governor)*

[SB 186](#) Unmanned aircraft by a locality; search warrant, exception.

Amends § 19.2-60.1 of the Code of Virginia to extend to localities the authority to utilize unmanned aircrafts without a search warrant for purposes other than law enforcement. Such use of aircrafts include damage, traffic, flood stage, and wildfire assessment as well as research and development by institutions of higher education and other research organizations and institutions. *(Patron: Black)*

[SB 508](#) Use of unmanned aircraft system; public bodies.

Allows an unmanned aircraft system to be deployed without a warrant to survey the scene of an accident for the purpose of crash reconstruction when a law-enforcement officer is required to make a report of such accident because of personal injury, death, or property damage of \$1,500 or more. *(Patron: Carrico)*

FAILED LEGISLATION

Failed Conflict of Interests

[HB 655/SB 816](#) Conflict of Interests Act, State and Local Government; disclosure by local government officers.

Amends § 2.2-3115 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act. The bill provides that an officer or employee of local government who has a personal interest in a transaction but who is still eligible to participate in the transaction

as a member of a business, profession, occupation, or group of three or more persons affected by the transaction need only declare his interest in the transaction at the first meeting at which the transaction is discussed and at least one subsequent meeting thereafter. *(Patrons: Murphy and Black)*

[HB 1517](#) Conflict of Interests Acts, State and Local Government, and General Assembly; prohibited contracts.

Amends §§ 2.2-3110 and 30-106 of the Code of Virginia to increase the value of a contract for the purchase of goods or services from \$500 to \$5,000 that a state officer or employee or a member of the General Assembly may have with a governmental agency without being considered a prohibited interest in a contract. *(Patron: Rush)*

Failed Courts

[HB 1282](#) Parking citations; funds paid to locality.

Amends § 46.2-1227 of the Code of Virginia to require that funds paid as a result of a citation issued by a law-enforcement officer or official authorized to issue citations, who is employed by a locality, shall be paid to the general fund of the locality in which the part of the highway lies. *(Patron: LaRock)*

[SB 242](#) Park authority liability; immunity.

Amends § 15.2-1809 of the Code of Virginia to grant immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of a park, recreational facility, or playground under control of the authority. *(Patron: Marsden)*

[SB 613](#) Deposition of local governing body.

Amends the Code of Virginia § 8.01-410.1 to provide that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides

that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court. *(Patron: Surovell)*

[SB 616](#) Waiver of immunity; persons covered by insurance policy.

Amends the Code of Virginia by adding in Chapter 1 of Title 8.01 section 8.01-4.4 to provide that no person sued in a civil cause of action, who is immune from liability under Virginia law, may claim immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy. *(Patron: Surovell)*

[SB 618](#) Expert witnesses; government officer and employees; fees.

Amends the Code of Virginia by adding §8.01-401.4 to provide that no officer or employee of the Commonwealth or of any locality or political subdivision thereof who is called to testify as an expert witness shall charge a fee for providing such testimony, whether at trial or in a deposition. *(Patron: Surovell)*

Failed Elections

[HB 57](#)/[HB 1072](#)/[SB 114](#)/[HB 835](#)/[SB 254](#)/[HB 733](#)/[SB 136](#)/[SB 602](#) Absentee voting; no excuse.

Amends §§ 24.2-101, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-706, 24.2-707, 24.2-709, and 24.2-1004 of the Code of Virginia, adds sections 24.2-702.2 and 24.2-703.3, and repeals §§ 24.2-702.1 through 24.2-703.2 of the Code of Virginia to allow for any registered voter to vote by absentee ballot or early ballot in any election in which he is qualified to vote. The bills take different approaches toward a similar goal. *(Patrons: Herring, Heretick, Locke, Bagby, Dance, Carr, Howell, and Ebbin)*

[HB 158](#) House of Delegates and Senate districts; General Assembly authorized to make technical adjustments.

Amends the Code of Virginia by adding § 24.2-

304.04 to authorize the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purposes of allowing such districts to coincide with local voting precinct boundaries. *(Patron: Cole) (VETOED)*

[HB 299](#) Congressional and state legislative districts; localities to eliminate split precincts.

Amends §§ 24.2-304.1, 24.2-307, 24.2-308, and 24.2-309.2 of the Code of Virginia to require counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly. The bill also requires that precincts be contained wholly within those districts when a county, city, or town is divided between two or more such districts. Localities that are unable to comply may apply for a waiver from the State Board of Elections. Further, the bill prohibits localities from creating, dividing, abolishing, or consolidating precincts between February 1, 2019 and May 15, 2021. *(Patron: Watts) HB 382 (Rasoul) is similar, though not identical.*

[HB 539](#) Costs of primary elections; payment by the proper political party.

Amends §§ 24.2-518 and 24.2-545 of the Code of Virginia to require the proper political party committee to reimburse each county and city conducting a primary election at the direction of the Commonwealth. *(Patron: Freitas)*

[SB 144](#) Form of ballot; party identification of candidates.

Amends § 24.2-613 of the Code of Virginia to provide that any candidate nominated by a political party or in a primary election shall be identified on the ballot by the name of his political party, unless a provision of a local charter provides to the contrary. *(Patron: Spruill)*

[SB 322](#) Redistricting; split precincts prohibited.

Amends the Code of Virginia by adding section 24.2-305.1 to require that, at any level of election district, each precinct be wholly

contained within a single election district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other. *(Patron: Peake)*

[SB 523](#) Voter identification; electronic pollbooks to contain photographs of voters.

Amends §§ 24.2-404, 24.2-405, 24.2-406, 24.2-444, 24.2-611, 24.2-643, and 46.2-208.1 of the Code of Virginia to require 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. *(Patron: Obenshain)*

[Failed Freedom of Information Act/ Transparency/Public Notice](#)

[HB 213](#) Virginia Freedom of Information Advisory Council; formal advisory opinions, immunity.

Amends § 30-179 of the Code of Virginia and adds in Chapter 37 of Title 2.2 section 2.2-3715 to require that formal advisory opinions issued by the Virginia Freedom of Information Advisory Council be approved by the Council and published on the Council's website. The bill provides that no officer, employee, or member of a public body shall be found to have willfully and knowingly violated certain enumerated provisions of FOIA if the alleged violation resulted from his good faith reliance on a formal advisory opinion of the Council in response to his written request for such opinion and such opinion was made after a full disclosure of the facts. *(Patron: Mullin)*

[HB 504](#)/[HB 664](#)/[HB 957](#)/[SB 876](#) Virginia Freedom of Information Act; definition of "custodian."

Amends § 2.2-3701 of the Code of Virginia to

define “custodian,” for purposes of FOIA, as a public body or its officers, employees, or agents who (i) have prepared or (ii) own or are in possession of a public record. The bill allows for more than one custodian per record. *(Patrons: Mullin, Kilgore, Mason, and Yancey)*

[HB 904](#) Virginia FOIA; general exclusion for trade secrets submitted to a public body.

Amends §§ 2.2-2240.1, 2.2-3705.6, 2.2-3711, 2.2-3713, 10.1-1458, 15.2-2103.1, 30-281, 33.2-1803, 33.2-1820, 56-575.4, and 56-575.17 of the Code of Virginia to create a general record exclusion for trade secrets submitted to a public body. The bill provides that a record is eligible for exclusion as a trade secret if the submitted information qualifies as a trade secret of the submitting entity in the Uniform Trade Secrets Act, and requires the submitting entity to make a written request to the public body. The request must: (i) invoke such exclusion upon submission of the trade secret information, (ii) identify the trade secret information for which protection is sought, and (iii) state the reasons why protection is necessary. The bill permits a requester filing a FOIA petition challenging the trade secret designation to name the submitting entity or its successor in interest, in addition to the public body, as a defendant. The bill also permits the public body to request that the court add the submitting entity as an additional defendant in the action. *(Patron: Robinson)*

[HB 940](#) Freedom of Information Act Ombudsman; created, Attorney General to appoint.

Amends the Code of Virginia by adding section 2.2-501.1 to provide for the Attorney General to appoint a Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of FOIA. *(Patron: Roem)*

[HB 958](#) FOIA; records containing both excluded and nonexcluded information.

Amends § 2.2-3704.01 of the Code of Virginia to provide that no provision of FOIA is intended,

construed, or applied, to authorize a public body to withhold a public record in its entirety on the grounds that information contained in the public record was provided by another public body. *(Patron: Yancey)*

[HB 1101/](#)[HB 1247/](#)[SB 336](#) Virginia Freedom of Information Act; right to speak at open meetings.

Amends §§ 2.2-3707 and 23.1-1303 of the Code of Virginia to require that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. Although the bill provides that if a public body holds more than four meetings in a calendar year, such public body may limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year, this will still require all advisory work groups or other committees formed by local boards to take public comment. *(Patrons: Robinson, Cline, Peake)*

[HB 1603](#) Virginia Freedom of Information Advisory Council; charges for the production of public records.

Amends §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia to require public bodies to waive the first two hours of search and production of documents for any requestor that files 20 request or less in a 31-day period. The bill also requires that no charge over \$50 may be levied unless the requestor agrees to the higher amount. The bill further mandates that the lowest paid individual must fulfill the request. *(Patron: Roem)*

[SB 630](#) Virginia Freedom of Information Act; civil penalty.

Amends § 2.2-3714 of the Code of Virginia to provide that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such individual intentionally altered or destroyed the requested public records prior

to the expiration retention period, the court shall impose, a civil penalty of up to \$100 per record to be paid into the Literary Fund; and, (ii) if a court finds that a member of a public body voted to certify a closed meeting and such certification was not in accordance with FOIA, the court shall impose on each such voting member a civil penalty of \$500 to be paid into the Literary Fund. *(Patron: Surovell)*

SB 751 Localities and school divisions; posting of register of funds expended.

Amends the Code of Virginia by adding section 15.2-2510.1 to require every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division 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. The bill allows any locality or school division to exclude from such posting (i) any information that is exempt from mandatory disclosure under FOIA, (ii) any personal identifying information related to a court-ordered payment, and (iii) any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2019. *(Patron: Sturtevant)*

Failed Personnel

HB 39 Minimum wage, local alternative; establishes procedure by which wage may be imposed in any locality.

Amends §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia to establish a procedure by which a local alternative minimum wage may be imposed in a locality. If by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on July 1 following the delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. In a locality with such ordinance in effect, every employer shall pay employees, for work performed by them within

the locality, wages at a rate to be determined by local ordinance beginning July 1, 2019. In subsequent fiscal years, the maximum local alternative minimum wage shall be adjusted based on changes in the consumer price index. *(Patron: Levine)*

HB 1357/ HB 600/ SB 252 Public employment; inquiries by state agencies and localities regarding criminal convictions.

Amends the Code of Virginia by adding sections 2.2-2812.1 and 15.2-1500.1 to prohibit state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. Such individual may not be asked about a conviction, arrest, or charge unless the inquiry occurs after receipt of a conditional offer of employment, which may be withdrawn if the conviction, arrest, or charge directly relates to the duties and responsibilities of the position. The bill also authorizes localities to prohibit such inquiries. *(Patrons: Aird, Carr, and Dance)*

HB 1471 Grievance procedures; selection of panel.

Amends §§ 15.2-1507, 22.1-309, 22.1-311, and 22.1-313 of the Code of Virginia, relating to local grievance procedure. The bill reverts to a three-member panel, at the choice of the grievant, and eliminates grievance panels currently used by localities. The bill shifts interpretation of whether the relief granted is consistent with local policy from the Chief Administrative Officer of the locality to the Commonwealth's Attorney. *(Patron: Hugo)*

Failed Presumption

HB 107 Workers' compensation; disease presumptions, correctional officers.

Amends §§ 65.2-402 and 65.2-402.1 of the Code of Virginia to add correctional officers to the list of public safety officers entitled to a presumption that hypertension, heart disease,

and certain other diseases are occupational diseases under the Virginia Workers' Compensation Act. *(Patron: Bell, John J.)*

HB 1245 Workers' compensation; presumption of compensability for certain diseases.

Amends § 65.2-402 of the Code of Virginia to add colon, brain, and testicular cancer to an existing list of conditions currently presumed to be an occupational disease when developed by certain public safety employees and therefore covered under the Virginia Workers' Compensation Act. The bill also eliminates a requirement that the covered employee have had contact with a toxic substance in the line of duty. *(Patron: Hugo)*

SB 642 Workers' compensation; presumption of compensability for certain diseases.

Amends § 65.2-402 of the Code of Virginia to add colon cancer to an existing list of conditions presumed to be an occupational disease when developed by certain public safety employees, and therefore covered under the Virginia Workers' Compensation Act. The bill eliminates a requirement that the covered employee have had contact with a toxic substance in the line of duty. *(Patron: McPike)*
(Continued to 2019)

SB 352 Workers' compensation; presumption of compensability for certain diseases.

Amends § 65.2-402 of the Code of Virginia to add lymphoma, non-Hodgkin lymphoma, and colon, brain, or testicular cancer to an existing list of conditions presumed to be an occupational disease when developed by certain public safety employees, and therefore covered under the Virginia Workers' Compensation Act. Additionally, the bill reduces to five years the minimum amount of continuous service such employees are required to complete to qualify for a presumption that their condition is an occupational disease suffered in the line of duty. *(Patron: Peake)* *(Continued to 2019)*

Failed Procurement

HB 98 Virginia Public Procurement Act; competitive negotiation for professional services.

Amends § 2.2-4302.2 of the Code of Virginia to allow a public body to conduct negotiations simultaneously with the two top ranked offerors for competitive negotiation for professional services, if such body does not request or discuss nonbinding estimates of total project costs and as long as the process is set forth in the Request for Proposal. *(Patron: Bell, J.J.)*

HB 257 Virginia Public Procurement Act; clarifies definitions of responsible bidder or offeror.

Amends § 2.2-4301 of the Code of Virginia to clarify the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience. *(Patron: Hope)*

HB 375 Local government; prohibiting certain practice requiring contractors to provide compensation, etc.

The bill prohibits local governing bodies from requiring contractors to provide compensation or benefits beyond those required by state or federal law. *(Patron: Davis)* **(VETOED)**

HB 657 Virginia Public Procurement Act; competitive sealed bidding.

Amends § 2.2-4302.1 of the Code of Virginia to require bidders to submit two bids for any procurement that will receive less than 25 percent of its funding from the federal government. One bid shall include costs that account for wages required under the Davis-Bacon Act, 40 U.S.C. §§ 276a-276a-5, as amended, and the other shall include costs for wages as customarily paid by the bidder. *(Patron: Davis)*

[HB 724](#) Virginia Public Procurement Act; amends prompt payment provisions, etc.

Amends § 2.2-4347 of the Code of Virginia to change the definition of “payment date” in the Virginia Public Procurement Act prompt payment provisions to 15 days after receipt of a proper invoice by the state agency, where a contract does not specify the payment date. *(Patron: Plum)*

[HB 774](#)/[HB 1271](#)/[SB 317](#) Public procurement; contracting for construction on a construction management basis.

Amends §§ 2.2-4379 through 2.2-4382 of the Code of Virginia to authorize any state public body and covered institutions to enter into construction management or design-build contracts where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. The bill also changes the threshold for local public bodies to contract for construction using construction management contracts to \$40 million. *(Patrons: Landes, Sickles, and Ruff)*

[HB 921](#) Virginia Public Procurement Act; allows public bodies to utilize cooperative procurement.

Amends § 2.2-4304 of the Code of Virginia to allow public bodies to utilize cooperative procurement for (i) public utility and infrastructure projects, and (ii) the demolition of buildings, where the expected cost for such projects and demolition is less than \$500,000. *(Patron: Lopez)*

Failed Public Safety

[HB 68](#) Firearms; libraries owned or operated by localities.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance prohibiting firearms, ammunition, or components or a combination thereof in locality-owned libraries. *(Patron: McQuinn)*

[HB 116](#) Distracted driving; authority of local government.

Amends § 46.2-1300 of the Code of Virginia

to allow the governing body of a county, city, or town to adopt an ordinance prohibiting a person from driving a vehicle on any highway located within such locality failing to pay proper time and attention to safely operate the vehicle. *(Patron: Weibert)*

[HB 180](#)/[SB 275](#)/[SB 600](#) Distracted driving; penalty.

Amends § 46.2-868 of the Code of Virginia, by adding in Article 7 of Chapter 8 of Title 46.2 section 46.2-869.1, and repeals § 46.2-1078.1 to expand the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle. The bill prohibits (i) the manual selection of multiple icons, and (ii) reading any information displayed on the device not for the use of a global positioning system (GPS) for navigation or caller identification information. *(Patrons: Collins, Barker, and Vogel)*

[HB 181](#) Improper driving; use of handheld communication device while driving vehicle.

Amends § 46.2-1078.1 of the Code of Virginia to address hands-free operation of handheld personal communications devices while operating motor vehicles. The bill sets a \$125 fine for a first offense and \$250 for a second or subsequent offense for those in violation of the bill. The bill also clarifies that lawful usage of such devices requires the device be designed and configured to allow voice and hands-free operation. The bill further adds that provisions do not apply to handheld devices used for: (i) navigation or generating audio transmission provided that the device is physically mounted to the vehicle, (ii) use of an amateur radio or citizens band radio, (iii) activation, deactivation, or initiation of a factory-installed feature of a vehicle by an operator, and (iv) certain Department of Transportation officers. Under the definition of “emergency vehicle,” emergency medical services includes supplying resuscitation or emergency relief. *(Patron: Collins)*

[HB 261](#) Localities; regulation of firearms in government buildings.

Amends § 15.2-915 of the Code of Virginia

to allow a locality to adopt or enforce an ordinance governing possession or carrying of firearms, ammunition or components or a combination thereof in any building owned or used by a locality for governmental purposes. *(Patron: Price)*

HB 402 Law-enforcement agencies, local; body-worn camera systems.

Amends § 9.1-102 of the Code of Virginia and adds in Article 1 of Chapter 17 of Title 15.2 section 15.2-1723.1 to require the Department of Criminal Justice Services (DCJS) to establish a model policy for the operation of body-worn camera systems. The bill also prohibits any law-enforcement agency from purchasing or deploying a body-worn camera system unless it has adopted and established a written policy for the operation of such a system, using the model policy developed by DCJS as guidance. *(Patron: Levine)*

HB 506 Improper driving; use of handheld communication device while driving vehicle.

Amends § 46.2-869 of the Code of Virginia to provide that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another, or (ii) while using a handheld personal communications device substantially diverting the driver's attention from the operation of the vehicle is guilty of improper driving. Improper driving is punishable, as a traffic infraction, by a fine of not more than \$500. *(Patron: Mullin)*

HB 510 Handheld personal communications device; prohibition on use while driving.

Amends the Code of Virginia by adding sections 18.2-36.3 and 18.2-51.8 to provide that a person who, as a result of driving while using a handheld personal communications device in certain vehicles, unintentionally causes the death of another person is guilty of involuntary manslaughter. In addition, if the defendant's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life, the individual is guilty of aggravated involuntary manslaughter, which is a felony punishable by

up to 20 years' imprisonment with a mandatory minimum of one year of incarceration. The bill creates a Class 6 felony if such driving results in the unintentional serious bodily injury of another resulting in permanent and significant physical impairment. *(Patron: Mullin)*

HB 649/HB 1009 Firearms, certain; prohibited public carrying, penalty.

Amends § 18.2-287.4 of the Code of Virginia to prohibit the carrying of a (i) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles and equipped with more than 20 rounds of ammunition or designed to accommodate a silencer or equipped with a folding stock, or (ii) rifle in places open to the public in certain cities and counties. The bill adds the City of Roanoke to the list of cities where carrying such firearms is prohibited. *(Patrons: Simon and Toscano)*

HB 814 Firearms; control by localities, lawful demonstrations and protests.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof within 1,000 feet of a demonstration, march, parade, protest, rally, or other similar event. The ordinance does not apply to any law-enforcement officer, any armed security officer, a member of the Armed Forces of the United States, a member of the Armed Forces Reserves, or a member of the National Guard performing his lawful duties. *(Patron: Levine)*

HB 997 Pretrial Services Act; repeals Act.

Amends §§ 2.2-3706, 9.1-178, 9.1-180, 9.1-183, 9.1-185.4, 9.1-186.4, 16.1-300, 16.1-305, 18.2-55, 18.2-64.2, 18.2-67.4, 18.2-251.02, 18.2-254.1, 19.2-80.2, 19.2-123, 19.2-389.1, 19.2-390.01, and 30-19.1:4 of the Code of Virginia and repeals § 19.2-152.2 to repeal the Pretrial Services Act established in 1995, which authorizes localities to establish pretrial services programs. *(Patron: Gilbert)*

[HB 1019/SB 360](#) Firearms, etc.; permitted events.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance prohibiting the possession of firearms, ammunition, or components or combination thereof in a public space during a permitted event. *(Patrons: Toscano and McClellan)*

[HB 1052](#) Firearms; control by localities, lawful demonstrations and protests.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof during a demonstration, march, parade, protest, rally, or other similar event. The ordinance does not apply to any law-enforcement officer, any armed security officer, a member of the Armed Forces of the United States, a member of the Armed Forces Reserves, or a member of the National Guard performing his lawful duties. *(Patron: Watts)*

[HB 1289](#) Passing stopped school buses; local ordinances.

Amends § 46.2-844 of the Code of Virginia to provide that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles, or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system. *(Patron: Guzman)*

[HJ 97](#) Pretrial services agencies; JLARC to study.

Directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of pretrial services agencies in the Commonwealth. *(Patron: Gilbert)*

[SB 155](#) Firearms; chambers of local governing bodies.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of a local governing body. The bill provides that notice of the prohibition be publicly posted, and that the meeting room be operated by the locality. *(Patron: Edwards)*

[SB 173/SB 778](#) Consumer fireworks; regulation of the sale and use, criminal and civil penalties.

Amends §§ 27-95, 27-96.1, 27-97, and 27-97.2 of the Code of Virginia and adds in Title 27 chapter 10, consisting of sections 27-102 through 27-106, and adds in Chapter 17 of Title 58.1 article 11, consisting of sections 58.1-1743, 58.1-1744, and 58.1-1745 to make changes to the sale and use of consumer fireworks. The two bills had different approaches to the same issue. *(Patrons: Stanley and Suetterlein)*

[SB 342](#) Jails, local; compensation for costs of incarceration.

Amends § 53.1-20.1 of the Code of Virginia to provide that a jail be compensated for the housing of a convicted felon based on the actual costs of incarceration. The bill also requires that a felon not be moved to a jail until an agreement to pay actual costs has been reached between the Department of Corrections and the locality or regional authority. *(Patron: Peake)*

[SB 495](#) Deputy Sheriff Supplemental Salary Fund; created, revenue source.

Amends § 16.1-69.48 of the Code of Virginia and adds section 15.2-1609.7:1 to establish the Deputy Sheriff Supplemental Salary Fund to supplement the salaries of deputy sheriffs in qualified localities. Eighty percent of fines generated by a local sheriff or deputy sheriff shall be paid to the locality where the ordinance violation occurred, and twenty percent of such fines shall be paid into the Fund. *(Patron: Carrico)*

SB 554 Statewide Fire Prevention Code; installation or use of landscaping cover materials.

The bill provides that notwithstanding any provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Harrisonburg shall not include in any local fire prevention regulations that an owner of real property who has an occupancy permit issued by the City (i) use certain landscape cover materials, (ii) not use certain landscape cover materials, (iii) retrofit existing landscape cover materials, or (iv) in any way be prohibited from continuing to use, supplement, or refurbish the existing landscape cover materials at such property. *(Patron: Obenshain)*

SB 668 Firearms; localities regulation in government buildings.

Amends § 15.2-915 of the Code of Virginia to allow for localities to regulate the possession of firearms, ammunition, or components or combination thereof into any building owned or used by a locality for governmental purposes. The bill also includes park and recreation areas owned or used by a locality, and specifies for events held in those areas, that each public entrance be secured. *(Patron: Deeds)*

SB 678 Speed monitoring systems; locality may, by ordinance, establish.

Amends §§ 2.2-1112, 46.2-208, and 46.2-882 of the Code of Virginia and adds section 46.2-882.1 to provide that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that records images of vehicles traveling at least 10 miles per hour over the maximum speed limit. The bill provides that a locality may install and operate such system in residence districts, school crossing zones, and highway work zones. *(Patron: Deeds)*

SB 886 Law-enforcement officers; psychological examination.

Amends § 15.2-1705 of the Code of Virginia to require upon a conditional offer of employment, all prospective law-enforcement officers undergo a psychological examination conducted by (i) a licensed physician and surgeon, or (ii) a licensed psychologist. The bill sets out the necessary educational and professional qualifications for such examiners. *(Patron: Carrico)*

Health and Human Resources

PASSED LEGISLATION

Behavioral and Mental Health

[HB 1355](#) Minors; alternative facility of temporary detention.

Amends §§ 16.1-340.1 and 16.1-340.2 of the Code of Virginia to establish the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for adults. *(Patron: Hope)*

[HB 1412](#)/[SB 670](#) Mental health awareness training; firefighters and emergency medical services personnel.

Adds §§ 9.1-203.1 and 32.1-111.5:1 to the Code of Virginia to require fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. *(Patrons: Helsel and Deeds)*

[SB 555](#) Barrier crimes; adult substance abuse and mental health treatment providers.

Amends §§ 37.2-416 and 37.2-506 of the Code of Virginia to provide that a community services board or a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of burglary. *(Patron: Mason)*

[SB 673](#) Emergency custody; extension of period of detention.

Amends §§ 16.1-340 and 37.2-808 of the Code of Virginia to repeal the June 30, 2018, sunset on provisions authorizing a community services board to continue to attempt to identify a facility other than a state hospital that is able and willing to provide temporary detention and appropriate care to an individual who is subject to an emergency custody order for up to four hours after the period of emergency custody has run. *(Patron: Deeds)*

General Health

[HB 778](#) Air medical transportation; informed decision.

Amends § 32.1-127 of the Code of Virginia to require each hospital to establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition, the hospital must provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered by the patient's health insurance plan. The provisions of such requirement become effective on March 1, 2019. The bill directs the Office of Emergency Medical Services to develop a mechanism no later than January 1, 2019, to disclose to a patient, prior to services provided by an out-of-network air transport provider, a good faith estimate of the range of typical charges for out-of-network air transport services provided in that geographic area. *(Patron: Ransone)*

[SB 959](#) Disposition of unclaimed dead body; final orders of transportation and disposition.

Amends § 32.1-309.2 of the Code of Virginia to

provide that in cases in which a county or city attorney or the attorney for the Commonwealth requests an order for transportation and disposition of an unclaimed dead body, the attorney shall do so forthwith and without delay and shall request that the order be entered by the court within one business day. The bill also provides that the request shall include instructions for the transportation and disposition of the unclaimed dead body and that the final order may direct the clerk to provide a copy of the final order to the attorney who has submitted the request. *(Patron: McDougle)*

Juvenile Justice

HB 35/SB 52 Juveniles; places of confinement.

Amends § 16.1-249 of the Code of Virginia to provide that when juveniles determined by the court to be a threat to the security or safety of other juveniles within a secure facility are transferred to or confined in another facility for the detention of adults, such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles. The bill removes an existing provision that such juveniles need not be separated and removed from the adult detainees when confined with adults. *(Patrons: Hayes and Spruill)*

HB 274 Informal truancy plans; students proceeded against or adjudicated on more than 2 occasions.

Amends § 16.1-260 of the Code of Virginia to allow an intake officer to defer the filing of a complaint by 90 days and proceed informally provided that the juvenile (i) has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for truancy, and (ii) the previous informal action or adjudication occurred at least three calendar years prior to the current complaint. *(Patron: Ward)*

HB 528 Department of Juvenile Justice; placement of certain individuals in independent living arrangement.

Amends and reenacts §§ 16.1-228 and

63.2-100 of the Code of Virginia to permit the Department of Juvenile Justice (DJJ) to place in an independent living arrangement an individual who is between the ages of 16 and 21 and who was committed to DJJ immediately prior to such placement. The bill also permits the Department of Social Services to provide independent living services to such individuals who are placed in an independent living arrangement and to individuals who are between 18 and 21 years of age who, immediately prior to their commitment to DJJ, had been in the custody of a local board of social services. *(Patron: James)*

Social Services

HB 150/SB 184 Child abuse and neglect; founded reports regarding former school employees.

Amends § 63.2-1505 of the Code of Virginia to require local departments of social services to notify the appropriate school board, without delay, if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded. *(Patrons: Bulova and Favola)*

HB 227 Adoption by stepparent; background check.

Amends §§ 19.2-392.02 and 63.2-1242 of the Code of Virginia to require a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. The provisions of the bill expire on July 1, 2020. *(Patron: Stolle)*

HB 241 Adoption; lowers amount of time child must reside with close relative.

Amends §§ 63.2-1242.2 and 63.2-1242.3

of the Code of Virginia to lower from three years to two years the amount of time a child must have continuously resided with or been under the physical custody of the prospective close relative adoptive parent in order for the adoption proceeding to commence in circuit court and be exempt from the parental placement provisions. *(Patron: Brewer)*

HB 291 Commissioner of Social Services; storage and preservation of adoption files. Amends §§ 63.2-1246 and 63.2-1247 of the Code of Virginia and adds § 63.2-1246.1 to provide the Commissioner of Social Services with certain powers and duties related to the custody, storage, preservation, and duplication of adoption files. The bill contains an emergency clause. *(Patron: Collins)*

HB 389/SB 183 Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction. Amends § 63.2-1503 of the Code of Virginia to require local departments of social services notify the Superintendent of Public Instruction, without delay, when an individual licensed by the Board of Education is subject to a founded complaint of child abuse or neglect and if such complaint is dismissed on appeal. *(Patrons: Keam and Favola)*

HB 511 Child abuse or neglect; sex offenders, investigations, reports to law enforcement. Amends §§ 63.2-1503 and 63.2-1506 of the Code of Virginia to add the complaint that a child has been left alone with a person who is not related to that child by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints upon receipt of which local departments of social services are required to notify the local attorney for the Commonwealth. The bill also adds such a complaint to the list of complaints that a local department that has been designated as a child-protective services differential response agency by the Department of Social Services must investigate. The bill requires local departments

of social services to provide the local attorney for the Commonwealth with records and information that would help determine whether a violation of post-release conditions, probation, parole, or court order has occurred due to the nonrelative sexual offender's contact with the child. *(Patron: Bell, R.B) (Amended by Governor)*

HB 614 Practice of social work. Amends §§ 54.1-3700 and 54.1-3705 of the Code of Virginia to provide that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work. *(Patron: Price)*

HB 836 Child day programs at public or private school facilities; exemptions. Amends § 63.2-1734 of the Code of Virginia to prohibit the Board of Social Services from adopting regulations governing child day programs located at public school facilities that require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school. *(Patron: Bagby)*

HB 850/SB 543 Adult protective services; emergency order, temporary conservator. Amends § 63.2-1609 of the Code of Virginia to require courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services

provided to the adult. *(Patrons: Peace and Mason)*

HB 986 Foster care and adoption; disclosure of information prior to placement.

Amends §§ 63.2-900 and 63.2-1208 of the Code of Virginia to require local boards of social services, prior to placement of a child in any foster home or children's residential facility, to provide to the foster home or residential facility all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse. The bill also requires that the background information provided to prospective adoptive parents by a child placing agency or local department of social services include whether the child has been the subject of an investigation as the perpetrator of sexual abuse. *(Patron: Gilbert)*

HB 1017/SB 682 Child day programs; exemptions from licensure.

Amends § 63.2-1715 of the Code of Virginia to exempt child day programs run by a local school division from licensure. Children attending the programs must be at least four years old and enrolled in public school or a preschool program within the division. Programs must comply with safety and supervisory standards set by the local school board. *(Patrons: Toscano and Deeds)*

HB 1026 Adult protective services; appealability of findings made by local department of social services.

Amends § 63.2-1605 of the Code of Virginia to provide that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act. *(Patron: Adams, L.R.)*

HB 1333/SB 636 Kinship Guardianship Assistance program.

Amends §§ 63.2-100 and 63.2-905 of the Code of Virginia and adds § 63.2-1305 to create 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. The bill also requires the Board of Social Services to promulgate regulations for the program. *(Patrons: Brewer and Dunnavant)*

SB 539 Child day programs; exemptions from licensure, removes certain programs from list.

Amends §§ 19.2-392.02, 63.2-1715, and 63.2-1716 of the Code of Virginia to remove certain programs from the list of child day programs exempt from licensure and clarify that such programs are not considered child day programs and therefore are not subject to licensure. The bill modifies the terms for exemption from licensure and requires that certain license-exempt programs, including local parks and recreation programs: (i) file with the Commissioner of Social Services, prior to operation and annually thereafter, a statement of intention to operate and certification of disclosure to parents that the program is exempt from licensure; (ii) report to the Commissioner all incidents of serious injury or death; and (iii) post notice on the premises that the program is exempt from licensure. Certain license-exempt programs must meet these requirements, and in addition, must have a person trained and certified in first aid and cardiopulmonary resuscitation present; maintain daily attendance records; have an emergency preparedness plan; comply with all applicable laws and regulations governing transportation of children; and comply with certain infant safe sleep practices. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs

the Commissioner of Social Services to track data on child injuries and deaths at license-exempt programs and provides that all child day programs that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant must comply with all applicable requirements imposed by federal law or regulation. The bill has a delayed effective date of July 1, 2019. *(Patron: Hanger)*

Substance Abuse

HB 313/SB 728 Prescription Monitoring Program; prescriber and dispenser patterns.

Amends § 54.1-2523.1 of the Code of Virginia to require the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns, in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. *(Patrons: Head and Dunnivant)*

HB 322 Naloxone or other opioid antagonist; possession & administration.

Amends § 54.1-3408 of the Code of Virginia to add Department of Corrections employees designated as probation and parole officers or as correctional officers to the list of individuals who may possess and administer naloxone after training. *(Patron: Bourne)*

HB 501 Home hospice programs; disposal of drugs.

Amends §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia to require every hospice to develop policies and procedures for the

disposal of drugs dispensed as part of the hospice plan of care for a patient. *(Patron: Hodges)*

HB 842 Possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone.

Amends §§ 54.1-3466 and 54.1-3467 of the Code of Virginia to provide that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone and that has obtained a controlled substances registration from the Board of Pharmacy may distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone, and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. The bill also allows the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone. The bill contains an emergency clause. *(Patron: LaRock)*

HB 1157/SB 389 Substance-exposed infants; plan for services; report.

Adds § 32.1-73.12 to the Code of Virginia to provide that the Department of Health shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. The bill requires the Department to report annually to the General Assembly on implementation of the plan. *(Patrons: Pillion and Chafin)*

HB 1556/SB 832 Prescription Monitoring Program; covered substances.

Amends §§ 54.1-2519 and 54.1-2520 of the Code of Virginia to add naloxone and controlled substances included in Schedule V for which a prescription is required to the list of covered

substances the dispensing of which must be reported to the Prescription Monitoring Program. *(Patrons: Pillion and Carrico)*

SB 226 Prescription Monitoring Program; veterinarians.

Amends §§ 54.1-2519, 54.1-2521, and 54.1-2522 of the Code of Virginia to require veterinarians who dispense controlled substances to report certain information about the animal and the owner of the animal to the Prescription Monitoring Program. *(Patron: Stanley)*

SB 399 Drug overdose fatality review teams, local or regional; localities to establish.

Amends §§ 2.2-3705.5 and 2.2-3711 of the Code of Virginia and adds § 32.1-283.7 to authorize a county, city, or combination thereof to establish a local or regional overdose fatality review team to: (i) conduct reviews of local overdose deaths, (ii) promote coordination between agencies involved in investigation, (iii) develop an understanding of causes and incidence of overdose deaths in the locality, (iv) develop plans for prevention of overdose deaths, and (v) advise the Department of Health and other state agencies on changes related to prevention. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death is suspected to be due to overdose; review of a death must be delayed until the completion of any criminal investigation associated with the death, unless the Commonwealth consents to the commencement of such review prior to completion of the criminal investigation. Violating confidentiality of the review process is a Class 3 misdemeanor. *(Patron: Lewis)*

FAILED LEGISLATION

HB 324 Closure of the Southwestern Virginia Training Center prohibited.

An uncodified act that provides that the Southwestern Virginia Training Center shall not be closed and shall instead remain open

and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. *(Patron: Campbell)*

HB 325 Closure of the Southwestern Virginia Training Center and the Central Virginia Training Center prohibited.

An uncodified act that provides that the Southwestern Virginia Training Center and the Central Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. *(Patron: Campbell)*

HB 777 Emergency air medical transportation; informed decision.

Adds § 32.1-111.4:9 to the Code of Virginia to require emergency medical services personnel, prior to initiating emergency air medical transportation of a patient, to obtain written consent from the patient. The bill provides that emergency medical services personnel shall be exempt from such requirements if compliance might jeopardize the health or safety of the patient or the patient is unable to provide consent. The bill also requires the Office of Emergency Medical Services to develop a process by which emergency medical services personnel shall obtain consent from the patient and to develop a statewide emergency medical services air transportation dispatch protocol by December 1, 2018. *(Patron: Ransone)*

HB 806 Closure of the Southwestern Virginia Training Center and the Southeastern Virginia Training Center prohibited.

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

[HB 1346/SB 205](#) Children’s Services Act; special education programs, expands eligibility for services.

Amends §§ 2.2-5211 and 2.2-5212 of the Code of Virginia to expand eligibility for services under the Children’s Services Act to students transferring from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 when (i) the public school special education program is able to provide services comparable to those of an approved private program, and (ii) the student would require placement in an approved private program but for the availability of the public school special education program. *(Patrons: Thomas and Stuart)*

[HB 1421/SB 835](#) Closure of the Central Virginia Training Center prohibited.

An uncodified act that provides that the Central Virginia Training Center shall remain open. *(Patrons: Garrett and Peake)*

[HB 1487/SB 878](#) Correctional facilities, local and regional; standards for mental health services.

Amends §§ 37.2-500 and 53.1-68 of the Code of Virginia to require the Board of Corrections to adopt standards for mental health services in local and regional correctional facilities. The standards must include the following requirements: (i) the sheriff of every county and city in which a local correctional facility is located must enter into an agreement with the community services board serving that locality for the delivery of mental health and substance abuse services in the local correctional facility, and (ii) the administrator of every regional correctional facility must enter into an agreement with the community services board or boards serving the localities participating in the regional correctional facility for the delivery of mental health and substance abuse services in the regional correctional facility. The bill also requires community services boards to provide mental health and substance

abuse services to individuals in local and regional correctional facilities. Lastly, the bill establishes a procedure for the delivery of services to individuals released from local and regional correctional facilities by the community services board serving the local or regional correctional facility or serving the locality where the individual will reside upon release. *(Patrons: Stolle and Dunnivant)*

[HB 1494](#) Suspected adult abuse, neglect, or exploitation; mandated reporting; vulnerable adults.

Amends § 63.2-1606 of the Code of Virginia to provide that for the purpose of mandated reporting of suspected adult abuse, neglect, or exploitation, “adult” means any person age 18 or older, regardless of capacity, and requires reporting of suspected abuse, neglect, or exploitation of any vulnerable adult. Currently, reporting is required in cases of suspected abuse, neglect, or exploitation of an adult who is (i) 60 years of age or older or (ii) 18 years of age or older and incapacitated. The bill also directs the Department of Social Services to develop a definition of “vulnerable adult” and to report its recommendation regarding such definition to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 1, 2018. Except for the reporting requirement, the bill has a delayed effective date of July 1, 2019. *(Patron: Orrock)*

[HJ 29](#) Children’s Services Act; JLARC to study administration.

Directs the Joint Legislative Audit and Review Commission to study the administration, structure, funding, and services of the Children’s Services Act. *(Patron: Bell, R.P.)*

Transportation

PASSED LEGISLATION

Highways and Highway Safety

HB 125 Forest products, hauling; expands definition to include rough-sawn green lumber.

Amends § 46.2-1148.1 of the Code of Virginia to add rough-sawn green lumber to items defined as forest products for the purpose of issuing an overweight permit for hauling such products. (*Patron: Austin*)

HB 1523/SB 925 Signs or advertisements; location at certain truck stops.

Amends § 33.2-1217 of the Code of Virginia to remove the requirement that signs visible from a highway advertising activity on the real property of its location be no more than 250 feet from the center of the advertised activity. (*Patrons: Ingram and Ruff*)

Transportation Funding

HB 768/SB 896 Motor vehicle fuels; sales tax in certain regions of the Commonwealth.

Amends §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia to establish a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The bill requires that the average distributor price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013, plus distributor charges. (*Patrons: Jones and Wagner*)

HB 1539/SB 856 Mass transit; makes numerous changes to administration of and revenues for transit.

Amends §§ 33.2-2400, 33.2-2401, 33.2-2509, 58.1-638, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective and as

it may become effective, 58.1-1741, as it is currently effective, 58.1-2289, as it is currently effective, 58.1-2299.20, as it is currently effective, and 58.1-3221.3 of the Code of Virginia; amends § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011; adds section 33.2-214.3, adds in Article 5 of Chapter 2 of Title 33.2 section 33.2-286, adds section 33.2-1526.1, adds in Article 11 of Chapter 19 of Title 33.2 section 33.2-1936, adds in Title 33.2 chapter 31.01, consisting of section 33.2-3100.1, adds in Title 33.2 chapter 34, consisting of sections 33.2-3400 through 33.2-3404, adds in Title 33.2 chapter 35, consisting of sections 33.2-3500, 33.2-3501, and 33.2-3502, adds section 58.1-802.3, and adds in Chapter 17 of Title 58.1 article 11, consisting of sections 58.1-1743 and 58.1-1744; amends the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, to add sections 3.1 and 3.2; and to repeal § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia relating to mass transit in the Commonwealth. The bill makes numerous changes to the administration of and revenues for mass transit, as it relates to funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill provides that \$20 million shall be transferred from the Northern Virginia Transportation District Fund to the WMATA Capital Fund established in the bill. Beginning July 1, 2019, the Commonwealth Transportation Board (CTB) shall withhold 20 percent of available funds each year unless: (i) WMATA has adopted a detailed capital improvement program cover the current fiscal year and at least the next five years with a public hearing held in a locality embraced by the Northern Virginia Transportation Commission; and, (ii) WMATA has adopted or updated a strategic plan within the preceding three years with one public hearing held in such locality. The Department of Rail and Public Transportation shall develop a prioritization

process for CTB to consider and for the development of the Six-Year Improvement Program no later than July 1, 2019. For Fiscal Year 2019, funds will be distributed as follows: (i) the first \$54 million distributed to each transit property proportionally to statewide operating expenses; and, (ii) the remaining amount shall be allocated for transit provider operating costs and distributed on the basis of service delivery quality. Also, the bill authorizes the issuance of \$50 million in bonds for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA. *(Patrons: Hugo and Saslaw)*
(Governor's Amendments rejected. Pending final action by Governor)

SB 971 Interstate 81 Corridor Improvement Plan.

Directs the Commonwealth Transportation Board to develop and adopt an Interstate 81 Corridor Improvement plan and evaluate financing options for Interstate 81 corridor improvements. *(Patron – Obenshain)*

Road Improvements

SB 129 Subdivision ordinance; pro rata share of certain road improvements.

Amends § 15.2-2242 of the Code of Virginia to add the Cities of Chesapeake and Portsmouth to those localities that may require payment by a subdivider or developer of land of a pro rata share of the cost of reasonable and necessary road improvements to reimburse an initial subdivider or developer who has advanced such costs or constructed such improvements. *(Patron: Cosgrove)*

Transportation Network Companies, Towing and Taxis

HB 800/SB 492 Towing; increases maximum hookup and initial towing fee of any passenger car.

Amends § 46.2-1233.1 of the Code of Virginia to increase the maximum hookup and initial

towing fee of any passenger car to \$150. *(Patrons: Yancey and Carrico)*

Transportation Governance

HB 765 Transportation processes in the Commonwealth; responsibilities of transportation entities, funding.

Amends §§ 2.2-229, 15.2-2223, 33.2-201, 33.2-214, 33.2-223, 33.2-232, and 33.2-357 of the Code of Virginia to expand the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation. The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board, and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Highway Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill changes the timing of reports to biennially, expands the requirements of the report provided by the Commissioner of Highways, and requires the Office to submit a biennial report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality to \$5 million and provides that no more than \$2.5 million be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing to not in excess of \$100 million or seven percent of funds available for distribution by the Board, whichever is greater. *(Patron: Jones, S.C.) (Amended by Governor)*

SB 622 Local transportation plan; secondary system road construction program allocation.

Amends § 15.2-2223 of the Code of Virginia to provide that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation

from (i) the Northern Virginia Transportation Authority distribution, (ii) the commercial and industrial real property tax revenue, and (iii) the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation. *(Patron: Surovell)*

FAILED LEGISLATION

HB 1455 Commonwealth Transportation Board; implementing changes to SMART SCALE.

Directs the Commonwealth Transportation Board to change both the access to jobs and the access to jobs for disadvantaged populations accessibility factors for commuting thresholds adopted for the implementation of SMART SCALE from 45 minutes for automobile trips or 60 minutes for transit trips to 60 miles for all trips. *(Patron: Thomas)*

SB 185 Highways; localities may rename.

Amends §§ 15.2-2019 and 33.2-213 of the Code of Virginia to allow the local governing body of any county, city, or town to change the name of any highway named before 1965 within such locality. *(Patron: Favola)*

SB 583 Western Virginia Transportation Fund; revenues. Creates the Western Virginia Transportation Fund (Fund), to be used by the West Virginian Transportation Commission, also created by the bill, to fund transportation projects in Planning Districts 1, 2, 3, 4, 5, 6, and 7. The bill imposes an additional 2.1 percent regional tax on motor vehicle fuels in the counties and cities in such planning districts to generate revenue for the Fund. *(Patron: Hanger)*

SB 857 Public Rights-of-Way Use; fees used for high-speed Internet access in underserved areas.

Amends § 56-468.1 of the Code of Virginia to expand high-speed Internet services to unserved areas by allocating a portion of Public Rights-of-Way Use fees collected by

the Department of Transportation and certain localities. If less than 70 percent of homes in a county, city, or town have broadband access then that locality with an ordinance adopting the fee shall use at least 50 percent of the fees it receives for the expansion of broadband in those areas. The Department shall also allocate 50 percent of the fee it receives to counties with the same 70 percent threshold. *(Patron: Chafin)*

Studies Authorized

HB 1276/SB 504 VDOT; review of enrollment in federal pilot program or project.

Authorizes the Department of Transportation to convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. *(Patrons: Garrett and Carrico)*

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