

**Agenda and Documents
Legislative Committee
February 2, 2018**

Legislation Requiring Further Review, Staff “Watch List” and Legislation Provided for Information

V. Legislation Requiring Further Review

Administration of Government

HB 135 (Bell, John J.) (HCT) provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the county, city, or town manager or chief law-enforcement officer located in a locality that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. (18102438D)

HB 1543 (Murphy) (HLC) provides that the two-year statute of limitations for filing workers' compensation claims is tolled during the period the employer pays compensation or wages or furnishes medical service to the employee. (18104810D)

Courts

HB 378 (Habeeb) (House Floor) makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts. This bill is a recommendation of the Committee on District Courts and the Judicial Council. (18101385D-E)

HB 780 (Habeeb) (HCT) provides that a clerk of court shall make non-confidential court records available to the public upon request. The bill specifies that such records shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of non-confidential information for criminal cases by July 1, 2019. (18104557D)

SB 564 (Obenshain) (SCT) provides that a clerk of court shall make non-confidential court records available to the public upon request. The bill specifies that such records shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case

information system of non-confidential information for criminal cases by July 1, 2019. (18104550D)

HB 1306 (Habeeb) (HCT)/**SB 980** (Obenshain) (SFIN) provides that, except as otherwise provided by law, beginning July 1, 2019, no petition, pleading, motion, order, or decree filed in a civil case in a circuit court, including any agreement of the parties or transcripts, shall contain the social security number of any party, or of any minor child of any party, or any identifying financial information of any party. The bill further provides that, where such information is required by law, such information shall be contained in a separate addendum file by the attorney or party in such civil case. The bill further requires each circuit clerk to establish and operate a system for electronic filing. Current law provides that any such clerk may establish and operate such a system. The bill provides that, in any civil case filed on or after July 1, 2019, clerks of the circuit courts shall maintain all nonconfidential documents in electronic form and make such documents available through secure remote access and searchable by name and case number across all circuit courts that use the Office of the Executive Secretary's electronic imaging system. The bill directs the Executive Secretary of the Supreme Court to administer a paid subscription service that provides access to all electronic records maintained by the clerks who use such electronic imaging system for civil cases filed on or after July 1, 2019. The bill specifies that such subscription shall be on an annual basis, with an annual fee to be established by the Judicial Council of Virginia. The bill provides that any sums collected pursuant to such subscription shall be deposited into the state treasury to the credit of the Courts Technology Fund. The bill directs the Virginia Information Technologies Agency to update its document entitled "Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites" consistent with the provisions of the bill by July 1, 2019. The requirement that the Virginia Information Technologies Agency update such document becomes effective in due course; the remaining provisions of the bill become effective on July 1, 2019. (18103924D, 18105604D)

Restitution

HB 483 (Bell, Robert B.) (HCT) adds to the duties of the Workers' Compensation Commission in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the obligation to identify and locate victims for whom restitution owed to such victims has been deposited into the Fund. The bill provides that clerks shall deposit into the Fund on an annual basis restitution collected for victims who can no longer be identified or located. The bill requires that clerks record the receipt of restitution payments in the Virginia Supreme Court's automated information system and that the restitution form used by the court include the victim's contact information, including address, telephone number, and email address. (18102533D)

HB 485 (Bell, Robert B.) (HCT) requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that if any restitution remains unsatisfied on the date upon which restitution was to be paid in full, a court must schedule a hearing within 90 days of such date if no probation agency was ordered to monitor the defendant's payments. (18102535D)

Education

HB 1380 (Robinson) (HED) reduces from 35 to 29 the maximum class size in grades four through six. (18104703D)

Elections

HB 1345 (Guzman) (HPE) requires an application for a mailed absentee ballot to be made by 5:00 p.m. on the twelfth day prior to the election in which the applicant is offering to vote. Currently, such applications must be made by the seventh day prior to the election. (18104533D)

SB 150 (Edwards) (SPE) changes one of the criteria for determining when an electoral board is required to ascertain the total votes for each write-in candidate for an office from when less than five percent of the total number of votes cast for that office are write-in votes to when less than 20 percent of the total number of votes cast for that office are write-in votes. (18102921D)

Redistricting & Split Precincts

HB 382 (Rasoul) (HPE) provides that no precinct shall be split between congressional or state legislative districts where a county or city is divided between two or more such districts. Counties and cities are required immediately after decennial redistricting to establish precinct boundaries that meet this requirement. The local governing body is authorized to apply to the State Board of Elections for a waiver if the governing body concludes that it cannot meet the requirement in one or more instances. The State Board is authorized to grant the waiver if it concludes that the local governing body has presented clear and convincing evidence of its inability to meet the requirement. Alternatively, the State Board is authorized to direct the local governing body to establish precincts with fewer than the minimum number of required registered voters. (18104414D)

HB 1216 (Sickles) (HPE) requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to direct any corrections to be made if necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. (18101744D)

SB 983 (Obenshain) (Senate Floor) requires counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly and requires that precincts be contained wholly within congressional or state legislative districts when a county, city, or town is divided between two or more such districts. The bill provides that a locality that is unable to comply with this requirement may apply to the State Board of Elections for a waiver to administer a split precinct. The State Board shall have the authority to grant the request or direct the locality to create a precinct with fewer than the required number of registered

voters. The measure also prohibits 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. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18106429D-S1)

Voter Registration

HB 272 (Boysko) (HPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. (18101407D)

HB 356 (Reid) (HPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within 10 days of the denial. Such notice is required to be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. The bill contains technical amendments. (18100159D)

Environment

HB 1094 (Hodges) (HAG) directs 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 for the purpose of mitigating the effects of flooding. (18102373D)

HB 1608 (Poindexter) (HAG) authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department 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 Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. (18106158D)

Freedom of Information Act

SB 630 (Surovell) (SGL) provides 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 officer, employee, or member of a public body intentionally altered or destroyed the requested public records prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court shall impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall 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 at the time of such certification such certification was not in accordance with the requirements of FOIA, the court shall impose on each such member voting to certify in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500, which amount shall be paid into the Literary Fund. (18104295D)

HB 1603 (Roem) (HGL) charges for the production of public records. (18105618D)

Health and Human Services

HB 511 (Bell, Robert B.) (HHWI) adds the complaint that a child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints of suspected child abuse or neglect upon receipt of which a local department of social services is required to notify the local attorney for the Commonwealth and the local law-enforcement agency. 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. (18100374D)

HB 696 (Poindexter) (HHWI) establishes a work requirement and an employment and training program for individuals receiving or applying to receive benefits through the food stamp program. (18103399D)

HB 935 (Hope) (HCT) eliminates the requirement that a person agree to abide by the plan for mandatory outpatient treatment before mandatory outpatient treatment may be ordered. (18102532D)

HB 979 (Rodman) (HHWI) directs the State Board of Health to adopt regulations establishing the action level for lead in drinking water as no more than 10 parts per billion beginning January 1, 2019, and no more than five parts per billion beginning January 1, 2023. The bill authorizes the Board to establish lower action levels for lead in drinking water. (18101617D)

HB 1234 (Hugo) (HHWI) replaces the defined term "human consumption" with the defined term "domestic use" in the context of water supplies and waterworks. (18103254D)

HB 1604 (Bell, Robert B.) (HED) requires health instruction to incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. The bill also directs the Board of Education to review and update the health Standards of Learning for students in grades nine and 10 to include mental health. (18105767D)

SJ 74 (Ebbin) (SRUL) encourages the Secretary of Health and Human Resources, the Secretary of Education, and their associated state agencies to analyze the feasibility of developing and implementing a consolidated application for state and federal services administered by the Commonwealth and to explore opportunities to share data among state agencies regarding applicants for and recipients of such services. (18104371D)

Land Use

HB 1202 (Hugo) (HLC) establishes a pilot program consisting of the approval of the underground construction of two electrical transmission lines. As a part of the pilot program, the State Corporation Commission (SCC) is directed to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of Dominion Energy for the Haymarket transmission line project in Prince William County. The measure establishes criteria to be used by the SCC in approving the second project. The approval of a transmission line satisfies local zoning requirements. The SCC is directed to approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project that are not otherwise recoverable under existing provisions. The measure directs the SCC to submit annual reports on the pilot program. (18104402D)

Medicaid

HB 1107 (Yancey) (HRUL) creates the Medicaid Legacy Fund (the Fund), to consist of all federal and state Medicaid funds, including any funds made available as enhanced match under 42 U.S.C. § 1396d(y). Moneys in the Fund shall be used for paying the cost of medical assistance services. Moneys remaining in the Fund at the end of the fiscal year shall be deposited in the Medicaid Legacy Investment Fund and invested, and proceeds shall be disbursed to and deposited in the Fund at the beginning of the next fiscal year to be used to pay a portion of the cost of medical assistance services. The amount of revenue appropriated by the General Assembly in any year in which funds are disbursed from the Medicaid Legacy Investment Fund to the Fund shall be reduced by the amount transferred from the Medicaid Legacy Investment Fund to the Fund. The bill directs the Board of the Virginia Retirement System to manage the Medicaid Legacy Investment Fund. The bill also provides that upon adoption of any measure expanding eligibility for medical assistance services to include individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), the Secretary of Health and Human Resources shall apply for a waiver to allow the Commonwealth to receive federal funds for medical assistance services as an annual payment at the beginning of each fiscal year. (18102388D)

HB 1108 (Yancey) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, to allow the

Commonwealth to receive the federal medical assistance percentage for the provision of medical assistance pursuant to the state plan for medical assistance, any Medicaid waiver, or 42 U.S.C. § 1396d(y) as an annual payment at the beginning of each fiscal year upon adoption of any measure expanding eligibility for medical assistance services to individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII). (18102979D)

HJ 109 (Gooditis) (HRUL) requests the Department of Medical Assistance Services to (i) identify the current transportation needs of individuals with disabilities, mental illness, and substance abuse problems in the Commonwealth; (ii) determine the extent to which these needs are being met; (iii) identify reoccurring problems associated with such state-funded transportation services, including providers arriving late or failing to show up for a scheduled trip, a lack of consistency in drivers for regularly scheduled trips, inefficient and time-consuming routes, and a general lack of communication between providers and the individuals receiving transportation services; (iv) analyze the cost of expanding state-funded transportation services to cover individuals who have a mental illness or substance abuse problems and are not receiving assistance under the state plan for medical assistance; (v) gather and consider input from all relevant stakeholders regarding such transportation needs and strategies for improving the Commonwealth's transportation services for individuals with disabilities, mental illness, and substance abuse problems; and (vi) make recommendations regarding strategies, policies, or programs that the Commonwealth can utilize to better meet the transportation needs of individuals with disabilities, mental illness, and substance abuse problems, including establishing partnerships with ride-sharing companies. (18103698D)

SB 781 (Dunnivant) (SRUL) directs the Secretary of Health and Human Resources to apply for a waiver to allow for transformation of the Commonwealth's existing program of medical assistance services through the implementation of a person-centered model of medical assistance services that improves outcomes and reduces costs by (i) integrating medical and behavioral health care, (ii) implementing a value-based payment model, and (iii) promoting personal choice and responsibility, including cost-sharing and incentives that encourage healthy behaviors, prevention, and wellness. Such waiver may include provisions for an aggregate cap on federal funds for a specified period of time with adequate tools to manage state financing of the program. The Secretary of Health and Human Resources shall report to the Governor and the General Assembly on the status of the waiver by December 1, 2018. The bill also directs the Secretary of Health and Human Resources, together with the Secretary of Commerce and Trade, to submit a request to the U.S. Secretary of Housing and Urban Development (i) to receive all federal funds made available to the Commonwealth from the Department of Housing and Urban Development as a single annual grant and (ii) for flexibility in the administration of such funds to better align medical assistance and housing support services to better support low-income individuals receiving medical assistance. The Secretaries of Health and Human Resources and Commerce and Trade shall report to the Governor and the General Assembly on the status of such request by December 1, 2018. (18101946D)

SB 893 (Wexton) (SEH) provides that, when determining the income of a recipient of medical assistance services who is receiving long-term care in a medical institution or intermediate care facility, the Department shall disregard a personal needs allowance in an amount that is at least \$100 and that the amount of the personal needs allowance shall be adjusted annually to reflect changes in the Consumer Price Index, all urban consumers (CPI-U). (18104528D)

Medicaid Expansion

HB 348 (Sickles) (HRUL) requires the Board of Medical Assistance Services to include in the state plan for medical assistance provision for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) who are under 65 years of age and not otherwise eligible for medical assistance and whose household income does not exceed 133 percent of the federal poverty level for a family of that size. The bill provides that such provision shall expire on December 31 of any year in which the federal medical assistance percentage for such individuals falls below the percentages set forth in 42 C.F.R. § 433.10(c)(6). This bill also repeals provisions of the Code of Virginia establishing the Medicaid Innovation and Reform Commission. (18102276D)

HJ 84 (Plum) (HRUL) encourages the Governor to enter into an agreement with the U.S. Secretary of Health and Human Services to extend to all eligible residents of the Commonwealth the full range of services, benefits, and programs available under federal law and regulations through the Medicaid program. (18102342D)

SB 915 (Dunnivant) (SEH) directs the Department of Medical Assistance Services to amend the Medicaid demonstration project (Project Number 11-W-00297/3) to create the Priority Needs Access Program to (i) increase the income eligibility for adults with serious mental illness from 100 to 138 percent of the federal poverty level; (ii) include in the benefit package inpatient hospital and emergency room services; (iii) expand program eligibility to individuals with a diagnosis of mental illness, substance use disorder, or a life-threatening or complex chronic medical condition; (iv) and include the entire population of the demonstration project in the Commonwealth Coordinated Care Plus managed care program. The bill also creates an annual hospital assessment for private acute care hospitals. (18105040D)

Virginia Health Care Access Program

HB 1549 (Sickles) (HRUL) establishes the Virginia Health Care Access Program (the Program) to (i) develop and fund programs to improve access to health care services for recipients of medical assistance and other medically needy, low-income underinsured and uninsured residents of the Commonwealth; (ii) support the financial stability of rural hospitals and access to health care in rural areas of the Commonwealth; and (iii) fund programmatic and financial support for health professional education provided by public and private teaching hospitals within the Commonwealth. The bill establishes the Virginia Health Care Access Authority to oversee implementation of the Program, including imposition of an assessment on covered hospitals, as that term is defined in the bill. (18104645D)

Work Requirements

HB 338 (Miyares) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services. (18106104D-H1)

Opioids

HB 132 (Bell, John J.) (HHWI) prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a 10-day supply, as determined in accordance with the prescriber's directions for use. The bill also prohibits a pharmacist from dispensing a controlled substance containing an opioid pursuant to a prescription issued by a prescriber providing treatment to a patient in the emergency department of a corporation, facility, or institution licensed to provide health care unless the prescription complies with the requirements of the bill. (18101289D)

HB 479 (McQuinn) (HHWI) provides that a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services or a community services board or behavioral health authority may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any barrier crime, provided that the criminal behavior was substantially related to the person's substance abuse or mental illness and the person has been successfully rehabilitated and is not a risk to individuals receiving services. (18102280D)

HB 1429 (Carroll Foy) (HHWI) provides that whenever the primary reason for removing a child from his home by a local board of social services is categorized as substance abuse by his parent or guardian, including removal due to in utero drug exposure, the Department of Social Services shall, to the extent possible, collect and record information regarding the specific drugs taken by the parent or guardian. The bill requires the Department to develop a process and system to collect, collate, and report such data by July 1, 2019, and to implement such process and system by July 1, 2020. (18104207D)

Reporting of Overdoses

HB 1347 (Webert) (HHWI) requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. The bill is a recommendation of the Joint Commission on Health. (18102988D)

Public Safety/Criminal Justice

Asset Forfeiture

SB 463 (Reeves) (SCT) provides that 20 percent of all cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees,

and costs as provided in § 19.2-386.12, shall be paid into the Drug Offender Assessment and Treatment Fund. The remaining 80 percent of such property and proceeds will continue to be deposited into the special fund of the Department of Criminal Justice Services made available to federal, state, and local agencies to promote law enforcement. The bill provides that promoting law enforcement shall include activities calculated to enhance future investigations, law enforcement training, law enforcement equipment and operations, detention facilities, law enforcement facilities, drug education and drug addiction and rehabilitation programs, pro rata funding, and asset accounting and tracking and other expenses specifically approved by the Department of Criminal Justice Services that promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board. (18100103D)

SB 813 (Peake) (SCT) provides that a state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department of Criminal Justice Services (Department) or from a federal asset forfeiture proceeding shall inform the Department (i) whether such forfeited asset or equitable share was associated with a criminal charge and (ii) if such charge led to a conviction. The bill also provides that the Department shall include such information in the annual report that it provides to the Governor and the General Assembly concerning the sharing of forfeited assets. (18104283D)

Distracted Driving

HB 115 (Webert) (HCT) expands the conduct that constitutes reckless driving to include driving a vehicle without giving proper time and attention to driving. (18101082D)

HB 181 (Collins) (HCT) provides 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 where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18101409D)

HB 426 (Levine) (HCT) provides that a person who operates a motor vehicle in a careless or distracted manner and causes of serious bodily injury to a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheel chair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle is guilty of a Class 1 misdemeanor. (18103164D)

HB 446 (Carroll Foy) (HCT) provides that the penalty for driving on a suspended or revoked driver's license where the reason for the suspension or revocation was a person's failure to pay court-ordered fines and costs is punishable as a traffic infraction. Currently, the offense is a Class 1 misdemeanor. (18102546D)

HB 506 (Mullin) (HCT) provides 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 where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a

court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18103078D)

HB 510 (Mullin) (HCT) provides that a person who, as a result of driving while in violation of the prohibition on using handheld personal communications devices in certain vehicles, unintentionally causes the death of another person is guilty of involuntary manslaughter, or aggravated involuntary manslaughter if the defendant's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life. The bill establishes the penalty for aggravated involuntary manslaughter as one to 20 years' imprisonment with a mandatory minimum term of incarceration of one year. The bill creates a Class 6 felony if the driving while in violation of the prohibition on using handheld personal communications devices is so gross, wanton, and culpable as to show a reckless disregard for human life and results in the unintentional serious bodily injury of another resulting in permanent and significant physical impairment. (18104256D)

HB 1384 (Ayala) (HCT) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. The bill provides that if such device is mounted to the dashboard of the vehicle it shall not obscure the driver's view of any portion of the windshield other than specifically allowed. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle or (ii) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle and removes the exemption for an operator who is lawfully parked or stopped. (18104057D)

HB 1525 (Yancey) (HCT) prohibits any person from texting or otherwise using a handheld personal communications device while operating a motor vehicle in a highway work zone, defined in the bill, when workers are present. The bill adds an exemption to the prohibition against using a handheld personal communications device in a moving motor vehicle for an operator of a vehicle who activates, deactivates, or initiates a factory-installed feature or function on the vehicle or a device integrated into the vehicle. (18105143D)

Firearms

SB 350 (Peake) (SFIN) extends from five to 15 years the validity of a concealed handgun permit. (18100516D)

Transportation

HB 384 (Keam) (HRUL) directs the Secretary of Transportation to conduct a review of the Washington Metrorail Safety Commission Interstate Compact Board membership provisions. (18103775D)

HB 1539 (Hugo) (HRUL) creates a three-person interim advisory commission whose purpose is to make recommendations to the signatories on reforms to the National Capital Interest Arbitration Standards Act. The bill directs that a \$100 million appropriation be made from the General Fund. (18105516D)

VI. “Watch List”/May Have State Revenue/Policy Implications

Miscellaneous

HB 728 (Head) (HCT) alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks; (ii) requiring that such a newspaper have both a general circulation in, as newly defined in the bill, and news coverage of the area in which such notice is required to be published; and (iii) requiring that such newspaper publish the United States Postal Service Statement of Ownership in such newspaper at least once per calendar year and maintain a copy of such form for inspection. The bill makes additional changes to the options available for allowing a newspaper to qualify as a newspaper that may be used for publishing such legal notices and publications. (18104372D)

HB 1103 (Stolle) (HMP) provides for the waiver of permit fees charged by state agencies and associated with the reopening or restoration of small businesses that have been significantly affected by a disaster, emergency, local emergency, or a major disaster declared by the Governor or a local governing body. The bill directs the Department of Emergency Management to develop a program for certifying such small businesses, and small businesses obtaining the certification from the Department are entitled to the waiver of certain fees associated with reopening or restoring the operation of the business. The bill provides an option for localities to opt into the waiver of local permit fees for certified small businesses by ordinance. (18102764D)

HJ 106 (Gooditis) (HRUL) requests the Broadband Advisory Council to develop a system for rating communities that indicates where the most people can be served by increased broadband coverage for the least cost. (18101025D)

SB 20 (Chase) (SRUL) creates the Red Tape Reduction Commission (the Commission) to develop and maintain a state regulatory baseline of all current state regulatory requirements, with the initial baseline to be completed by January 1, 2020. The bill defines a regulatory requirement as any action required to be taken or information required to be provided in accordance with a statute or regulation in order to access government services or operate and conduct business and excludes requirements that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved or to meet requirements of federal law or regulations. The bill also provides that after the regulatory baseline has been established, any subsequent regulatory requirement proposed by an agency that is not included in the initial state regulatory baseline is considered a new regulatory requirement and requires the approval of the Commission before it may be enacted. The bill prohibits the Commission from approving a new regulation unless it replaces or repeals at least two existing regulations, until the total baseline has been reduced by 35 percent. Thereafter, approvals and corresponding replacement or repeal by the Commission shall be on a one-for-one basis. In addition, the bill provides for the Commission to review current state regulatory requirements and provide recommendations to the Governor and General Assembly on measures to reduce the baseline regulatory requirements. The bill requires the Commission to submit a report to the Governor and General Assembly by November 1, 2018, on (i) the organizational structure of the Commission, (ii) duties of staff, and (iii) guidelines for determining what constitutes a regulatory requirement. (18100264D)

SB 108 (Lucas) (Passed Senate) provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, such order is required to be published at least once a week for two successive weeks. (18103017D-E)

Conflict of Interests Act

HB 566 (Gooditis) (HCT) requires the Virginia Conflict of Interest and Ethics Advisory Council to conduct an annual inspection of a random sample of disclosure statements filed with the Council to determine compliance with applicable disclosure requirements and limitations on gifts, the accuracy of information disclosed, and whether filing deadlines were met. The bill requires such random sample to include the disclosure forms of (i) one member of the House of Delegates and one Senator and (ii) one percent of all state officers and employees and one percent of all lobbyists who file such forms. (18100900D)

HB 567 (Gooditis) (HCT) provides that the aggregated value of a bundled gift is subject to the \$100 limitation on certain gifts and is to be attributed to each person contributing to the bundled gift. The bill also requires lobbyists to disclose any bundled gift to which the lobbyist or lobbyist's principal contributed, regardless of the value of the lobbyist's or principal's share. The bill defines a bundled gift to mean separate gifts that are paid for or otherwise provided by multiple sources that are aggregated and delivered to the recipient by a single source. (18100901D)

SB 12 (Petersen) (SRUL) extends the "revolving door" prohibition applicable to state officers and employees and members of the General Assembly. State officers and employees, as defined in § 2.2-3104, are currently prohibited from lobbying the agency of which they were an officer or employee for one year after the termination of public employment or service; the bill extends that prohibition to three years and further prohibits lobbying before the General Assembly during that period. Members of the General Assembly are currently prohibited from lobbying the General Assembly or any legislative agency for one year after the termination of public service; the bill extends that prohibition to three years. (18100027D)

SB 124 (Black) (SRUL) provides that the prohibition on the employment of certain relatives of members of a school board does not apply to school districts located in Planning District 8, provided that (i) the school board member certifies that he had no involvement with the hiring decision of the relative and (ii) the superintendent certifies to the remaining members of the school board in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. (18102450D)

SB 816 (Black) (SRUL) 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 because he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction need only declare his interest in the transaction at the first meeting at which the transaction is discussed and at at least one subsequent meeting thereafter. Current law requires that such interest be disclosed at each meeting of the governmental or advisory agency at which the transaction is discussed. (18103988D)

SJ 75 (Norment) (SRUL) 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. In conducting its study, the joint 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. In its review, the joint subcommittee shall examine the effectiveness and efficiency of the ethics laws in promoting public trust and confidence in the service of public officials. (18104691D)

Courts

HB 201 (Mullin) (HCT) provides that the enforcement of an order of restitution docketed as a civil judgment is not subject to any statute of limitations. (18101159D)

HB 202 (Mullin) (HCT) requires a court assessing fines and costs against a person for conviction of a crime to inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service and provide such person with written notice of terms and conditions of the community service program. (18101353D)

HB 277 (Collins) (HCT) requires guardians ad litem appointed to represent a child in a matter to conduct an investigation in compliance with certain standards. The bill further requires the guardian ad litem to file a copy of any written report directed by the court with the clerk of court. The bill requires the guardian ad litem to furnish a copy of such report to the attorneys representing parties and parties proceeding pro se in the matter prior to any trial or other proceeding or hearing on the matter. The bill provides that, where a written report is not directed, the guardian ad litem shall inform all attorneys representing parties and parties proceeding pro se of any recommendations intended to be made to the court prior to any trial or other proceeding or hearing on the matter. The bill specifies that a guardian ad litem's report shall not be admitted into evidence unless the contents are otherwise established at the trial or other proceeding or hearing on the matter. The bill requires the guardian ad litem to file with the court, with a copy to attorneys representing parties and parties proceeding pro se, a certification form of such guardian's compliance with certain standards, along with a summary of the investigation conducted by such guardian. The bill provides that the court shall grant a continuance as justice requires should such guardian ad litem fail to meet any specified requirements contained in the bill. (18103671D)

HB 326 (Campbell) (HCT) provides that, for cases in juvenile and domestic relations district court involving an allegedly abused or neglected child, venue may lie in the city or county where the alleged abuse or neglect occurred in addition to the city or county where the child resides or where the child is present when the proceedings are commenced. (18103258D)

HB 456 (Filler-Corn) (HHWI) repeals provisions authorizing an obligee to petition for and a circuit court to order the suspension of any state-issued license to engage in a health care profession or occupation when an obligor is delinquent or in default in the payment of a federally guaranteed or state-guaranteed educational loan or work-conditional scholarship. (18101926D)

HB 942 (Lopez) (HCT) prohibits the circuit court of any county or city, or the clerk of any such court, or his duly qualified deputy, from disclosing identifying information, including the actual address, contained in real property records of program participants under the Address Confidentiality Program (§ 2.2-515.2) if the program participant provides notice to the circuit court, unless the program participant consents to such disclosure, a court order directs the disclosure, or there is a bona fide request for a title examination and the circuit court obtains an exemption from the Office of the Attorney General. The bill also requires the clerk of each circuit court of any county or city to establish procedures for recording or filing real property documents in compliance with the Address Confidentiality Program. (18102159D)

HB 1305 (Habeeb) (HCT) eliminates the limitation of the total amount of punitive damages that can be awarded in an action. Current law provides that the total amount awarded for punitive damages shall not exceed \$350,000. (18104100D)

HJ 97 (Gilbert) (HRUL) directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of pretrial services agencies in the Commonwealth. (18104124D)

SB 535 (Obenshain) (SCT) provides that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been convicted of an offense of driving under the influence within 30 days of a request for such disclosure. (18102085D)

Education

HB 1586 (Convirs-Fowler) (HED) requires 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. (18105122D)

Virginia Preschool Initiative and Other Preschool-related Legislation

HB 255 (Guzman) (HRUL) establishes the Public Preschool Fund and Grant Program for the purpose of funding and providing on a competitive basis grants to local school boards to establish and maintain public preschool programs for children who reside in the local school division and who will have reached their fourth birthday on or before September 30 of the relevant school year. The bill requires the Department of Education to administer the Public Preschool Grant Program and establish (i) guidelines and procedures for grant applications, awards, and renewals; (ii) standards for preschool programs established and maintained by grant recipients, including standards for curriculum, student achievement, attendance, instruction, personnel, and length of school day and school year; and (iii) data collection and reporting requirements for grant recipients. The bill requires the Department of Education to give priority to grant applicants who propose a plan for the innovative use of facilities in the local school division to house the proposed public preschool program, including community centers and recreation centers. (18103673D)

HB 319 (Bourne) (HRUL) permits any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. (18101052D)

HB 924 (Lopez) (HRUL) directs the Board of Social Services to establish a Quality Rating and Improvement System for all child welfare agencies participating in the Virginia Preschool Initiative. (18103637D)

HJ 108 (Aird) (HRUL) 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 by projecting, on a school division-by-school division basis for the 2019–2020 school year, (i) Virginia Preschool Initiative program enrollments, (ii) total four-year-old student populations, and (iii) the state and local funds required to expand access to such programs to each four-year-old based on the current allocation formula for determining the state and local share of funding. (18103571D)

Elections

HB 403 (Levine) (HPE)/**HB 834** (Bagby) (HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license, (ii) apply for, replace, or renew a special identification card, or (iii) change an address on an existing driver's license or special identification card if the Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) at the time of the transaction does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction and that voting more than once in any election in the same or different jurisdictions are both punishable under Virginia law as a felony. The information required to be transferred includes the person's full name, date of birth, gender, residence address, citizenship status, driver's license and social security number, and digital signature and an affirmation by the person that he meets all voter eligibility requirements. Upon receipt of the information, the Department of Elections is required to determine whether the person is already registered to vote. If the person is already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (18101028D, 18102482D)

HB 628 (Marshall) (HPE) directs the Attorney General to develop and make available a template memorandum of understanding to be used by the localities when establishing polling places. The bill allows governing bodies to enter into a memorandum of understanding with the entity or

person authorized to grant the use of the facility as a polling place. Using the template prescribed by the Attorney General, the parties will specify the terms for use of the facility, including the hours and dates the facility is to be used, the availability of parking at the facility, and the defined space where the elections are to be conducted. Such memorandum of understanding shall be entered into for a period of five years, with the option to renew at the end of the fourth year. Upon the mutual agreement of the two parties, such memorandum of understanding shall be voided. (18100801D)

HB 1210 (Hugo) (HPE)/**SB 591** (Vogel) (SPE) requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original, voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly. (18102957D, 18102749D)

HB 1250 (Sickles) (HPE) provides that the State Board of Elections, through the Department and the Commissioner of Elections, shall coordinate the work of the electoral boards, its members, and the general registrars to ensure compliance with all applicable state and federal laws and rules, regulations, and instructions of the State Board or Department. If it is determined that there has been a failure to comply with such laws or regulations or policies, the State Board, acting through the Commissioner of Elections or his designee, shall establish and implement, with the full cooperation of the electoral board or general registrar, a plan to correct the compliance failure. An official who is found to have negligently failed to comply is required to participate in a retraining program. In the case of a willful failure to comply, the State Board, through the Department and the Commissioner of Elections, is to institute removal proceedings in accordance with current law. (18101742D)

HB 1405 (Ransone) (HPE)/**SB 825** (Edwards) (SPE) increases the membership of the State Board of Elections (Board) from three members to five members and increases the terms of Board

members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as the principal administrative officer. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019. (18103919D, 18104230D)

SB 153 (Edwards) (Passed Senate) clarifies the documents that independent candidates must file to appear on a ballot and requires the offices that receive the documents to record the time and date of the filing so as to establish a "time of filing for the office," defined in the bill. The bill specifies that a candidate is responsible for providing proof of the dates and times at which all relevant documents have been filed and that the general registrar or the Department of Elections is required to give to the candidate or candidate's designee a written receipt with the time and date of the completed filing. The general registrar or Department of Elections is also required to maintain a copy of the receipt until the election has been certified and there are no contests pending. (18102930D-E2)

SB 521 (Obenshain) (Passed Senate) requires local electoral boards to direct general registrars to investigate the list of registered voters whenever the number of registered voters in a county or city exceeds the population of persons age 18 or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia. The bill also requires the local electoral boards to direct the general registrars to investigate the list of persons voting at an election whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city. The Department of Elections is required to provide certain data to any general registrar conducting such an investigation for the registrar's use during the investigation. The bill requires local electoral boards to make reports of the findings to the State Board and requires such reports to be made public. (18103155D)

Absentee Voting

HB 397 (Kean) (Passed House) provides that a person completing an application for an absentee ballot in person is not required to provide the last four digits of his social security number on the application. (18101830D)

HB 1042 (Torian) (HPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner

regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (18101816D)

HB 1226 (Sickles) (HPE) extends from the third day after the election to the first Monday after the election the deadline by which a person voting provisionally due to lack of an accepted form of identification at the polling place has until to submit a copy of one of the accepted forms of identification to the electoral board in order to have his vote counted. The bill also provides that absentee ballots that are returned to the general registrar after the closing of the polls on election day but before noon on the first Monday after the election and that are postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. (18101741D)

Split Precincts & Redistricting

HB 158 (Cole) (HPE) authorizes the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precinct boundaries. Any adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. (18101899D)

HB 767 (Jones) (HPE) prohibits 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. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18102007D)

HB 1325 (Cole) (HPE) provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify which district the voter is a qualified voter of and count that ballot. (18104717D)

SB 106 (Suetterlein) (HPE) requires congressional and state legislative districts to be composed of compact territory, meaning districts are not to be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political subdivision lines. Fingers or tendrils extending from a district core are to be avoided, as are thin and elongated districts and districts with multiple core populations connected by thin strips of land or water. The bill requires the General Assembly to employ one or more standard numerical measures of individual and average district compactness to provide an objective assessment of a districting plan's compactness, both statewide and district by district. (18105938D-S2)

Voter Registration

HB 28 (Cole) (HPE) clarifies that the annual report made by the Department of Elections on its activities undertaken to maintain the Virginia voter registration system is due by October 1. The bill further clarifies that information regarding the Department's list maintenance activities arising out of list comparisons with other states is to be included in this annual report. (18101109D)

HB 1144 (Wilt) (HPE) requires any person who mails or delivers a signed voter registration application on behalf of another person to sign and print his name, provide his telephone number, and indicate the group or organization he is affiliated with, if any, on the registration application. The provisions of the bill do not apply to any state or local government employee acting in his official capacity. (18101822D)

SB 820 (Cosgrove) (SPE) adds party affiliation, beginning January 1, 2019, to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2019, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in the party's primaries to be held from April 1 of that year through March 31 of the following year. (18104928D)

SB 834 (Chafin) (HPE) requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state. (18105049D)

Environment

HB 229 (Miyares) (HRUL) establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018. Establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for civil works storm and flooding risk reduction project. The bill requires JLARC to report to the General Assembly no later than November 1, 2018, on the results of its initial assessment. (18101363D)

HB 1344 (Turpin) (HRUL)/**HB 1365** (Adams, Dawn M.) (HRUL) authorizes the State Air Pollution Control Board to conduct an auction of allowances of CO₂ emissions or authorize the Department of Environmental Quality to operate such auction. The bill establishes the Commonwealth Resilience Fund to receive funds from the auction and directs the funds to certain programs. Beginning in January 2021, the Department is required to file an annual report on the auction. (18103214D, 18104750D)

SB 211 (Stuart) (SLG) authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan. (18100926D)

SB 344 (Peake) (Passed Senate) directs the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the 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 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. (18105302D-S1)

SB 576 (Hanger) (SACNR) allows 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. (18103641D)

Onsite Sewage and Treatment Systems

HB 675 (Hodges) (HHWI) provides that effluent quality standards and maintenance requirements for onsite treatment works designed by individuals licensed as professional engineers shall not exceed those established in the Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day for fresh water discharge. (18102954D)

HB 885 (Orrock) (HHWI) clarifies that the Board of Health shall have supervision and control over the maintenance, inspection, and reuse of conventional onsite sewage systems as well as alternative onsite sewage systems. (18101589D)

Freedom of Information Act

HB 228 (Cole) (HGL) provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court. (18102370D)

Health and Human Services

HB 515 (Bell, Robert B.) (HCT) provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability. (18101114D)

HB 998 (Byron) (HCT) allows a parent or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding one year. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than a year while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill also exempts from the requirement to obtain a license as a child-placing agency a private, nonprofit organization that assists parents with the process of delegating parental or legal custodial powers of their children, including assistance with identifying appropriate placements for their children, or that provides services and resources to support parents and legal guardians to whom custody has been transferred pursuant to a temporary delegation of parental or legal custodial powers. (18104498D)

HB 1198 (Garrett) (Reported from HHWI) expands the list of certified stroke center designations for hospitals included in regional stroke triage plans to include comprehensive stroke centers, primary stroke centers with supplementary levels of stroke care distinction, and acute stroke ready hospitals and adds the American Heart Association to the list of entities authorized to provide certification of such hospitals. (18102933D)

HB 1375 (Tyler) (HHWI) broadens the definition of "qualified mental health professional" to include employees and independent contractors of the Department of Corrections who by

education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services. (18104731D)

SB 719 (Dunnivant) (SGL) establishes a Substance Abuse Data Sharing and Analytics Clearinghouse (the Clearinghouse), to be administered by the Secretary of Health and Human Resources in consultation with the Substance Abuse Data Sharing and Analytics Advisory Committee (the Advisory Committee), also created by the bill. To the extent allowed by federal law, state and local health and human services and public safety agencies are required to provide data to the Clearinghouse to be used for data analytics and analysis related to improving the efficiency and efficacy of the treatment and prevention of substance abuse, with a focus on opioid addiction and abuse. The Secretary of Health and Human Resources may also enter into agreements with private entities and public institutions of higher education to further the goals of the Clearinghouse. The bill requires the Secretary to report annually to the Governor and the General Assembly regarding the results achieved through the use of the Clearinghouse, including the identification of cost savings and policy recommendations. The Advisory Committee shall have 14 members, consisting of three members of the House of Delegates, two members of the Senate, the Secretaries of Health and Human Resources, Public Safety and Homeland Security, and Technology, and six non-legislative citizen members representing local government, the medical profession, and community services boards. The Advisory Committee is charged with advising on all matters related to the Clearinghouse. The bill also makes changes to the Government Data Collection and Dissemination Practices Act to codify that data sharing among state and local agencies in certain circumstances is a proper use of personal data. (18104822D)

SJ 53 (Deeds) (SRUL) directs the Virginia Housing Commission to study accessory dwelling structures, defined as additional living quarters on single-family dwelling structures that are independent of the primary dwelling unit. In conducting the study, the Commission is to review (i) the prevalence and necessity for accessory dwelling structures, (ii) relevant provisions of the Uniform Statewide Building Code, and (iii) the feasibility of changing land use and zoning practices in order to facilitate their expanded use. The bill also directs the Commission to make recommendations concerning the use and placement of accessory dwelling structures. (18103105D)

Lake Barcroft

HB 1533 (Kory) (HGL) provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) containing 500 or more lots, (ii) having each lot contained in the development being located within the boundaries of a watershed improvement district, and (iii) having each lot subject to substantially similar deed restrictions contained in one or more declarations. (18104025D)

SB 927 (Marsden) (SGL) provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) containing 500 or more lots, (ii) having each lot contained in the development being located within the boundaries of a watershed improvement district, and (iii)

having each lot subject to substantially similar deed restrictions contained in one or more declarations. (18104155D)

Land Use

HB 245 (Krizek) (HCCT) provides that a nonconforming use may be continued so long as the use is not discontinued for more than one year and meets other conditions. Existing law provides that such use shall not be discontinued for more than two years. (18100239D)

HB 796 (Hope) (HCCT) requires a locality to give consideration to the need for reasonable modifications to requirements that are necessary to accommodate persons with disabilities when preparing a zoning ordinance. The bill also alters the standard by which a variance shall be granted by adding the phrases "including the safe and easy use thereof" in regard to property and "or would accommodate persons with disabilities as required under the Americans with Disabilities Act." (18104544D-E)

HB 1187 (Hurst) (HRUL) curtails the ability of a natural gas company to enter upon real property for the purpose of conducting surveys and other tests for its proposed line or the location of facilities. The measure prohibits a natural gas company from entering upon property for such purposes unless the State Corporation Commission (Commission) has issued to it a public use certification, which may be issued only if the Commission finds, among other things, that the company has demonstrated that the pipeline or facility is for a public use. The measure also (i) establishes an expedited procedure for a landowner to seek injunctive relief; (ii) authorizes a landowner to bring a civil action for damages, including liquidated damages of \$500 per day per individual entering or attempting to enter property in violation of applicable requirements; (iii) requires a natural gas company to pay treble damages for any actual damages resulting from a lawful entry; (iv) authorizes the landowner or his agent to accompany surveyors and record or photograph survey activities; (v) requires any notice of intent to enter to set forth the time and location where the first entry will occur and the duration of the surveys; and (vi) requires any request for permission to inspect to be sent at least 21 days prior to any notice of intent to enter and include a description of each type of survey and each entity or agent proposed to make such survey. (18104631D)

HJ 77 (Boysko) (HRUL) requests the Department of Transportation to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge construction projects. In conducting its study, the Department shall examine the feasibility of a blanket policy for all nine of its districts and shall consult various stakeholders, such as the Virginia Broadband Advisory Council, the Center for Innovative Technology, telecommunication and cable providers, and utility providers. (18104687D)

SB 944 (Stuart) (SLG) removes various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its

comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. (18104301D)

Minimum Wage

HB 39 (Levine) (HRUL) establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of his 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. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail. (18101018D)

HB 518 (Simon) (HRUL) increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2018, to \$10 per hour effective January 1, 2019, to \$11 per hour effective January 1, 2020, to \$13 per hour effective January 1, 2021, and to \$15 per hour effective January 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2023 and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA. (18100859D)

HB 667 (Krizek) (HRUL) requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. (18100817D)

HB 715 (Plum) (HRUL) increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective January 1, 2019, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2021, the minimum wage shall be adjusted biennially to reflect annual increases in the consumer price index over the two most recent calendar years. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body. (18102325D)

Opioids

SB 735 (Dunnavant) (SEH) allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program. (18104483D)

SB 804 (Carrico) (SEH) requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. The bill is a recommendation of the Joint Commission on Health. (18103505D)

Procurement

HB 257 (Hope) (HGL) clarifies 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. (18102611D)

Public Safety

HB 814 (Levine) (HMP) allows 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. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties. (18104268D)

HB 953 (Lopez) (HCT) provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim. (18101563D)

HB 1019 (Toscano) (HMP) authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event, or an event that would otherwise require a permit. This bill contains technical amendments. (18102694D)

HB 1030 (Price) (HMP) provides that an attorney for the Commonwealth shall disclose a report of his findings for any "officer-involved shooting" if no criminal charges are brought against a law-enforcement officer, or, alternatively, if charges are brought, the attorney for the Commonwealth shall issue a statement disclosing the general purpose of bringing such charges or seeking an indictment. The bill directs the Department of Criminal Justice Services to develop a model policy regarding the investigation of an officer-involved shooting. (18101842D)

HB 1367 (Jones) (HMP) requires localities to provide the State Coordinator of Emergency Management with certain data related to emergency sheltering capabilities on or before May 1 of each year. (18102704D)

HB 1518 (Rush) (HGL) exempts hookah lounges, as defined in the bill, from the prohibition against smoking in restaurants. (18105147D)

SB 457 (Howell) (SCT) provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and the Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission. (18103936D)

Driver's License Suspension

HB 599 (Carr) (HCT) provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 20-year period, as opposed to a 10-year period as current law provides, and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is lesser, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such

individual has entered into a subsequent agreement to pay within a period of 15 years, as opposed to seven under current law, and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than 10 years, as opposed to seven years under current law. (18101724D)

HB 633 (Krizek) (HCT) removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018. (18102698D)

HB 941 (Lopez) (HCT) removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (18102707D)

SB 181 (Stanley) (SCT) repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill provides that the Commissioner of the Department of Motor Vehicles shall return or reinstate any person's driver's license that was suspended solely for nonpayment of fines or costs. (18101254D)

Electronic Devices/Trespass

HB 342 (Herring) (HCT) provides that a person who owns property leased to another who peeps or spies, including using an electronic device to peep or spy, into a building or other structure occupied as a dwelling under circumstances that would violate the reasonable expectation of privacy of any person lawfully present in such building or structure is guilty of a Class 1 misdemeanor. Currently, such person must violate the reasonable expectation of the occupant of such building or structure. (18103679D)

HB 1290 (Guzman) (HCT) allows a law-enforcement agency or other state or local agency having jurisdiction over criminal law enforcement or regulatory violations to deploy a tethered unmanned aircraft system without obtaining a search warrant, provided that the person with legal authority over the property upon which the aircraft system is tethered consents to the deployment and the property is posted as being under surveillance by a tethered unmanned aircraft system. The bill

defines "tethered unmanned aircraft system" as an unmanned aircraft system that is fixed to a general location by means of a tether. (18100932D)

HB 1482 (Thomas) (HCT) allows an unmanned aircraft to be deployed without a warrant for the investigation and reconstruction of accidents where a law-enforcement officer is required to make a report because of personal injury, death or property damage of \$1500 or more. (18105420D)

SB 186 (Black) (SCT) authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law-enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement. (18101447D)

Sex Offenders

HB 187 (Hayes) (HCT)/**SB 49** (Cosgrove) (Passed Senate; HCT) provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time. (18100352D, 18105732D-S1)

HB 757 (Leftwich) (HCT) provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time. (18102541D)

Studies

HJ 29 (Bell, Richard P.) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a comprehensive review of the Children's Services Act (§ 2.2-5200 et seq.), including its administration, structure, funding sources, and covered services. The resolution directs JLARC to make recommendations for improvement in these areas and to ensure the future success of the Children's Services Act. (18102427D)

Transportation

HB 582 (Bloxom) (HTRAN) increases from \$12 to \$15 the maximum amount any safety inspection station can charge for an inspection of any motorcycle and increases from \$16 to \$25 the maximum amount any safety inspection station can charge for an inspection of any vehicle other than a tractor truck, truck that has a gross vehicle weight rating of 26,000 pounds or more, or motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver, motorcycle, or autocycle. (18102902D)

SB 586 (DeSteph) (HTRAN) excludes antique motor vehicles, defined as motor vehicles 25 years old or older, from the requirement that such vehicle be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. Current law excludes antique motor vehicles manufactured prior to 1950 from such requirements. (18103722D)

SB 601 (Vogel) (STRAN) exempts Planning District 16 (George Washington) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from private property. The bill requires that localities in Planning District 16 establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. (18103338D)

Speed Enforcement Programs

HB 1021 (Adams, Les R.) (HMP) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system, defined in the bill, that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at school crossing zones. The procedures for operating a speed monitoring system and issuing summonses to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (18102397D)

SB 678 (Deeds) (STRAN) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence districts, school crossing zones, and highway work zones. The procedures for operating a speed monitoring system and issuing summons to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (18101223D)

VII. Legislation Provided for Information

HB 341 (Thomas) (HCCT) allows a locality to prohibit a stormwater management area from being located in an "open space" or "conservation area" established as part of a cluster development. Current law bars localities from enacting such a prohibition. (18103134D)

HB 591 (Carr) (Reported from HCCT) exempts from real property taxation leasehold interests in property acquired or used by a land bank entity. (18100279D)

HB 592 (Carr) (Reported from HCCT) makes a technical change by correcting from an authority to a land bank entity the entity to which a locality may grant or convey real property. (18100280D)

HB 664 (Kilgore) (HGL) requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain the custodian if it has transferred possession of any public records. The bill also excludes the transfer of a portion of information contained in one public body's public record to another public body from being considered as a transfer of an entire public record. The bill also prohibits a public body from withholding a public record in its entirety on the grounds that information contained in such public record was provided by another public body. The bill defines "custodian" for purposes of the Virginia Freedom of Information Act. (18102023D)

HJ 40 (Yancey) (HRUL) expresses the sense of the General Assembly that the complicated regulatory hurdles associated with employing workers under the age of 18 make it difficult to get them the experience they need to be productive workers and that early outreach to students may help facilitate getting students on a career track earlier. (18104079D)

SB 567 (Obenshain) (Passed Senate) requires agricultural operations to be in substantial compliance, defined in the bill, with applicable laws, regulations, and best management practices in order to be exempt from becoming a public or private nuisance. The bill prohibits a person from bringing a nuisance action against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began. The bill also prohibits anyone other than a person with an ownership interest in the affected property from bringing an action for private nuisance and sets out certain limitations on recovery for compensatory damages. (18102062D-E)

Administration of Government

HB 233 (Hope) (HAG) relocates an existing section in Title 15.2 (Counties, Cities and Towns) related to creation of arts and cultural districts. The existing section, once applicable only to certain municipalities but currently applicable to all localities, is logically relocated from Chapter 11 (Powers of Cities and Towns) to Chapter 9 (General Powers of Local Governments). (18100191D)

HB 783 (Keam) (HCT) provides that in any town within the Counties of Fairfax, Loudoun, and Prince William, legal notices may be published on the locality's website instead of in a newspaper

having general circulation in the locality if the town meets the following conditions: (i) the town sends public notices by email to each resident that provides an email address and (ii) all public notices to be published on the town's website are posted in a prominent manner that is intended to reach the largest number of viewers. (18104534D)

SB 791 (Edwards) (SCT) provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him. (18104776D)

Courts

HB 482 (Bell, Robert B.) (HCT) provides that in certain criminal proceedings the attorney for the Commonwealth or the defendant may request and the court may enter an order authorizing the use of a certified facility dog to aid a testifying witness, provided that the dog has an established relationship with the testifying witness and the use of a certified facility dog will aid the witness in providing testimony. The bill defines "certified facility dog" as a dog that has completed training or been certified by a program of an assistance dog organization to perform the duty of providing emotional support to people in high-stress environments and that is accompanied by a duly trained handler. (18104420D)

SB 895 (Petersen) (Passed Senate) raises the punitive damages cap from \$350,000 to \$500,000 for any action accruing on or after July 1, 2018. (18105038D-E)

Data and Information Technology

HB 781 (Keam) (HST) creates the Virginia Open Data Initiative Act to increase public awareness of and access to the data created by and available from state agencies. The bill provides for appointment by the Governor of a Chief Data Officer to maintain the official website of the Commonwealth of Virginia as a dedicated open data website. The bill requires the Chief Data Officer to oversee the establishment of procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, including the development of a dataset format standard and ensuring that the datasets are accessible in a nonproprietary, machine-readable format that is compliant with state and federal law. The bill also provides for the Chief Data Officer to submit by December 31, 2019, a written report to the Governor and the General Assembly consisting of (i) the progress made on the implementation of the provisions of the bill, (ii) the effectiveness in providing open data and datasets to the public and among agencies, and (iii) the feasibility of expanding the open data initiative to the legislative and judicial branches of government. (18104653D)

HB 1221 (Thomas) (HST) requires the Chief Information Officer of the Virginia Information Technologies Agency to (i) conduct an annual comprehensive review of cybersecurity policies of

every executive branch agency, with a particular focus on breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures, and (ii) issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. (18103358D)

HB 1582 (Boysko) (HST) establishes the Commonwealth Data Trust Advisory Council (Council), consisting of 16 members. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment of data analytics to inform policies in communities throughout the Commonwealth. The provisions of the bill expire on July 1, 2028. (18105416D)

Education

HB 81 (Krizek) (HED) eliminates the requirement that school boards appoint a new division superintendent (i) within 180 days after a vacancy occurs or (ii) within 60 days after an appointed division superintendent who has not yet assumed his office is granted a release from such appointment. (18101003D)

HB 438 (Bulova) (HCT) prohibits any person who is an employee, contractor, or agent of a public school or accredited private school from assisting an employee, contractor, or agent in obtaining a new job if such person knows or has probable cause to believe that such employee, contractor, or agent engaged in sexual misconduct regarding a minor or student. (18102260D)

SB 303 (Marsden) (SEH) requires each school board to (i) develop and implement a policy to prohibit the use of tobacco products and nicotine vapor products on a school bus, on school property, or at a school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at a school-sponsored activity. (18102353D)

SB 343 (Peake) (Reported from SCT) prohibits any school board from employing (i) any individual who has been convicted of any felony offense against a child; a certain act of violence or violent felony; or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child or (ii) any other individual who has been convicted of any other felony offense unless such individual has had his civil rights restored by the Governor and at least 5 years have passed since such conviction. (18105948D-S1)

Charter Schools

SB 516 (Obenshain) (SEH) authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. 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. (18103149D)

School Calendar

HB 372 (Robinson) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. 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. (18101760D)

Textbooks

SB 785 (Surovell) (SEH) prohibits local school boards from requiring the use of any electronic textbook in any course 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 a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per enrolled student. (18103352D)

Elections

HB 539 (Freitas) (HPE) requires the proper political party committee to reimburse each county and city conducting a primary election at the direction of the Commonwealth. The bill also provides that the costs of presidential primary elections are to be paid by the proper political party rather than by the Commonwealth. (18100136D)

HB 540 (Freitas) (HPE) changes the definition of "party" or "political party" to mean an organization of citizens of the Commonwealth that, at either of the two preceding statewide general elections, received at least three percent of the total vote cast for any statewide office filled in that election. Currently, to be defined as a party or political party, such an organization must receive at least 10 percent of the total vote cast for any statewide office filled at either of the two preceding statewide general elections. (18100144D)

HB 553 (Freitas) (HPE) provides that members of the United States Senate, United States House of Representatives, and General Assembly and the Governor, Lieutenant Governor, and Attorney General shall be elected by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place candidates are defeated, and (iii) the candidate with the most votes in the final round is elected. (18100130D)

HB 1424 (Simon) (Passed House) provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, it shall direct a

determination by lot, but that no right to a recount shall be permitted. A candidate who loses a determination by lot following a recount may contest the election. The bill prohibits more than one recount of any election. (18104141D)

SB 144 (Spruill) (Reported from SPE) provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party, unless a provision of a local charter provides to the contrary. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. (18105914D-S1)

SB 474 (Reeves) (HPE) clarifies that localities may employ officers of election on a contractual basis. (18101335D)

Health and Human Services

HB 216 (Krizek) (HHWI) provides that the annual report that is required to be filed by a guardian with the local department of social services must also include a report by a licensed physician, licensed psychologist, or other licensed professional who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period. The bill further provides that a court may issue a summons or motion to show cause why the guardian has not filed a timely annual report upon notification from the local department of social services that such report has not been filed. (18101380D)

HB 278 (Collins) (HCT) provides that a court may adjust the costs of a guardian ad litem's services for good cause shown or upon the failure of the guardian ad litem to substantially comply with the standards adopted for attorneys appointed as guardians ad litem. (18103667D)

HB 309 (Watts) (HHWI) increases the staffing and care standards in nursing homes to require a minimum of specific direct care services to each resident per 24-hour period. (18103092D)

HB 832 (Bell, Richard P.) (HHWI) authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for open heart services in Planning District 8, provided that certain conditions are met. The bill provides that the Commissioner shall not deny the application on the basis of the economic or service volumes impact on existing providers. (18102448D)

HB 1128 (Filler-Corn) (HHWI)/**SB 121** (Wexton) (Senate Floor) repeals the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and

volunteers, agents, and any adult living in the child day center or family day home. (18101570D, 18100999D-E)

SB 305 (Dance) (SEH)/**SB 327** (Ruff) (SEH) directs the Department of Health, in partnership with the Alzheimer's Disease and Related Disorders Commission, the Department for Aging and Rehabilitative Services, and the Alzheimer's Association, to incorporate in its existing, relevant public health outreach programs information (i) to educate health care providers on the importance of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, the value of a Medicare Annual Wellness visit for cognitive health, and the new Medicare care planning billing code for individuals with cognitive impairment and (ii) to increase understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer's disease and other types of dementia. (18102052D, 18102673D)

SB 347 (Peake) (SEH) requires that the information physicians report on a patient diagnosed with cancer to the statewide cancer registry include information, with the patient's consent, regarding the patient's work history as a firefighter, if any, including (i) his status as a volunteer, paid on-call, or career firefighter; (ii) the number of years on the job; and (iii) a measure or estimate of the number and type of fire incidents attended. The bill also provides that one purpose of the statewide cancer registry is to collect data to evaluate potential links between exposure to fire incidents and cancer incidence. (18102851D)

Emergency Air Medical Transportation

HB 777 (Ransone) (HHWI) requires emergency medical services personnel, prior to initiating contact with an emergency air medical transportation provider for air transport of a patient, to obtain written consent from the patient after disclosing certain information. 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. (18102247D)

HB 778 (Ransone) (HHWI) requires a health care provider, before arranging for air ambulance services for an individual known to be covered under a health benefit plan, to provide the covered person or his authorized representative a written disclosure and obtain the covered person's or his representative's signature on the disclosure document. The disclosure includes statements that (i) the air ambulance provider may be an out-of-network provider; (ii) if so, the air ambulance provider has not agreed to hold covered persons harmless from payment of any balance due after receiving any payment from the carrier under the covered person's health benefit plan; (iii) indicate the range of the typical charges for out-of-network air ambulance services for which the covered person may be responsible; and (iv) the covered person or his representative may agree to accept and pay the charges of the air ambulance provider as an out-of-network provider, contact the covered person's carrier for additional assistance, or rely on other rights and remedies that may be available under state or federal law. The disclosure is also required to include a statement that the covered person or the covered person's authorized representative may obtain a list of air ambulance providers from the covered person's carrier that are participating providers and may request that

the health care provider arrange for air ambulance providers that are participating providers. The measure also provides that if the health care provider is unable to provide the written disclosure or obtain the signature of the covered person or his authorized representative, the health care provider is required to document the reason therefor. (18103240D)

Mental Health

SB 953 (Deeds) (SEH) requires health instruction to incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. The bill also directs the Board of Education to review and update the health Standards of Learning for students in grades nine and 10 to include mental health. (18104953D)

Southwestern/Southeastern Virginia Training Centers

HB 324 (Campbell) (HAPP) 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. (18103090D)

HB 325 (Campbell) (HAPP) 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. (18103102D)

HB 806 (O'Quinn) (HAPP) 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. (18102320D)

Immigration

HB 11 (Kory) (HRUL) declares, absent congressional intent to the contrary, that any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth. (18100648D)

HB 19 (Lopez) (HRUL) declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such

permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program. (18100982D)

HB 1191 (Bulova) (HRUL) declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed with U.S. Citizenship and Immigration Services an application for asylum; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for asylum has not been denied. (18102756D)

HB 343 (Boysko) (HRUL) declares eligible for in-state tuition any individual who (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency. (18101986D)

SB 606 (Ebbin) (SRSS) establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigrant service

organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. (18103009D)

Land Use

HB 494 (Hodges) (HCCT) authorizes any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the development process. Currently, only a locality with a population density of 75 persons per square mile may adopt such an ordinance. (18100432D)

Opioids

HB 333 (Yancey) (HHWI) provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with cancer. (18103337D)

HB 452 (Yancey) (HHWI) provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with fibromyalgia, provided that management of the patient's pain through means other than the prescription of opioids has been unsuccessful. (18103441D)

HB 1173 (Pillion) (HHWI) eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022. (18103269D)

HB 1194 (Garrett) (HHWI) adds drugs to the list of Schedule I controlled substances. (18101626D)

SB 120 (Favola) (SFIN) directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. (18101325D)

HB 816 (Hope) (HHWI)/**SB 459** (Edwards) (SGL) requires every Secretary to identify an agency within his secretariat to receive such data and information related to substance abuse as the Secretary may specify and requires every agency in a secretariat to report such data and information to the identified agency. (18104436D, 18104437D)

Public Safety/Criminal Justice

HB 31 (Webert) (HCT) eliminates the crime of profanely swearing or cursing in public, which is currently punishable as a Class 4 misdemeanor. (18100946D)

SB 308 (Stuart) (SCT) provides that it is unlawful for a person driving or operating any motor vehicle on a highway to be under the influence. Current law prohibits the driving or operating of a motor vehicle while under the influence, without limiting such driving or operating to a highway. (18102908D)

SB 508 (Carrico) (SCT) allows the Department of State Police and the Department of Transportation to utilize unmanned aircraft systems in surveying the scene of an accident that occurred on a highway and recording images and video following such accident for the purpose of crash reconstruction. (18104197D)

SB 666 (Deeds) (SFIN) adds members of the United States Armed Forces, Armed Forces Reserves, and National Guard to the list of public safety personnel for which it is a Class 1 misdemeanor to impersonate with the intent to make someone else believe he is such a public safety official. A second or subsequent offense is punishable as a Class 6 felony. (18100309D)

SB 761 (Newman) (SCT) requires a law-enforcement agency in the Commonwealth that hires a law-enforcement officer from another law-enforcement agency to reimburse the agency that funded the training for the costs of the officer's basic law-enforcement training. The amount of the liability shall be reduced by one-fifth for each year that the law-enforcement officer worked for the agency that paid for the training. (18104291D)

SB 833 (Carrico) (HCT) provides that when disclosure of real time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order in certain emergency circumstances. The bill provides that in when a pen register or trap and trace device is installed without a court order under such circumstances, the investigative or law-enforcement officer shall file with the appropriate court, within three days of seeking such installation, a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency. (18104381D)

SB 954 (Norment) (SFIN) reduces the penalties for possession of marijuana to a fine of not more than \$500. Current law provides that the possession of marijuana may be punished by confinement in jail for not more than 30 days and subject to a fine of not more than \$500. The bill also provides that a first offense for possession of marijuana is eligible for expungement. The bill provides that any person seeking expungement of a first-offense marijuana charge shall be assessed a \$300 fee, which shall be paid into the Heroin and Prescription Opioid Epidemic Fund. The bill has a delayed

effective date of January 1, 2019, except for the provisions related to the reduction of penalties for possession of marijuana, which shall become effective July 1, 2018. The bill contains technical amendments. (18106134D-S1)

Renewable Energy

SB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation 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 project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. (18104236D)

Transportation

HB 475 (Reid) (HTRAN) prohibits the operation of a commercial motor vehicle in a high-occupancy vehicle lane on State Route 267. (18103382D)

HB 505 (Bell, Robert B.) (HTRAN) allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department. (18102148D)

HB 580 (Bloxom) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent

upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18102473D)

HB 708 (Filler-Corn) (HTRAN) requires child restraint devices to be rear-facing until the child reaches two years of age or until the child reaches the weight or height limit of the rear-facing child restraint device, whichever occurs later. (18103259D)

HB 901 (Freitas) (Reported from HLC) directs the Department of Transportation (Department) to develop and submit for approval to the Federal Highway Administration an expedited land use permit process by which public or private utility companies that offer communication services can apply to use any right-of-way of the Department. (18105386D-H1)

HB 1285 (LaRock) (HTRAN) requires the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, the Virginia Railway Express, and the Commonwealth Transportation Board to annually conduct a joint public meeting for the purposes of presenting to the public, and receiving public comments on, the transportation projects proposed by each entity in Planning District 8. (18104576D)

HB 1458 (Fariss) (HTRAN) prohibits dumping all or any part of the carcasses of any animal, fish, or bird on public property, including a public highway, or on private property without written consent from the owner. The bill makes a violation of the prohibition a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 nor more than \$2,500, either or both. (18104427D)

SB 852 (Wagner) (STRAN) increases from 17 to 19 the membership of the Commonwealth Transportation Board (CTB) by requiring that one member be appointed from each of Virginia's 11 congressional districts instead of, under current law, from each of the Commonwealth's nine highway construction districts. The five at-large members and three ex officio members of the CTB remain unchanged. (18103870D)

Driver's Licenses, Driver Privilege Cards and Credential Cards

HB 1149 (Wilt) (HTRAN) requires the Department of Motor Vehicles to issue a credential card to a person who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029 or an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph. The bill directs that a credential card be of a similar size, shape, and design to a driver's license but not include a photograph of its

holder and that it state that the card does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. (18102372D)

HB 1318 (Boysko) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18104558D)

Towing

HB 800 (Yancey) (HTRAN)/**SB 492** (Carrico) (STRAN) increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill also increases in Planning District 8 (Northern Virginia) the hookup and initial towing fee for motor vehicles, trailers, and parts thereof from \$135 to \$150 and sets the hookup and initial towing fee at \$250 and \$500, respectively, for medium motor vehicles and heavy motor vehicles, which are defined in the bill. The bill provides that local towing advisory boards may establish reasonable limits on fees charged for the removal of medium and heavy vehicles. The bill contains technical amendments. (18101452D, 18100583D)

Transportation Funding

HB 734 (LaRock) (HPE) provides for a referendum at the November 6, 2018, general election to approve or reject an amendment to the Constitution that would require the General Assembly to maintain permanent and separate Transportation Funds. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (18101005D)

SB 400 (Lewis) (SPE) provides for a referendum at the November 6, 2018, general election to approve or reject an amendment to the Constitution that would require the General Assembly to maintain permanent and separate Transportation Funds. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (18103906D)

Transportation Studies

HJ 58 (Carroll Foy) (HRUL) requests that the Department of Rail and Public Transportation (the Department) identify and recommend potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties and study the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Department shall report on its findings and recommendations on the first day of the 2019 and 2020 Regular Sessions of the General Assembly. (18102664D)