

**Agenda and Documents
Legislative Committee Meeting
January 26, 2018**

I. Priority Principles for Reviewing Legislation

1. Adequately fund K-12 education.
2. Support dedicated funding and governance reforms for Washington Metrorail, in order to ensure the success of this critical transit system.
3. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.
4. Restore the funding partnership between the state and localities through adequate state funding.
5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

II. Specific Issues

- Member Budget Amendments

III. Specific Legislation

- Historical Positions of the Board
- New Bills—2018 General Assembly
- Fairfax County Legislative Summary

IV. Legislation Provided for Discussion

V. Legislation Requiring Further Review

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

VII. Legislation Provided for Information

VIII. Other Items

III. Specific Legislation

Historical Positions of the Board

SUPPORT

HB 261 (Price) (HMP) allows localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of firearms, ammunition, or components or combination thereof into, any building owned or used by such locality for governmental purposes. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof unless expressly authorized by statute. Recommend support; Board has historically supported. (18101844D)

HB 1408 (Bourne) (HGL)/**SB 909** (McClellan) (SGL) adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. Recommend support; Board has historically supported. (18104447D)

Transportation

HB 931 (Lopez) (HCT) provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 6 felony. Recommend support; Board has historically supported. (18103245D)

SB 896 (Wagner) (SFIN) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Recommend support; Board has historically supported. (18104315D)

OPPOSE

HB 423 (Gooditis) (HAPP) requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation. Recommend oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (18103286D)

HB 1242 (Cline) (HHWI) requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services shall require drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year unless, in the case of a positive test result, such person enters into a drug treatment program. Recommend oppose unless amended to provide that added costs for additional drug testing will be paid by the state; Board has historically opposed similar bills unless amended. (18102887D)

HB 1471 (Hugo) (HCCT) local employee grievance procedure. Recommend oppose; Board has historically opposed. (18105377D)

SB 104 (Suetterlein) (Reported from STRAN) raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit. Recommend oppose; Board has historically opposed. (18100616D)

SB 331 (Peake) (Reported from SPE) requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with § 24.2-429, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. Recommend oppose; Board has historically opposed. (18100115D)

New Bills – 2018 GA

Administration of Government

HB 70 (Webert) (HCT) provides that no cause of action for negligent hiring against an employer shall arise solely because such employer hired an employee or independent contractor convicted of a nonviolent offense. Recommend support. (18100943D)

HB 1456 (Thomas) (HGL) requires the State Inspector General to receive complaints that allege a local ordinance violates state law, determine whether the complaints give reasonable cause to investigate, and provide a report detailing any findings to the complainant. Recommend oppose. (18105266D)

SB 440 (Wexton) (SEH) narrows the restriction, to appointed school boards, that a local school board receive prior authorization from the local governing body prior to instituting any legal action or proceeding against any other governmental agency in Virginia. Under current law, the restriction applies to all school boards regardless of selection method. Recommend oppose. (18102563D)

Animals

HB 424 (Levine) (HAG) provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols. Recommend support. (18102771D)

Elections

HB 191 (Sullivan) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. Recommend support. (18101185D)

Health and Human Services

HB 178 (Bell, Richard P.) (HGL) provides that it shall not be unlawful under the Virginia Fair Housing Law for any owner to deny or limit the rental of housing to persons whose payment of rent for such housing is contingent upon the owner's acceptance of a contract authorizing payment of such rent by an entity or individual other than the lessee. Recommend oppose. (18102452D)

HB 241 (Brewer) (HHWI) lowers from three years to two years the amount of time a child must have continuously resided with or been under the physical custody of the prospective close relative adoptive parent in order for the adoption proceeding to commence in circuit court and be exempt from the parental placement provisions. Recommend support. (18103409D)

HB 614 (Price) (HHWI) provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work. Recommend monitor. (18101583D)

HB 1355 (Hope) (HCT) establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults. Recommend support. (18104118D)

HB 1377 (Torian) (HHWI) provides that an employee of an organization that provides outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine. Recommend monitor. (18104300D)

HB 1412 (Helsel) (HMP)/**SB 670** (Deeds) (SEH) requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. Recommend support. (18104085D, 18100553D)

SB 539 (Hanger) (SRSS) removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019. Recommend monitor. (18100827D)

School Nurses

HB 1046 (Torian) (HED) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. Recommend oppose; potential fiscal impact to Fairfax County is \$57.2 million. (18102767D)

HB 1254 (Thomas) (HED) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 1,000 students in grades kindergarten through 12. Recommend oppose; potential fiscal impact to Fairfax County is \$24.2 million. (18103110D)

Land Use

HB 594 (Carr) (HCCT)/**SB 451** (Dance) (SLG) authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. The bill also provides a procedure for the locality and law-enforcement officials to secure inspection warrants for guest registries for real property operated as a hotel or motel or other transient lodging if the property is declared to be in a state of criminal blight. This is a recommendation of the Virginia Housing Commission. Recommend support. (18101405D, 18101378D)

HB 639 (Boysko) (HRUL) provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include, but are not limited to, representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility registration and relocation procedures and requirements are adequate and reasonable, and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018. Recommend support. (18102696D)

Eminent Domain

SB 809 (Petersen) (SCT) amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. Recommend amend to remove changes in valuation date of lost profits to conform to SB 911 (Chase). (18104879D)

SB 911 (Chase) (SCT) redefines lost profits for the purposes of calculating an award in an eminent domain proceeding as a loss of business profits from a business or farm operation for a period not to exceed three years from the date of valuation, regardless of the amount of property that is taken. Under current law, lost profits are calculated for a period not to exceed three years from the date of valuation if there is a partial taking of property and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken. Recommend monitor. (18104948D)

Opioids

HB 607 (Carr) (HHWI) directs the Department of Behavioral Health and Developmental Services to implement a pilot program to evaluate the recovery community organization model of substance abuse treatment. Recommend monitor. (18104054D)

HB 1303 (Garrett) (HHWI) provides that a veterinarian shall not prescribe medication unless a bona fide veterinarian-client-patient relationship exists and establishes the requirements for a bona fide veterinarian-client-patient relationship. Recommend monitor. (18102425D)

Location of Clinics

HB 155 (McQuinn) (Passed House)/**SB 329** (Dunnavant) (SEH) provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location or to relocate an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another

provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. Recommend monitor. (18100826D-E, 18102967D)

SB 455 McClellan) (SEH) provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. Recommend monitor. (18101226D)

Naloxone

HB 322 (Bourne) (Reported from HHWI) adds employees of the Department of Corrections who are designated as probation and parole officers or correctional officers to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. Recommend support. (18103202D)

HB 1175 (Pillion) (HHWI)/**SB 635** (Dunnavant) (SEH) requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber. Recommend support. (18103279D, 18102855D)

HB 1222 (Boysko) (HHWI) provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. This bill includes an emergency clause. Recommend support. (18104520D)

HB 1401 (Herring) (HHWI) adds correctional officers and probation officers who have completed a training program to the list of individuals who may possess and administer naloxone. Recommend support. (18104239D)

Prescription Monitoring Program

HB 148 (Rasoul) (HHWI) requires a prescriber to request and review information from the Prescription Monitoring Program prior to issuing a prescription for opioids, including a refill of an existing prescription for opioids. Currently, a prescriber is only required to request information from the Prescription Monitoring Program prior to initiating a new course of treatment that includes the prescribing of opioids anticipated at the onset to last more than seven consecutive days. Recommend monitor. (18101241D)

HB 313 (Head) (HHWI) provides that the Director of the Department of Health Professions shall annually review data collected by the Prescription Monitoring Program to identify those prescribers who, based on such data, fall within the top 10 percent of prescribers by quantity of covered substances prescribed and shall notify such prescribers thereof. Recommend monitor. (18101252D)

Taxation

HB 1442 (Orrock) (HFIN) requires the commissioner of revenue to separately and specially assess wetlands when requested by the owner of such property on which wetlands are found, and to use the National Wetlands Inventory Map or other similar federal or state map if he disagrees as to the presence of wetlands. Under current law, the commissioner of revenue shall consider assessing wetlands separately and specially at the request of the owner, and he shall consider such maps if he disagrees with the owner. Recommend oppose. (18103883D)

SB 822 (Edwards) (SFIN) amends provisions that currently allow the treasurer in any locality to employ the services of private collection agents to assist with the collection of delinquent local taxes by also including "other charges." The bill also changes from six months to three months the period for which certain taxes or other charges must be delinquent prior to certain collection efforts. Recommend support. (18104758D)

Transportation

HB 489 (Hurst) (HTRAN) clarifies that in localities in which the treasurer or director of finance has entered into an agreement with the Commissioner of the Department of Motor Vehicles (Commissioner) for the Commissioner to refuse to issue or renew vehicle registrations for persons with certain delinquent taxes or fees, the Commissioner shall refuse to issue or renew the vehicle registration of any applicant who owes any local vehicle license fees or delinquent tangible personal property tax, regardless of whether such fee or tax is related to the vehicle for which the applicant is seeking a vehicle registration or renewal. The bill requires the Department of Motor Vehicles to promulgate regulations consistent with the provisions of the bill. Recommend support. (18102036D)

HB 903 (Freitas) (HTRAN) creates a method whereby certain real property owners can request an evaluation of a completed Department of Transportation (the Department) project to determine whether the project has created a significant financial burden on such landowners. The bill requires the Department to take certain corrective steps if a project has created such a burden. The bill creates a method by which the requesting landowner can rebut the Department's findings and bring a civil action against the Department. Recommend oppose. (18101047D)

HB 1013 (Simon) (HGL) requires transportation network companies to adopt and enforce a policy of nondiscrimination on the basis of a passenger's race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity. Recommend support. (18100923D)

HB 1356 (Reid) (HRUL) expands the 2% regional transient occupancy tax in Northern Virginia statewide. Thirty-five percent of the revenue generated from the tax shall be used to fund the Washington Metropolitan Area Transit Authority, and the remaining amount shall be used to fund transit and transportation projects throughout the Commonwealth. Recommend support; support for WMATA dedicated funding and governance reforms is in the County's Legislative Program. (18104285D)

HB 1459 (Fariss) (HTRAN) directs the Department of Transportation (the Department) to issue permits authorizing a landowner to place signs advertising the sale of his real property on a highway right-of-way adjoining such real property, provided that (i) the proposed sign placement will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and (ii) the land on which the sign is to be placed cannot be reasonably foreseen as needed for highway or other transit uses and purposes. The bill authorizes the Department to revoke such permit at the discretion of the Commissioner of Highways. Recommend oppose. (18104540D)

HB 1545 (Watts) (HRUL) dedicates 15 percent of state recordation tax revenue for capital expenses of the Washington Metropolitan Area Transit Authority (WMATA) for Metrorail. Such dedication is contingent on the Cities of Alexandria, Fairfax, and Falls Church, and the Counties of Arlington, Fairfax, and Loudoun, paying WMATA for capital expenses for Metrorail an amount equal to each locality's obligation to pay for operating for WMATA. Recommend support; support for WMATA dedicated funding and governance reforms is in the County's Legislative Program. (18105104D)

Commonwealth Transportation Board

HB 765 (Jones) (HTRAN) expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill expands the requirements of

the annual report provided by the Commissioner of Highways and requires the Office to submit an annual report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater. Recommend amend to retain current Revenue Sharing Program funding levels. (18101751D)

HB 1455 (Thomas) (HTRAN) directs the Commonwealth Transportation Board to change both the access to jobs and the access to jobs for disadvantaged populations accessibility factors for commuting thresholds adopted for the implementation of SMART SCALE from 45 minutes for automobile trips or 60 minutes for transit trips to 60 miles for all trips. Recommend oppose. (18104126D)

SB 147 (Edwards) (STRAN) requires travel time reliability to be one of the factors used by the Commonwealth Transportation Board in its statewide prioritization process for project selection. Recommend oppose. (18101565D)

Tolling

HB 1489 (LaRock) (HTRAN)/**SB 898** (Black) (STRAN) requires the Department of Transportation to refund the holder of an electronic toll collection device for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device until the eastbound widening project on Interstate 66 inside the Capital Beltway (Beltway) is completed. The bill sets the tolling hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until the eastbound widening project on Interstate 66 inside the Beltway is completed. The bill requires that the Department of Transportation activate tolling on reverse commuters inside the Beltway on Interstate 66. The bill directs the Secretary of Transportation (the Secretary) to engage the Metropolitan Washington Airports Authority (MWAA) and federal government officials for the purpose of implementing dynamic tolling on the Dulles Airport Access Highway and requires that the Secretary report to the Chairmen of the House and Senate Transportation Committees. The bill also requires the Secretary to engage the MWAA for the purpose of eliminating tolls on the Dulles Toll Road by 2030 and requires the Secretary to report to the Chairmen of the House and Senate Transportation Committees regarding the same. Recommend oppose. (18105462D, 18105330D)

SB 929 (McPike) (STRAN) sets the tolling hours for HOT lanes on Interstate 66 inside the Capital Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until (i) the eastbound widening project on Interstate 66 inside the Capital Beltway is completed and (ii) additional commuter parking capacity is constructed to serve commuters outside the Capital Beltway. Recommend oppose. (18105091D)

Environment

HB 1060 (Tran) (HLC) repeals the provision that caps the amount of the aggregate rated generating capacity of renewable generating facilities eligible for a net energy metering standard contract or tariff at one percent of each utility's adjusted Virginia peak-load forecast for the previous year. Recommend support. (18103144D)

Stormwater

HB 377 (Bulova) (HAG) exempts from the requirement to obtain a Virginia Water Protection Permit an impact to a stormwater management facility on dry land. Recommend support. (18104333D)

HB 801 (O'Quinn) (HAG) prohibits the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document. Recommend oppose. (18100290D)

HB 925 (Bulova) (HAG) authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program, and it prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement. Recommend support. (18104478D)

SB 741 (Ruff) (Reported from SACNR) requires a Virginia Stormwater Management Program Authority (VSMP authority) to advise the Department of Environmental Quality to terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements. Recommend support. (18102671D)

Public Safety/ Criminal Justice

HB 381 (Krizek) (HCT) creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee that the bill requires to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. Recommend oppose. (18103183D)

HB 729 (Head) (HMP) directs the Virginia Fire Services Board to develop a modular training program for volunteer firefighters for adoption by local volunteer fire departments that shall include (i) Firefighter I and Firefighter II certification pursuant to standards developed by the National Fire Protection Association and (ii) an online training program. Recommend support. (18104370D)

HB 1327 (Edmunds) (HCT) makes it a Class 6 felony to possess a pneumatic gun, i.e., a gun that will expel a BB or a pellet by action of pneumatic pressure, on school property, property being used exclusively for school-sponsored functions or extracurricular activities, or a school bus. Recommend support; the County's Legislative Program includes support for authority to adopt an ordinance banning pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. (18103983D)

Drones

HB 638 (Collins) (HCT)/ provides that any person who, after being given notice to desist, knowingly and intentionally causes any electronic device to enter the area of a dwelling house of another person or the curtilage thereof with the intent to coerce, intimidate, or harass any other person is guilty of a Class 3 misdemeanor and, upon a second or subsequent conviction, is guilty of a Class 2 misdemeanor. The bill also provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or the petitioner's family members, is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities. Recommend amend to allow the Fairfax County Park Authority to continue efforts to limit the use of drones on parkland for public safety reasons. (18104458D)

SB 526 (Obenshain) (Reported from SCT) provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or the petitioner's family members, is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities. Recommend amend to allow the Fairfax County Park Authority to continue efforts to limit the use of drones on parkland for public safety reasons. (18104997D-S1)

IV. Legislation Provided for Discussion

HB 471 (Reid) (HLC) exempts new small businesses from (i) payment of unemployment, sales and use, and local license taxes and (ii) certain registration and reporting requirements with the State Corporation Commission. The bill defines an eligible business as any business that has its principal place of business in the Commonwealth, has not been in existence for more than five years, and has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception. (18103342D)

HB 712 (Adams, Dawn M.) (HTRAN) removes the authority of the Commonwealth Transportation Board (the Board) to name any highway, bridge, interchange, or other transportation facility forming a part of the system of state highways after a private entity. The bill provides that the Board shall not have the power to name any highway, bridge, interchange, or transportation facility that has been or may hereafter be named by the General Assembly, nor may the name chosen by the Board reflect the name of any living person. The bill repeals the requirement that the Department of Transportation develop guidelines on the naming of highways, bridges, interchanges, and other transportation facilities after private entities. (18101542D)

HB 1101 (Robinson) (HGL) requires that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. The bill provides, however, that if a public body holds more than four meetings in a calendar year, such public body may, by recorded vote, limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. In current law, this requirement applies only to public bodies where at least one member has been appointed by the Governor. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner, but prohibits public bodies from limiting public comment to only the submission of written comments. (18104632D)

SB 714 (Chase) (SLG) provides that any local economic development expenditure shall be first approved by the local governing body. (18103334D)

SB 623 (Surovell) (STRAN) requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation. (18104485D)

SB 751 (Sturtevant) (SLG) requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2019. (18104562D)

Opioids

HB 1334 (Brewer) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014). (18104180D)

HB 1469 (Hugo) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014). (18105380D)

HB 374 (Yancey) (HCT) provides that if a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel is exposed to a controlled substance while engaged in the performance of his official duties and such exposure causes bodily injury, the person who knowingly or intentionally possessed such controlled substance is guilty of a Class 6 felony. This provision also applies to exposure to a controlled substance by a police animal performing its lawful duties or being kept in a kennel, pen, or stable while off duty. (18102005D)

Public Safety/Criminal Justice

HB 1514 (Watts) (HMP) authorizes a locality to establish a law-enforcement civilian review panel that may (i) receive complaints from citizens of the locality regarding the conduct of the primary law-enforcement agency serving the locality and its officers and employees and (ii) review

investigations conducted by the agency into such conduct. The bill also authorizes a locality to appoint a law-enforcement auditor who may review investigations conducted by the agency regarding the use of force by a law-enforcement officer that resulted in the death or serious bodily injury of another person. The bill provides that the panel or auditor may conduct hearings and request that the city or county attorney seek a subpoena for witnesses and evidence. The bill provides that the panel and auditor shall report annually on their activities. Finally, the bill provides that the findings and recommendations made by the panel or auditor are not binding on the agency and nothing in the bill either requires or precludes the agency from conducting its own investigation. (18104676D)