



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 27, 2015  
**TO:** Board of Supervisors  
**FROM:** Edward L. Long, Jr., County Executive  
**SUBJECT:** 2015 Legislative Report No. 1—Board Legislative Committee Meeting of January 23, 2015

The regular 2015 Session of the Virginia General Assembly convened on January 14, 2015 and is scheduled to adjourn on February 28, 2015. This is a “short” session of 45 days.

The 2015 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 24, 2,270 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 23 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

### Legislative Committee Actions of January 23, 2015:

Members Present: Legislative Chairman McKay  
Chairman Bulova  
Supervisor Cook  
Supervisor Foust  
Supervisor Gross  
Supervisor Herrity  
Supervisor Hudgins  
Supervisor Smyth

### **Specific Issues**

Budget Update: The Committee received a chart on budget proposals submitted in the 2015 General Assembly for FY 2015 and FY 2016. More detailed information may be found in the chart provided on handwritten pages 50-57 of the attachments to this memorandum.

Legislation on Sexual Assault on College Campuses: The Committee received a brief overview of relevant bills. Staff recommend supporting SB 981 (Favola), SB 1329 (Garrett), and HB 1508 (Sullivan) which address referring victims to supportive services. Staff also recommended supporting HB 1343 (Filler-Corn) and HB 1785 (Massie), which require the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. More detailed information may be found in the "Bills Regarding Sexual Assault on College/University Campuses" handout provided on handwritten pages 58-61 of the attachments to this memorandum.

Child Care Licensing: The Committee was briefed on state child care licensing standards/process as well as the County child care permit standards/process, and discussed numerous child care licensing bills. The Committee expressed support for GA members' efforts to establish statewide standards, and emphasized the importance of maintaining the County's current standards for child care which differ from state standards. More detailed information may be found in the "Child and Family Day Care Bills" handout provided on handwritten pages 62-65 of the attachments to this memorandum.

Transportation Funding: The Committee was briefed on HB 1887 and discussed how the bill's proposed funding allocation differs from current and past allocations. More detailed information may be found in the "HB 1887- Omnibus Transportation Bill Summary" handout provided on handwritten pages 66-73 of the attachments to this memorandum.

Ethics Reform: The Committee received two handouts on bills pertaining to ethics and conflicts of interest (see handwritten pages 74-85).

### **Priority Principles for Reviewing Legislation**

- 1. Adequately fund K-12 education.**
- 2. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.**
- 3. Restore the funding partnership between the state and localities with adequate state funding.**
- 4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

## Specific Legislation

### Historical Positions of the Board

#### **SUPPORT**

**HB 1865** (Kilgore, T.G.) (HRUL)/ **SB 1140** (Garrett, T.S.) (SRUL) requires local fiscal impact bills to be introduced no later than the first day of the session. Support. (15102723D, 15102531D)

**HJ 495** (Surovell, S.) (HPE)/ **SJ 216** (Ebbin, A.) (SPE) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support. (15100137D, 15100396D)

**SB 785** (McEachin, A.D.) (SGL) prohibits discrimination in public employment based on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran. Support. (15103001D)

**SB 821** (Miller, J.) (SEH) repeals the Opportunity Educational Institution. Support. (15101219D)

#### Elections

**SB 708** (Edwards, J.) (SPE)/ **SB 719** (McWaters, J.) (SPE)/ **SB 758** (Barker, G.) (SPE)/ **SB 822** (Miller, J.) (SPE)/ **SB 910** (Wexton, J.) (SPE)/ **HB 1922** (Murphy, K.) (HPE)/ **HB 2252** (Preston, J.) (HPE) entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. Support. (15100901D, 15100753D, 15101639D, 15101175D, 15100480D, 15101429D, 15102278D)

**HB 1394** (Herring, C.) (HPE) /**HB 1992** (Morrissey, J.) (HPE) allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail. Support. (15102576D, 15102436D)

#### Human Services

**SB 1054** (Hanger, Jr., E.) (SRSS) provides that the Comprehensive Services for At-Risk Youth and Families (CSA) shall promulgate regulations necessary to carry out its powers and duties. The bill contains technical amendments. Places CSA under the Administrative Process Act. Support. (15100962D)

### **Net Metering**

**SB 764** (Edwards, J.) (SCL) increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15101229D)

**SB 833** (Edwards, J.) (SCL) increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15103022D)

**HB 1622** (Sullivan, R.) (HLC) increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15102542D)

**HB 1636** (Minchew, J.R.) (HLC) directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located and in the county in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts. Support. (15102497D)

### **Payday Lenders**

**HB 1973** (Preston, J.) (HLC) provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious



metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius. Support. (15102274D)

**SB 890** (Petersen, C.) (SLG) allows a local zoning ordinance to include reasonable limits on the number of motor vehicle title loan businesses and payday lenders that may be operated at any one time within a zoning district. Support. (15102009D)

### **Taxation**

**HJ 520** (Hope, P.) (HPE) exempts from taxation property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent. Amend to provide state funding for this initiative; historical position of the Board. (15100093D)

**HB 1762** (Watts, V.) (HFIN)/ **SB 1210** (Ebbin) (SFIN) provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Support. (15102146D, 15103399D)

### **Transportation**

**HB 1644** (Villanueva, R.) (HTRAN) provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two. Support. (15102665D)

**SB 1279** (Wexton, J.) (STRAN) provides that, subject to certain exceptions, using a handheld personal communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines. The bill also eliminates the additional mandatory minimum fine imposed upon a person convicted of reckless driving who was texting while driving at the time of the offense. Support. (15102249D)

**OPPOSE**

**HB 1293** (Morris, R.) (HACNR) requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations. Oppose. (15100024D)

**HB 1359** (Campbell, J.) (HMP)/**SB 689** (Black, R.) (SCT) provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years. Oppose. (15101524D, 15100379D)

**HB 1416** (Taylor, S.) (HCT) provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court. Oppose. (15101546D)

**HB 1744** (Hugo, T.) (HED) requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill contains technical amendments. Oppose. (15103369D)

**HB 2163** (Cline, B.) (HMPP) repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program. Oppose. (15102674D)

**Proffers**

**SB 1257** (Smith, R.) (SLG) repeals the July 1, 2017, expiration of a 2010 Act of Assembly that delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. Oppose. (15102679D)

**SB 1065** (Obenshain, M.) (SLG) removes the July 1, 2017, expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost. Oppose. (15101705D)

**SB 726** (Cosgrove, J.) (SLG) removes the July 1, 2017, expiration of a Code section that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions barring the assertion of a cause of action to enforce a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. Oppose. (15100983D)

### **New Bills-2015 General Assembly**

**HB 1352** (Ramadan, D.) (HFIN) allows a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective beginning with the 2016 license year. Oppose. (15100249D)

**HB 2066** (Keam, M.) (HGL) provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth. Monitor. (15101262D)

**HB 2097** (Keam, M.) (HCT) provides that when the court refers the parties in a condemnation proceeding to a dispute resolution orientation session, the court shall also provide the name of a single independent appraiser to determine the fair market value of the property in question. Oppose. (15101473D)

**SB 761** (Edwards, J.) (Senate Floor) requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also changes the requirement that an insurance company disclose the limits of liability at the time of the accident for any insurance policy that may be applicable to the claim such that the total of "available" rather than "all" medical bills and wage losses equals or exceeds \$12,500. Amend to clarify that the business address is acceptable for County employees acting in their official capacity. (15100871D)

**SB 1017** (Dance, R.) (SGL) prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition

does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries. Support. (15100207D)

**SB 1026** (Garrett, T.S.) (SRUL) requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account. Oppose. (15102649D)

### Asset Forfeiture

**HB 1287** (Cole, M.) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals. Support referring bill to Crime Commission, similar to companion SB 684. (15100438D)

**SB 684** (Carrico, Sr., C.) (SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals. Support referring bill to Crime Commission for study. (15100578D)

### Licensing of Child and Family Day Care

**HB 2023** (BaCote, M.) (HHWI) / **SB 1123** (Barker, G.) (SRSS) requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund. Support with amendment to grandfather locally permitted programs. (15102479D, 15102477D)

**HB 1552** (Filler-Corn, E.) (HHWI) Establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. The bill requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (15101077D)

**SB 818** (Favola, B.) (SRSS) requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only

family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (5100846D)

**HB 2046** (Filler-Corn, E.) (HHWI) requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (15101349D)

**SB 780** (Favola, B.) (SRSS)/ **SB 1124** (Barker, G.) (SRSS)/ **HB 1929** (Anderson, R.) (HHWI) provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure. Monitor. 15100664D, 15102490D, 15102492D

### Courts

**HB 1388** (Albo, D.) (HCT)/ **SB 736** (Howell, J.) (SCT) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security. Support. (15100425D, 15102438D)

**HB 1560** (Rust, T.) (HCT)/ **SB 888** (Petersen, C.) (SCT) allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system. Support. (15101955D, 15102002D)

**HB 1630** (Lingamfelter, L.S.) (HCT)/ **SB 903** (Puller, T.) (SFIN) establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support. (15102024D, 15103948D-S1)

**SB 731** (Marsden, D.) (SCT) allows entities who have a contract with a juvenile and domestic relations district court to provide restorative justice services to inspect the police records of juveniles who are participating in the program or who have been identified by law-enforcement as possible participants. Support. (15100292D)

### **Drones**

**HB 2017** (Surovell, S.) (HCT) provides that a locality may by ordinance regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. Such ordinance may place reasonable restrictions on the time, place, and manner of use of such aircraft. Monitor. (15100618D) (Substitute being drafted.)

### **Education**

**HB 1514** (Minchew, J.R.) (HED) requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) 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. Oppose. (15102516D)

**SB 1091** (Vogel, J.) (SEH) directs the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation. Oppose. (15102756D)

**HJ 514** (Webert, M.) (HRUL)/ **SJ 288** (Vogel, J.) (SRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values. Monitor. Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. (15100853D, 15103715D)

**HB 2004** (Torian, L.) (HED) requires local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12. Oppose. Potential fiscal impact is \$17 million to Fairfax County. (15102507D)

**HJ 536** (Lingamfelter, L.S.) (HPE) allows lottery proceeds to be appropriated from the Lottery Proceeds Fund to public institutions of higher education for purposes of providing education and employment training for veterans who have been honorably discharged from an active or reserve component of the United States armed forces or the Virginia National Guard and who

are domiciled in the Commonwealth. Oppose; concern about diversion of funding from K-12. (15100006D)

### **Elections**

**HB 1497** (Sullivan, Jr., R.) (HPE) allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. This bill removes the current list of statutory reasons a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. It repeals several sections, including one section made obsolete by the expansion of federal write-in absentee ballots to all elections. Support. (15101185D)

**SB 1061** (Obenshain, M.) (SPE) requires electronic pollbooks to contain a photograph and identifying information received by the State Board of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill requires the officer of election to access the photograph and identifying information when the voter presents himself to vote and to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph in the pollbook. The bill has a delayed effective date of July 1, 2016. Oppose. (15100744D)

**SB 742** (Carrico, Sr., C.) (SPE) require that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. Monitor. (15101178D)

**SB 935** (Wexton, J.) (SLG) moves the date of election of the mayor and members of the Herndon town council from May to November beginning with the election of November 2016 and extends the terms of those in office as of July 2016 until December 31, 2016. The bill also provides for the election of a vice mayor at the first regular town council meeting in January following a municipal election. Support. (15102253D)

### **Health and Human Services**

**HB 2033** (Byron, K.) (HLC) makes several changes to coordinate the delivery of workforce development and training programs and activities at the state, regional, and local levels. Changes include (i) creating the Workforce Development Consortium to administer the coordinated implementation of programs and activities under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, (ii) requiring a regional convener of workforce development partners, (iii) establishing minimum levels of fiscal support for workforce credential attainment, and (iv) utilizing WIOA reserve funds for incentive programs to increase workforce credential attainment. Oppose unless amended to provide for flexibility in requirement to spend 40 percent of state funds on training. (15103265D)

**SB 1148** (Stuart, R.) (SCT) adds travel to and from a scheduled job interview or the office of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license. Support and amend to include travel to and from training for employment. (15102004D)

*Northern Virginia Veterans Care Center*

**HB 1276** (Cox, M.K.) (HAPP) provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project. Monitor. (15100105D)

**SB 675** (Puller, T.) (SFIN) provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project. Monitor. (15100218D)

Land Use

**HB 1708** (Marshall, R.) (HCL) requires that a zoning ordinance shall provide that any proposed data center that will require utilization of a 230 kilovolt electrical transmission line shall be located only in an area zoned for industrial use. However, if a zoning ordinance authorizes a data center, or similar land use, that will require utilization of a 230 kilovolt or greater electrical transmission line outside of an area zoned for industrial use, any electrical transmission lines that support such a land use and that are located at a distance greater than 300 feet from an existing electrical transmission line shall be placed underground at the expense of the owner of the data center. Oppose. (15103531D)

**HB 1849** (Marshall, D.W.) (HCCT) changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements. Oppose. (15101133D)

**HB 2262** (Morris, R.) (HCCT) provides that upon request of the applicant, the local planning commission shall designate an officer or employee who shall (i) advise the applicant of the feasibility of the applicant's rezoning request and (ii) provide a list of all required or anticipated materials, assessments, surveys, or reports that will be required of the applicant before



consideration of the rezoning request. The bill provides that such information, while not constituting early approval of the applicant's rezoning plan, shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements. Oppose. (15103259D)

**SB 1011** (Stuart, R.) (SLG) allows a locality to use a cash payment voluntarily proffered by a landowner to purchase development rights within the locality in accordance with the comprehensive plan and local ordinances allowing for the transfer of development rights. The bill provides that the locality seeking to purchase such rights must first notify the proffering landowner and conduct a public hearing. Following the hearing, the locality is required to find that the purchase is in accordance with the local ordinance allowing the transfer of development rights, the rights to be purchased are within the areas identified in the comprehensive plan for land conservation, and the purchase is in the public interest. The bill contains technical amendments. Support. (15101258D)

**SB 1272** (Deeds, C.) (SRSS) creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees. Oppose. (15102005D)

### **Legislation on Sexual Assault on College Campuses**

**SB 981** (Favola, B.) (SEH)/ **SB 1329** (Garrett, T.) (SEH) requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status. Support. (15101757D, 15103641D)

**HB 1508** (Sullivan, R.) (HCT) requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that mandate the referral of a sexual assault victim to the sexual assault crisis center, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who are concerned that an official report might jeopardize their academic status. Support. (15102669D)

**HB 1343** (Filler-Corn, E.) (HCT)/ **HB 1785** (Massie, J.) (HCT) requires that mutual aid agreements between campus police force and law-enforcement agencies contain provisions

requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. Support. (15101213D, 15101919D)

### **Public Safety**

**HB 1670** (Berg, M.) (HAPP) provides that sheriffs shall always serve as the chief law-enforcement officer of a locality and receive funding in an amount as provided in the general appropriation act to perform in that capacity. The bill also provides that a locality may still establish a police department. Oppose. (15102780D)

**SB 925** (Edwards, J.) (SLG) allows a locality having its own school district or school system to provide by ordinance for the establishment of a school zone speed limit photo-enforcement system imposing monetary liability on the operator of a motor vehicle for failure to comply with the speed limit in a school zone or school crossing in such locality. Proof of a violation of this section shall be evidenced by information obtained from a school zone speed limit photo-enforcement system. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Support with amendment to remove strict liability civil penalty. (15102657D)

### **Taxation**

**HB 1410** (Marshall, R.G.) (HAPP) reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax. Oppose. (15102019D)

**HB 1576** (Pogge, B.) (HFIN) permits the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court. Oppose. (15101153D)

**HJ 597** (Hugo, T.D.) (HPE) provides that the General Assembly may provide a real property tax exemption for the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel

killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried. Amend to provide for state funding for this initiative. (15101096D)

**HB 1294** (Morris, R.) (HFIN) exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges. Oppose. (15100044D)

**HB 1721** (Ramadan, D.) (SFIN) exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries. Amend to support as a state tax credit. (15101172D)

**SB 796** (Lucas, L.) (SLG) removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance. Support. Consistent with County principles for revenue diversification. (15101941D)

**HB 1310** (Krupicka, K.R.) (HFIN) creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.40 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited. Support. (15100391D)

**SB 1004** (Ebbin, A.) (SFIN) creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.18 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited. Support. (15102363D)

### **Transportation**

**HB 1317** (Campbell, J.) (HCT) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. Oppose. (15100416D)

**HB 2095** (Keam, M.) (HFIN) requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. Oppose. (15101728D)

**SB 1023** (Stuart, R.) (STRAN) includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process. The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the Commonwealth Transportation Board and to make necessary recommendations regarding the process to the General Assembly. Oppose. (15103232D)

**HB 1886** (Jones, C.) (HTRAN) establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected. Support with amendment to clarify high/medium/low risk levels. (15103395D)

**SB 781** (Alexander, K.) (Senate Floor) allows drivers to pass pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity. Monitor. (15104053D-S1)

*Hampton Roads Transportation Accountability Commission (HRTAC)*

**HB 1510** (Ward, J.) (HTRAN) provides that population estimates used by the Hampton Roads Transportation Accountability Commission in making its decisions shall be those projections made by the Weldon Cooper Center for Public Service of the University of Virginia. Current law provides for use of the most recent decennial census in determining such population estimates until the fifth year following each census and then using adjusted projections made by the Center. Monitor. (15101718D)

**HB 1760** (James, M.) (HTRAN)/ **SB 743** (Lucas, L.) (SRUL) allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission. Monitor. (15102902D, 15101573D)

*Northern Virginia Transportation Authority*

**HB 1470** (LaRock, D.) (HTRAN) requires that 70 percent of the revenues received by the Authority under § 33.2-2510 be used by the Authority solely to fund transportation projects

selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257. Oppose. (15100978D)

**HB 1525** (Minchew, J.R.) (HFIN) requires the Department of Taxation to provide to the Northern Virginia Transportation Authority (NVTA) the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA. Support. (15102761D)

**HB 1529** (Berg, M.) (HAPP) provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015. Monitor. (15102351D)

**HB 1915** (LeMunyon, J.) (HTRAN)/ **SB 1314** (Marsden, D.) (STRAN) requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. Oppose. (15103478D, 15103670D)

**HB 2170** (Minchew, J.R.) (HTRAN) transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority. Oppose. (15102863D)

**SB 921** (Wexton, J.) (STRAN) adds towns to the list of localities whose transportation projects can benefit from revenues from the Northern Virginia Transportation Authority. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA. Oppose. (15102245D)

**SB 1033** (Wexton, J.) (STRAN) increases the membership of the NVTA by one nonlegislative member to represent towns that receive funds for urban highway systems. Oppose. (15102244D)

### Utilities

**HB 1424** (Marshall, D.W.) (HCCT)/ **SB 868** (Chafin, B.) (SLG) repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the

delinquency as long as the landlord has paid the charges for which he is liable. Oppose. (15101131D)

### Water

**SB 1154** (Wexton, J.) (SACNR) requires any person who unlawfully discharges any deleterious substance into state waters to notify the Department of Environmental Quality (the Department) and the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice and gives the person a choice between notifying the State Water Control Board (the Board), the Director of the Department, or the local emergency services coordinator. The bill also requires the Board or the Department to provide each report of a discharge to local newspapers, television stations, and radio stations within 24 hours of receiving it. Oppose. (15102514D)

**SB 1201** (Wagner, F.) (SACNR) directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed by a locality that is a municipal separate storm sewer system (MS4) permittee as a method by which the permittee may meet its pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill also requires that any dredging take place in a navigable waterway within the boundaries of the locality and comply with all applicable laws. Support with amendment to strike "navigable waterway." (15100954D)

### Workers' Compensation

**HB 1486** (Habeeb, G) (HLC) provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions. Oppose. (15101541D)

**SB 770** (McEachin, A.D.) (SCT) provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions. Oppose. (15100341D)

### **Studies**

**HJ 619** (Lingamfelter, L.S.) (HRUL) requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly. Monitor. (15103536D)

**HJ 635** (LaRock, D.) (HRUL) requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax. Monitor. (15102420D)

**HJ 590** (Ramadan, D.) (HRUL) requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief. Oppose. (15101763D)

### **Legislation Provided for Discussion**

**HB 2186** (Kory, K.) (HED) requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations. Oppose. (15102521D)

### **License Plate Readers/Privacy**

**HB 1274** (Farrell, P.) (HCT) provides that no officer of the law or any other person shall search any cellular telephone, tablet computer, portable computer, desktop computer, or other electronic device containing or designed to contain electronic data or digital information except by virtue of and under a warrant issued by a proper officer. Monitor. Board has historically advocated amending bill to apply only to personally-owned devices. (15100087D)

**HB 1528** (Berg, M.) (HCT) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader provided that any information collected shall only be retained for 24 hours and shall only be used for the investigation of a crime or a report of a missing person. The bill provides that any person who sells or uses information collected from a license plate reader by a law-enforcement agency in any unauthorized manner is guilty of a Class 6 felony. Monitor. Retention period in bill may be insufficient. (15101692D)

**HB 1673** (Anderson, R.) (HCT) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and

organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader, provided that any information collected shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. Monitor. Retention period in bill may be insufficient. (15102702D)

**SB 965** (Petersen, C) (SGL) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such collected information must be purged from the system. Monitor. Retention period in bill may be insufficient. (15103452D)

**HJ 578** (Anderson, R.) (HPE) clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth. Amend to remove immunity clause to preserve existing legislative and judicial authority. (15102466D)

## **Transportation**

### *Transportation Funding*

**HB 1887** (Jones, C.) (HTRAN) The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.



The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB.

The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act. Support with amendments to: provide/retain local governments' ability to determine where funds will be allocated within their respective jurisdictions; retain the ability of the Transportation Partnership Opportunity Fund to be used for public-private partnerships or tax districts; and clarify that there will not be a negative impact on the Virginia Railway Express. (15103429D)

**SB 1274** (Barker, G.) (STRAN) allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995. Monitor. (15102817D)

*Transportation Network Companies (TNCs) (Committee will discuss positions on TNC bills at the next Legislative Committee meeting on January 30, 2015. See handout on handwritten pages 86-87 for more information on TNC bills.)*

**HB 1662** (Rust, T.) (HTRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an annual fee of \$50 per TNC partner vehicle, an initial TNC license fee of \$70,000, and an annual license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15102707D)

**HB 1981** (Hugo, T.) (HTRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; and have a maximum seating capacity of no more than seven persons, excluding the driver. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$70,000 and an annual TNC license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15103076D)

**HB 1933** (Anderson, R.) (HTRAN) provides for the regulation of transportation network companies by the Department of Motor Vehicles. (15103075D)

**SB 1025** (Watkins, J.) (STRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an annual fee of \$50 per TNC partner vehicle, an initial TNC license fee of \$70,000, and an annual license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15103910D-S1)

#### **Legislation Requiring Further Review**

**HB 1383** (Morris, R.) (HCCT) provides that any appointee of a local governing body to a local board, commission, or committee, whether appointed pursuant to § 15.2-1411 or any other provision of the Code, shall serve at the pleasure of the local governing body and may be removed at any time. (15100849D)

**SB 991** (Dance, R.) (SFIN) establishes the Virginia Tourism Growth Incentive Fund to attract new tourism and hospitality projects and expand existing tourism and hospitality projects in the Commonwealth. (15101462D)

**HB 1590** (Krupicka, K.R.) (HFIN) increases the state (i) cigarette tax rate from \$0.30 per pack to \$2.00 per pack, (ii) the cigarette excise tax on roll-your-own tobacco from 10 percent of the manufacturer's sales price to 60 percent, and tax rate on certain other tobacco products by the same percentage. The additional revenue attributable to the increase in taxes is dedicated to public education. (15102462D)

**HB 1828** (Ware, Jr., R.L.) (HACNR) makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$85 million beginning in 2015; (ii) reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. (15103287D)

**HB 1414** (Marshall, R.G.) (HGL) provides that a person shall not be required to perform, assist, consent to, or participate in any action or refrain from performing, assisting, consenting to, or participating in any action as a condition of obtaining or renewing a government-issued license, registration, or certificate where such condition would violate the religious or moral convictions of such person with respect to same-sex marriage or homosexual behavior. (15101161D)

**HB 2204** (Jones, C.) (HAPP) revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to

the Department of Human Resource Management, and providing for an administrative appeal process. The bill becomes effective July 1, 2016. (15103624D)

**SB 823** (Miller, J.) (SEH) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2017-2018 school year. (15101177D)

### Elections

**HB 1312** (Anderson, R.) (HPE)/ **SB 691** (Deeds, C.) (SPE) /**SB 1077** (Vogel, J.) (SPE) authorizes the State Board of Elections to conduct a pilot program under which one or more localities unanimously approved by the State Board would establish vote centers for use in primary elections instead of operating a polling place for every precinct in the locality. The bill defines "vote center" as a location established by local ordinance where qualified voters from two or more designated precincts are directed to vote. The bill requires the governing body of a locality applying to participate in the pilot program to have the unanimous consent of its local electoral board. The bill also requires the State Board to publish a report on the program by August 15 of any year in which a vote center is used. The provisions of the bill would expire on December 31, 2019. (15100334D, 15100415D, 15101327D)

**SB 711** (Edwards, J.) (SPE) requires general registrars to conduct and complete within 30 days of the receipt of precinct lists from the State Board a cross-check of precinct list voters with voter registration data supplied by other states in the interstate cross-check system developed under current law by the State Board. The bill requires the State Board to grant an extension of up to 30 days to complete the cross-check if so requested by a general registrar within 48 hours of initial receipt of the precinct list. The bill requires the general registrars to, at a minimum, compare the Virginia Voter Registration System registration history and Virginia voting history of precinct list voters with the out-of-state registration data provided in the interstate cross-check system and prohibits the cancellation of a voter's registration within 90 days prior to a primary or general election solely on the basis of the interstate cross-check. The provisions of the bill are contingent on funding in a general appropriation act passed in 2015 by the General Assembly that becomes law. (15100897D)

**SB 1092** (Vogel, J.) (SPE) reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars. The bill also requires that the governing bodies of the localities be reimbursed in full for the compensation and expenses of electoral board members and general registrars. (15102713D)

**HB 1318** (Campbell, J.) (HPE) requires that any voter submitting his application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification. (15100844D)

**HB 1574** (Pogge, B.) (HPE) requires that a person registering to vote provide proof of United States citizenship in a form specified by the State Board of Elections. (15102008D)

**HB 2158** (Sickles, M.) (HPE) provides for a quarterly schedule for special elections. Every special election is required to be held on the first Tuesday following the first Monday in February, May, August, or November. The bill requires that (i) a vacancy occurring more than 55 days prior to the date of the next quarterly special election be filled at that next quarterly special election and (ii) a vacancy occurring within the 55 days prior to the date of the next quarterly special election be filled at the second quarterly special election following such vacancy. The bill also amends the deadlines for the quarterly special election dates that do not fall on the date of a May or November general election, by which independent candidates are required to file declarations of candidacy and petitions and political parties are required to nominate candidates. The bill exempts from the quarterly special election schedule and the deadlines for filing by candidates or for nominating candidates, those vacancies in the General Assembly that occur after the date of the November quarterly special election but before the second Wednesday in January and permits such vacancies to be filled at a special election held on any date, provided the date is a Tuesday and the writ otherwise complies with current law. (15101785D)

### **Environment/Energy**

**SB 880** (Lewis, Jr., L.) (SLG) allows any locality by ordinance to prohibit retailers from providing disposable plastic bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness and garbage bags that are sold in multiples. (15100695D)

**SB 1103** (McWaters, J.) (SLG) allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (15101066D)

**HB 1446** (Marshall, D.W.) (HCCT) expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission. (15101999D)

**HB 1846** (Marshall, D.W.) (HACNR) Requires owners or operators of electric generating facilities and landfills that manage coal combustion residuals (CCRs) to test private wells and springs located within a radius specified by the Department of Environmental Quality (DEQ) to determine the levels of heavy metals. If the facility or landfill has a liner, leachate controls, and groundwater monitoring, it is exempt from the testing requirement. The tests are to occur in the fourth quarter of each year, unless the owner of the well or spring waives the testing or DEQ determines no further testing is necessary. If the test indicates the presence of heavy metal at a level that exceeds drinking water or water quality standards, the owner or operator of an electric generating facility or landfill is required to report the exceedance within 24 hours of receiving the test results to (i) DEQ; (ii) the Virginia Department of Health (VDH); and (iii) the chief administrative officer of every locality, every private well and spring owner, and every water well systems provider, as well as local media, within the affected area. The owners or operators are also required to develop a response plan to remediate the exceedance and protect human health and the environment, and the plan is to be submitted to DEQ and VDH.

With respect to the reporting of the release of CCRs, the owners or operators are required to report the release to DEQ, VDH, and the local coordinators of emergency services within one hour of learning of the release. Within four hours of the release, the owner or operator also is required to contact the local media in the affected area. Within five days of the release, the owner or operator is required to submit (a) a report describing details of the release and (b) a plan for remediation of the release. The State Water Control Board may require that certain strategies be included in the remediation plan. (15103143D)

#### **Freedom of Information Act (FOIA)**

**HB 1646** (Pogge, B.) (HCT) provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting. (15101696D)

**HB 2223** (Morris, R.) (HCT) provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body convicted of a willful and knowing violation of certain FOIA provisions is guilty of a Class 1 misdemeanor. (15103258D)

#### **Health and Human Services**

**SB 773** (McWaters, J.) (SCT) amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15100950D)

**SB 779** (McWaters, J.) (SCT) increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility. The bill also amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15101087D)

**HB 2084** (Peace, C.) (HHWI) extends eligibility for auxiliary grants to include individuals residing in supportive housing, provided the supportive housing provider has entered into an agreement for the provision of supportive housing with the Department of Behavioral Health and Developmental Services. The bill also establishes requirements for providers of supportive housing that enter into agreements with the Department. (15101578D)

**HB 2258** (Head, C.) (HHWI) eliminates a requirement that physicians serving as members of screening teams for community-based long-term care services as defined in the state plan for medical assistance be an employee of the Department of Health or the local department of social services; eliminates the requirement that the Department of Medical Assistance Services (the Department) contract with an acute care hospital for institutional screenings for long-term care services as defined in the state plan for medical assistance, so that the Department may but is not required to contract with acute care hospitals for such screenings; and allows the Department to contract with one or more vendors to receive, conduct, track, and monitor requests for all community-based and institutional long-term care screenings. The bill also requires the Board of Medical Assistance Services to promulgate regulations to implement the bill's provisions within 280 days and allows the Board to implement changes necessary to implement the bill's provisions upon its passage and prior to the promulgation of regulations. (15103266D)

### **Procurement**

**HB 1835** (Gilbert, C. T.) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of procuring professional architectural or engineering services, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and

the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15101672D)

**HB 1540** (Albo, D.) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of providing professional architectural or engineering services that constitute the practice of architecture or the practice of engineering; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job and (b) no more than 25 percent of the construction cost, not to exceed \$60,000, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill removes the provision that allows a public body to discuss nonbinding estimates of total project costs, life-cycle costing, and, where appropriate, nonbinding estimates of price for services. The bill provides that negotiations may be held on proposed terms and conditions set out in the Request for Proposal. The bill also clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity; public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005; any state agency utilizing job order contracting; and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies working cooperatively, report their respective experiences and findings relating to (1) the appropriateness and effectiveness of job order contracting in general, (2) the project cost limitations set forth in subsections B and D of §2.2-4303.1 as added by this bill, and (3) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments. (15102721D)

**HB 1703** (Morefield, J.W.) (HGL)/ **SB 863** (Chafin) (SGL) clarifies that small purchase procedures for purchases not expected to exceed \$100,000 may be used to procure



construction. Under the bill, where small purchase procedures are adopted for construction, the procedures may not waive compliance with the Uniform Statewide Building Code.  
(15102851D, 15102336D)

**SB 885** (Petersen, C.) (SGL) changes the definition of small business to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently, a small business is required to meet one or the other of these conditions. This bill is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act.  
(15100878D)

### **Public Safety**

**HB 1559** (Rust, T.) (HCT) provides that any responsible person who abuses or neglects an incapacitated adult in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, but whose abuse or neglect does not result in serious bodily injury or disease to the incapacitated adult, is guilty of a Class 6 felony. (15102299D)

**HB 1808** (Herring, C.) (HCT) provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report, and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission.  
(15102632D)

**HB 1403** (Hope, P.) (HMPP) provides that inmate phone services commissions paid to the Commonwealth shall not exceed 10 percent of the overall net revenue realized by the provider. All commissions or revenues received by the Commonwealth on prisoner telephone calls shall be paid into the state treasury and credited to the Prisoner Reentry Fund to be used for independent pre-release and post-release reentry and transition services programs.  
(15102732D)

**HB 1521** (Lindsey, J.) (HMPP) provides that any sheriff who is the chief law-enforcement officer of his locality and employs 100 or more deputies, any police force that employs 100 or more officers, and the Superintendent of State Police shall, no later than January 1, 2018, implement and operate a body-worn camera system, which is defined in the bill as an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings, that may be worn about the person of a law-enforcement officer. Such a system

must comply with the model policy or guideline that will be established by the Department of Criminal Justice Services. (15102428D)

**HB 1534** (Berg, M.) (HMPP) requires the Superintendent of State Police to implement and operate a body-worn camera system, which is defined by the bill as an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings that may be worn about the person of a law-enforcement officer, and require all officers be equipped with a body-worn camera. The bill provides that the Department of State Police shall, on a daily basis, transmit all recordings made by the system during the previous 24-hour period to a database maintained by the Attorney General. Recordings shall be retained in the database for 30 days but may be retained longer if relevant for the investigation of a crime. The bill also provides that recordings in the database shall not be disclosed except pursuant to a court order or when an allegation that a law-enforcement officer has engaged in unlawful conduct has been made. The bill provides further that any other law-enforcement agency in the Commonwealth may implement and operate a body-worn camera system subject to the same requirements as the system operated by the State Police. Finally, the bill provides that any person who knowingly disseminates any audiovisual recording created through the operation of a body-worn camera system in violation of the limitations on such dissemination is guilty of a Class 6 felony. (15101742D)

**HB 1553** (Marshall, D.W.) (HCCT) provides that any locality may by ordinance establish a system to deliver emergency notifications to residents by email or text message. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision. (15102564D)

**HB 1833** (Gilbert, C.T.) (HCT) allows law-enforcement officers to possess naloxone and administer naloxone to a person who is believed to be experiencing or about to experience an opiate overdose. The bill provides law-enforcement officers immunity from civil liability for any personal injury that results from the good-faith administration of naloxone. (15101645D)

**SB 721** (Marsden, D.) (Passed Senate Floor) requires the agency seizing property to issue contemporaneously with the seizure, a receipt itemizing the property seized. (15103694D-S1)

**SB 828** (Black, R.) (SCT) eliminates the crimes of possession on the property of a private or religious elementary, middle, or high school; a school bus owned or operated by such school; or any property being used for functions or extracurricular activities sponsored by such school of a stun weapon, knife, or other weapon (currently a Class 1 misdemeanor) or a firearm (currently a Class 6 felony). The bill does not affect the criminal penalties for the possession of such weapons on public school property. (15100380D)

#### *Firearms*

**HB 1467** (Marshall, R.G.) (HED) permits a school board or an administrator of a private school to designate one or more qualified person for every school who may carry a concealed

handgun on school property. Such qualified persons include certain school division employees, certain school volunteers who carry valid concealed handgun permits, and certain retired law-enforcement officers. Any person designated to carry a concealed handgun must be certified and trained by the Virginia Center for School and Campus Safety or the National Rifle Association in the storage, use, and handling of a concealed handgun. The bill also outlines the training requirements for designated persons to be established by the Department of Criminal Justice Services. (15102750D)

**HB 2009** (LaRock, D.) (HMPP) requires that when certification of a chief law-enforcement officer is required by federal law for transfer of a firearm as defined in the National Firearms Act, such certification must be provided within 60 days if the applicant is not prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm, the chief law-enforcement officer or his designee shall notify the applicant in writing of the reason for the prohibition. For the purposes of this measure, the definition of "firearm" is limited to machine guns, rifles and shotguns of a certain length, weapons made from certain rifles or shotguns, and silencers. If the chief law-enforcement officer fails to provide certification within 60 days, the applicant has a right to an ore tenus hearing in circuit court and, unless the evidence shows that the applicant is prohibited by law from receiving the firearm, the court shall order the chief law-enforcement officer to issue the certification within five business days. (15103495D)

**SB 936** (Marsden, D.) (SCT) permits localities, the Capitol Police, and the State Police to donate unclaimed firearms to the Department of Forensic Science. (15101854D)

### **Stormwater Management**

**HB 2227** (Webert, M.) (HACNR) expands the stormwater management exemptions available to single-family detached residential structures to also include agriculture structures occupying a footprint of less than 2,500 square feet. The bill also directs the State Water Control Board to adopt a regulatory definition of "impervious cover" that excludes unpaved farm roads that are closed to public travel. (15102695D)

**HB 1827** (Scott, E.) (HACNR) exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program. (15101372D)

### **Transportation**

**HB 1531** (Minchew, J.R.) (HTRAN) allows counties to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. The bill also removes the authority for VDOT to change the speed limit in school zones. (15102736D)

**HB 1593** (Cole, M.) (HCCT) provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way. (15100490D)

**HB 1751** (Ransone, M.) (HGL) provides that in the event the economic impact analysis completed by the Department of Planning and Budget reveals that a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period allowed for preparation of the economic impact analysis. The bill requires the Joint Commission on Administrative Rules to review such rule or regulation and report quarterly to the Governor and the General Assembly on any such regulation, including in its report a statement of any position taken by the Commission on any such regulation. (15100535D)

**HB 1769** (Loupassi, G.M.) (HCJ) eliminates the element that the underlying consumption of alcohol by a person under the age of 21 must have been illegal in order to be guilty of the offense of a person under the age of 21 operating a motor vehicle after consuming alcohol. The bill provides, instead, that such person shall have an affirmative defense to the offense if such person's consumption of alcohol was lawful. (15100014D)

**SB 1146** (Stuart, R.) (SACNR) directs the Department of Environmental Quality to establish the Virginia Vegetation Program, organizing volunteer labor to plant native vegetation on unimproved lands that is managed by the Virginia Department of Transportation or in stormwater management basins that are located on public lands. The bill requires the Department to establish planting criteria, develop an information packet, arrange planting in coordination with volunteers and local officials, and create a list of appropriate planting sites. The bill also addresses potential liability for any injury or damages caused or sustained by program volunteers. (15103497D)

**SB 1159** (Edwards, J.) (STRAN) requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly. (15102779D)

**SB 1299** (McEachin, A.D.) (SGL) requires public contracts for the construction, reconstruction, alteration, repair, improvement, or maintenance of a public building or public works to contain a provision that the iron, steel, and manufactured goods used or supplied in the performance of the public contract or any subcontract shall be manufactured in the United States. This requirement does not apply if the requirement is inconsistent with the public interest, the products are not manufactured within the United States in sufficient and reasonably available quantities or with satisfactory quality, or using the products will increase the cost of the public contract by 25 percent or more. A person intentionally mislabeling or

misrepresenting the origin of products will be ineligible to receive any other public contracts. (15102482D)

**SB 1312** (Lewis, Jr., L.) (SCT) prohibits enforcement of a provision in a recorded deed or plat that prohibits the owner of a private road from dedicating the road for public use or reaching an agreement with the locality or the Department of Transportation for the improvement or maintenance of the road. The bill requires that the private road serve a subdivision of 50 or fewer lots in total and that all lot owners consent to the dedication or agreement. (15101770D)

**SJ 234** (Wexton, J.) (SRUL) directs the Joint Legislative Audit and Review Commission to study the feasibility of purchasing the Dulles Greenway. (15102251D)

### Utilities

**HB 1475** (Ware, Jr., R.L.) (HCL) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15101914D)

**SB 1163** (Saslaw, D.) (SCL) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of

natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15103029D)

**SB 1169** (Hanger, Jr., E.) (SCL) conditions a natural gas utility's exercise of its authority to enter upon the property of a landowner without his permission upon the adoption by the local governing body of the city or county in which the property is located expressing support for the gas line or works. The governing body may only adopt such a resolution if it finds that locating the line or works within the locality is consistent with its comprehensive plan and that there exists a demonstrated public need for the line or works. (15102840D)

#### **Legislation to be Monitored by Staff; State Revenue/Policy Implications**

**SB 755** (Saslaw, D.) (S. Floor) replaces a detailed metes and bounds description of the Falls Church city boundary with references to the relevant legislative acts and a court order. (15103342D-S1)

**HB 1804** (Knight, B.) (HHWI) provides that an owner of real property who (i) obtained a waiver to repair a failing onsite sewage system on or between July 1, 2004, and July 1, 2011, (ii) completed such repair, and (iii) desires to upgrade the system to meet the minimum regulatory requirements of the Board of Health that were in place on the date such waiver was obtained may request a waiver from all requirements established by the Board of Health after the date the initial waiver was obtained. The bill requires the Commissioner of Health to grant any request for such waiver. (15101747D)

**HB 1931** (Anderson, R.) (HCT) establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. This bill includes a delayed effective date. (15103485D)

**HB 1866** (Stolle, C.) (HACNR) allows the Director of the Department of Conservation and Recreation to make loans from the Dam Safety, Flood Prevention, and Protection Assistance Fund of up to \$300,000 to be used to elevate or flood-proof primary and secondary single-family homes, owner-occupied rental housing of not more than four units, and businesses. To be eligible, homeowners' and business owners' structures must be subject to coastal flooding and located in either Zone VE or Coastal Zone AE, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program. (15102655D)

**HB 2028** (Wilt, T.) (HACNR) clarifies that the role of the Scenic River Advisory Committees is to make observations to the Director of the Department of Conservation and Recreation and the local governing bodies affected by the designation. The bill prohibits the Department, the Director, and the advisory committees from taking any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets. In making their observations

and recommendations to the local governing bodies, the Director and advisory committees are to consider the inherent rights of property owners. (15102563D)

**HB 2052** (Sickles, M.) (HACNR) repeals the Pest Control Compact, which codified Virginia's participation in the Interstate Pest Control Compact (IPCC). The IPCC governing board voted to dissolve the compact in 2012. (15101375D)

**HB 2016** (Surovell, S.) (HCT) provides that when a fiduciary qualifies for the sole purpose of defending a personal injury or wrongful death action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned. (15101355D)

**SB 797** (Locke, M.) (SLG) establishes a procedure by which the operator of a traffic light signal violation monitoring system will mail a "notice of violation" to the alleged violator. If the matter is not resolved within 45 days from the mailing of the notice of violation, a summons may be executed and the matter may be enforced in court. Existing provisions for contesting the matter by filing an affidavit stating that the person was not the operator of the vehicle or by so testifying in court are retained. (15100747D)

**HB 2024** (BaCote, M.) (HMPP) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality. (15103360D)

**HB 1983** (Sullivan, R.) (HCT) prohibits a circuit court clerk or an outside vendor contracted by the clerk, or both, from including their indemnification as a requirement in an agreement with a state agency to provide subscribers remote access to land records. (15101374D)

**HB 1993** (Morrissey, J.) (HCCT) simplifies the process by which a locality may petition to be appointed as a receiver for a blighted property. (15102449D)

**SB 794** (Carrico, Sr., C.) (Passed Senate Floor) provides that a magistrate may not issue an arrest warrant for any criminal offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. This procedure already applies to felonies; this bill will add misdemeanors to the existing provision. The bill provides that a person who has the power to issue warrants is competent to testify in a criminal proceeding on a crime committed in his presence in the course of his official duties. (15103782D-S1)

**HB 1488** (Pogge, B.) (HACNR) prohibits the owner of a fee interest in land that is subject to a conservation easement accepted on or after July 1, 2016, from receiving certain tax benefits or tax credits if the easement is co-held, contains a third-party right of enforcement, or omits notice of the holder's enforcement guidelines. The bill also requires the holder's enforcement guidelines, if the fee owner is to receive the tax benefits, to define "agriculture" to include

small-scale family farming practices. The bill removes from the list of parties that have legal standing to bring an action affecting a conservation easement the Virginia Historic Landmarks Board, a person with a third-party right of enforcement, the local government, and any other agency or person with standing under other laws. The bill authorizes the Virginia Outdoors Foundation (VOF) to issue decisions on disputes over the interpretation of easement instruments where those disputes are not already in litigation. The bill requires the Foundation, in deciding such cases, to follow the Administrative Process Act, except that it is required to construe ambiguous easement terms in favor of the landowner and to construe "agriculture" to include small-scale family farming practices. The bill also requires the Department of Conservation and Recreation to report, without identifying them, individual easement donations and requires the Joint Legislative Audit and Review Commission to conduct an annual public hearing to assess whether private holders of conservation easements comply with best practices. (15102502D)

**HB 1652** (Simon, M.) (HACNR) authorizes any locality by ordinance to require the owners of residential property consisting of one-half acre or less to provide 48-hour advance notice of the application of pesticides by a commercial applicator to adjoining property owners. The bill provides that the ordinance may specify the method of the required notice. (15100096D)

**SB 841** (Lucas, L.) (SLG) removes the requirement that counties, except as otherwise required by law, publish notice of an intention to propose an ordinance for two weeks in a newspaper having a general circulation. The bill contains technical amendments. (15101932D)

**SB 994** (Stuart, R.) (SLG) requires that where a locality sets standards for the clustering of single-family dwellings and the preservation of open space, the standards may prohibit the division of a development's open space into discontinuous areas, require certain open space to be accessible to all dwellings in the development, and require certain open space to be usable by residents. The bill contains technical amendments. (15101256D)

**SB 1047** (Hanger, Jr., E.) (SLG) clarifies the requirement that a local stormwater utility waive charges to property that is covered by a permit to discharge stormwater from a municipal separate storm sewer system (MS4) and owned by a government or public entity, regardless of whether the property is titled in the name of the permit holder. (15100925D)

**HB 1511** (Ware, Jr., R.L.) (HACNR) requires the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. If the owner of the subject land fails to make the disclosure in writing, on a form developed by the Real Estate Board in consultation with DEQ, prior to acceptance of a contract for the sale or lease of the subject land, the prospective purchaser or lessee may institute an action to recover actual damages. The disclosure and remedy provisions of the bill are similar to those in the Virginia Residential Property Disclosure Act. (15100662D)



**SB 1256** (Smith, R.) (SLG) allows localities required to advertise legal notices by publication in a newspaper of general circulation in the locality or posting on the locality's website to advertise such notices on radio or television in lieu of or in addition to such publication or posting. (15102370D)

**SB 686** (Ebbin, A.) (SCT) decriminalizes marijuana possession and changes the current \$500 criminal fine for simple marijuana possession to a maximum \$100 civil penalty payable to the Literary Fund and eliminates the 30-day jail sentence. The bill reduces the criminal penalties for distribution and possession with intent to distribute etc. of marijuana. The bill creates a rebuttable presumption that a person who grows no more than six marijuana plants grows marijuana for personal use and not for distribution and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. Marijuana is removed from a statute making it a Class 1 misdemeanor to distribute or display advertisements, etc., for instruments used for marijuana and from the common nuisance statute. The distribution of paraphernalia statute will apply only to an adult who distributes to a minor at least three years his junior. The bill also limits forfeiture of property from sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount. The penalty for possession of marijuana by a prisoner is reduced from a Class 5 felony to a Class 6 felony. (15100820D)

**SB 865** (Chafin, B.) (Passed Senate Floor) provides that the clerk of court shall not, in addition to current categories of prohibition, grant administration of an estate to a person convicted of (i) any fraud or misrepresentation in any connection or (ii) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering, regardless of whether his civil rights have been restored. (15103703D-S1)

**SB 1166** (Hanger, Jr., E.) (SCL) Makes a public service corporation subject to the public records provisions of the Virginia Freedom of Information Act with respect to any project or activity for which it may exercise the power of eminent domain and has filed or prefiled for a certificate or other permitting document. (15103252D)

**HB 1696** (Bell, Richard P.) (HCL) makes a public service corporation subject to the public records provisions of the Virginia Freedom of Information Act with respect to any project or activity for which it may exercise the power of eminent domain and has filed or prefiled for a certificate or other permitting document. (15103106D)

### **Animals**

**SB 693** (Martin, S.) (SACNR) permits a person or organization, such as an animal shelter or humane society, to trap and sterilize a feral cat before returning it to the site where it was trapped, or to a suitable alternative site. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor. The bill also exempts a participant from liability to the owner of a feral cat for capturing, sterilizing, releasing, or providing medical care to the cat. (15100927D)

**SB 699** (Stanley, Jr., W.) (SACNR) allows localities to authorize the operation of community cat programs. In a community cat program, a caregiver who has an outdoor, free-roaming cat sterilized and returns it to the area where it was captured is not considered the legal owner or custodian of the cat. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. (15100729D)

**HB 1586** (Kory, K.) (HACNR) allows localities to authorize the operation of community cat programs. In a community cat program, a caregiver who has an outdoor, free-roaming cat sterilized and returns it to the area where it was captured is not considered the legal owner or custodian of the cat. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. (15102922D)

### **Food Labeling**

**HB 1290** (Bell, R. B.) (HAG) exempts food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, so long as (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating the product is not for resale and is processed and prepared without state inspection. The bill also exempts private homes or farms that meet the same conditions from examinations conducted by the State Health Commissioner of establishments in which crustacea, finfish, and shellfish are handled. (15100264D)

**HB 1461** (Morris, R.) (HAG) exempts persons who own three or fewer milking cows from the oversight of the Milk Commission and the Board of Agriculture and Consumer Services' requirements governing the quality, grading, and sanitary standards for milk so long as the milk their cows produce is sold directly to consumers and contains a label stating that the product has not been inspected by the state. (15100735D)

### **Transportation 'Lockbox' Constitutional Amendments**

**HJ 502** (Fowler, Jr., H.) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation

Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes. (15100388D)

**HJ 576** (LeMunyon, J.) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly shall not borrow from the Funds for any other purpose. (15101642D)

**SJ 217** (Black, R.) (Senate Floor) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. (15104050D-S1)

#### **Legislation Provided for Information**

**HB 1283** (Landes, R.S.) (HRUL) creates the Commission on Federal Oversight, consisting of eight legislative members representing the House of Delegates and the Senate, to meet no less than four times a year, two of which meetings shall be with the members of the Virginia Congressional Delegation. The Commission shall address economic and public policy issues for which both the federal and state governments have responsibility with members of the Virginia Congressional Delegation. An executive summary detailing the activity and work of the Commission must be submitted to the General Assembly and the Governor annually. The Commission shall not become effective unless an appropriation effectuating the purposes of the act is included in the appropriation act passed during the 2015 Regular Session of the General Assembly that becomes law. The Commission shall expire on July 1, 2018. (15100320D)

**HB 1848** (Marshall, D.W.) (HCCT) provides that a locality that owns an interest in a cooperative utility shall have authority to sell that interest to another company that will own, manage, and control the provision of such utility to the residents within such locality. (15101290D)

**SB 945** (Miller, J.) (SCL) removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to interest at a maximum annual rate of 36 percent. (15101188D)

### **Constitutional Amendments**

**HJ 508** (Cole, M.) (HPE) clarifies that the right to keep and bear arms conferred by Article I, Section 13 of the Constitution of Virginia is an individual right and guarantees the right of an individual to keep and bear arms for defense of self, others, or property or for any other lawful purpose. (15100994D)

**HJ 577** (Bell, R. B.) (HPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15101631D)

**HJ 620** (Preston, J.) (HPE) provides for the election of judges by the voters. Justices of the Supreme Court and judges of the Courts of Appeals shall be elected by the qualified voters of the Commonwealth, while judges of all other courts of record and judges of courts not of record shall be elected by the qualified voters of the several circuits. The amendments do not change the terms for which the judges serve. (15102269D)

### **Education**

#### *Miscellaneous*

**HB 2216** (Greason, T.) (HED) requires the Board of Education to adopt regulations for the possession and administration of epinephrine in private schools for students with disabilities. The bill authorizes employees of licensed private schools for students with disabilities and accredited private schools to possess, provide, and administer epinephrine to a student believed in good faith to be having an anaphylactic reaction and provides liability protection for such employees. (15102913D)

**SB 905** (Howell, J.) (SFIN) requires that any national norm-referenced achievement test used by a nonpublic school that is not accredited by the Virginia Council for Private Education be approved by the Board of Education in order to receive funds derived from the Education Improvement Scholarships Tax Credit. Current law does not require such norm-referenced tests to be Board approved. (15100515D)

**HB 1309** (Cole, M.) (HED) permits local school boards to arm school security officers with batons, stun weapons, or any spray device designed to incapacitate a person and to allow school security officers to use such devices under the appropriate circumstances. (15100434D)

**HB 1328** (Cole, M.) (HED) requires public school principals to determine the citizenship and immigration status of each enrolled student. The bill requires the Department of Education to report school-level data on the number of enrolled students who are United States citizens,

lawfully present aliens, or aliens unlawfully present in the United States and request reimbursement from the U.S. Department of Education for the average per pupil cost to educate students who are aliens unlawfully present in the United States. (15100532D)

**HB 1334** (Landes, R.S.) (HED) requires the Department of Education to develop and make publicly available on its website policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (FERPA) and state law applicable to students' personally identifiable information, including policies for (i) access to students' personally identifiable information and (ii) the approval of requests for student data from public and private entities and individuals for the purpose of research. The bill requires the Department and each local school division to notify the parent of any student whose personally identifiable information could reasonably be assumed to have been disclosed in violation of FERPA or state law applicable to such information. Such notification shall include the (a) date, estimated date, or date range of the disclosure; (b) type of information that was or is reasonably believed to have been disclosed; and (c) remedial measures taken or planned in response to the disclosure. (15100468D)

**HB 1550** (Greason, T.) (HED) makes local school boards responsible for setting the school calendar and determining the opening date 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. (15102565D)

**HB 1361** (Bell, R. P.) (HED) establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government, under the authority of the Secretary of Education, for the purpose of governing the online educational programs and services offered to students enrolled in the Virginia Virtual School (the School). The bill gives the 13-member Board operational control of the School and assigns the Board's powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12. The bill has a delayed effective date of July 1, 2016. (15100998D)

**SB 1327** (Reeves, B.) (SEH) requires a public institution of higher education to grant a student in-state tuition if participation in a federal educational assistance program is conditioned on such student receiving in-state tuition. (15103349D)

#### *Opportunity Educational Institution*

**HB 1299** (Bell, Richard P.) (HED) abolishes the Opportunity Educational Institution and requires each school division that contains a school that has been denied accreditation to enter into a memorandum of understanding with the Board of Education that permits the Board to make any changes that it deems necessary to improve the school's accreditation rating, including changes to the school's budget and personnel and the instructional practices of teachers. (15100230D)

**HB 1557** (Kory, K.) (HED) abolishes the Opportunity Educational Institution and permits the Board of Education to intervene in persistently non-accredited schools or the school divisions in which such schools are located to help ensure that an educational program of high quality is provided for students at such schools by providing guidance and recommendations on matters that affect instruction in such schools. The bill prohibits the Board of Education from providing guidance or recommendations to such schools on matters that do not affect instruction, including facilities, budget, athletic programs, and transportation. (15101053D)

*School Grading System*

**HB 1313** (Davis, G.) (HED) eliminates the A-F school grading system created in the 2013 Session and amended in the 2014 Session and permits the Board of Education to rank schools and school divisions based on the information contained in each School Performance Report Card. The bill requires any such designations of rank to be in a form different from the letter grades used by such schools and school divisions to grade student performance. (15100197D)

**HB 1368** (Miller, J.) (HED) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session. (15101442D)

**SB 727** (Black, R.) (SEH) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session. (15102949D)

**HB 1566** (Orrock, Sr., R.) (HED) requires the Board of Education to develop an individual school performance grading system and assign a grade or a series of grades to each public elementary and secondary school using a five-star to one-star scale, five-star being the highest grade. Current law requires individual school performance to be reported by October 1, 2016, using five letter grades from A to F. (15100641D)

**HB 1672** (Greason, T.) (HED) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session and requires the Board of Education, in consultation with the Standards of Learning Innovation Committee and no later than July 1, 2016, to redesign the School Performance Report Card so that it is more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions in the Commonwealth and submit such design to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health for final approval. (15102596D)

**HB 2180** (Webert, M.) (HED) delays full implementation of the A-F school grading system by one year, from October 1, 2016, to October 1, 2017. (15102229D)

*Standards of Learning*

**SB 757** (Barker, G.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to each student regardless of grade level or course. (15101638D)

**SB 874** (Cosgrove, J.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning assessment in reading or mathematics to each student regardless of grade level. (15100985D)

**SB 897** (Miller, J.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course. The bill contains an emergency clause. (15101387D)

**SB 984** (Garrett, T.S.) (SEH) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15101292D)

**SB 995** (Stuart, R.) (SEH) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15101257D)

**SB 900** (Barker, G.) (SEH) requires the Board of Education to promulgate regulations authorizing local school divisions to determine the date for administering Standards of Learning assessments. (15101637D)

**HB 1302** (Farrell, P.) (HED) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15100232D)

**HB 1303** (Farrell, P.) (HED) requires the Board of Education to make Standards of Learning assessments available to each local school board in advance of each school year and requires the school board to administer such assessments on the date during the school year that the board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. (15100234D)

**HB 1419** (Head, C.) (HED) requires all revisions of any Standards of Learning assessment to be finalized by December 31 of the school year prior to the school year in which the revised assessment is to be administered. (15101274D)

**HB 1490** (Habeeb, G.) (HAPP) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to each student regardless of grade level or course. (15103990D-H1)

**HB 1592** (Krupicka, K.R.) (HED) requires the Board of Education to establish guidelines for the award of verified units of credit to students who take and achieve satisfactory scores on certain alternative assessments in lieu of the corresponding Standards of Learning assessment. (15101070D)

**HB 1615** (Greason, T.) (HED) permits the end-of-course and end-of-grade Standards of Learning assessments prescribed by the Board of Education to be integrated to include multiple subject areas. (15102645D)

**HB 1684** (Surovell, S.) (HED) requires the Board of Education (Board) to waive the Standards of Learning assessment requirements for high school students who have taken an Advanced Placement or International Baccalaureate examination in the same subject area, except in the case of Standards of Learning assessments that are required for the purpose of state or federal accountability. The bill also requires the Board to provide for the award of verified units of credit to high school students who have achieved a satisfactory score on an Advanced Placement or International Baccalaureate examination in lieu of a Standards of Learning assessment in the same subject area. (15100619D)

**HB 1714** (LeMunyon, J.) (HED) permits the Board of Education to require each student to take a Standards of Learning assessment in science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight. Current law permits the Board to require each student to take this Standards of Learning assessment in grade eight. (15101906D)

**HB 1752** (LaRock, D.) (HED) Board of Education; Standards of Learning. (15103581D)

### **Elections**

#### *Voter Identification*

**HB 1375** (Lindsey, J.) (HPE) provides that the expiration date on a form of identification offered for voting identification purposes shall not be considered when determining the validity of that form of identification. (15100973D)

**SB 922** (Wexton, J.) (SPE) adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the State Department of Health, the Department of Social Services, the Department of Medical Assistance Services, or the Department of Behavioral Health and Developmental Services. An employee of any such private entity is currently permitted to use his employee identification card, provided the card contains a photograph of the voter, for purposes of voting. The bill allows a resident or other person who receives services from such private entity to use a valid identification card, provided the card contains a photograph of the voter, issued by the private entity. (15102254D)



**HB 1429** (Herring, C.) (HPE)/ **SB 688** (Ebbin, A.) (SPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth or by any public or private school or institution of higher education located in any other state or territory of the United States. Students of public high schools in Virginia are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from public or private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15100993D, 15100596D)

**HB 1495** (Sullivan, R.) (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. (15101191D)

**HB 1653** (Bulova, D.) (HPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15101011D)

**SB 820** (Barker, G.) (SPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15100418D)

#### *Voter Registration by Party*

**HB 1518** (Landes, R.S.) (HPE) adds party affiliation 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, 2016, 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 held from April 1 of that year through March 31 of the following year. (15101069D)

**HB 1599** (O'Bannon, J.) (HPE) provides that a voter who votes in a primary election held by a political party shall be designated on his registration record as affiliated with that political party. The bill requires the State Board to use the list of persons voting in a primary election submitted by the electoral boards to designate a political party affiliation on the registration record for each voter, but prohibits the State Board from designating a political party affiliation for a voter until the voter has voted in a primary election held on or after January 1, 2016. Voters may change their party affiliation or designate themselves as independents by providing written notice to the general registrar for the locality in which they are registered. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primary of a political party that chooses to nominate by primary. The bill has a delayed effective date of January 1, 2016. (15101890D)

**SB 1060** (Obenshain, M.) (SPE) adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. The bill requires the State Board of Elections, in September 2015, to notify all registered voters of the new party registration law and send them a return card to indicate their party affiliation or independent status. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed in advance of an election. The bill (i) requires the state party chairman to notify the State Board by January 31 of each year whether the party will close or open its primaries, (ii) requires that primary candidate petitions be signed and witnessed by voters registered as affiliated with the party conducting the primary, (iii) sets the required number of petition signatures at one percent of the number of voters registered as affiliated with the party in the election district where the primary is being held, and (iv) allows an official political party to retain that status as long as at least 15 percent of the Commonwealth's registered voters are registered as affiliated with that party. (15100743D)

#### *Election Scheduling*

**HB 1280** (Fowler, Jr., H.) (HPE)/ **SB 1076** (Vogel, J.) (SPE) changes the date of primary elections held in the month of June from the second Tuesday in June to the third Tuesday in June and changes candidate filing deadlines to reflect that change of date. (15100036D, 15101326D)

**HJ 547** (Simon, M.) (HPE) establishes a uniform schedule for general elections of state and local officers to coincide with federal elections held in November of even-numbered years beginning in 2030. The amendment directs the General Assembly to provide by law for the transition to all general elections being held in November of even-numbered years. For the purpose of transitioning to the uniform schedule, the terms of office for state elected officers may be extended, but not shortened, and the terms of office for local elected officers may be shortened, but by no more than one year. (15100130D)

*Miscellaneous*

**HB 2230** (Farris, C.M.) (HPE) revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes. (15102212D)

**SB 786** (Carrico, Sr., C.) (SPE) revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors from a winner-take-all basis to a proportional allocation basis. The two electoral votes to which Virginia is entitled by virtue of its representation in the United States Senate shall be allocated to the slate of presidential electors that receives the highest number of votes cast statewide. The total number of electoral votes to which Virginia is entitled by virtue of its representation in the United States House of Representatives shall be allocated among the slates of presidential electors according to the proportional share each slate receives of the total number of votes cast statewide for President as follows: The total number of votes cast for each slate of presidential electors shall be divided by the total number of votes cast for all slates of electors and the resulting proportion shall be multiplied by the number of electoral votes to which Virginia is entitled to determine the number of electoral votes for each slate, rounded to the nearest whole number. (15100271D)

**HB 1292** (Cole, M.) (HPE) requires that appointments to the electoral board in a county or city be made by the senior judge of the judicial circuit for that county or city. Currently, such appointments are made by the senior judge only if a majority of the circuit judges of the judicial circuit cannot agree on an appointment. (15100564D)

**SB 853** (Favola, B.) (SPE)/ **SB 1073** (McDougle, R.) (SPE) allows any qualified voter who is 75 years of age or older or a person with a disability to request to go to the front of the line and to vote at the next available voting booth or voting system. The bill requires the chief officer of election or other designated election official to grant any such request made between the hours of 9:30 a.m. and 4:30 p.m. This provision applies also to central absentee voting precincts and locations in the county or city approved by the electoral board for the purpose of casting absentee ballots. A qualified voter who is 65 years of age or older or a person with a disability is still permitted to vote outside the polling place pursuant to § 24.2-649. (15103133D, 15100741D)

**Health and Human Services**

**HB 1558** (Rust, T.) (HHWI) allows for the creation of local or regional adult fatality review teams upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board. The bill provides that such teams may be established for the purpose of conducting contemporaneous reviews of local adult deaths in order to develop interventions and strategies for prevention specific to the locality or region. (15102298D)

**SB 911** (Wexton, J.) (SRSS) requires annual background checks for employees and volunteers of child welfare agencies. Under current law, background checks are required only at the time of initial employment. The bill provides that such background checks must include, among other existing requirements, a sworn statement or affirmation disclosing whether the person is currently the subject of a complaint of child abuse or neglect. (15100550D)

**SB 1291** (Barker, G.) (SRSS) requires community policy and management teams to establish a process for parents and caregivers to directly refer children in their care to family assessment and planning teams. (15102149D)

**SB 1041** (Hanger, Jr., E.) (SRSS)/ **HB 2083** (Peace, C.) (HHWI) directs community policy and management teams to establish as part of their policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the State Executive Council for Comprehensive Services for At-Risk Youth and Families to include a process for parents and persons who have primary physical custody of a child to directly refer children in their care to the teams. (15102259D, 15103233D)

**Public Safety/Criminal Justice**

*Miscellaneous*

**HB 1354** (Ramadan, D.) (HCT)/ **SB 700** (Stanley, Jr.) (SFIN) requires the Superintendent of State Police to establish and maintain an Animal Cruelty Conviction List available to the public on the website of the Department of State Police by 2017. The list shall include the names of persons convicted of certain felony animal cruelty offenses on or after July 1, 2015. Persons so convicted will be required to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the State Police to remove a person from the list after 15 years if he has no additional felony conviction of a relevant animal cruelty offense. (15100455D, 15100730D)

**HB 1605** (Plum, K.) (HCT) allows a person to possess marijuana or tetrahydrocannabinol pursuant to a recommendation of a prescriber acting in the course of his professional practice and allows a medical doctor or pharmacist to distribute such substances in the course of his professional practice without being subject to prosecution and eliminates the requirement that marijuana or tetrahydrocannabinol be recommended and dispensed solely for the treatment of

cancer or glaucoma. The bill also clarifies that the penalties for forging or altering a recommendation for medical marijuana or for making or uttering a false or forged recommendation are the same as the penalties for committing the same acts with regard to prescriptions. (15101924D)

**HB 2215** (Rush, N.) (HMPP) requires the Board of Corrections to promulgate regulations for state and local correctional facilities requiring that notification be made to a prisoner's family or stated emergency contact person whenever a prisoner is moved within or without his assigned facility for the purposes of tertiary care. (15103085D)

**SB 730** (Marsden, D.) (Senate Floor) provides a mechanism for a person convicted of a nonhomicide offense committed on or after January 1, 1995, while the person was a juvenile, and who is sentenced to life or a term of confinement that would be completed after his 60th birthday, to petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later. (15100383D)

**SB 908** (Stanley, Jr., W.) (Passed Senate) provides that within 21 days after being served with a petition requesting expungement of police and court records, the attorney for the Commonwealth may give written notice to the court that he does not object to the petition. If such notice is given, the court may enter an order of expungement without conducting a hearing. This bill is a recommendation of the Virginia Criminal Justice Conference. (15100519D)

#### *Criminal Offenses*

**SB 709** (Edwards, J.) (SFIN) provides that it is a Class 6 felony for a person to publish on the Internet a videographic or still image made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy. The bill also provides that venue for prosecution is the same as venue for computer crimes. (15100896D)

**SB 1035** (Wexton, J.) (SCT) provides that the killing of one accidentally, contrary to the intention of the parties, from the use of a controlled substance in violation of a felony drug offense involving the manufacture, sale, gift, distribution, or possession with the intent to manufacture, sell, give, or distribute a controlled substance, regardless of any lapse in time between the felony drug offense and the use of the controlled substance, is murder of the second degree and is punishable by confinement in a state correctional facility for not less than five years nor more than 40 years. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the felony violation of § 18.2-248 occurred, where the use of the controlled substance occurred, or where the death occurred. This bill overrules 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). (15102899D)

#### *Private Police Departments*

**HB 1809** (Herring, C.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is a recommendation of the Virginia State Crime Commission. (15102662D)

**HB 1606** (Garrett, T.S.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. (15101562D)

**HB 1685** (Fariss, C.M.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and

comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. (15102068D)

**SB 1217** (Norment, Jr., T.) (Senate Floor. Incorporates SB 939) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is a recommendation of the Virginia State Crime Commission. (15104082D-S1)

### *Firearms*

**HB 1702** (DeSteph, Jr., B.) (HMPP) provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. Current law requires that a dealer perform such a check only if the firearm is from the dealer's inventory. (15100323D)

**HB 1548** (Hope, P.) (HMPP) provides for the revocation of an individual's concealed handgun permit if such individual (i) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings or (ii) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more. If the obligor remedies the delinquency, reaches an agreement with the obligee or Department of Social Services to

remedy the delinquency, or complies with the subpoena, summons, or warrant, he may reapply for a concealed weapons permit. (15101396D)

**HB 1702** (DeSteph, Jr., B.) (HMPP) provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. Current law requires that a dealer perform such a check only if the firearm is from the dealer's inventory. (15100323D)

**SB 768** (McEachin) (SCT) creates a Class 2 misdemeanor for a person who is not a licensed dealer to sell, rent, trade, or transfer a firearm to any other person who is not a licensed dealer. The bill also creates a Class 2 misdemeanor for a person who is not a licensed dealer to buy, rent, trade, or transfer a firearm from any other person who is not a licensed dealer. The bill exempts certain transfers, such as between immediate family members, by operation of law, and when the transfer is temporary and is necessary to prevent imminent death or great bodily harm or occurs while in the continuous presence of the owner of the firearm. (15100203D)

**SB 943** (Favola) (SCT) prohibits a person who has been convicted of stalking, assault and battery of a family or household member, or sexual battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crimes may petition the circuit court for a reinstatement of his rights to possess or transport a firearm. (15102696D)

**SB 1108** (Puller) (SCT) provides for the revocation of an individual's concealed handgun permit if such individual (i) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings or (ii) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more. If the obligor remedies the delinquency, reaches an agreement with the obligee or Department of Social Services to remedy the delinquency, or complies with the subpoena, summons, or warrant, he may reapply for a concealed weapons permit. (15101397D)

### **Same-Sex Marriage**

**HB 1288** (Simon) (HCT) Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. The bill does not affect the prohibition on these relationships contained in Article I, Section 15-A of the Constitution of Virginia. (15100170D)

**HB 1289** (Surovell) (HCT) repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. The bill does not affect the prohibition on these relationships contained in Article I, Section 15-A of the Constitution of Virginia. (15100152D)



### **Studies**

**HJ 625** (Surovell) (HRUL) requests the Department of Education and each school division in the Commonwealth to analyze the allocation of educational resources, including (i) courses, academic programs, and extracurricular activities; (ii) strong teaching, leadership, and support; (iii) school facilities; and (iv) technology and instructional materials, to ensure that students are receiving educational resources without regard to their race, color, or national origin in compliance with Title VI of the Civil Rights Act of 1964. (15100759D)

**SJ 236** (Favola) (SRUL) directs the Joint Commission on Health Care (JCHC) to study the auxiliary grant program. In conducting its study, JCHC is directed to (i) evaluate current funding for the auxiliary grant program and recommend strategies to increase funding, (ii) examine the extent of goods and services currently covered and paid for by the auxiliary grant program and recommend strategies to expand allowable costs, and (iii) evaluate the extent of allowable family and third-party contributions for services provided to auxiliary grant recipients that are not considered for purposes of eligibility or calculating the amount of an auxiliary grant and recommend strategies to expand the list of such allowable contributions. (15100946D)

### **Taxation**

**SB 701** (Barker) (SFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. If the individual makes no election on his income tax return as to the method of payment of his refund, the refund would be paid by check mailed to the address provided on his return. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (Incorporates SB 1005 (Ebbin)) (15103989D-S1)

**SB 949** (Stuart, R.) (SFIN) creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date. (15102386D)

**HB 1286** (Ware, Jr., R.L.) (HFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (15100427D)

**HB 1346** (Carr, B.) (HFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. If the individual makes no election on his income tax return as to the method of payment of his refund, the refund would be paid by check mailed to the address provided on his return. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (15100698D)

### **Transportation**

**HB 1398** (LeMunyon, J.) (HTRAN) corrects typographical errors and other mistakes from the revision and recodification of Title 33. The bill also implements clarifying changes and other changes made in the revision and recodification of Title 33.2.

The bill also repeals the Woodrow Wilson Bridge and Tunnel Compact, which is not in effect, and reinserts language that was omitted from Chapter 805 of the Acts of Assembly of 2014 and provides that the reinsertion is effective retroactively to October 1, 2014.

The bill also relocates the Williamsburg Area Transit Authority from Title 15.2 to Title 33.2 and includes necessary savings clauses for this renumbering and relocation.

This bill is a recommendation of the Virginia Code Commission. (15100605D)

**HB 1781** (Leftwich) (HTRAN) requires VDOT to develop and implement uniform statewide standards for broadband and television service cables installed or to be installed along all roadways and bridges controlled by VDOT. (15101004D)

**SB 847** (Stanley) (STRAN) creates the Interstate Transportation Compact to develop and plan interstate transportation projects, advocate for federal and other funding resources for such projects, and facilitate plans and programs for such projects between the signatory states. The bill establishes the Interstate Transportation Compact Commission, which shall include a five-member delegation from Virginia, meet at least twice annually, and annually report on its activities to the Governor and the legislature of each signatory state.

Such compact shall not become effective until enacted by at least one other signatory state. (15101343D)

### *Highways*

**HB 1402** (Loupassi, G.M.) (HTRAN) provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to two-way bicycle travel lanes. (15101537D)

**SB 792** (Carrico, Sr., C.) (STRAN) expands the number of streets eligible to be taken into the secondary state highway system by changing the definition of "street" from including streets that were opened to public use and used by motor vehicles prior to July 1, 1992, to streets that have been open to public use and used by motor vehicles for at least 20 years. (15100616D)

### *Northern Virginia Transportation Authority*

**HB 2099** (Keam, M.) (HTRAN) allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority. (15101469D)

**SB 932** (Petersen, C.) (STRAN) allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority. (15102006D)

*Vehicles*

**HB 1342** (DeSteph, Jr., B.) (HTRAN) includes non-motor vehicles (bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds) among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable. (15100590D)

**HB 1344** (Rasoul, S.) (HTRAN) specifies that vehicles of VDOT's Safety Service Patrol may be equipped with flashing, blinking, or alternating amber warning lights as allowed for other vehicles used for towing or servicing disabled vehicles. Virginia's "move over" law applies to such vehicles. (15100286D)

**SB 956** (Lewis, Jr., L.) (STRAN) requires that the owner of any vehicle exceeding the prescribed maximum height be fined and held financially responsible for any damage caused to overhead bridges or structures. This bill shifts the financial penalties from the driver to the owner of the vehicle. (15102317D)

Attachments: Supplementary documents dated January 23, 2015

cc: Susan Datta, Chief Financial Officer  
Patricia Harrison, Deputy County Executive  
David J. Molchany, Deputy County Executive  
Dave Rohrer, Deputy County Executive  
Robert A. Stalzer, Deputy County Executive  
David P. Bobzien, County Attorney  
Catherine A. Chianese, Assistant County Executive and Clerk to the Board  
Richmond Team  
Tom Biesiadny, Director, Department of Transportation  
Gail Langham, Deputy County Attorney



SUPPLEMENTARY DOCUMENTS  
GENERAL ASSEMBLY STATUS REPORT NO. 1  
January 23, 2015

1.	Fairfax County Legislative Summary	1
2.	State Budget Analysis	50
3.	Bills Regarding Sexual Assault on College/University Campuses	58
4.	Child and Family Day Care Bills	62
5.	HB 1887—Omnibus Transportation Bill Summary	66
6.	Bills Relating to Ethics/Conflicts of Interest	74
7.	Conflicts of Interests: Key Provisions of HB 1974 (McClellan)/ SB 1345 (McEachin) and HB 2070 (Gilbert)	82
8.	SB 1025- Transportation Network Companies	86
9.	2015 Transportation Funding and Allocation Bills- January 23	88





**FAIRFAX COUNTY  
LEGISLATIVE SUMMARY**

***2015 GENERAL ASSEMBLY***

January 24, 2015

# Fairfax County Legislative Summary 2015 General Assembly

## Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	
<p><b>HB 589</b> - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p><b>12/5/2005</b></p>
<p><b>Initiate</b> (067916260) <b>Summary:</b> Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

**Bold** = Date Position taken by full Board of Supervisors  
**[ ]** = Date position taken by BOS Legislative Committee

**Bold = Board Position**, **[ ]** = BOS Legislative Committee Position (LD No. is version of bill on which position was taken)  
**Summary** -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)



# *Table of Contents*

<b>Bill</b>	<b>Subject</b>
<i>Fairfax County Positions</i>	
<i>(Oppose or Amend) :</i>	
<u>HB 1293</u> Morris, R	Stormwater fees; exemptions for religious groups.
<u>HB 1294</u> Morris, R	Churches and other religious bodies.
<u>HB 1317</u> Campbell, J	Speeding; reckless driving.
<u>HB 1352</u> Ramadan, D	BPOL tax; deduction for amounts paid under subcontracts.
<u>HB 1359</u> Campbell, J	Concealed handgun permits; lifetime permits.
<u>HB 1410</u> Marshall, R	Motor fuels; reduces tax rate on gasoline and gasohol.
<u>HB 1416</u> Taylor, S	Real property tax assessment; appeal to circuit court.
<u>HB 1424</u> Marshall, III, D	Virginia Water and Waste Authorities Act; delinquent payment.
<u>HB 1470</u> LaRock, D	Northern Virginia Transportation Authority; use of revenues.
<u>HB 1486</u> Habeeb, G	Workers' compensation; exclusivity of remedy.
<u>HB 1514</u> Minchew, J	Composite index of local ability-to-pay; use value of real estate in certain localities.
<u>HB 1576</u> Pogge, B	Real property tax assessments; arbitration.
<u>HB 1670</u> Berg, M	Sheriffs; always serving as chief law-enforcement officer of locality.
<u>HB 1708</u> Marshall, R	Certain industrial uses; transmission lines.
<u>HB 1721</u> Ramadan, D	Real property tax; exemption for surviving spouses of members of armed forces killed in action.
<u>HB 1744</u> Hugo, T	Local employee grievance procedure; final step in procedure adopted by local government.
<u>HB 1849</u> Marshall, III, D	Zoning appeals, board of; applications for variances.
<u>HB 1915</u> LeMunyon, J	Northern Virginia Transportation Authority; regional plan.
<u>HB 2004</u> Torian, L	School nurses; divisionwide ratio students in average daily membership.

<u>HB 2033</u> Byron, K	Workforce development; coordination of statewide delivery of training programs & activities, report.
<u>HB 2095</u> Keam, M	Real property tax on commercial and industrial property.
<u>HB 2097</u> Keam, M	Condemnation proceedings; mandatory dispute resolution orientation session.
<u>HB 2163</u> Cline, B	Photo-monitoring systems; for traffic light enforcement.
<u>HB 2170</u> Minchew, J	Northern Virginia Transportation Commission; transfer of powers and duties.
<u>HB 2186</u> Kory, K	Public school buildings; minimum standards, recommendations for minimum usable school site size.
<u>HB 2262</u> Morris, R	Planning commissions, local; notice to applicants of preapproval requirements.
<u>HJ 520</u> Hope, P	Constitutional amendment; property tax exemption for nonprofit medical clinics serving the indigent.
<u>HJ 536</u> Lingamfelter, L	Constitutional amendment; Lottery Proceeds Fund.
<u>HJ 578</u> Anderson, R	Constitutional amendment; general warrants of search or seizure prohibited (first resolution).
<u>HJ 590</u> Ramadan, D	Tangible personal property tax relief; reimbursement payments to localities.
<u>HJ 597</u> Hugo, T	Constitutional amendment (first resolution); real property tax exemption.
<u>SB 689</u> Black, R	Concealed handgun permits; lifetime permits.
<u>SB 726</u> Cosgrove, J	Cash proffer for residential construction; sunset date.
<u>SB 761</u> Edwards, J	Personal injury and wrongful death actions; disclosure of address of insured person.
<u>SB 770</u> McEachin, A	Workers' compensation; exclusivity of remedy.
<u>SB 868</u> Chafin, A	Water or sewer systems; delinquent payment of rates and charges.
<u>SB 921</u> Wexton, J	Northern Virginia Transportation Authority; use of revenues by towns.
<u>SB 1023</u> Stuart, R	Mass transit; transit funding in statewide prioritization.
<u>SB 1026</u> Garrett, T	Lobbyist disclosure; reporting by certain political subdivisions.
<u>SB 1033</u> Wexton, J	Northern Virginia Transportation Authority; increases membership.
<u>SB 1061</u> Obenshain, M	Electronic pollbooks; photographs and identifying information for each voter.

<u>SB 1065</u> Obenshain, M	Cash proffer for residential construction; sunset date.
<u>SB 1091</u> Vogel, J	Public schools; adjustment of calculation of local composite index for funding.
<u>SB 1154</u> Wexton, J	Discharge of deleterious substance into state waters; notice.
<u>SB 1257</u> Smith, R	Cash proffers; acceptance by localities.
<u>SB 1272</u> Deeds, R	Alcoholic beverage control; limited distiller's license created for distilleries.
<u>SB 1314</u> Marsden, D	Northern Virginia Transportation Authority; regional plan.

***Fairfax County Positions***

***(Support):***

***Pages 24-41***

<u>HB 1287</u> Cole, M	Forfeiture of property used in connection with commission of crimes; conviction required.
<u>HB 1310</u> Krupicka, K	Taxes on electronic cigarettes and other vapor products.
<u>HB 1343</u> Filler-Corn, E	Campus police departments; sexual assault reporting.
<u>HB 1388</u> Albo, D	Courthouse and courtroom security; increase of certain fee.
<u>HB 1394</u> Herring, C	Elections; absentee voting; no-excuse, in-person.
<u>HB 1497</u> Sullivan, Jr., R	Absentee voting; registered voter using absentee ballot.
<u>HB 1508</u> Sullivan, Jr., R	Higher educational institutions; memorandum of understanding and policies.
<u>HB 1525</u> Minchew, J	NVTA; Department of Taxation's costs in administering certain taxes.
<u>HB 1552</u> Filler-Corn, E	Child welfare agencies; regulation, national criminal history record check requirement.
<u>HB 1560</u> Rust, T	Electronic summons systems; fees assessed by towns.
<u>HB 1622</u> Sullivan, Jr., R	Electric utilities; net energy metering.
<u>HB 1630</u> Lingamfelter, L	Problem-Solving Courts; established.
<u>HB 1636</u> Minchew, J	Net energy metering; program for community subscriber organizations.
<u>HB 1644</u> Villanueva, R	Commonwealth Transportation Board; membership chosen from congressional districts.
<u>HB 1762</u> Watts, V	Retail sales and transient occupancy taxes; room rentals, lodgings, etc.

<u>HB 1785</u> Massie, III, J	Campus police departments; sexual assault reporting.
<u>HB 1865</u> Kilgore, T	Local fiscal impact bills; first day introduction.
<u>HB 1886</u> Jones, S	Public-Private Transportation Act; establishes requirement for finding of public interest.
<u>HB 1887</u> Jones, S	Transportation; funding, formula, update annual reporting, and allocations.
<u>HB 1922</u> Murphy, K	Elections; absentee voting by persons age 65 or older.
<u>HB 1973</u> Preston, J	Businesses, certain; local limitations on number.
<u>HB 1992</u> Morrissey, J	Elections; absentee voting; no-excuse, in-person.
<u>HB 2023</u> BaCote, M	Child care subsidy; license required.
<u>HB 2046</u> Filler-Corn, E	Licensure of family day homes.
<u>HB 2252</u> Preston, J	Elections; absentee voting by persons age 65 or older.
<u>HJ 495</u> Surovell, S	United States Constitution; Equal Rights Amendment.
<u>SB 684</u> Carrico, Sr., C	Forfeiture of property used in connection with the commission of crimes; conviction required.
<u>SB 708</u> Edwards, J	Elections; absentee voting by persons age 65 or older.
<u>SB 719</u> McWaters, J	Elections; absentee voting by persons age 65 or older.
<u>SB 731</u> Marsden, D	Juvenile law-enforcement records; restorative justice.
<u>SB 736</u> Howell, J	Courthouse and courtroom security; increases assessment.
<u>SB 758</u> Barker, G	Elections; absentee voting by persons age 65 or older.
<u>SB 764</u> Edwards, J	Electric utilities; net energy metering programs.
<u>SB 785</u> McEachin, A	Public employment; prohibits discrimination based on basis of sexual orientation or gender identity.
<u>SB 796</u> Lucas, L	County food and beverage tax; referendum requirement.
<u>SB 818</u> Favola, B	Family day homes; licensure by Department of Social Services.
<u>SB 821</u> Miller, J	Opportunity Educational Institution; repeals Institution.
<u>SB 822</u> Miller, J	Elections; absentee voting by persons age 65 or older.

<u>SB 833</u> Edwards, J	Electric utilities; net energy metering.
<u>SB 888</u> Petersen, J	Electronic summons systems; fees assessed by towns.
<u>SB 890</u> Petersen, J	Zoning ordinance; vehicle title loan businesses and payday lenders.
<u>SB 903</u> Puller, L	Problem-Solving Courts; established report.
<u>SB 910</u> Wexton, J	Elections; absentee voting by persons age 65 or older.
<u>SB 925</u> Edwards, J	School zone; speed limit photo-enforcement system.
<u>SB 935</u> Wexton, J	Herndon, Town of; amending charter, moves election date of mayor and council.
<u>SB 981</u> Favola, B	Higher educational institutions; memorandum of understanding and policies.
<u>SB 1004</u> Ebbin, A	Electronic cigarettes and other vapor products; state tax created, localities authorized to impose.
<u>SB 1011</u> Stuart, R	Cash proffers; purchase of development rights by locality.
<u>SB 1017</u> Dance, R	Employment applications; inquiries regarding criminal arrests, charges, or convictions.
<u>SB 1054</u> Hanger, Jr., E	Comprehensive Services for At-Risk Youth and Families, State Executive Council for; regulations.
<u>SB 1123</u> Barker, G	Child care subsidy; license required.
<u>SB 1140</u> Garrett, T	Local fiscal impact bills; first day introduction.
<u>SB 1148</u> Stuart, R	Restricted driver's license; activities related to seeking employment.
<u>SB 1201</u> Wagner, F	Stormwater; dredging by municipal separate storm sewer system permittees.
<u>SB 1210</u> Ebbin, A	Retail sales and transient occupancy taxes on room rentals.
<u>SB 1279</u> Wexton, J	Handheld personal communications devices; use while driving, penalty.
<u>SB 1329</u> Garrett, T	Higher educational institutions; memorandum of understanding and policies for sexual assaults.
<u>SJ 216</u> Ebbin, A	United States Constitution; Equal Rights Amendment.

***Fairfax County Positions***

***(Monitor) :***

***Pages 42-49***

<u>HB 1274</u> Farrell, P	Electronic devices; search without a warrant prohibited.
<u>HB 1276</u> Cox, M	Northern Virginia Veterans Care Center; funding of project.

<u>HB 1510</u> Ward, J	Hampton Roads Transportation Accountability Commission; population projections.
<u>HB 1528</u> Berg, M	Government Data Collection and Dissemination Practices Act; limitation on collection.
<u>HB 1529</u> Berg, M	General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act.
<u>HB 1673</u> Anderson, R	Government Data Collection and Dissemination Practices Act; limitation on collection.
<u>HB 1760</u> James, M	Hampton Roads Transportation Accountability Commission; local representation.
<u>HB 1929</u> Anderson, R	Family day homes; licensure.
<u>HB 2017</u> Surovell, S	Aircraft, certain; local regulation.
<u>HB 2066</u> Keam, M	Public libraries; policy of the Commonwealth concerning service to the communities.
<u>HJ 514</u> Webert, M	Composite Index of Local Ability to Pay; DOE to study effect of local use value assessment.
<u>HJ 619</u> Lingamfelter, L	Study; Department of Rail and Public Transportation; Metrorail extension; report.
<u>HJ 635</u> LaRock, D	Study; performance of the communications sales and use tax; report.
<u>SB 675</u> Puller, L	Northern Virginia Veterans Care Center; funding of project.
<u>SB 742</u> Carrico, Sr., C	Elections; run-off elections.
<u>SB 743</u> Lucas, L	Hampton Roads Transportation Accountability Commission; local representation.
<u>SB 780</u> Favola, B	Family day homes; licensure.
<u>SB 781</u> Alexander, K	Passing with a double yellow line; drivers allowed to pass a pedestrian, stopped vehicle, etc.
<u>SB 965</u> Petersen, J	Government Data Collection and Dissemination Practices Act; use of personal information.
<u>SB 1124</u> Barker, G	Licensure of family day homes.
<u>SB 1274</u> Barker, G	State highways; allocation of funds.
<u>SJ 288</u> Vogel, J	Study; Department of Education; effect of local use value assessment of certain real estate.

***Fairfax County Positions***  
***(Oppose or Amend)***

\* \* \*

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1293</b> - Morris (64) Stormwater fees; exemptions for religious groups.	10/30/2014 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/23/2015]
<p>[Oppose] (15100024D) - Board has historically opposed.  <b>Summary:</b> Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.</p>		
<b>HB 1294</b> - Morris (64) Churches and other religious bodies.	10/31/2014 House: Referred to Committee on Finance	[1/23/2015]
<p>[Oppose] (15100044D)  <b>Summary:</b> Exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges.</p>		
<b>HB 1317</b> - Campbell (6) Speeding; reckless driving.	11/18/2014 House: Referred to Committee on Transportation 1/20/2015 House: Reported from Transportation (15-Y 7-N)	[1/23/2015]
<p>[Oppose] (15100416D)  <b>Summary:</b> Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.</p>		
<b>HB 1352</b> - Ramadan (87) BPOL tax; deduction for amounts paid under subcontracts.	12/2/2014 House: Referred to Committee on Finance	[1/23/2015]
<p>[Oppose] (15100249D)  <b>Summary:</b> Allows a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective beginning with the 2016 license year.</p>		



Bills	General Assembly Actions	Date of BOS Position
<b>HB 1359</b> - Campbell (6) Concealed handgun permits; lifetime permits.	12/2/2014 House: Referred to Committee on Militia, Police and Public Safety	[1/23/2015]
[Oppose] (15101524D) - Board has historically opposed. See also SB 689 (Black, R.) <b>Summary:</b> Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.		
<b>HB 1410</b> - Marshall (13) Motor fuels; reduces tax rate on gasoline and gasohol.	12/18/2014 House: Referred to Committee on Appropriations	[1/23/2015]
[Oppose] (15102019D) <b>Summary:</b> Motor fuels tax rate. Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax.		
<b>HB 1416</b> - Taylor (85) Real property tax assessment; appeal to circuit court.	12/22/2014 House: Referred to Committee for Courts of Justice 1/19/2015 House: Subcommittee recommends laying on the table by voice vote	[1/23/2015]
[Oppose] (15101546D) - Board has historically opposed. <b>Summary:</b> Provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court.		
<b>HB 1424</b> - Marshall, III (14) Virginia Water and Waste Authorities Act; delinquent payment.	12/23/2014 House: Referred to Committee on Counties, Cities and Towns	[1/23/2015]
[Oppose] (15101131D) See also SB 868 (Chafin, B.). <b>Summary:</b> Repeals the provisions of the Act that make the non-occupant owner of a property liable for up to 90 days of delinquent payments under certain circumstances.		

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1470</b> - LaRock (33) Northern Virginia Transportation Authority; use of revenues.	12/31/2014 House: Referred to Committee on Transportation 1/22/2015 Subcommittee recommends reporting (5-Y 2-N)	[1/23/2015]
<p>[Oppose] (15100978D)</p> <p><b>Summary:</b> Use of revenues by the Northern Virginia Transportation Authority. Requires that 70 percent of the revenues received by the Authority under <math>\hat{A}_j</math> 33.2-2510 be used by the Authority solely to fund transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with <math>\hat{A}_j</math> 33.2-2500 and that have been rated in accordance with <math>\hat{A}_j</math> 33.2-257.</p>		
<b>HB 1486</b> - Habeeb (8) Workers' compensation; exclusivity of remedy.	1/5/2015 House: Referred to Committee on Commerce and Labor 1/15/2015 House: Referred from Commerce and Labor by voice vote 1/15/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Oppose] (15101541D)</p> <p><b>Summary:</b> Provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions.</p>		
<b>HB 1514</b> - Minchew (10) Composite index of local ability-to-pay; use value of real estate in certain localities.	1/5/2015 House: Referred to Committee on Education 1/21/2015 Subcommittee recommends reporting (4-Y 3-N)	[1/23/2015]
<p>[Oppose] (15102516D)</p> <p><b>Summary:</b> Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) 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.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1576</b> - Pogge (96) Real property tax assessments; arbitration.	1/7/2015 House: Referred to Committee on Finance	[1/23/2015]
<p>[Oppose] (15101153D)  <b>Summary:</b> Permits the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court.</p>		
<b>HB 1670</b> - Berg (29) Sheriffs; always serving as chief law-enforcement officer of locality.	1/9/2015 House: Referred to Committee on Appropriations	[1/23/2015]
<p>[Oppose] (15102780D)  <b>Summary:</b> Sheriffs; chief law-enforcement officer of locality. Provides that sheriffs shall always serve as the chief law-enforcement officer of a locality and receive funding in an amount as provided in the general appropriation act to perform in that capacity. The bill also provides that a locality may still establish a police department.</p>		
<b>HB 1708</b> - Marshall (13) Certain industrial uses; transmission lines.	1/12/2015 House: Referred to Committee on Commerce and Labor	[1/23/2015]
<p>[Oppose] (15103531D)  <b>Summary:</b> Requires that a zoning ordinance shall provide that any proposed data center that will require utilization of a 230 kilovolt electrical transmission line shall be located only in an area zoned for industrial use. However, if a zoning ordinance authorizes a data center, or similar land use, that will require utilization of a 230 kilovolt or greater electrical transmission line outside of an area zoned for industrial use, any electrical transmission lines that support such a land use and that are located at a distance greater than 300 feet from an existing electrical transmission line shall be placed underground at the expense of the owner of the data center.</p>		
<b>HB 1721</b> - Ramadan (87) Real property tax; exemption for surviving spouses of members of armed forces killed in action.	1/12/2015 House: Referred to Committee on Finance	[1/23/2015]
<p>[Amend] (15101172D) - Amend to support as a state tax credit.  <b>Summary:</b> Real property tax exemption; surviving spouses of members of armed forces killed in action. Exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the</p>		

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries.</p>		
<p><b>HB 1744</b> - Hugo (40) Local employee grievance procedure; final step in procedure adopted by local government.</p>	<p>1/12/2015 House: Referred to Committee on Education</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15103369D) - Board has historically opposed. <b>Summary:</b> Local employee grievance procedure. Requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill contains technical amendments.</p>		
<p><b>HB 1849</b> - Marshall, III (14) Zoning appeals, board of; applications for variances.</p>	<p>1/13/2015 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15101133D) <b>Summary:</b> Variances. Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.</p>		
<p><b>HB 1915</b> - LeMunyon (67) Northern Virginia Transportation Authority; regional plan.</p>	<p>1/13/2015 House: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15103478D) See also SB 1314 (Marsden, D.) <b>Summary:</b> Requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><b>HB 2004</b> - Torian (52) School nurses; divisionwide ratio students in average daily membership.</p>	<p>1/14/2015 House: Referred to Committee on Education</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102507D) - Potential fiscal impact is \$17 million to Fairfax County. <b>Summary:</b> Divisionwide ratio of school nurses to students in average daily membership. Requires local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12.</p>		
<p><b>HB 2033</b> - Byron (22) Workforce development; coordination of statewide delivery of training programs &amp; activities, report.</p>	<p>1/14/2015 House: Referred to Committee on Commerce and Labor</p>	<p>[1/23/2015]</p>
<p>[Oppose Unless Amended] (15103265D) - Amend to provide for flexibility in requirement to spend 40 percent of state funds on training. <b>Summary:</b> Workforce development; coordination of statewide delivery of workforce development and training programs and activities. Makes several changes to coordinate the delivery of workforce development and training programs and activities at the state, regional, and local levels. Changes include (i) creating the Workforce Development Consortium to administer the coordinated implementation of programs and activities under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, (ii) requiring a regional convener of workforce development partners, (iii) establishing minimum levels of fiscal support for workforce credential attainment, and (iv) utilizing WIOA reserve funds for incentive programs to increase workforce credential attainment.</p>		
<p><b>HB 2095</b> - Keam (35) Real property tax on commercial and industrial property.</p>	<p>1/14/2015 House: Referred to Committee on Finance</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15101728D) <b>Summary:</b> Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 2097</b> - Keam (35) Condemnation proceedings; mandatory dispute resolution orientation session.	1/14/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Oppose] (15101473D)  <b>Summary:</b> Condemnation proceedings; dispute resolution session. Provides that when the court refers the parties in a condemnation proceeding to a dispute resolution orientation session, the court shall also provide the name of a single independent appraiser to determine the fair market value of the property in question.</p>		
<b>HB 2163</b> - Cline (24) Photo-monitoring systems; for traffic light enforcement.	1/14/2015 House: Referred to Committee on Militia, Police and Public Safety 1/22/2015 House: Subcommittee recommends laying on the table by voice vote	[1/23/2015]
<p>[Oppose] (15102674D) - Board has historically opposed.  <b>Summary:</b> Use of photo-monitoring systems for traffic lights; repeal. Repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program.</p>		
<b>HB 2170</b> - Minchew (10) Northern Virginia Transportation Commission; transfer of powers and duties.	1/14/2015 House: Referred to Committee on Transportation	[1/23/2015]
<p>[Oppose] (15102863D)  <b>Summary:</b> Northern Virginia Transportation Commission; Northern Virginia Transportation Authority. Transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority.</p>		
<b>HB 2186</b> - Kory (38) Public school buildings; minimum standards, recommendations for minimum usable school site size.	1/14/2015 House: Referred to Committee on Education	[1/23/2015]
<p>[Oppose] (15102521D)  <b>Summary:</b> Minimum standards for public school buildings; recommendations for minimum usable school site size. Requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 2262</b> - Morris (64) Planning commissions, local; notice to applicants of preapproval requirements.	1/19/2015 House: Referred to Committee on Counties, Cities and Towns	[1/23/2015]
<p>[Oppose] (15103259D)  <b>Summary:</b> Planning commissions; notice to applicants of preapproval requirements. Provides that upon request of the applicant, the local planning commission shall designate an officer or employee who shall (i) advise the applicant of the feasibility of the applicant's rezoning request and (ii) provide a list of all required or anticipated materials, assessments, surveys, or reports that will be required of the applicant before consideration of the rezoning request. The bill provides that such information, while not constituting early approval of the applicant's rezoning plan, shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements.</p>		
<b>HJ 520</b> - Hope (47) Constitutional amendment; property tax exemption for nonprofit medical clinics serving the indigent.	12/12/2014 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Amend] (15100093D) - Amend to provide state funding for this initiative; historical position of the Board.  <b>Summary:</b> Constitutional amendment (first resolution); property tax exemption for nonprofit medical clinics serving the indigent. Exempts from taxation property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent.</p>		
<b>HJ 536</b> - Lingamfelter (31) Constitutional amendment; Lottery Proceeds Fund.	12/29/2014 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Oppose] (15100006D) - Concern about diversion of funding from K-12.  <b>Summary:</b> Constitutional amendment (first resolution); Lottery Proceeds Fund. Allows lottery proceeds to be appropriated from the Lottery Proceeds Fund to public institutions of higher education for purposes of providing education and employment training for veterans who have been honorably discharged from an active or reserve component of the United States armed forces or the Virginia National Guard and who are domiciled in the Commonwealth.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b>HJ 578</b> - Anderson (51) Constitutional amendment; general warrants of search or seizure prohibited (first resolution).</p>	<p>1/9/2015 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2015]</p>
<p>[Amend] (15102466D) - Amend to remove immunity clause to preserve existing legislative and judicial authority.  <b>Summary:</b> Constitutional amendment (first resolution); general warrants of search or seizure prohibited. Clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth.</p>		
<p><b>HJ 590</b> - Ramadan (87) Tangible personal property tax relief; reimbursement payments to localities.</p>	<p>1/12/2015 House: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15101763D)  <b>Summary:</b> Study; reimbursement payments to localities providing tangible personal property tax relief; report. Requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief.</p>		
<p><b>HJ 597</b> - Hugo (40) Constitutional amendment (first resolution); real property tax exemption.</p>	<p>1/12/2015 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2015]</p>
<p>[Amend] (15101096D) - Amend to provide state funding for this initiative.  <b>Summary:</b> Provides that the General Assembly may provide a real property tax exemption for the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action



Bills	General Assembly Actions	Date of BOS Position
<p><b>SB 689</b> - Black (13) Concealed handgun permits; lifetime permits.</p>	<p>11/21/2014 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15100379D) - Board has historically opposed. See also HB 1359 (Campbell, J.). <b>Summary:</b> Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.</p>		
<p><b>SB 726</b> - Cosgrove (14) Cash proffer for residential construction; sunset date.</p>	<p>12/11/2014 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15100983D) - Board has historically opposed. <b>Summary:</b> Removes the July 1, 2017, expiration of a Code section that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions barring the assertion of a cause of action to enforce a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance.</p>		
<p><b>SB 761</b> - Edwards (21) Personal injury and wrongful death actions; disclosure of address of insured person.</p>	<p>12/23/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Reported from Courts of Justice (14-Y 0-N)</p>	<p>[1/23/2015]</p>
<p>[Amend] (15100871D) - Amend to clarify that the business address is acceptable for County employees acting in their official capacity. <b>Summary:</b> Requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also changes the requirement that an insurance company disclose the limits of liability at the time of the accident for any insurance policy that may be applicable to the claim such that the total of "available" rather than "all" medical bills and wage losses equals or exceeds \$12,500.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>SB 770</b> - McEachin (9) Workers' compensation; exclusivity of remedy.	12/23/2014 Senate: Referred to Committee on Commerce and Labor 1/19/2015 Senate: Rereferred to Courts of Justice	[1/23/2015]
<p>[Oppose] (15100341D)</p> <p><b>Summary:</b> Provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions.</p>		
<b>SB 868</b> - Chafin (38) Water or sewer systems; delinquent payment of rates and charges.	1/7/2015 Senate: Referred to Committee on Local Government	[1/23/2015]
<p>[Oppose] (15102480D) See also HB 1424 (Marshall, D.W.)</p> <p><b>Summary:</b> Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.</p>		
<b>SB 921</b> - Wexton (33) Northern Virginia Transportation Authority; use of revenues by towns.	1/8/2015 Senate: Referred to Committee on Transportation 1/21/2015 Senate: Reported from Transportation (14-Y 0-N)	[1/23/2015]
<p>[Oppose] (15102245D)</p> <p><b>Summary:</b> Use of revenues by Northern Virginia Transportation Authority. Adds towns to the list of localities whose transportation projects can benefit from revenues from the Northern Virginia Transportation Authority. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVT A.</p>		

<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b>SB 1023</b> - Stuart (28) Mass transit; transit funding in statewide prioritization.</p>	<p>1/12/2015 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15103232D)  <b>Summary:</b> Transit funding in statewide prioritization; review of project prioritization. Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process. The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the Commonwealth Transportation Board and to make necessary recommendations regarding the process to the General Assembly.</p>		
<p><b>SB 1026</b> - Garrett (22) Lobbyist disclosure; reporting by certain political subdivisions.</p>	<p>1/12/2015 Senate: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102649D)  <b>Summary:</b> Requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.</p>		
<p><b>SB 1033</b> - Wexton (33) Northern Virginia Transportation Authority; increases membership.</p>	<p>1/12/2015 Senate: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102244D)  <b>Summary:</b> Northern Virginia Transportation Authority; membership composition. Increases the membership of the NVTa by one nonlegislative member to represent towns that receive funds for urban highway systems.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><b>SB 1061</b> - Obenshain (26) Electronic pollbooks; photographs and identifying information for each voter.</p>	<p>1/13/2015 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15100744D) <b>Summary:</b> Elections; electronic pollbooks; photographs. Requires electronic pollbooks to contain a photograph and identifying information received by the State Board of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill requires the officer of election to access the photograph and identifying information when the voter presents himself to vote and to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph in the pollbook. The bill has a delayed effective date of July 1, 2016.</p>		
<p><b>SB 1065</b> - Obenshain (26) Cash proffer for residential construction; sunset date.</p>	<p>1/13/2015 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15101705D) - Board has historically opposed. <b>Summary:</b> Removes the July 1, 2017, expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost.</p>		
<p><b>SB 1091</b> - Vogel (27) Public schools; adjustment of calculation of local composite index for funding.</p>	<p>1/13/2015 Senate: Referred to Committee on Education and Health</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102756D) <b>Summary:</b> Adjustment of the calculation of the local composite index for public school funding. Directs the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.</p>		
<p><b>SB 1154</b> - Wexton (33) Discharge of deleterious substance into state waters; notice.</p>	<p>1/13/2015 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources</p>	<p>[1/23/2015]</p>

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (15102514D)  <b>Summary:</b> Requires any person who unlawfully discharges any deleterious substance into state waters to notify the Department of Environmental Quality (the Department) and the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice and gives the person a choice between notifying the State Water Control Board (the Board), the Director of the Department, or the local emergency services coordinator. The bill also requires the Board or the Department to provide each report of a discharge to local newspapers, television stations, and radio stations within 24 hours of receiving it.</p>		
<p><b>SB 1257</b> - Smith (22)                      Cash proffers;                      acceptance by localities.</p>	<p>1/14/2015 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102679D) - Board has historically opposed.  <b>Summary:</b> Repeals the July 1, 2017, expiration of a 2010 Act of Assembly that delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.</p>		
<p><b>SB 1272</b> - Deeds (25)                      Alcoholic beverage control; limited distiller's license created for distilleries.</p>	<p>1/14/2015 Senate: Referred to Committee on Rehabilitation and Social Services                      1/23/2015 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 1-N)</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15102005D)  <b>Summary:</b> Alcoholic beverage control; limited distiller's license. Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees.</p>		
<p><b>SB 1314</b> - Marsden (37)                      Northern Virginia Transportation Authority; regional plan.</p>	<p>1/14/2015 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
<p>[Oppose] (15103670D) See also HB 1915 (LeMunyon, J.)  <b>Summary:</b> Requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

***Fairfax County Positions***  
***(Support)***

\* \* \*

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1287</b> - Cole (88) Forfeiture of property used in connection with commission of crimes; conviction required.	9/23/2014 House: Referred to Committee for Courts of Justice 1/21/2015 Subcommittee recommends reporting with amendment(s) (10-Y 1-N)	[1/23/2015]
<p>[Support Study] (15100438D) - Support referring bill to Crime Commission for study, similar to SB 684.  <b>Summary:</b> Forfeiture of property used in connection with the commission of crimes; conviction required. Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.</p>		
<b>HB 1310</b> - Krupicka (45) Taxes on electronic cigarettes and other vapor products.	11/11/2014 House: Referred to Committee on Finance	[1/23/2015]
<p>[Support] (15100391D)  <b>Summary:</b> Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.40 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.</p>		
<b>HB 1343</b> - Filler-Corn (41) Campus police departments; sexual assault reporting.	12/1/2014 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Support] (15101213D)  <b>Summary:</b> Requires that mutual aid agreements between campus police force and law-enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.</p>		
<b>HB 1388</b> - Albo (42) Courthouse and courtroom security; increase of certain fee.	12/15/2014 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Support] (15100425D) See also SB 736 (Howell, J.)  <b>Summary:</b> Courthouse and courtroom security fee. Increases the maximum local fee on criminal and traffic cases from \$10 to \$20.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1394</b> - Herring (46) Elections; absentee voting; no-excuse, in-person.	12/16/2014 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15102576D) - Board has historically supported. See also HB 1992 (Morrissey, J.).  <b>Summary:</b> Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.</p>		
<b>HB 1497</b> - Sullivan, Jr. (48) Absentee voting; registered voter using absentee ballot.	1/5/2015 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15101185D)  <b>Summary:</b> Absentee voting; no-excuse. Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. This bill removes the current list of statutory reasons a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. It repeals several sections, including one section made obsolete by the expansion of federal write-in absentee ballots to all elections.</p>		
<b>HB 1508</b> - Sullivan, Jr. (48) Higher educational institutions; memorandum of understanding and policies.	1/5/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Support] (15102669D)  <b>Summary:</b> Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that mandate the referral of a sexual assault victim to the sexual assault crisis center, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who are concerned that an official report might jeopardize their academic status.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action



Bills	General Assembly Actions	Date of BOS Position
<p><b>HB 1525</b> - Minchew (10) NVTAs; Department of Taxation's costs in administering certain taxes.</p>	<p>1/6/2015 House: Referred to Committee on Finance</p>	<p>[1/23/2015]</p>
<p>[Support] (15102761D)  <b>Summary:</b> Department of Taxation's costs in administering certain taxes; Northern Virginia Transportation Authority. Requires the Department of Taxation to provide to the Northern Virginia Transportation Authority (NVTAs) the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTAs.</p>		
<p><b>HB 1552</b> - Filler-Corn (41) Child welfare agencies; regulation, national criminal history record check requirement.</p>	<p>1/7/2015 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/23/2015]</p>
<p>[Support w/ Amend.] (15101077D) - Amend to grandfather locally permitted programs.  <b>Summary:</b> Regulation of child welfare agencies; national criminal history record checks. Establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. The bill requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.</p>		
<p><b>HB 1560</b> - Rust (86) Electronic summons systems; fees assessed by towns.</p>	<p>1/7/2015 House: Referred to Committee for Courts of Justice 1/14/2015 Subcommittee recommends reporting with amendment(s) (9-Y 0-N)</p>	<p>[1/23/2015]</p>
<p>[Support] (15101955D) See also SB 888 (Petersen, C.).  <b>Summary:</b> Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1622</b> - Sullivan, Jr. (48) Electric utilities; net energy metering.	1/8/2015 House: Referred to Committee on Commerce and Labor	[1/23/2015]
<p>[Support] (15102542D) - Board has historically supported.</p> <p><b>Summary:</b> Increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.</p>		
<b>HB 1630</b> - Lingamfelter (31) Problem-Solving Courts; established.	1/8/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Support] (15102024D) See also SB 903 (Puller, T.).</p> <p><b>Summary:</b> Establishes the Problem-Solving Court Act(the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§18.2-254.1).</p>		
<b>HB 1636</b> - Minchew (10) Net energy metering; program for community subscriber organizations.	1/8/2015 House: Referred to Committee on Commerce and Labor	[1/23/2015]
<p>[Support] (15102497D) - Board has historically supported.</p> <p><b>Summary:</b> Electric utilities; net energy metering; community subscriber organizations. Directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located and in the county in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts.		
<b>HB 1644</b> - Villanueva (21) Commonwealth Transportation Board; membership chosen from congressional districts.	1/9/2015 House: Referred to Committee on Transportation	[1/23/2015]
[Support] (15102665D) - Board has historically supported. <b>Summary:</b> Commonwealth Transportation Board membership; align with congressional districts. Provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two.		
<b>HB 1762</b> - Watts (39) Retail sales and transient occupancy taxes; room rentals, lodgings, etc.	1/12/2015 House: Referred to Committee on Finance 1/21/2015 House: Subcommittee recommends laying on the table by voice vote	[1/23/2015]
[Support] (15102146D) - Board has historically supported. See also SB 1210 (Ebbin, A.). <b>Summary:</b> Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.		
<b>HB 1785</b> - Massie, III (72) Campus police departments; sexual assault reporting.	1/13/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
[Support] (15101919D) <b>Summary:</b> Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
-------	--------------------------	----------------------

<p><b>HB 1865</b> - Kilgore (1) Local fiscal impact bills; first day introduction.</p>	<p>1/13/2015 House: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
--------------------------------------------------------------------------------------------	--------------------------------------------------------	--------------------

[Support] (15102723D) - Board has historically supported. See also SB 1140 (Garrett, T.S.).  
**Summary:** Requires local fiscal impact bills to be introduced no later than the first day of the session.

<p><b>HB 1886</b> - Jones (76) Public-Private Transportation Act; establishes requirement for finding of public interest.</p>	<p>1/13/2015 House: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
-----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	--------------------

[Support w/ Amend.] (15103395D) - Amend to clarify high/medium/low risk levels.  
**Summary:** Public-Private Transportation Act; finding of public interest. Establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

<p><b>HB 1887</b> - Jones (76) Transportation; funding, formula, update annual reporting, and allocations.</p>	<p>1/13/2015 House: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
--------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	--------------------

[Support with Amendment] (15103429D) Support with amendments to: provide/retain local governments' ability to determine where funds will be allocated within their respective jurisdictions; retain the ability of the Transportation Partnership Opportunity Fund to be used for public-private partnerships or tax districts; and clarify that there will not be a negative impact on the Virginia Railway Express.  
**Summary:** The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.  
 The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB.</p> <p>The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB.</p> <p>The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.</p>		
<p><b>HB 1922</b> - Murphy (34) Elections; absentee voting by persons age 65 or older.</p>	<p>1/13/2015 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2015]</p>
<p>[Support] (15101429D) - Board has historically supported. SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), and HB 2252 (Preston, J.). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<p><b>HB 1973</b> - Preston (63) Businesses, certain; local limitations on number.</p>	<p>1/13/2015 House: Referred to Committee on Commerce and Labor</p>	<p>[1/23/2015]</p>
<p>[Support] (15102274D) - Board has historically supported. <b>Summary:</b> Local limitations on number of certain businesses. Provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius.</p>		
<p><b>HB 1992</b> - Morrissey (74) Elections; absentee voting; no-excuse, in-person.</p>	<p>1/14/2015 House: Referred to Committee on Privileges and Elections</p>	<p>[1/23/2015]</p>
<p>[Support] (15102436D) - Board has historically supported. See also HB 1394 (Herring, C.). <b>Summary:</b> Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>HB 2023</b> - BaCote (95) Child care subsidy; license required.	1/14/2015 House: Referred to Committee on Health, Welfare and Institutions	[1/23/2015]
<p>[Support w/ Amend.] (15102479D) - Amend to grandfather locally permitted programs.  <b>Summary:</b> Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.</p>		
<b>HB 2046</b> - Filler-Corn (41) Licensure of family day homes.	1/14/2015 House: Referred to Committee on Health, Welfare and Institutions	[1/23/2015]
<p>[Support w/ Amend.] (15101349D) - Amend to grandfather locally permitted programs.  <b>Summary:</b> Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.</p>		
<b>HB 2252</b> - Preston (63) Elections; absentee voting by persons age 65 or older.	1/19/2015 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15102278D) - Board has historically supported.  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<b>HJ 495</b> - Surovell (44) United States Constitution; Equal Rights Amendment.	8/16/2014 House: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15100137D) - Board has historically supported. See also SJ 216 (Ebbin, A.).  <b>Summary:</b> Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>SB 684</b> - Carrico, Sr. (40) Forfeiture of property used in connection with the commission of crimes; conviction required.	10/21/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Passed by indefinitely in Courts of Justice with letter (12-Y 0-N)	[1/23/2015]
<p>[Support Study] (15100578D) - Support referring bill to Crime Commission for study.  <b>Summary:</b> Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.</p>		
<b>SB 708</b> - Edwards (21) Elections; absentee voting by persons age 65 or older.	12/2/2014 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15100901D) - Board has historically supported. See also SB 719 (McWaters, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<b>SB 719</b> - McWaters (8) Elections; absentee voting by persons age 65 or older.	12/8/2014 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15100753D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<b>SB 731</b> - Marsden (37) Juvenile law-enforcement records; restorative justice.	12/12/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Reported from Courts of Justice with substitute (12-Y 0-N 1-A)	[1/23/2015]
<p>[Support] (15100292D)  <b>Summary:</b> Allows entities who have a contract with a juvenile and domestic relations district court to provide restorative justice services to inspect the police records of juveniles who are participating in the program or who have been identified by law-enforcement as possible participants.</p>		

Bills	General Assembly Actions	Date of BOS Position
<b>SB 736</b> - Howell (32) Courthouse and courtroom security; increases assessment.	12/16/2014 Senate: Referred to Committee for Courts of Justice 1/14/2015 Senate: Rereferred to Finance	[1/23/2015]
[Support] (15102438D) See also HB 1388 (Albo, D.). <b>Summary:</b> Courthouse security; assessment. Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security.		
<b>SB 758</b> - Barker (39) Elections; absentee voting by persons age 65 or older.	12/22/2014 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
[Support] (15101639D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.		
<b>SB 764</b> - Edwards (21) Electric utilities; net energy metering programs.	12/23/2014 Senate: Referred to Committee on Commerce and Labor	[1/23/2015]
[Support] (15101229D) - Board has historically supported. <b>Summary:</b> Electric utilities; net energy metering. Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.		
<b>SB 785</b> - McEachin (9) Public employment; prohibits discrimination based on basis of sexual orientation or gender identity.	12/31/2014 Senate: Referred to Committee on General Laws and Technology	[1/23/2015]
[Support] (15103001D) - Board has historically supported. <b>Summary:</b> Nondiscrimination in public employment. Prohibits discrimination in public employment based on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran.		

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action



Bills	General Assembly Actions	Date of BOS Position
<b>SB 796</b> - Lucas (18) County food and beverage tax; referendum requirement.	1/1/2015 Senate: Referred to Committee on Local Government	[1/23/2015]
<p>[Support] (15101941D) - Consistent with County principles for revenue diversification.  <b>Summary:</b> Removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance.</p>		
<b>SB 818</b> - Favola (31) Family day homes; licensure by Department of Social Services.	1/2/2015 Senate: Referred to Committee on Rehabilitation and Social Services	[1/23/2015]
<p>[Support w/ Amend.] (15100846D) - Amend to grandfather locally permitted programs.  <b>Summary:</b> Licensure of family day homes. Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.</p>		
<b>SB 821</b> - Miller (1) Opportunity Educational Institution; repeals Institution.	1/5/2015 Senate: Referred to Committee on Education and Health 1/22/2015 Senate: Reported from Education and Health (15-Y 0-N)	[1/23/2015]
<p>[Support] (15101219D) - Board has historically supported.  <b>Summary:</b> Opportunity Educational Institution repealed. Repeals the Opportunity Educational Institution.</p>		
<b>SB 822</b> - Miller (1) Elections; absentee voting by persons age 65 or older.	1/5/2015 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15101175D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<b>SB 833</b> - Edwards (21) Electric utilities; net energy metering.	1/5/2015 Senate: Referred to Committee on Commerce and Labor	[1/23/2015]
<p>[Support] (15103022D) - Board has historically supported.  <b>Summary:</b> Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business</p>		

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
Financing Act.		
<b>SB 888</b> - Petersen (34) Electronic summons systems; fees assessed by towns.	1/7/2015 Senate: Referred to Committee for Courts of Justice 1/19/2015 Senate: Reported from Courts of Justice (12-Y 1-N) 1/19/2015 Senate: Rereferred to Finance	[1/23/2015]
[Support] (15102002D) See also HB 1560 (Rust, T.). <b>Summary:</b> Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.		
<b>SB 890</b> - Petersen (34) Zoning ordinance; vehicle title loan businesses and payday lenders.	1/7/2015 Senate: Referred to Committee on Local Government	[1/23/2015]
[Support] (15102009D) - Board has historically supported. <b>Summary:</b> Zoning; vehicle title loan businesses and payday lenders. Allows a local zoning ordinance to include reasonable limits on the number of motor vehicle title loan businesses and payday lenders that may be operated at any one time within a zoning district.		
<b>SB 903</b> - Puller (36) Problem-Solving Courts; established report.	1/7/2015 Senate: Referred to Committee for Courts of Justice 1/19/2015 Senate: Reported from Courts of Justice with substitute (14-Y 0-N) 1/19/2015 Senate: Rereferred to Finance	[1/23/2015]
[Support] (15103948D-S1) See also HB 1630 (Lingamfelter, L.S.). <b>Summary:</b> Problem-Solving Courts; established. Establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).		
<b>SB 910</b> - Wexton (33) Elections; absentee voting by persons age 65 or older.	1/8/2015 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
[Support] (15100480D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 822 (Miller, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>SB 925</b> - Edwards (21) School zone; speed limit photo-enforcement system.	1/8/2015 Senate: Referred to Committee on Local Government	[1/23/2015]
<p>[Support w/ Amend.] (15102657D) - Amend to remove strict liability civil penalty.  <b>Summary:</b> School zone speed limit photo-enforcement system. Allows a locality having its own school district or school system to provide by ordinance for the establishment of a school zone speed limit photo-enforcement system imposing monetary liability on the operator of a motor vehicle for failure to comply with the speed limit in a school zone or school crossing in such locality. Proof of a violation of this section shall be evidenced by information obtained from a school zone speed limit photo-enforcement system. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs.</p>		
<b>SB 935</b> - Wexton (33) Herndon, Town of; amending charter, moves election date of mayor and council.	1/8/2015 Senate: Referred to Committee on Local Government 1/20/2015 Senate: Reported from Local Government (15-Y 0-N)	[1/23/2015]
<p>[Support] (15102253D)  <b>Summary:</b> Charter; Town of Herndon; elections. Moves the date of election of the mayor and members of the Herndon town council from May to November beginning with the election of November 2016 and extends the terms of those in office as of July 2016 until December 31, 2016. The bill also provides for the election of a vice mayor at the first regular town council meeting in January following a municipal election.</p>		
<b>SB 981</b> - Favola (31) Higher educational institutions; memorandum of understanding and policies.	1/11/2015 Senate: Referred to Committee on Education and Health	[1/23/2015]
<p>[Support] (15101757D)  <b>Summary:</b> Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make</p>		

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
-------	--------------------------	----------------------

an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.

<p><b>SB 1004</b> - Ebbin (30) Electronic cigarettes and other vapor products; state tax created, localities authorized to impose.</p>	<p>1/12/2015 Senate: Referred to Committee on Finance 1/21/2015 Senate: Passed by indefinitely in Finance (15-Y 0-N)</p>	<p>[1/23/2015]</p>
--------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------	--------------------

[Support] (15102363D)  
**Summary:** Taxes on electronic cigarettes and other vapor products. Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.18 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.

<p><b>SB 1011</b> - Stuart (28) Cash proffers; purchase of development rights by locality.</p>	<p>1/12/2015 Senate: Referred to Committee on Local Government</p>	<p>[1/23/2015]</p>
----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------	--------------------

[Support] (15101258D)  
**Summary:** Allows a locality to use a cash payment voluntarily proffered by a landowner to purchase development rights within the locality in accordance with the comprehensive plan and local ordinances allowing for the transfer of development rights. The bill provides that the locality seeking to purchase such rights must first notify the proffering landowner and conduct a public hearing. Following the hearing, the locality is required to find that the purchase is in accordance with the local ordinance allowing the transfer of development rights, the rights to be purchased are within the areas identified in the comprehensive plan for land conservation, and the purchase is in the public interest. The bill contains technical amendments.

<p><b>SB 1017</b> - Dance (16) Employment applications; inquiries regarding criminal arrests, charges, or convictions.</p>	<p>1/12/2015 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/23/2015]</p>
--------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------	--------------------

[Support] (15100207D)  
**Summary:** Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries.		
<b>SB 1054</b> - Hanger, Jr. (24) Comprehensive Services for At-Risk Youth and Families, State Executive Council for; regulations.	1/12/2015 Senate: Referred to Committee on Rehabilitation and Social Services	[1/23/2015]
[Support] (15100962D) - Board has historically supported. <b>Summary:</b> State Executive Council for Comprehensive Services for At-Risk Youth and Families; regulations. Provides that the State Executive Council for Comprehensive Services for At-Risk Youth and Families shall promulgate regulations necessary to carry out its powers and duties. The bill contains technical amendments. Places the CSA under the Administrative Process Act.		
<b>SB 1123</b> - Barker (39) Child care subsidy; license required.	1/13/2015 Senate: Referred to Committee on Rehabilitation and Social Services	[1/23/2015]
[Support w/ Amend.] (15102477D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.		
<b>SB 1140</b> - Garrett (22) Local fiscal impact bills; first day introduction.	1/13/2015 Senate: Referred to Committee on Rules	[1/23/2015]
[Support] (15102531D) - Board has historically supported. See also HB 1865 (Kilgore, T.G.) <b>Summary:</b> Requires local fiscal impact bills to be introduced no later than the first day of the regular session of the General Assembly.		
<b>SB 1148</b> - Stuart (28) Restricted driver's license; activities related to seeking employment.	1/13/2015 Senate: Referred to Committee for Courts of Justice	[1/23/2015]
[Support w/ Amend.] (15102004D) - Amend to include travel to and from training for employment. <b>Summary:</b> Adds travel to and from a scheduled job interview or the office of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license.		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
-------	--------------------------	----------------------

<p><b>SB 1201</b> - Wagner (7) Stormwater; dredging by municipal separate storm sewer system permittees.</p>	<p>1/13/2015 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources</p>	<p>[1/23/2015]</p>
------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------	--------------------

[Support w/ Amend.] (15100954D) - Amend to strike "navigable waterway."  
**Summary:** Stormwater; municipal separate storm sewer system permittees; dredging. Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed by a locality that is a municipal separate storm sewer system (MS4) permittee as a method by which the permittee may meet its pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill also requires that any dredging take place in a navigable waterway within the boundaries of the locality and comply with all applicable laws.

<p><b>SB 1210</b> - Ebbin (30) Retail sales and transient occupancy taxes on room rentals.</p>	<p>1/13/2015 Senate: Referred to Committee on Finance</p>	<p>[1/23/2015]</p>
----------------------------------------------------------------------------------------------------	-----------------------------------------------------------	--------------------

[Support] (15103399D) - Board has historically supported. See also HB 1762 (Watts, V.).  
**Summary:** Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

<p><b>SB 1279</b> - Wexton (33) Handheld personal communications devices; use while driving, penalty.</p>	<p>1/14/2015 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
---------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------	--------------------

[Support] (15102249D) - Board has historically supported.  
**Summary:** Use of handheld personal communications devices while driving; penalty. Provides that, subject to certain exceptions, using a handheld personal communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines. The bill also eliminates the additional mandatory minimum fine imposed upon a person convicted of reckless driving who was texting while driving at the time of the offense.

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<b>SB 1329</b> - Garrett (22) Higher educational institutions; memorandum of understanding and policies for sexual assaults.	1/15/2015 Senate: Referred to Committee on Education and Health	[1/23/2015]
<p>[Support] (15103641D)</p> <p><b>Summary:</b> Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.</p>		
<b>SJ 216</b> - Ebbin (30) United States Constitution; Equal Rights Amendment.	11/7/2014 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Support] (15100396D) - Board has historically supported. See also HJ 495 (Surovell, S.).</p> <p><b>Summary:</b> Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		

***Fairfax County Positions***  
***(Monitor)***

**\* \* \***



Bills	General Assembly Actions	Date of BOS Position
<b>HB 1274</b> - Farrell (56) Electronic devices; search without a warrant prohibited.	7/21/2014 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Monitor] (15100087D) - Board has historically advocated amending bill to apply only to personally-owned devices.</p> <p><b>Summary:</b> Search of electronic device without warrant prohibited. Provides that no officer of the law or any other person shall search any cellular telephone, tablet computer, portable computer, desktop computer, or other electronic device containing or designed to contain electronic data or digital information except by virtue of and under a warrant issued by a proper officer.</p>		
<b>HB 1276</b> - Cox (66) Northern Virginia Veterans Care Center; funding of project.	7/21/2014 House: Referred to Committee on Appropriations 1/21/2015 House: Reported from Appropriations with amendments (22-Y 0-N)	[1/23/2015]
<p>[Monitor] (15100105D)</p> <p><b>Summary:</b> Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project.</p>		
<b>HB 1510</b> - Ward (92) Hampton Roads Transportation Accountability Commission; population projections.	1/5/2015 House: Referred to Committee on Transportation 1/21/2015 Subcommittee recommends reporting with amendment(s) (5-Y 1-N)	[1/23/2015]
<p>[Monitor] (15101718D)</p> <p><b>Summary:</b> Hampton Roads Transportation Accountability Commission. Provides that population estimates used by the Hampton Roads Transportation Accountability Commission in making its decisions shall be those projections made by the Weldon Cooper Center for Public Service of the University of Virginia. Current law provides for use of the most recent decennial census in determining such population estimates until the fifth year following each census and then using adjusted projections made by the Center.</p>		

Bills	General Assembly Actions	Date of BOS Position
<b>HB 1528</b> - Berg (29) Government Data Collection and Dissemination Practices Act; limitation on collection.	1/6/2015 House: Referred to Committee for Courts of Justice	[1/23/2015]
<p>[Monitor] (15101692D) - Retention period in bill may be insufficient.</p> <p><b>Summary:</b> Government Data Collection and Dissemination Practices Act; limitation on collection and use of personal information by law enforcement; penalty. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader provided that any information collected shall only be retained for 24 hours and shall only be used for the investigation of a crime or a report of a missing person. The bill provides that any person who sells or uses information collected from a license plate reader by a law-enforcement agency in any unauthorized manner is guilty of a Class 6 felony.</p>		
<b>HB 1529</b> - Berg (29) General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act.	1/6/2015 House: Referred to Committee on Appropriations	[1/23/2015]
<p>[Monitor] (15102351D)</p> <p><b>Summary:</b> General appropriation act. Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.</p>		
<b>HB 1673</b> - Anderson (51) Government Data Collection and Dissemination Practices Act; limitation on collection.	1/9/2015 House: Referred to Committee for Courts of Justice 1/21/2015 House: Referred from Courts of Justice by voice vote 1/21/2015 House: Referred to Committee on Militia, Police and Public Safety	[1/23/2015]
<p>[Monitor] (15102702D) - Retention period in bill may be insufficient.</p> <p><b>Summary:</b> Government Data Collection and Dissemination Practices Act; limitation on collection and use of personal information by law enforcement. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader,</p>		

Bills	General Assembly Actions	Date of BOS Position
-------	--------------------------	----------------------

<p>provided that any information collected shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person.</p>		
<p><b>HB 1760</b> - James (80) Hampton Roads Transportation Accountability Commission; local representation.</p>	<p>1/12/2015 House: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15102902D) See also SB 743 (Lucas, L.). <b>Summary:</b> Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.</p>		
<p><b>HB 1929</b> - Anderson (51) Family day homes; licensure.</p>	<p>1/13/2015 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15102492D) <b>Summary:</b> Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.</p>		
<p><b>HB 2017</b> - Surovell (44) Aircraft, certain; local regulation.</p>	<p>1/14/2015 House: Referred to Committee for Courts of Justice</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15100618D) Substitute being drafted. <b>Summary:</b> Local regulation of certain aircraft. Provides that a locality may by ordinance regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. Such ordinance may place reasonable restrictions on the time, place, and manner of use of such aircraft.</p>		
<p><b>HB 2066</b> - Keam (35) Public libraries; policy of the Commonwealth concerning service to the communities.</p>	<p>1/14/2015 House: Referred to Committee on General Laws</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15101262D) <b>Summary:</b> Public libraries. Provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth.</p>		

Bills	General Assembly Actions	Date of BOS Position
<p><b>HJ 514</b> - Webert (18) Composite Index of Local Ability to Pay; DOE to study effect of local use value assessment.</p>	<p>12/8/2014 House: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15100853D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also SJ 288 (Vogel, J.)  <b>Summary:</b> Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.</p>		
<p><b>HJ 619</b> - Lingamfelter (31) Study; Department of Rail and Public Transportation; Metrorail extension; report.</p>	<p>1/13/2015 House: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15103536D)  <b>Summary:</b> Study; Department of Rail and Public Transportation to study Metrorail extension; report. Requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly.</p>		
<p><b>HJ 635</b> - LaRock (33) Study; performance of the communications sales and use tax; report.</p>	<p>1/14/2015 House: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
<p>[Monitor] (15102420D)  <b>Summary:</b> Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.</p>		

Bills	General Assembly Actions	Date of BOS Position
<b>SB 675</b> - Puller (36) Northern Virginia Veterans Care Center; funding of project.	8/4/2014 Senate: Referred to Committee on Finance	[1/23/2015]
<p>[Monitor] (15100218D)</p> <p><b>Summary:</b> Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project.</p>		
<b>SB 742</b> - Carrico, Sr. (40) Elections; run-off elections.	12/16/2014 Senate: Referred to Committee on Privileges and Elections	[1/23/2015]
<p>[Monitor] (15101178D)</p> <p><b>Summary:</b> Provides that no candidate shall be deemed to have been elected at a general election to any statewide office unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which the case the run-off election will be held on the sixth Tuesday. The bill provides that all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the most votes cast at any election shall be deemed to have been elected to that office.</p>		

Bills	General Assembly Actions	Date of BOS Position
<b>SB 743</b> - Lucas (18) Hampton Roads Transportation Accountability Commission; local representation.	12/17/2014 Senate: Referred to Committee on Rules	[1/23/2015]
<p>[Monitor] (15101573D) See also HB 1760 (James, M.).  <b>Summary:</b> Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.</p>		
<b>SB 780</b> - Favola (31) Family day homes; licensure.	12/30/2014 Senate: Referred to Committee on Rehabilitation and Social Services	[1/23/2015]
<p>[Monitor] (15100664D)  <b>Summary:</b> Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.</p>		
<b>SB 781</b> - Alexander (5) Passing with a double yellow line; drivers allowed to pass a pedestrian, stopped vehicle, etc.	12/30/2014 Senate: Referred to Committee on Transportation 1/21/2015 Senate: Reported from Transportation with substitute (13-Y 2-N)	[1/23/2015]
<p>[Monitor] (15101281D)  <b>Summary:</b> Passing with a double yellow line. Allows drivers to pass pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity.</p>		
<b>SB 965</b> - Petersen (34) Government Data Collection and Dissemination Practices Act; use of personal information.	1/9/2015 Senate: Referred to Committee on General Laws and Technology	[1/23/2015]
<p>[Monitor] (15103452D) - Retention period in bill may be insufficient.  <b>Summary:</b> Government Data Collection and Dissemination Practices Act; passive collection and use of personal information by law-enforcement agencies. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such</p>		

Bills	General Assembly Actions	Date of BOS Position
-------	--------------------------	----------------------

collected information must be purged from the system.

<p><b>SB 1124</b> - Barker (39) Licensure of family day homes.</p>	<p>1/13/2015 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/23/2015]</p>
------------------------------------------------------------------------	--------------------------------------------------------------------------------------	--------------------

[Monitor] (15102490D)  
**Summary:** Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.

<p><b>SB 1274</b> - Barker (39) State highways; allocation of funds.</p>	<p>1/14/2015 Senate: Referred to Committee on Transportation</p>	<p>[1/23/2015]</p>
------------------------------------------------------------------------------	------------------------------------------------------------------	--------------------

[Monitor] (15102817D)  
**Summary:** Allocation of funds for state highways. Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.

<p><b>SJ 288</b> - Vogel (27) Study; Department of Education; effect of local use value assessment of certain real estate.</p>	<p>1/14/2015 Senate: Referred to Committee on Rules</p>	<p>[1/23/2015]</p>
------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------	--------------------

[Monitor] (15103715D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also HJ (Webert, M.).  
**Summary:** Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.





**BUDGET PROPOSALS FOR FY 2015 and FY 2016 DURING THE 2015  
GENERAL ASSEMBLY SESSION  
as of January 23, 2015**

**Estimated Impact to  
Fairfax County - Increase  
Over Prior Fiscal Year**

<b>Direct County Impact</b>	<b>Governor</b>	
	<b>FY 2015</b>	<b>FY 2016</b>
Decrease Funding to Local Health Departments	\$0	(\$0.6)
Allow Localities to Increase Restaurant Fees	\$0	\$0.6
Decrease in Aid to Localities	(\$2.3)	(\$2.3)
Increased Salary Reimbursement - Entry Level Sheriffs		\$0.1
Partial Reimbursement for Voting Machines over 3 years	\$0	Unknown
<b>TOTAL DIRECT COUNTY IMPACT</b>	<b>(\$2.3)</b>	<b>(\$2.2)</b>
<b>TOTAL OVER THE BIENNIUM</b>	<b>(\$4.5)</b>	

**Impact to the Fairfax County Public School's (FCPS)  
Proposed Budget**

**Governor McAuliffe's Budget:** The proposed lower VRS contribution rate would generate savings of \$2.8 million for FCPS (already reflected in the Superintendent's Proposed Budget).

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 23, 2015**

Budget Bill Item #	Issue	Fairfax County Impact
<b>Revenue</b>		
<b><u>Local Health Departments/Restaurant Inspection Fees</u></b>		
290; 471.10	<b>Governor McAuliffe's Budget:</b> Increases maximum Restaurant Inspection fee from \$40.00 to \$285.00. Separate language reduces GF support for local health departments.	Reduces GF support for Fairfax County's Health Department by \$673,000. It appears the increased restaurant fee may be designed to allow the County to replace some of the reduced state funding by increasing restaurant fees.
<b>Central Appropriations</b>		
<b><u>Aid to Localities</u></b>		
471.30	<b>Governor McAuliffe's Budget:</b> Maintains the \$30 million reduction in aid to localities in FY 2015 and slightly lowers it to \$29.8 million in FY 2016.	Fairfax County's share of the reduction is about \$2.3 million in each year.
<b>Compensation Board</b>		
<b><u>State-Supported Employee Compensation</u></b>		
<b><u>Sheriffs</u></b>		
	<b>Governor McAuliffe's Budget:</b> Provides \$1.6 million to increase the starting salaries for Grade 7 and 8 Sheriff's Deputies in FY 2016. The starting salary for a Grade 7 Deputy will rise from \$29,081 to \$31,009 and the starting salary for Grade 8 will increase from \$31,788 to \$32,009.	Results in additional salary reimbursement of approximately \$0.1 million for Fairfax County in FY 2016.
67	<b><u>Inmate Per Diem Funding</u></b> <b>Governor McAuliffe's Budget:</b> Includes \$11.3 million in FY 2015 to address the increased cost of housing inmates. The Inmate Population Forecasting Committee had projected a need of \$10.7 million in FY 2015 and \$11.7 million in FY 2016 for jail inmate per diem payments based on revised growth estimates.	Funding to localities will be based on actual inmate population.
<b>Public Safety</b>		
391	<b><u>State Aid to Localities with Police Departments (HB 599)</u></b> <b>Governor McAuliffe's Budget:</b> Maintains the HB 599 law enforcement program at the adopted level.	Holds funding at the FY 2014 level. No increase in FY 2015 or FY 2016 despite the statutory policy of growing payments at the rate of GF revenue growth.
<b>Other Items of Interest</b>		
<b><u>Voting Machines</u></b>		
	<b>Governor McAuliffe's Budget:</b> Includes \$28 million in bond proceeds to replace voting machines statewide. For 401 precincts out of 2,567 that have already purchased machines, the Governor included \$1.6 million for the first of a proposed 3-year reimbursement.	The County purchased voting machines in spring 2014 and can expect to receive at least partial reimbursement for those costs over the next 3 years. .
101	<b><u>World Police and Fire Games</u></b> <b>Governor McAuliffe's Budget:</b> Maintains \$1.0 million in FY 2016 to support the 2015 World Police and Fire Games.	Requires a memorandum of understanding with the Commonwealth regarding the use of these funds.

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 23, 2015**

Budget Bill Item #	Issue	Fairfax County Impact
<b>Human Services</b>		
<b>Housing</b>		
103	<b>Governor McAuliffe's Budget:</b> Provides \$1 million GF in FY 2016 for rapid re-housing efforts.	TBD
<b>Virginia Preschool Initiative</b>		
136	<b>Governor McAuliffe's Budget:</b> Allows unused slots to be transferred to school divisions that have used 100 percent of their slots and have a waiting list.	As the County often does not use its full allocation of VPI slots due to budgetary constraints, this provision may allow those slots to be redirected to other jurisdictions – it will be important to better understand how this provision will be implemented, in the event the County seeks to utilize more of its designated slots in the future.
<b>Medicaid Expansion</b>		
301	<b>Governor McAuliffe's Budget:</b> Directs DMAS to implement coverage for newly eligible individuals under the Affordable Care Act by January 1, 2015, or as soon as feasible thereafter.	Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.
<b>Medicaid Waivers</b>		
301	<b>Governor McAuliffe's Budget:</b> Directs DMAS to seek federal approval to amend the Day Support waiver to add 200 slots, effective January 1, 2016. At that time, the Day Support waiver will be renamed the Building Independence waiver, and will be available to individuals with intellectual and developmental disabilities. DMAS is directed to provide a report detailing the changes and estimated costs of the new waiver to the Governor and the money committee chairs 30 days prior to seeking federal approval for amendments to the Day Support waiver.	TBD; any consolidation must include funding that allows an appropriate level of services to continue for individuals who are presently receiving those services in the community. Additionally, utilization of a new waiver model must ensure that the management structure and reimbursement rates account for service model and regional cost differences unique to the Northern Virginia area.
308	<b>Governor McAuliffe's Budget:</b> Provides \$675,000 for rental subsidies for up to 250 people who will transition to the Building Independence waiver.	See note above.
	<b>Governor McAuliffe's Budget:</b> Provides \$453,888 GF and \$453,888 NGF to create a new and consolidated system for managing the Intellectual Disability (ID) and Developmental Disability (DD) waivers, to include wait list and waiver enrollment management, among other services.	See note above.
<b>Behavioral Health</b>		
305	<b>Governor McAuliffe's Budget:</b> Directs the DBHDS Commissioner to establish licensing fees for adult behavioral health and developmental services licensed by the department, including day support and residential treatment. The Commissioner shall charge a \$750 fee per service for the initial application and a license renewal fee of \$500 per service. (Funds received are to be paid into the General Fund.)	TBD
C-19.10	<b>Governor McAuliffe's Budget:</b> Allows \$4.7 million in remaining bond proceeds authorized by the 2009 General Assembly to be used to subsidize costs associated with the construction, rehabilitation, and/or acquisition of single-family or multi-family rental housing that is dedicated to individuals with an intellectual or developmental disability.	TBD

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 23, 2015**

Budget Bill Item #	Issue	Fairfax County Impact
	<b>Human Services</b>	
	<b><u>Northern Virginia Training Center (NVTC)</u></b>	
318	<b>Governor McAuliffe's Budget:</b> Provides \$1.3 million in FY 2016 to keep the facility operational for an additional six months.	As of November 5, 2014, 73 individuals from Fairfax County reside in training centers, primarily at NVTC.
	<b>Governor McAuliffe's Budget:</b> Increases funding for quality service reviews required by the settlement agreement with the U.S. Department of Justice (\$91,000 GF and \$273,000 NGF in FY 2016).	TBD
	<b>Governor McAuliffe's Budget:</b> Provides \$31,450 GF in FY 2015 and \$125,801 GF in FY 2016 to address the needs of individuals not covered by Medicaid who are currently residing in state-operated training centers and to assist them in transitioning to the community.	TBD
	<b><u>Mental Health</u></b>	
	<b>Governor McAuliffe's Budget:</b> Provides \$950,000 in additional GF support for Local Inpatient Purchase of Services (LIPOS) in FY 2016 and \$1.2 million GF to contract for additional inpatient psychiatric beds for children and adolescents in FY 2016.	TBD
	<b>Governor McAuliffe's Budget:</b> Provides \$3.1 million GF in FY 2015 and \$1.5 million GF in FY 2016 for the costs of hospital and physician services for persons subject to an involuntary mental commitment.	TBD
	<b><u>Foster Care/Adoption Assistance</u></b>	
334	<b>Governor McAuliffe's Budget:</b> Provides additional funding in FY 2016 (\$5.7 GF and \$1.7 NGF) to implement federal legislation that would extend foster care and adoption payments to age 21.	Likely positive; extending adoption payments until age 21 is included in the County's Human Services Issues Paper.
	<b><u>Local Eligibility Workers</u></b>	
336	<b>Governor McAuliffe's Budget:</b> Provides \$2.1 million GF and \$3.9 million NGF in FY 2015, and \$1.9 million GF and \$3.6 million NGF in FY 2016 to increase support for local eligibility staff by three percent (the equivalent of 93 local eligibility workers).	Likely positive.
	<b><u>Northern Virginia Family Services</u></b>	
341	<b>Governor McAuliffe's Budget:</b> Removes \$200,000 appropriation for NVFS in FY 2015 and FY 2016. Funding was to be provided for supportive services to address the basic needs of families in crisis.	TBD
	<b><u>Child Care</u></b>	
342	<b>Governor McAuliffe's Budget:</b> Provides \$2.6 million in FY 2016 to fund 28 additional staff positions to address increased workload; funding is provided to accompany proposed legislation that will require licensure of all child care providers receiving subsidies.	Monitor proposed new requirements for licensure of child care providers.

Budget  
Bill  
Item #

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 23, 2015**

<b>Public Education</b>	<b>Fairfax County Impact</b>
<p><b>Direct Aid to Public Education</b> Governor McAuliffe's Budget: No policy reductions to public education.</p>	
<p><b>Virginia Retirement System (VRS) Contributions</b> Governor McAuliffe's Budget: Deposits \$150 million directly into the VRS Teacher Retirement Fund. Lowers FY 2016 VRS employer contribution rate from the current 14.5% to 14.15%.</p>	<p>The lower VRS contribution rate would generate savings of \$2.8 million for FCPS (already reflected in the Superintendent's Proposed Budget).</p>
<p><b>School Construction</b> Governor McAuliffe's Budget: Proposes to use the Literary Fund for school construction (\$75 million in FY 2016, with \$50 million reserved for loans and \$25 million for interest rate subsidies).</p>	<p>Likely minimal; historically the County has not used either of these financing options, as interest rates on Literary Fund loans are based on a wealth factor, so the County is typically able to obtain more favorable lending terms directly.</p>
<p><b>Elimination of Cost-of-Competing (COCA)</b> Governor McAuliffe's Budget: Maintains the elimination of the cost-of-competing funding for support positions in Northern Virginia.</p>	<p>A loss of \$3.4 million in FY 2016 to FCPS from what would have been received if the partial restoration of cost-of-competing included in the FY 2014 budget had not been eliminated for FY 2015 and FY 2016 (reduction already reflected in the Superintendent's Proposed Budget). Full restoration of COCA would result in approximately \$12 million per year to FCPS.</p>
<p><b>Elimination of Non-personal Inflation Factor</b> Governor McAuliffe's Budget: Maintains the elimination of the non-personal inflation factor.</p>	<p>This results in a \$4.0 million loss in FY 2016 to FCPS from what would have been received if the non-personal inflation factor was not eliminated (already reflected in the Superintendent's Proposed Budget).</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 9, 2015**

Budget Item #	Transportation	Fairfax County Impact
1	<p><b>HB 2313 Regional Implementation</b>  <b>Governor McAuliffe's Budget:</b> retains language directing the Joint Commission on Transportation Accountability (JCTA) to regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313 (2013). To this end, the Secretary of Transportation, NVTA, and the Hampton Roads Transportation Accountability Commission must each prepare a report on the uses of their respective funds by November 15 each year to be presented to the JCTA.</p>	<p>Based on how "oversight" is interpreted, there are concerns regarding the authority this may provide JCTA to direct how the region can allocate the regional funds. NVTA did submit its FY 2014 report prior to the November 15 deadline.</p>
272	<p><b>Governor McAuliffe's Budget:</b> retains language authorizing the Department of Taxation to request and receive a treasury loan to fund the necessary start-up costs associated with the regional taxes imposed by HB 2313. The treasury loan will be repaid by the tax revenues. Additionally, the Department is authorized to retain sufficient revenues to recover its costs incurred administering these taxes.</p>	<p>Funds retained by Taxation could be used, instead, on regional projects. As Fairfax County is expected to benefit from approximately half of the Northern Virginia regional funds, approximately half of the NVTA funds retained by Taxation could be allocated to projects within the County. As such, Taxation should ensure that its expenses are reasonable. Through December 2014, \$919,000 has been retained by Taxation over a period of 18 months.</p>
447	<p><b>Governor McAuliffe's Budget:</b> includes the regional funds provided for in HB 2313, including \$596.4 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium, which is \$13.3 million less than projected in the last budget.</p>	<p>Over the biennium, Fairfax County should receive approximately \$89 million to allocate on local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately \$417 million, of which approximately \$208 million should benefit the County (70% funding retained by NVTA). Lower budget projects are due to economic fluctuations. Fairfax County's share of the \$13.3 million reduction is approximately \$6.7 million.</p>
427	<p><b>HB 2 Implementation</b>  <b>Governor McAuliffe's Budget:</b> notes that the HB 2 (2014) Prioritization Process will not apply to the federal Surface Transportation Program funds required to be allocated for public transportation purposes</p>	<p>This corresponds to the current policy for other transit funds, which are allocated through their own process developed through SB 1140 (2013). These are state-controlled federal surface transportation funds. HB 2 already exempts CMAQ and RSTP funds from the prioritization process.</p>
427	<p><b>Local Project Funding</b>  <b>Governor McAuliffe's Budget:</b> retains language directing the Secretary of Transportation to report to the General Assembly by December 1, 2014, on methods to provide assistance for local transportation projects. The recommendations must consider geographic equity, as well as the needs of local governments, transit agencies, and metropolitan planning organizations.</p>	<p>Due to revenue projections, the secondary formula is not expected to receive new funds until after 2020. This report has not yet been released.</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of January 9, 2015**

Budget Item #	Transportation	Fairfax County Impact
439	<p><b>Mass Transit Funding</b></p> <p><b>Governor McAuliffe's Budget:</b> increases funding for Financial Assistance for Public Transportation for FY 2016 by \$25 million. Estimated funding levels for Operating Assistance and Capital Assistance have not changed.</p>	<p>Fairfax County will receive approximately the same amount of funds received in years past, for funds allocated through the old formula. Any new funds, allocated through the formula created by SB 1140 (2013), will be based on performance metrics and the proposed capital programs for the County and its transit systems. As a result, it is unclear what portion of the \$25 million will be ultimately allocated to Fairfax County.</p>
439	<p><b>I-95 Transit/Transportation Demand Management (TDM)</b></p> <p><b>Governor McAuliffe's Budget:</b> retains language directing the allocation of funding from the Mass Transit Fund to implement transit and transportation demand management improvements identified in the I-95 corridor, including direct transit capital and operating costs and TDM activities.</p>	<p>Fairfax County may be able to receive funds for transit and TDM service associated with this project and has applied for \$479,000 in funding for FY 2015.</p>
442	<p><b>Air Quality Monitoring - 95 HOT Lane NB Terminus</b></p> <p><b>Governor McAuliffe's Budget:</b> retains language dedicating \$243,160 NGF from VDOT's environmental monitoring program funding for air quality monitoring, to be conducted by the Department of Environmental Quality, at the I-395 express lanes terminus.</p>	<p>There is no fiscal impact to the County. These funds may be associated with the air quality monitoring requested by the Overlook neighborhood in Fairfax County.</p>
444	<p><b>Highway Maintenance and Construction</b></p> <p><b>Governor McAuliffe's Budget:</b> reduces overall funding for Highway System Acquisition and Construction by \$83.7 million for the biennium. Within that account, dedicated and statewide construction increases by \$401.2 million; while interstate construction decreases by \$264.9 million, primary construction decreases by \$193.2 million, secondary construction decreases by \$14.8 million, and urban construction decreases by \$11.9 million.</p>	<p>Many of these funds are expected to be subject to the new HB 2 prioritization process, so the impact to Fairfax County is currently unclear.</p>
445	<p><b>Governor McAuliffe's Budget:</b> increases funding for Highway System Maintenance and Operations by \$66.8 million for the biennium; with \$145.3 million less for Interstates, \$84.4 million less for primaries, and \$43.7 million less for Transportation Operations Services, with a \$356.7 million increase for secondaries.</p> <p><b>Item 3-1.01:</b> transfers \$31 million from the GF to the HMOF. Previous budget transferred \$30 million from the HMOF to the GF.</p>	<p>Using historical estimates, an estimated additional \$10 million may be available for maintenance within Northern Virginia.</p> <p><i>Does not make any changes over the biennium. Returns funds temporarily transferred in previous year.</i></p>





**Bills Regarding Sexual Assaults on College/University Campuses**  
**(as of 1/22/15)**

**Bills for Potential County Positions**

**Linkage with Local Victim Support Services**

**SB 981 (Favola)/SB 1329 (Garrett)** requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status. Recommend support.

**HB 1508 (Sullivan)** – similar to **SB 981**, but requires that the institution's policy must mandate the referral of victims to the local sexual assault crisis center. Recommend support.

**Reporting**

**HB 1343 (Filler-Corn)/HB 1785 (Massie)** requires that mutual aid agreements between campus police force and law enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. Recommend support.

**Study**

**HJ 603 (Knight)** establishes a joint subcommittee to study the prevention of sexual violence on college campuses in Virginia. In conducting its study, the joint subcommittee must (i) ascertain the breadth of the problem of sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence used by colleges and universities in the Commonwealth; (iv) determine whether any institutions of higher education in the Commonwealth have pending U.S. Department of Education Office for Civil Rights investigations for the manner in which allegations and reports of sexual violence have been managed; (v) collaborate with other local, state, federal, college, and community advocates and police departments and entities to address the problem throughout the Commonwealth's higher education and criminal justice systems and among parents and students; (vi) make recommendations to ensure safe college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the joint subcommittee deems proper to facilitate the study. The joint subcommittee must submit its report to the Governor and the 2016 Session of the General Assembly. Recommend support.

**Omnibus Bills**

**HB 1930 (Bell, R.B.)** requires the protocols and policies for sexual assault response teams to include the campus and community response to criminal sexual assaults and violent felonies committed on the campus of any institution of higher education in the locality. The bill requires any faculty member or administrator of a public institution of higher education who through the course of his employment obtains information alleging that a violent felony has been committed to report such information to the attorney for the Commonwealth or the law enforcement agency serving the locality in which the alleged violation occurred, with certain exceptions. The bill provides that a person in violation of the reporting

requirement is subject to a civil penalty of \$500 for the first violation and not more than \$1,000 for each subsequent violation. The bill requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires all persons appointed and employed as campus police officers or as members of auxiliary forces at an institution of higher education to receive training in trauma-informed response, interviewing, and investigation of alleged criminal sexual assaults committed on campus. The bill also requires that mutual aid agreements between a campus police force and law enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any complaint or investigation involving a violent felony. Recommend monitor.

**HB 2139** (Toscano) requires (i) any administrator employed by an institution of higher education, except in the case of administrators employed by the University of Virginia at the University of Virginia Medical Center, who through the course of his employment obtains information alleging that a felony criminal sexual assault has been committed by or against an enrolled student to report within 24 hours such information to the local law enforcement agency and (ii) any campus police officer employed by an institution of higher education who through the course of his employment obtains information alleging that a felony criminal sexual assault has been committed by or against an enrolled student to report within 24 hours such information to the local attorney for the Commonwealth. The bill requires the State Council of Higher Education for Virginia, in conjunction with the Office of the Attorney General, to develop guidelines that delineate the extent to which state and federal privacy laws limit the reporting requirements of the bill. The bill also requires that the registrar of each institution of higher education or the other employee, office, or department of the institution that is responsible for maintaining student academic records shall place a hold on the academic transcript of each student who is alleged to have committed a felony criminal sexual assault until such time as the institution deems it appropriate to release such hold. Recommend monitor.

### Other Related Bills

#### General Higher Education Policies

**HB 1683** (Herring) requires each institution of higher education to designate one employee to serve as the institution's liaison to the local department of social services and local law enforcement agency to coordinate (i) a response to any crime resulting in serious bodily injury to a student or any criminal sexual assault committed against a student and (ii) access to programs for the victims of such crimes.

**SB 1192** (Norment) requires the governing boards of public and private institutions of higher education to adopt a sexual misconduct policy that addresses incidents of sexual misconduct involving any person or student organization associated with the institution whether occurring on or off campus. The policies must include requirements for the institution to report certain sexual misconduct incidents to local law enforcement. Institutions that fail to comply with the policy requirements (i) in the case of public institutions, are subject to a 10 percent reduction in general funds and (ii) in the case of private institutions, are ineligible to receive Tuition Assistance Grants.

**SB 1379** (Saslaw) requires the governing board of each public institution of higher education shall certify to the State Council of Higher Education for Virginia that it has reviewed its sexual misconduct policy and updated it as appropriate. The bill requires the State Council and the Department of Criminal Justice Services to establish criteria for the certification process and to report to the Secretary of Education and the Secretary of Public Safety and Homeland Security on the certification status of institutions.

### **Mandatory Reporting**

**HB 1786** (Massie) requires any administrator or professor employed by a public institution of higher education, except the institution's Title IX coordinator, who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

**HB 1988** (Morrissey) requires each campus police department that obtains information alleging that a felony criminal sexual assault has occurred to report such information no later than 48 hours after commencing an investigation into such allegation to the law enforcement agency and the attorney for the Commonwealth serving the locality in which the institution is located or serving the locality in which the alleged violation occurred unless such report would be a violation of applicable state or federal law.

**SB 712** (Black) requires any faculty member, administrator, or full-time staff member employed by a public institution of higher education who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 48 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

**SB 734** (Saslaw) requires any administrator or professor employed by a public institution of higher education who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

**SB 1252** (Deeds) requires any employee of a public institution of higher education who through the course of his employment obtains information alleging a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor. The bill also requires the State Council of Higher Education for Virginia, in conjunction with the Office of the Attorney General, to develop guidelines that delineate the extent to which state and federal privacy laws limit the reporting requirements of the bill.

**SB 1275** (Barker) requires each public or private institution of higher education that has obtained any information alleging that a felony sexual assault involving a student has occurred to report such information to the Department of Criminal Justice Services.

### **Due Process for Students**

**HB 1321** (Morris) provides that any student enrolled at a public institution of higher education who is alleged to have committed an offense punishable by a suspension of more than 10 days or by expulsion pursuant to the institution's policies for the conduct of students has the right to be represented, in his discretion and at his expense, by a licensed attorney or a nonattorney advocate for the duration of any disciplinary proceeding or other institutional proceeding regarding the alleged offense. (Bill's provisions do not apply to VMI.)

**HB 1322** (Morris) provides that any student organization that is officially recognized by a public institution of higher education and that is alleged to have violated the institution's policies for the conduct of students has the right to be represented, in its discretion and at its expense, by a licensed attorney or a nonattorney advocate for the duration of any disciplinary proceeding or other institutional proceeding regarding the alleged violation. (Bill's provisions do not apply to VMI.)

**HB 1323** (Morris) provides that any (i) student who, as a result of any disciplinary proceeding or other institutional proceeding, is suspended for more than 10 days or expelled from a public institution of higher education for violating the institution's policies for the conduct of students or (ii) student organization that is (a) officially recognized by a public institution of higher education and (b) found to be in violation of the institution's policies for the conduct of students as a result of any disciplinary proceeding or other institutional proceeding has the right to petition for review of the institution's final decision in the circuit court for the locality in which the relevant institution is located. The bill requires the circuit court to determine whether the final decision was arbitrary, capricious, or otherwise contrary to the law and award successful petitioners certain damages and other forms of relief. (Bill's provisions do not apply to VML.)

**Documentation on Transcripts**

**HB 1888** (Jones) requires the registrar of each public institution of higher education and certain private institutions of education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended or permanently dismissed from the institution for a violation of the institution's code, rules, or set of standards governing the conduct of students.

**HB 2201** (Toscano) requires public institutions of higher education to document the dismissal of any student who has been dismissed for violation of the institution's sexual misconduct policy, student code of conduct, or institution's honor code on such student's academic transcript.

**SB 1326** (Deeds) requires public institutions of higher education to document the dismissal of any student who has been dismissed for violation of the institution's sexual misconduct policy, student code of conduct, or institution's honor code on such student's academic transcript.

**SB 1193** (Norment) requires the registrar of each public institution of higher education and certain private institutions of education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended or permanently dismissed from the institution for a violation of the institution's code, rules, or set of standards governing the conduct of students.

## Child and Family Day Care Bills

### Background

- Two high profile cases occurred in past year in which children in child care homes died (Chesterfield, Lynchburg).
- Fairfax County, the City of Alexandria, and Arlington County are the only jurisdictions authorized to have local ordinances to regulate family child care homes NOT licensed by the state. These three local ordinances are not the same.
- There are a total of 1985 regulated family child care homes in Fairfax County. Of those:
  - 425 family day homes are state licensed;
  - 1560 are County permitted under Fairfax County’s Home Child Care Facilities’ Permitting Standards.
- There are approximately 751 vendors in the County’s Child Care Subsidy Program. Of those:
  - 450 are County permitted family child care providers;
  - 110 are state licensed family child care providers;
  - 180 are state licensed centers or preschools;
  - 11 are centers or preschools that are exempt from licensing under state law.

The chart below highlights differences and similarities between state standards for licensing and Fairfax County ordinance requirements (the chart is not all-inclusive).

<b>Virginia Standards for Licensed Family Day Homes (Law &amp; Regulation)</b>	<b>Fairfax County Home Child Care Facilities Permitting Standards (Ordinance)</b>
* 6-12 non-resident children; and * Does not exceed 16 points, determined as follows: <ul style="list-style-type: none"> <li>▪ Birth – 15 months = 4 points</li> <li>▪ 16 months – 23 months = 3 points</li> <li>▪ 2 – 4 years = 2 points</li> <li>▪ 5 – 9 years = 1 point</li> <li>▪ 10 years &amp; older = 0 points</li> </ul> * Resident children under 8 years of age count in the point maximums.	* 1-5 non-resident children for which the caregiver is compensated; and * Limited to 4 children under age 2 (both non-resident & resident); and * Limited to 6 school-aged children (both non-resident & resident); and * Limited to 8 total children under age 10 (both non-resident & resident).
No fire department inspection required	<b>Annual</b> inspection by the Fire Department
Requires working <b>landline</b> phone	Requires working phone
Requires providers to speak English	Supports second language learners to operate child care businesses
Documentation that provider has completed high school or an equivalent	Documentation of a level of schooling <b>not</b> required

## Legislation Introduced

Bill	Patron	Purpose
<b>Bills for Discussion</b>		
<b>HB 2023</b> <b>SB 1123</b>	<b>Del. BaCote</b> <b>Sen. Barker</b>	<p><b>Requires that any family day home participating in child care subsidy program to be licensed by state.</b></p> <p><u>County implications</u> – children receiving state child care subsidy could only be served in family day homes licensed by the state (which includes additional requirements that some providers may have difficulty meeting); children could receive care in County licensed family day homes if they receive a child care subsidy funded solely through local dollars, or no child care subsidy at all.</p>
<b>HB 1552</b> <b>SB 818</b>	<b>Del. Filler-Corn</b> <b>Sen. Favola</b>	<p><b>Lowers state licensing threshold from the current 6 to one non-resident child; Favola bill also adds resident children</b></p> <p><u>County implications</u> – all family home based child care would be required to pursue state license (eliminates County’s ability to license such family day homes). State licensing includes additional requirements that some providers may have difficulty meeting.</p>
<b>HB 2046</b>	<b>Del. Filler-Corn</b>	<p><b>Lowers licensure requirement to 1 child in family day homes; eliminates current voluntary registration when caring for less than 6; impacts family day home system.</b></p> <p><u>County implications</u> – all family home based child care would be required to pursue state license (eliminates County’s ability to license such family day homes). State licensing includes additional requirements that some providers may have difficulty meeting.</p>
<b>SB 780</b> <b>SB 1124</b> <b>HB 1929</b>	<b>Sen. Favola</b> <b>Sen. Barker</b> <b>Del. Anderson</b>	<p><b>Includes resident children when counting children in care for licensure; current law does not include resident children.</b></p> <p><u>County implications</u> – it is unknown how many family home based care providers will be affected by such a change (it is possible this will affect the number of available child care placements).</p>

**Related Bills**

SB 1055	Sen. Hanger	Expands prohibited barrier crimes among employees & volunteers
SB 1168	Sen. Hanger	Requires national background check for family day homes and other licensed child welfare agencies; includes fingerprinting; includes resident children in count for family day home licensing
SB 911	Sen. Wexton	Requires annual background checks
SB 1069	Sen. Wexton	Day Care Providers serving fewer than 6 children must declare intent to DSS; random visits from DSS
HB 1570	Del. Orrock	Unlicensed or exempt facilities must provide notice of intent to operate an unlicensed facility; parents to be notified of same
SB 898	Sen. Favola	Mandates registration of unlicensed family day homes; adds certain other requirements
SB 1029	Sen. Marsden	Requires Commissioner of Revenue to report to DSS if business license sought for day care facility
HB 2069	Del. Keam	Requires licensed or registered day care programs to notify the parent of any emergency situation that occurs and requires the child receive care.





## HB 1887 – Omnibus Transportation Bill

### Summary

#### Transportation Construction Allocation Formula (see attachment)

HB 1887 replaces the 40-30-30 roadway funding formula, which provides that, after funds are provided for interstates: 40 percent are allocated to the state's primary system, 30 percent are allocated to urban highways, and 30 percent are allocated to secondary highways. Localities set the priorities for their urban and secondary roadway funds.

In 2012, legislation was passed that allows the Commonwealth Transportation Board (CTB) to allocate up to \$500 million on projects before funds go through the 40-30-30 formula.

- These funds are distributed as follows (the CTB has discretion to adjust the percentages if needed):
  - 25% for bridge reconstruction and rehabilitation;
  - 25% for advancing high priority projects statewide;
  - 25% for reconstructing deteriorated interstate and primary system pavements;
  - 15% for Public-Private Transportation Act projects;
  - 5% for paving unpaved roads; and
  - 5% for smart roadway technology.
- After those allocations are made, the CTB may allocate up to 10% of the remaining funds each year for highway purposes. Such funds must be used for undertaking and financing rail projects that, in the CTB's determination, will result in mitigation of highway congestion.
- This allocation formula expires in 2020.

HB 1887 proposes changing the 40-30-30 formula to the following, beginning in FY 2021:

- 40% for state of good repair purposes for the rehabilitation of structurally deficient bridges and deteriorating pavement;
- 30% for high-priority projects, pursuant to the HB 2 (2014) processes;
- 30% for new highway construction district grant program (localities will be able to compete within their district for these funds using the HB 2 process).

***HB 1887 eliminates the secondary road program. Though localities could apply for funds for secondary projects (through either the 30% for statewide high-priority projects program or the 30% highway construction district grant program or both), the CTB (rather than the locality) would select which projects are funded. Projects would be selected for funding based on HB 2 criteria. Bridges in the secondary road system would also be eligible for state of good repair funding, but this funding would be allocated by the CTB based on a priority ranking system.***

***The state of good repair program (40%) is focused on reconstruction and replacement of structurally deficient state and locally owned bridges, and reconstruction and rehabilitation of pavement on the interstate and primary road systems (including municipality-maintained primary extensions). The focus of this funding is not on construction projects that increase capacity.***

HB 1887 also provides that of the un-programmed funds in FY 2016-2020 in the Six-Year Improvement Program (SYIP), 50% will be allocated for high-priority projects pursuant to HB 2, and 50% will be allocated to highway construction district grant programs.

## Other Significant Provisions of HB 1887

### Transit Funding

HB 1887 provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.

### Highway Maintenance Practices

VDOT is currently required to develop asset management practices in the operation and maintenance of the state highway system. HB 1887 requires these practices to include a transparent methodology for the allocation of funds from the Highway Maintenance and Operations Fund, including the allocations among the highway construction districts and among the interstate, primary and secondary systems.

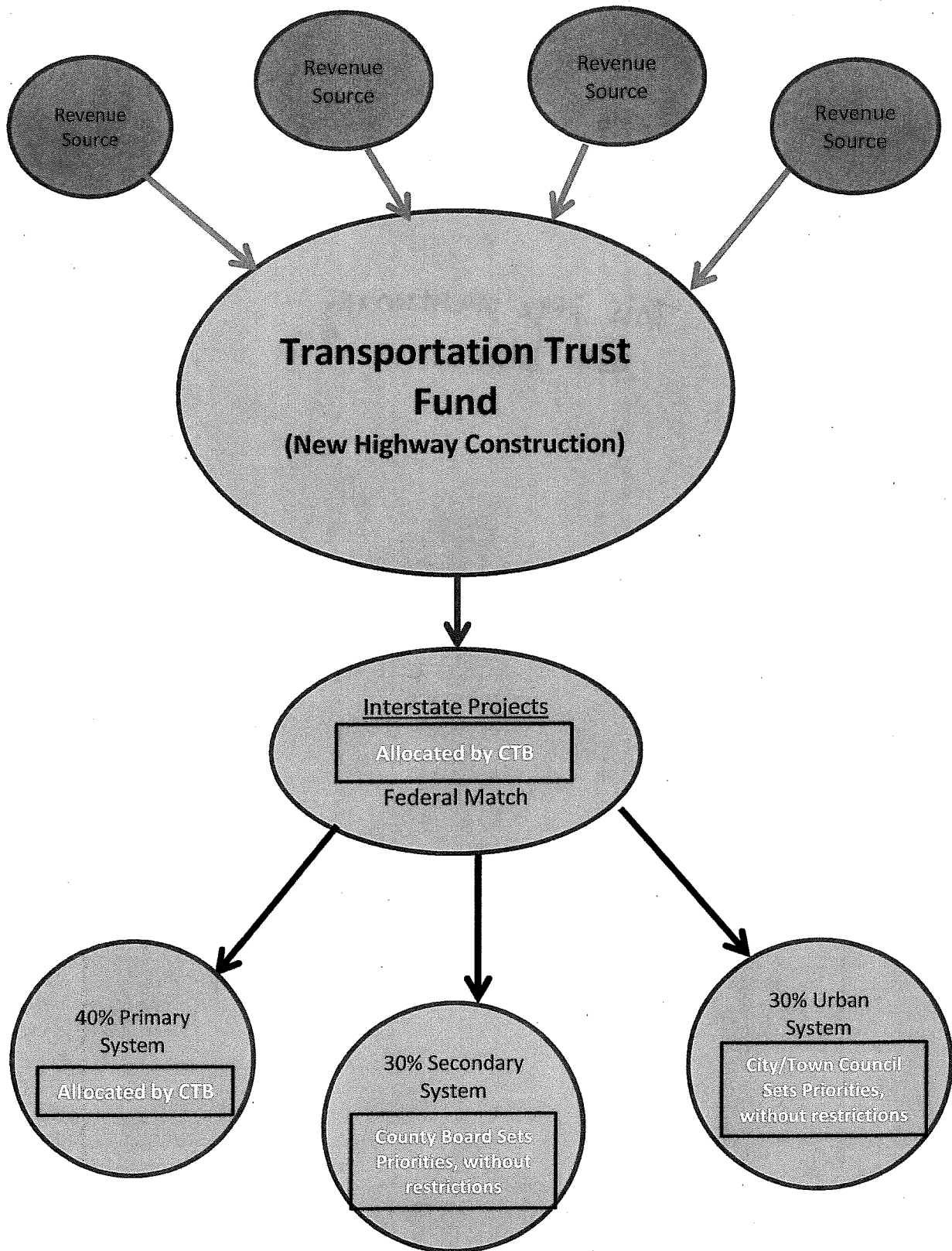
### Revenue Sharing

Currently, the Revenue Sharing Program gives first priority to allocations that will accelerate projects in the SYIP or a locality's capital plan, and second priority to pavement resurfacing and bridge rehabilitation projects. HB 1887 modifies this program, by adding a new tier: first priority under the bill would be given to projects that previously received Revenue Sharing funds; second priority would be given to projects that meet transportation needs identified in the Statewide Transportation Plan or that accelerate a project in a locality's capital plan; third priority would be given to projects that address pavement resurfacing and bridge rehabilitation.

### Additional Provisions

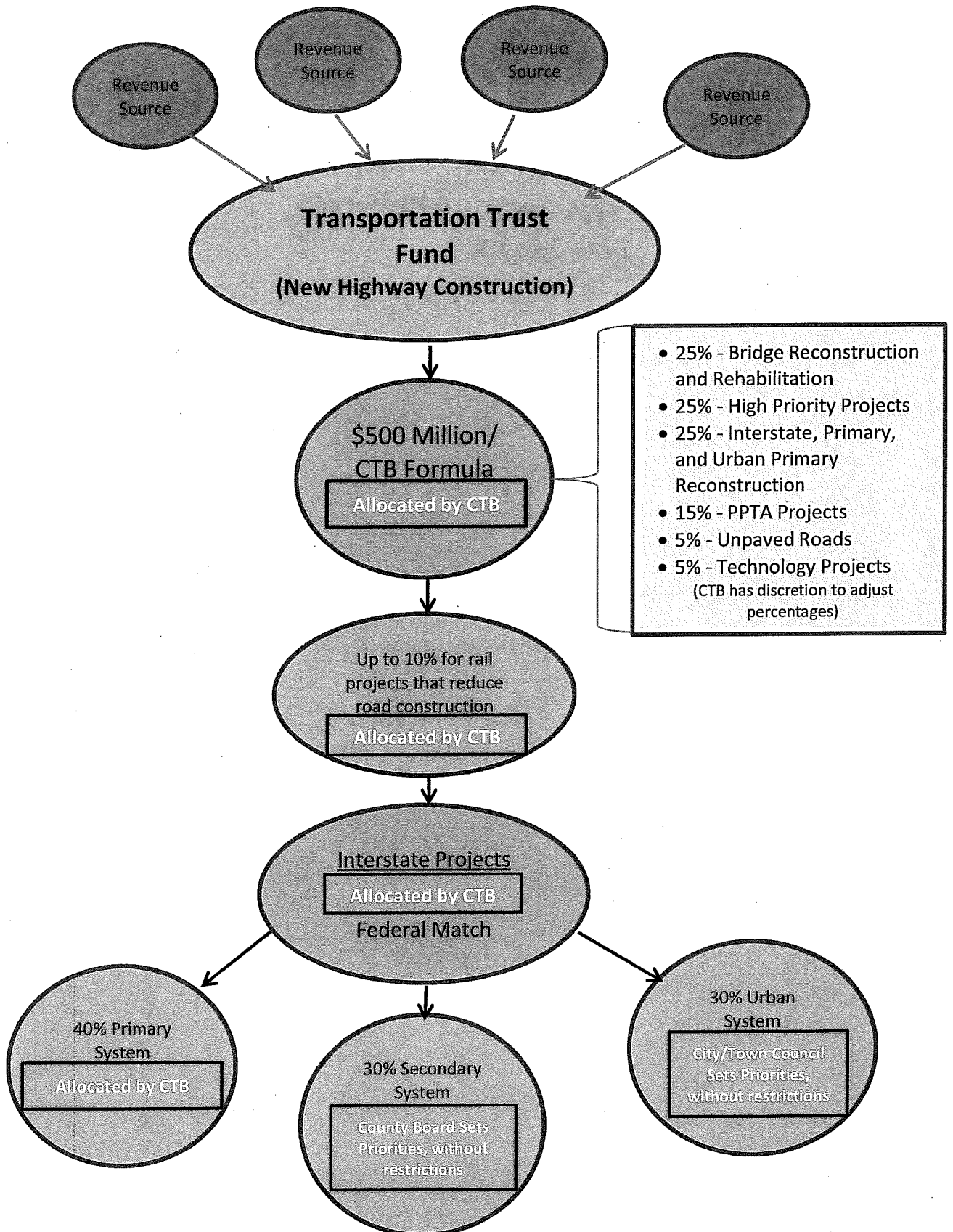
- *Transportation Partnership Opportunity Fund (TPOF)* – Redirects funds from the Toll Facilities Revolving Account to TPOF, to provide an ongoing revenue stream. Also, removes language allowing for funds to go to public-private partnerships.
  - ***The Route 28 Transportation Improvement District has received funds through this program in the past because it is a Public-Private Partnership.***
- *Unpaved Roads* – provides that from the funds allocated to the highway construction district grant program, up to \$25 million each year could be allocated for unpaved roads. These amounts would be deducted from the respective district's grant program on a proportional basis, relative to the amount of eligible roads within the district.
  - ***In Northern Virginia, most of this funding would go to one jurisdiction.***
- *Commonwealth Transportation Board* - provides that CTB Members can be removed only for cause, rather than at the pleasure of the Governor.
- *Virginia Transportation Infrastructure Bank (VTIB)* – redirects funds from the Toll Facilities Revolving Account to VTIB to provide an ongoing revenue stream. Also, limits the VTIB to loans, instead of allowing grants.

# Historic Highway Funding Distribution



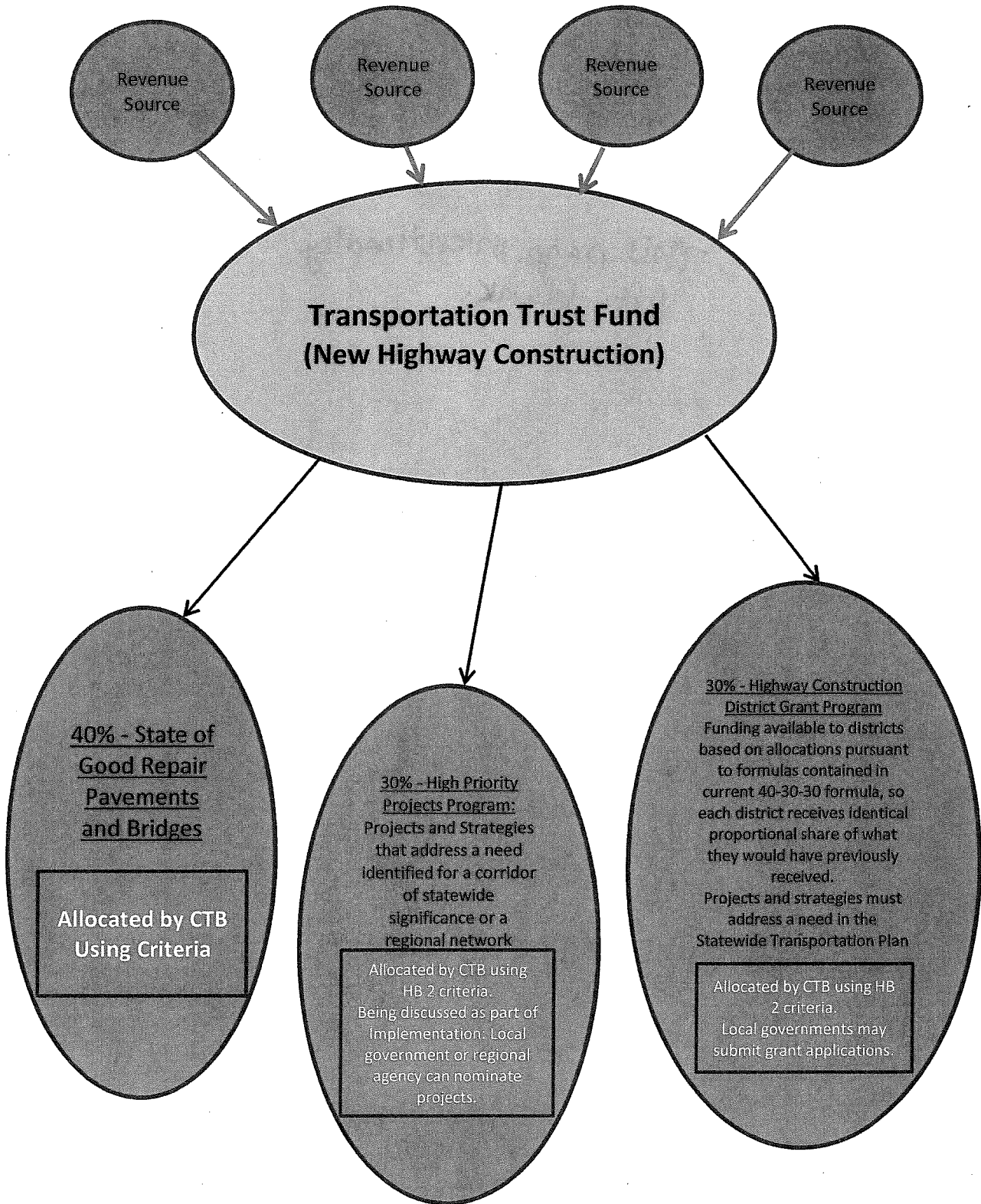
This page intentionally  
left blank.

# Current Highway Funding Distribution



This page intentionally  
left blank.

# Proposed Highway Funding Distribution – HB 1887



This page intentionally  
left blank.



## Bills Relating to Ethics/Conflicts of Interest

(as of January 22, 2015)

### Omnibus

**HB 1947** (McClellan)/**SB 1345** (McEachin) establishes the Virginia Independent Ethics Review Commission, a seven-member independent commission authorized to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual audits of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; (v) investigate alleged violations of the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; and (vi) refer certain violations to the appropriate authority for prosecution. The Commission replaces the current legislative Virginia Conflict of Interest and Ethics Advisory Council and the House of Delegates and Senate Ethics Advisory Panels. The bill prohibits any single gift or any combination of gifts with a value exceeding \$100 to those persons subject to the Conflicts of Interests Acts and members of their immediate family from any single source in a calendar year, but exempts meals accepted as part of a widely attended event and travel-related gifts for which the Commission has granted a waiver. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, and authorizes the Commission to prescribe the forms. The bill requires all disclosure forms be filed electronically with the Commission and permits the clerks of governing bodies to submit the disclosure forms on behalf of any local official. The bill also extends the current prohibition on political fundraising during regular sessions of the General Assembly to special sessions as well.

**HB 2070** (Gilbert) removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from throughout a particular industry or profession or who represent persons interested in a particular issue. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a waiver from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any transportation, lodging, meal, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100. A waiver is not required for travel paid for by certain government entities.

**SB 1289** (Ebbin) establishes the Virginia Independent Commission on Ethics (the Commission), an independent ethics commission authorized to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual audits of those disclosure forms and work with the State Board of Elections and local electoral boards to conduct random audits of campaign finance reports; (iii) issue advisory opinions; (iv) grant waivers for certain gifts; (v) investigate alleged violations of the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests

Act, and the lobbying laws; and (vi) refer certain violations to the appropriate authority for prosecution. The Commission replaces the current legislative Virginia Conflict of Interest and Ethics Advisory Council and the House of Delegates and Senate Ethics Advisory Panels. The bill also prohibits persons subject to the Conflicts of Interests Acts from receiving any single or combination of tangible gifts with a value in excess of \$100 and any single or combination of intangible gifts with a value in excess of \$250, but exempts gifts received at a widely attended event or gifts for which a waiver has been granted by the Commission.

#### **“Revolving door” bills**

**HB 1305** (Farrell) prohibits any legislator, during the one year following his termination of service as a legislator, from accepting an appointment to or employment with a governmental agency. The bill exempts appointments by the Governor to serve as a Governor's Secretary from this one-year prohibition.

**HB 1316** (Toscano) For VRS calculation of average final compensation, provides that if an employee receives increases in compensation related to a promotion or new position in the last four years of service that exceed 400 percent of the employee's average annual compensation during the preceding three years, then the employee's service retirement allowance shall be based upon average annual compensation during the employee's final ten years of service. The provision would not apply to an employee who returns to service after at least a one year gap in service, who receives a judicial appointment, or who is elected Governor or Attorney General.

**HB 1358** (Farrell) provides that each year of service in the General Assembly shall be deemed to equal six months of creditable service in the Virginia Retirement System for (i) anyone who becomes a member of the General Assembly on or after July 1, 2015, and (ii) each member and former member of the General Assembly who has less than five years of creditable service as of July 1, 2015.

**HB 1479** (Kory) – Same as HB 1305 (Farrell), but adds additional exemption for serving as court-appointed counsel.

**HB 1480** (Rush) – Similar to HB 1358 (Farrell), but rate is eight months per year of service.

**SB 752** (Watkins) amends section dealing with prohibition on state officers/employees representing clients before their former agencies for one year after termination of service. Clarifies that for purposes of prohibiting certain conduct of a Governor's Secretary in the year following termination of public service, the definition of "agency" includes all agencies assigned to the Secretary by law or by executive order.

#### **Gifts**

**HB 1598** (Watts) provides that, for purposes of the prohibition against acceptance of certain items that reasonably tend to influence official duties, any money, loan, gift, favor, service, or business or professional opportunity that is accepted by a member of the immediate family of an officer or employee of a state or local governmental or advisory agency or a member of the General Assembly shall be considered to have been accepted by the officer, employee, or member of the General Assembly if (i) such money, loan, gift, favor, service, or business or professional opportunity was accepted or retained with his knowledge and acquiescence, and (ii) he knows or has reason to know that such money, loan,

gift, favor, service, or business or professional opportunity was given to the member of his immediate family because of his official position. First violations of this provision are subject to the existing penalties of § 2.2-3124 and § 30-126, while a second or subsequent violation within a calendar year is subject to a civil penalty of no less than \$2,500.

**HB 1667** (Bulova) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift, or any combination of tangible or intangible gifts, with a value exceeding \$100 from any person. For purposes of the prohibition and the disclosure requirements, such gift or gifts given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift or gifts to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift or a combination of intangible gifts with a value exceeding \$100 may be accepted if the gift or gifts were received while in attendance at an event sponsored by a not-for-profit or government entity that is open to the public or to which the public is invited to purchase tickets for admission, or if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council. The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or any member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives or personal friends. The bill amends the five-year dollar adjustment to the limitation on annual gifts, requiring the adjustment be rounded to the nearest \$50.

**HB 1689** (Minchew) prohibits state government officers and employees, constitutional officers, legislators, and candidates required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving within any calendar year any single gift or any combination of gifts with a value exceeding \$100 from any person, reduced from the current \$250 limit. Such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate for purposes of the prohibition and the disclosure requirements if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill permits the acceptance of a gift or a combination of gifts with a value exceeding \$100 if the gifts are accepted while in attendance at a widely attended event, which is defined as a nonpartisan event to which at least 25 persons have been invited and are anticipated

to attend, and does not include overnight accommodations and more than one meal. The bill also permits the acceptance of a travel-related thing of value that exceeds \$100 in value and is provided by a third party if a written request for a waiver has been submitted to and has been approved by the Virginia Conflict of Interest and Ethics Advisory Council. Waivers are not required for travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or a political subdivision of such other state. Such gifts must still be disclosed on the prescribed form. The bill further prohibits any officer, employee, legislator, or candidate, or member of his immediate family, from soliciting, accepting, or receiving any gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. The bill removes the distinction between tangible and intangible gifts and the five-year dollar adjustment to the limitation on annual gifts.

**SB 696** (Petersen) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift with a value exceeding \$100 from any person. For purposes of the prohibition and the disclosure requirements, such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence, and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift with a value exceeding \$100 may be accepted if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council. The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments, and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill removes the five-year dollar adjustment to the limitation on annual gifts. (Similar to HB 1667)

**SB 777** (Newman) provides that a member of the General Assembly may identify himself as a gift-free legislator by selecting such an option on the Statement of Economic Interests, thereby indicating that he will not accept a gift of any value offered or given to him for the six-month period immediately following the submission deadline of the Statement of Economic Interests he is filing. The bill permits a legislator who identifies himself as a gift-free legislator to decide at a later date to accept a gift, so long as it is not

prohibited by law and he complies with the applicable disclosure requirements. However, he shall not be permitted to select such option on the Statement next filed. The bill requires the Virginia Conflict of Interest and Ethics Advisory Council to prepare a list of those who identify themselves as gift-free legislators and provide that list to the Secretary of the Commonwealth for distribution to lobbyists and to the Clerks of the House of Delegates and the Senate.

**SB 1267** (Edwards) prohibits state and local government officers and employees and members of the General Assembly from accepting any gift or any combination of gifts with a value exceeding the current limit of \$250 from a third party prior to submitting to the Virginia Conflict of Interest and Ethics Advisory Council a request for a waiver to accept such gift and receiving such a waiver. The bill requires the Council to receive and review requests for waivers, and, within seven days of receiving a request, approve or deny the request for waiver. In reviewing the request for a waiver, the Council shall consider the nature of the gift, the relationship between the requester and the third party providing the gift, and whether the gift relates to the official duties of the requester. When reviewing a request for a waiver for a travel-related gift, the Council is also required to consider the purpose of the travel as it relates to the official duties of the requester. Waivers are not required for travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state. The bill also removes the distinction between tangible and intangible gifts and prohibits any single gift, or any combination of gifts in a calendar year, with a value exceeding \$250 given from any third party to those persons subject to the Conflicts of Interests Acts. For purposes of the prohibition and the waiver exception, "third party" is defined as any person who the officer, employee, or legislator knows or has reason to know is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; a lobbyist's principal as defined in § 2.2-419; a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth or one of its political subdivisions; or a person whose interests may be substantially affected by the performance of the official duties of the officer, employee, or legislator.

**SB 1278** (Wexton) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift, or any combination of tangible or intangible gifts, with a value exceeding \$100 from any person, organization, or business within any calendar year. For purposes of the prohibition and the disclosure requirements, such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift with a value exceeding \$100 may be accepted if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council (the Council). The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or a member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty of \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1

misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments, and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill removes the five-year dollar adjustment to the limitation on annual gifts.

### Travel

**HB 2060** (Sickles) requires members of the General Assembly, prior to incurring travel expenses, to submit requests for travel expense reimbursement to the Virginia Conflict of Interest and Ethics Advisory Council for the Council's review, if the travel expenses exceed or are expected to exceed \$500 and are incurred on official travel. Expenses that are related to the performance of legislative duties during any regular or special session of the General Assembly or are incurred in furtherance of carrying out duties imposed by statute or the work of any standing committee of the General Assembly or legislative interim study commission or committee are not required to be submitted to the Council for approval in order to be reimbursed. The bill requires the Council to approve such a request where at least 90 percent of the travel is dedicated to the purpose of economic development, diplomacy, trade relations, or education. The bill directs the Council to prescribe the standards and procedures for receiving, reviewing, and approving or denying such requests. Until approved by the Council, reimbursement by the Commonwealth is prohibited.

**SB 735** (Marsden) prohibits members of the General Assembly from accepting any lodging, transportation, hospitality, or other travel-related thing of value with an aggregate value in excess of \$250 from any lobbyist, lobbyist's principal, or person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth, prior to submitting to the Virginia Conflict of Interest and Ethics Advisory Council a request to accept such thing of value and receiving approval of the request. The bill requires the Council to approve such a request where at least 90 percent of the travel is dedicated to the purpose of economic development, diplomacy, trade relations, or education or is in furtherance of carrying out duties imposed by statute or the work of any standing committee of the General Assembly or legislative interim study commission or committee.

### Lobbying

**SB 812** (Watkins) includes procurement transactions under the definition of "executive action." "Procurement transaction" is defined as all functions that pertain to obtaining goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. – defines "executive action" to include procurement transactions. Attempting to influence legislator or executive action is part of the existing definition of lobbying.

**SB 1026** (Garrett) requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also

prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.

**SB 1250** (Smith) amends the portion of the lobbyist disclosure form on which gifts are disclosed. The amended Schedule B requires disclosure of any gift to an executive or legislative official with a value of more than \$50 of which the principal contributed all or part, even if the principal's share of the gift was less than \$50.

**SB 1251** (Smith) amends the lobbyist disclosure form to require the listing of the matters of general concern for which the lobbyist works on behalf of the principal and each (i) legislative action, (ii) executive action, and (iii) procurement action for which the lobbyist sought to influence the outcome. The bill defines procurement transaction and sought to influence.

### **Miscellaneous**

**HB 1282** (Spruill) restricts the General Assembly from electing a person to a judgeship if the person is an immediate family member (spouse, parent, child, brother, or sister) of a (i) member of the General Assembly or (ii) former member of the General Assembly for at least 24 months after such member has ceased to be a member of the General Assembly.

**HB 1919** (LeMunyon) requires any person or entity submitting an application for a grant or loan from the Governor's Development Opportunity Fund to certify that it shall not provide a contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign committee or a political action committee established on his behalf during (i) the period in which the person or entity's application for such award is pending and (ii) the one-year period immediately after any such award is made. Any award received by a person or entity who so certifies and subsequently makes such a contribution or gift during these periods must be repaid by the recipient of the award within 90 days of receipt of written notice of the violation from the Virginia Economic Development Partnership. The bill also provides that any person or entity that knowingly provided or provides such a contribution or gift during these periods is subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

**HB 2064** (Keam) creates in the Department of Law a Division of Anti-Corruption to investigate claims of fraud and corruption in state matters.

**SB 876** (Cosgrove) clarifies that officers and employees of hospital authorities are included under the prohibited contract provisions for local officers and employees under the State and Local Government Conflict of Interests Act. The bill also lists exclusions from the general contract prohibitions that are specific to officers and employees of hospital authorities.





**Conflict of Interests: Key Provisions of HB 1947(McClellan)/SB 1345 (McEachin) and HB 2070 (Gilbert)**

State and Local COIA	HB 1947(McClellan)/SB 1345 (McEachin)	HB 2070 (Gilbert)
<p>§ 2.2-3103 § 2.2-3103.1</p>	<p>Eliminates the provisions added in 2014 that required special treatment of gifts from lobbyists/their principals and current or potential contractors and that distinguished between tangible and intangible gifts.</p> <p>Prohibits officers/employees and their immediate families from accepting gifts (either single or a combination of gifts) with a value greater than \$100 from <i>any person</i> other than a relative or personal friend. Exception for “widely attended events” related to official duties.</p> <p>Prohibits officers/employees from soliciting or accepting “travel-related things of value” with a value greater than \$100 from “<i>a third party</i>” unless the Commission grants a waiver. Waivers are not required for acceptance of “travel paid for or provided by a government of the United States, any of its territories, or another state of the United States or the political subdivision of such other state.” (§ 2.2-2541.)</p>	<p>Eliminates the distinction between tangible and intangible gifts, but retains concept of special treatment of gifts given by lobbyists/their principals and current or prospective contractors.</p> <p>Prohibits officers/employees from soliciting or accepting any single gift with a value greater than \$100 from <i>lobbyists/their principals and current or prospective contractors</i>. Exceptions for “widely attended events” and for travel-related gifts if the Council grants a waiver.</p> <p>Prohibits officers/employees from soliciting or accepting any gift of travel with a value exceeding \$100 from <i>a third party</i> unless the Council grants a waiver. “Third party” does not include the Commonwealth or one of its political subdivisions; the government of the United States or any of its territories; or another state in the United States or a political subdivision of such other state. (§ 30-356.1)</p>
<p>§ 2.2-3117</p>	<p>Eliminates disclosure form from the statute and directs Commission to prepare forms that include prescribed information.</p> <p>Requires disclosure of gifts valued at more than \$25 (vs. \$50/\$100 in current law).</p> <p>Requires disclosure of salaries, wages, and other remuneration that officers/employees and members of their immediate families receive from paid employment. (Current</p>	<p>Retains disclosure forms in the statute.</p> <p>No change to \$50 reporting threshold for single gifts, decreases reporting threshold for combination of gifts from \$100 to \$50.</p>

82

	<p>law only requires identification of an employer who pays salary or wages in excess of \$5,000 annually.)</p> <p>Requires disclosure of information about "travel not paid for by a governmental entity of the United States or another state of the United States."</p> <p>Requires disclosure of information about payments or reimbursements an officer/employee received for attending or participating in meetings, conferences, or events in his/her official capacity.</p> <p>Knowingly making a material misstatement on the form is a Class 5 felony.</p>	<p>No change to requirements to disclose payments for meetings or travel.</p>
§ 2.2-3101	<p>Expands definition of "immediate family" of state and local officers/employees to include "any other person" residing in the official's household who is a "dependent." Current definition includes "any child" residing in the official's household. Definition of "dependent" is also expanded.</p>	<p>No changes to definitions.</p>
§ 2.2-3124	<p>Imposes \$250 civil penalty for failure to file (no such penalty in current law).</p>	<p>No changes to penalties.</p>

<b>Council/ Commission</b>	<b>HB 1947(McClellan)/SB 1345 (McEachin)</b>	<b>HB 2070 (Gilbert)</b>
§ 2.2-2537 Through § 2.2-2546	Establishes an Independent Ethics Review Commission in the executive branch. Abolishes the Conflict of Interest and Ethics Advisory Council established in the 2014 law and the Senate and House Ethics Advisory Panels, both of which reside in the legislative branch.	Leaves the Conflict of Interest and Ethics Advisory Council intact.
§ 2.2-2541 and § 30-355	Authorizes the Commission to grant waivers to allow persons subject to the Conflict of Interests Acts to accept noncommercial loans of more than \$5,000, or "to accept any transportation, lodging, meal, hospitality, or other travel-related thing of value" that exceeds the monetary thresholds imposed in the law.	Authorizes the Council to grant waivers allowing officers/employees to accept transportation, lodging, meals, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100.

28

<b>Lobbyist Registration</b>	<b>HB 1947(McClellan)/SB 1345 (McEachin)</b>	<b>HB 2070 (Gilbert)</b>
§ 2.2-426	<p>Eliminates disclosure form from the statute and directs Commission to prepare forms that include prescribed information.</p> <p>Requires lobbyists to disclose gifts valued at more than \$25 (vs. \$50 in current law) given to legislative and executive officials and their immediate families.</p> <p>Requires lobbyists to disclose entertainment expenses valued at more than \$25 per event (vs. \$50 in current law).</p>	SB 2070 does not propose amendments to the lobbyist registration laws.
§ 2.2-419	Expands definition of "immediate family" of legislative and executive officials to correspond to definition proposed in § 2.2-3101.	
§ 2.2-431	Civil penalty for failure to file increased to \$250 (from \$50 in current law).	



## **SB 1025 - Transportation Network Companies**

*As of 1/23/2015*

SB 1025 establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. Items in the legislation include:

### **Administration of Provisions and Associated Fees**

- The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$100,000, and an annual license renewal fee of \$60,000. These fees may be revisited if they do not adequately cover costs.

### **Vehicle Identification**

- For each TNC partner vehicle it authorizes, a TNC shall issue trade dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The trade dress shall be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness.

### **Background Checks**

- TNC screens drivers - The background check must include a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.
- A driver license record check must be done initially and every year thereafter.
- A National criminal history and sex offender check must occur initially and every 2 years thereafter
- Various barrier offenses include lifetime, 7-year, 3-year bans.

### **Insurance**

*Until January 1, 2016:*

- From the moment the TNC partner accepts a prearranged ride request on the digital platform until the TNC Partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:
  - \$1 million in primary liability coverage
  - \$1 million in Uninsured Motorist/Underinsured Motorist coverage
- From the moment a TNC partner logs on to a TNC's digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:
  - TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death and bodily injury and at least \$50,000 for property damage.
- When not on the digital platform, the driver's personal insurance (if any) applies

*After January 1, 2016*

- From the moment the TNC partner accepts a prearranged ride request on the digital platform until the TNC Partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:
  - \$1 million in primary liability coverage
  - \$1 million in Uninsured Motorist/Underinsured Motorist coverage

- All other times while logged on to TNC platform:
  - Primary liability coverage of at least \$50,000 per person/\$100,000 per incident for death and bodily injury, and at least \$25,000 per incident for property damage.
- When not on the platform, the driver's personal insurance (if any) applies

TNCs have discretion to determine how insurance will be provided

### **Recordkeeping and Reporting**

- TNCs must maintain records for 3 years
- DMV authorized to conduct periodic reviews, but no more than an annual basis, of TNCs.
- TNCs are required to cooperate with law enforcement officials in the performance of their official duties.
- Local government access to records is not available except in certain narrow situations.

### **Wheelchair-accessible services**

- The TNC must provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available. A TNC shall not impose additional charges for providing services to persons with disabilities because of those disabilities.
- The bill requires that the Department of Motor Vehicles periodically consult with local government officials to determine whether TNCs have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall work collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.

### **Local Regulation of Taxicabs**

SB 1025 does not impact any local regulation of taxicabs.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Transportation Funding Bills</b>					
<b>House</b>					
HB 1279	Garrett, T.	Motor vehicle sales and use tax; expands certain exemption	H Finance, Sub #2	Assigned to Sub #2	Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent.
HB 1340	Scott, T.	Tangible personal property tax relief; autocycles.	H Finance, Sub #1	Sub #1 Recommends Reporting 10-0	Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.
HB 1410	Marshall, R.	Motor fuels; reduces tax rate on gasoline and gasohol.	H Appropriations	Referred to Committee	Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass the Marketplace Fairness Act.
HB 1529	Berg, M.	General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act.	H Appropriations	Referred to Committee	Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 (HB 3202) pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 (HB 2313) pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.
HB 1579	Cole, M.	Vehicle registrations; expiration and renewal on or after July 1, 2015.	H Transportation, Sub #1	Sub #1 Recommends Laying on the Table 6-0	Provides that vehicle registrations issued on and after July 1, 2015, will be permanent, unless vehicle ownership or the address where the vehicle is principally garaged changes.
HB 2095	Keam, M.	Real property tax on commercial and industrial property.	H Finance, Sub #1	Assigned to Sub #1	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property(C& I) attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.
HJ 581	Surovell, S.	Highways; JLARC to study alternative taxes and fees for funding in the Commonwealth.	H Rules, Studies Sub.	Studies Sub Recommends Laying on the Table by Voice Vote	Directs JLARC to study the adequacy of taxes and fees currently dedicated to highway funding and the feasibility of alternative revenue sources, including but not limited to road usage charges based on vehicle miles traveled, other flat fees, increased use of tolls, and charges on motor vehicle parts and fluids that must be replaced as vehicle miles traveled increase, such as tires and motor oil.
<b>Senate</b>					
SB 716	Lucan, L	Virginia Casino Gaming Commission; regulation of casino gaming, penalties.	General Laws and Technology	Assigned to Committee	Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or subdivisions (a) (1) through (a) 5 and (a) 7 of Section 6 of Article X of the Constitution of Virginia. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.
SB 754	Carrico, C	Vehicle registration; increases fees, allocates funds for Department of State Police.	S Finance	Referred from S Transportation	Raises the vehicle registration fee an additional \$1.25 per year on each July 1 from 2015 through 2024 and allocates the funds to the Department of State Police.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
SB 949	Stuart, R.	Hybrid vehicle registration; tax credit for certain vehicle owners.	S Finance	Referred to Committee	Creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date.
<b>Transportation Allocation Formula Bills</b>					
<b>House</b>					
HB 1402	Loupassi, G.	Highway maintenance; payments to certain cities and towns.	H Transportation, Sub \$4	Sub #4 Recommends Reporting 6-1	Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to two-way bicycle travel lanes.
HB 1407	Lingamfelter, L.	State secondary highways; allocation of 10 per cent of funds.	H Transportation, Sub \$4	Assigned to Sub #4	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to advancing high priority projects statewide and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
HB 1501	Carr, B	Highway maintenance; bases payments to cities and towns on lane-miles of highways.	H Transportation, Sub \$4	Assigned to Sub #4	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
HB 1502	Carr, B	Highway maintenance; payments to certain cities.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 7-0	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
HB 1887	Jones, C	Transportation; funding, formula, update annual reporting, and allocations.	H Transportation, Sub \$4	Assigned to Sub #4	The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants. The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB. The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.
HJ 599	Watts, V.	Study; JLARC; highway construction allocations; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the reasonableness, appropriateness, and equity of highway construction allocations in the Commonwealth.



2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
HJ 601	Villanueva, R.	Study; JLARC; equity of funding for transportation programs; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the adequacy and equity of funding for transportation programs in the Commonwealth.
<b>Senate</b>					
SB 952	Dance, R.	Highway maintenance payments to cities and towns.	S Transportation	Referred to Committee	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
SB 953	Dance, R.	Highway maintenance payments to certain cities.	S Transportation	Referred to Committee	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
SB 1023	Stuart, R.	Mass transit; transit funding in statewide prioritization.	S Transportation	Referred to Committee	Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process (HB 2). The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the CTB and to make necessary recommendations regarding the process to the General Assembly.
SB 1159	Edwards, J.	Highway projects; Commonwealth Transportation Board to develop a life-cycle cost analysis.	S Transportation	Rereferred from S Finance	Requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly.
SB 1274	Barker, G.	State highways; allocation of funds.	S Transportation	Referred to Committee	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
<b>Transportation Trust Fund Bills</b>					
<b>House</b>					
HJ 502	Fowler, H.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Assigned to Sub	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund (TTF), Highway Maintenance and Operating Fund (HMOF), Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
HJ 576	LeMunyon, J.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Assigned to Sub	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly shall not borrow from the Funds for any other purpose.
<b>Senate</b>					
SJ 217	Black, R.	Constitutional amendment; Transportation Funds.	S Floor	S Privileges and Elections Reported 8-7	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
<b>NVTA Allocation Bills</b>					
<b>House</b>					
HB 1470	LaRock, D	Northern Virginia Transportation Authority; use of revenues.	H Transportation, Sub #4	Sub Recommends Reporting 5-2	Requires that the 70% of the regional revenues allocated by NVTA be used by NVTA solely to fund transportation projects that are contained in the regional transportation plan and that have evaluated by VDOT in accordance with HB 599 (2012).
HB 1525	Minchew, J.	NVTA; Department of Taxation's costs in administering certain taxes.	H Finance, Sub #1	Assigned to Subcommittee	Requires the Department of Taxation to provide to NVTA the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA.
HB 1915	LeMunyon, J	Northern Virginia Transportation Authority; regional plan.	H Transportation, Sub #4	Assigned to Subcommittee	Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.
HB 2099	Keam, M.	Use of certain revenues by the Northern Virginia Transportation Authority.	H Transportation, Sub #4	Assigned to Subcommittee	Allows new sidewalk projects to be funded by NVTA.
<b>Senate</b>					
SB 921	Wexton, J.	Northern Virginia Transportation Authority; use of revenues by towns.	S Transportation	Reported from S Transportation 14-0	Adds towns to the list of localities whose transportation projects can benefit from revenues from the NVTA. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
SB 932	Petersen, J.	Northern Virginia Transportation Authority; use of certain revenues for new sidewalk projects.	S Transportation	Referred to Committee	Allows new sidewalk projects to be funded by NVTA.
SB 1314	Marsden, D.	Northern Virginia Transportation Authority; regional plan.	S Transportation	Referred to Committee	Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.

**Other Bills**

House					
HB 1886	Jones, S.	Public-Private Transportation Act; establishes requirement for finding of public interest.	H Transportation, Sub #4	Assigned to Subcommittee	For Public-Private Transportation Act projects, establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

Legislation No Longer Under Consideration

**Transportation Funding Bills**

House					
Senate					
SB 887	Petersen, J.	Real property; tax on commercial and industrial property in certain localities.	S Finance	S Finance Passed by indefinitely 15-0	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.

**Transportation Allocation Formula Bills**

House					
Senate					

**Transportation Trust Fund Bills**

House					
Senate					

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
SJ 219	Cosgrove, J.	Constitutional amendment; Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
SJ 255	Obenshain, M.	Constitutional amendment (first resolution); Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
<b>NVTA Allocation Bills</b>					
<b>House</b>					

93