



County of Fairfax, Virginia

MEMORANDUM

DATE: February 6, 2018

TO: Board of Supervisors

FROM: Bryan J. Hill, County Executive *JHill*

SUBJECT: 2018 Legislative Report No. 2—Board Legislative Committee Meetings of January 26, 2018, and February 2, 2018

The “crossover” date of the 2018 General Assembly is scheduled for February 13 – one week from today. This is one of the most significant dates for the conduct of legislative activities, as the House and Senate are required to dispose of their own non-budget legislative initiatives by crossover, and therefore consider only actions taken by the other body. In order to meet that deadline, House and Senate committees have been meeting frequently during the past weeks. Following crossover, both houses will continue work on their individual revenue bills, as well as the state budget.

The Legislative Committee met on January 26 and February 2 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 26, 2018:

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

Specific Issues

Member Budget Amendments: The Committee received a summary of member budget amendments that are key to County priorities (see handwritten pages 100-105).

Fairfax County Principles for Washington Metropolitan Area Transit Authority (WMATA) Funding: The Committee reviewed Fairfax County Principles for WMATA funding, and directed staff to distribute copies of the principles to the Fairfax County delegation (see handwritten pages 106-107).

Priority Principles for Reviewing Legislation

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

Specific Legislation

Historical Positions of the Board

SUPPORT

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

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

Transportation

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

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

OPPOSE

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

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

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

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

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

New Bills – 2018 GA

Administration of Government

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

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

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

Animals

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

Elections

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

Health and Human Services

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

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

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

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

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

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

HB 1480 (Filler-Corn) (HHWI)/**SB 539** (Hanger) (SRSS) removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019. Monitor. (18101171D, 18105484D-S1)

School Nurses

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

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

Land Use

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

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

Eminent Domain

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

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

Opioids

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

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

Location of Clinics

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

with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. Monitor. (18100826D-E, 18102967D)

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

Naloxone

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

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

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

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

Prescription Monitoring Program

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

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

Taxation

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

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

Transportation

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

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

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

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

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

Commonwealth Transportation Board

HB 765 (Jones) (HTRAN) expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill expands the requirements of the annual report provided by the Commissioner of Highways and requires the Office to submit an annual report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater. Amend to retain current Revenue Sharing Program funding levels. (18101751D)

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

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

Tolling

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

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

Environment

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

Stormwater

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

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

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

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

Public Safety/ Criminal Justice

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

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

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

Drones

HB 638 (Collins) (HCT) provides that any person who, after being given notice to desist, knowingly and intentionally causes any electronic device to enter the area of a dwelling house of another person or the curtilage thereof with the intent to coerce, intimidate, or harass any other

person is guilty of a Class 3 misdemeanor and, upon a second or subsequent conviction, is guilty of a Class 2 misdemeanor. The bill also provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or the petitioner's family members, is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities. Amend to allow the Fairfax County Park Authority to continue efforts to limit the use of drones on parkland for public safety reasons. As technology evolves, a comprehensive analysis of unmanned aircraft systems would be beneficial. (18104458D)

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

IV. Legislation Provided for Discussion

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

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

SB 623 (Surovell) (STRAN) requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed

on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation. Oppose. (18104485D)

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

Opioids

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

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

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

Public Safety/Criminal Justice

HB 1514 (Watts) (HMP) authorizes a locality to establish a law-enforcement civilian review panel that may (i) receive complaints from citizens of the locality regarding the conduct of the primary law-enforcement agency serving the locality and its officers and employees and (ii) review investigations conducted by the agency into such conduct. The bill also authorizes a locality to appoint a law-enforcement auditor who may review investigations conducted by the agency regarding the use of force by a law-enforcement officer that resulted in the death or serious bodily injury of another person. The bill provides that the panel or auditor may conduct hearings and request that the city or county attorney seek a subpoena for witnesses and evidence. The bill provides that the panel and auditor shall report annually on their activities. Finally, the bill provides that the findings and recommendations made by the panel or auditor are not binding on the agency and nothing in the bill either requires or precludes the agency from conducting its own investigation. Because the County's Police Civilian Review Panel was recently established, the Legislative Committee asked staff to request that the patron continue this bill to the 2019 General Assembly. (18104676D)

Legislation Requiring Further Review

Administration of Government

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

HB 220 (Morefield) (HCCT) authorizes a locality to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. (18103058D)

HB 1457 (Hurst) (HCT)/**SB 791** (Edwards) (SCT) provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him. (18103000D, 18104776D)

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

Courts

HB 833 (Bagby) (HCT) adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) simple assault or assault and battery where the victim was intentionally selected because of his race, religious conviction, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence. (18102481D)

Restitution

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

HB 484 (Bell, Robert B.) (HCT) provides that for any offense that occurs on or after July 1, 2018, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing within 90 days of the date restitution was to be paid in full if any restitution remains unsatisfied and no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full. (18102534D)

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

Education

HB 15 (Mullin) (HCT) requires a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury. (18101158D)

HB 445 (Carroll Foy) (HCT) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (18102544D)

SB 476 (Reeves) (SEH) provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of

Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion. (18102416D)

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

Virginia Preschool Initiative and Other Preschool-related Legislation

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

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

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

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

Elections

HB 357 (Reid) (HPE) provides that at an election without a federal office on the ballot, if the polling hours are extended by a court order, persons who are voting during the extended polling hours shall be permitted to vote a regular ballot. The bill requires that such persons be marked

in the pollbook as having voted during the extended polling hours and that such ballots be kept separate from ballots cast during normal polling hours. Under current law, whenever polling hours are extended by a court order, ballots cast by persons who are voting during the extended polling hours are treated as provisional ballots. The bill makes this current law applicable only to elections with a federal office on the ballot, in accordance with the requirements of the Help America Vote Act of 2002. (18102331D)

HB 628 (Marshall) (HPE) directs the Attorney General to develop and make available a template memorandum of understanding to be used by the localities when establishing polling places. The bill allows governing bodies to enter into a memorandum of understanding with the entity or person authorized to grant the use of the facility as a polling place. Using the template prescribed by the Attorney General, the parties will specify the terms for use of the facility, including the hours and dates the facility is to be used, the availability of parking at the facility, and the defined space where the elections are to be conducted. Such memorandum of understanding shall be entered into for a period of five years, with the option to renew at the end of the fourth year. Upon the mutual agreement of the two parties, such memorandum of understanding shall be voided. (18100801D)

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

Absentee Voting

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

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

SB 6 (Ebbin) (SPE) provides that a registered voter who becomes obligated after noon on the Friday immediately preceding an election to travel outside of his county or city for a business purpose, for a hospitalization, or for the death of a member of his immediate family is entitled to apply for an absentee ballot and to vote absentee in-person. Such a registered voter is required to apply in person not later than 2:00 p.m. on the Monday immediately preceding the election. Currently, the provisions for late applications and in-person absentee voting apply only to those registered voters who become obligated after noon on the Saturday immediately preceding the election. (18100297D)

Early Voting

HB 74 (Sullivan) (HPE) allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail. (18101187D)

Redistricting & Split Precincts

HB 299 (Watts) (HPE) requires counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly and requires that precincts be contained wholly within congressional or state legislative districts when a county, city, or town is divided between two or more such districts. The bill provides that a locality that is unable to comply with this requirement may apply to the State Board of Elections for a waiver to administer a split precinct. The State Board shall have the authority to grant the request or direct the locality to create a precinct with fewer than the required number of registered voters. The measure also prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18102495D)

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

HB 449 (Rodman) (HPE) repeals the deadline for registering to vote in advance of an election and allows eligible voters to register at any time, including the day of the election. A person who is eligible to vote, but is not registered, may register and be permitted to vote on election day by appearing in person at the polling place for the precinct of which he is a resident and (i) providing

certain identifying information; (ii) signing a statement, subject to felony penalties, that he is a qualified voter of that precinct but for not being registered to vote; and (iii) providing proof of residency. Residency may be proven by presenting (a) his valid Virginia driver's license or other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States that contains a valid address in the precinct or (b) any document that contains a valid address in the precinct together with one of the forms of identification accepted for purposes of voting. The bill requires the State Board to provide instructions for the prompt addition of the voter to the Virginia voter registration system on the day of the election. (18102776D)

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

SB 322 (Peake) (SPE) requires that, at any level of election district, each precinct be wholly contained within a single election district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other district as practicable. (18100060D)

SB 522 (Barker) (SPE) requires county and city governing bodies in each year ending in one, immediately after the completion of decennial redistricting, to establish precinct boundaries so that no precinct is split between two or more congressional, state Senate, House of Delegates, or county or city election districts. If it is impossible to meet this requirement the governing body is given authority to request a waiver from the State Board of Elections to establish a split precinct. The State Board may either grant the waiver or, if the Board finds it more appropriate, approve an exception to the minimum size requirements for precincts. (18103590D)

Voter Registration

HB 171 (Filler-Corn) (HPE) allows a person who becomes a naturalized United States citizen after the close of registration records, and who is otherwise qualified to vote, to register to vote up to and including the day of the election. The bill requires the Department of Elections to prescribe procedures for the addition of persons registered under the provisions of the bill to the lists of registered voters. (18101172D)

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

provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. (18101407D)

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

HB 944 (Lopez) (HPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person's reaching 18 years of age. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (18101639D)

Environment

HB 1059 (Tran) (HAG) requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. (18101616D)

HB 1082 (Yancey) (HAG) prohibits the Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from adopting any environmental rule, regulation, or standard that is inconsistent with or exceeds the requirements of any relevant and duly adopted federal environmental statute, regulation, standard, criterion, or guidance document. (18102000D)

HB 1091 (Hodges) (HAG) includes within the definition of the term "project" any dredging program or project undertaken to benefit the economic and community development goals of a local government. (18102293D)

HB 1094 (Hodges) (HAG) directs the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land for the purpose of mitigating the effects of flooding. (18102373D)

SB 582 (Hanger) (SACNR) increases the threshold for the substitution of real property when lands are converted or diverted from open-space land use, requiring the substitute land to have "substantially" greater value as permanent open-space land than the land being converted or diverted. The bill establishes several requirements that an applicant for such conversion or diversion, such as an electric utility or a pipeline company, shall meet, including the requirements that it demonstrate the essentiality of its project, show that no feasible alternative exists, pay for appraisals conducted by a certified general real estate appraiser, and explain why, if the substitute land is not adjacent to the land to be converted or diverted, adjacent land could not be acquired. The bill also requires the creation of a stewardship fund for the substitute land. (18104710D)

Onsite Sewage and Treatment Systems

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

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

HB 888 (Orrock) (HHWI) directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination. (18101594D)

Stormwater

HB 1308 (Hodges) (HAG) authorizes any rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land. The bill requires the plans to bear a certification and to be signed and sealed by the professional. The locality is required to accept such plans in satisfaction of the local plan review requirement. The bill also directs the Department of Environmental Quality to examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, currently authorized for use in the construction of certain single-family residences, to include any nonresidential development site of less than one acre in a rural Tidewater locality. (18104164D)

SB 576 (Hanger) (SACNR) allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management

plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. (18103641D)

Freedom of Information Act

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

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

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

Health and Human Services

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

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

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

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

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

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

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

HB 1235 (Hugo) (HHWI) requires local departments of social services, when responding to a report or complaint of suspected child abuse or neglect by conducting an investigation, to verify the physical and legal custody arrangements for the child. (18103281D)

HB 1375 (Tyler) (HHWI) broadens the definition of "qualified mental health professional" to include employees and independent contractors of the Department of Corrections who by education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services. (18104731D)

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

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

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

Adult Protective Services

HB 1025 (Adams, Les R.) (HHWI) provides that all actions taken or written findings made by a local department of social services regarding an adult protective services investigation are final and not appealable to the Commissioner for Aging and Rehabilitative Services and are not to be considered a final agency action or case decision of the Department for Aging and Rehabilitative

Services for the purposes of judicial review under the Virginia Administrative Process Act. (18103770D)

HB 1026 (Adams, Les. R) (HHWI) provides that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act. (18101587D)

Medicaid

HB 338 (Miyares) (HRUL)/**HB 695** (Poindexter) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services. (18102781D, 18103205D)

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

Land Use

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

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

SB 944 (Stuart) (SLG) removes various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. (18104301D)

Opioids

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

HB 184 (Hayes) (HHWI)/**SB 25** (Spruill) (SEH) authorizes a pharmacist to dispense up to a five-day supply of a Schedule VI drug to an individual who has been displaced from his residence by a natural or man-made disaster; has had his supply of the drug lost, destroyed, or otherwise rendered unusable as a consequence of the disaster; and is unable to tell the pharmacist the identity of the prescriber or his regular pharmacist or pharmacy. The bill also requires the individual to present evidence sufficient to establish, among other things, that the individual had been in lawful possession of the drug pursuant to a prescription provided to another pharmacist and that his health would be in danger without the benefits of the drug. Before prescribing the drug, the pharmacist is required to determine with a reasonable degree of certainty that the requested drug and dosage level are consistent with the drug and its dosage level that had been prescribed to the individual at the time of his displacement from his residence. During the period for which the drug has been dispensed, the pharmacist is required to diligently attempt to ascertain the identity of the prescriber and the identity of the pharmacist or pharmacy in

possession of the prescriber's prescription. Upon obtaining such information, the pharmacist is required to take such additional reasonable action as will permit the individual to obtain a new or renewal prescription and resume obtaining the drug pursuant to his prescription. (18103616D, 18100522D)

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

HB 501 (Hodges) (HHWI) provides that the Board of Health, in consultation with the Board of Pharmacy, shall promulgate regulations requiring a hospice program to establish a process for mitigating the risk of diversion of drugs dispensed to a hospice patient residing at home and for disposition of any unneeded dispensed drugs by an employee of the hospice program in a manner that is witnessed by the patient, patient's family member, or another employee of the hospice program and documented. (18102626D)

HB 793 (Robinson) (HHWI) eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the Boards of Medicine and Nursing and have completed at least 1,040 hours of clinical experience as a licensed, certified nurse practitioner. The bill replaces the term "patient care team physician" with the term "collaborating provider" and allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement for a practice agreement. The bill establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists. The bill contains technical amendments. (18104186D)

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

SB 719 (Dunnivant) (SGL) establishes a Substance Abuse Data Sharing and Analytics Clearinghouse (the Clearinghouse), to be administered by the Secretary of Health and Human Resources in consultation with the Substance Abuse Data Sharing and Analytics Advisory Committee (the Advisory Committee), also created by the bill. To the extent allowed by federal law, state and local health and human services and public safety agencies are required to provide data to the Clearinghouse to be used for data analytics and analysis related to improving the

efficiency and efficacy of the treatment and prevention of substance abuse, with a focus on opioid addiction and abuse. The Secretary of Health and Human Resources may also enter into agreements with private entities and public institutions of higher education to further the goals of the Clearinghouse. The bill requires the Secretary to report annually to the Governor and the General Assembly regarding the results achieved through the use of the Clearinghouse, including the identification of cost savings and policy recommendations. The Advisory Committee shall have 14 members, consisting of three members of the House of Delegates, two members of the Senate, the Secretaries of Health and Human Resources, Public Safety and Homeland Security, and Technology, and six non-legislative citizen members representing local government, the medical profession, and community services boards. The Advisory Committee is charged with advising on all matters related to the Clearinghouse. The bill also makes changes to the Government Data Collection and Dissemination Practices Act to codify that data sharing among state and local agencies in certain circumstances is a proper use of personal data. (18104822D)

Prescription Monitoring Program

SB 632 (Dunnavant) (SEH) eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022. (18101945D)

SB 728 (Dunnavant) (SEH) requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. (18101925D)

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

Reporting of Overdoses

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

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

Procurement

HB 257 (Hope) (HGL) clarifies the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience. (18102611D)

Public Safety/Criminal Justice

HB 187 (Hayes) (HCT)/**SB 49** (Cosgrove) (SCT) provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time. (18100352D, 18100660D)

HB 1029 (Price) (HMP) provides that any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer (i) any information related to an arrest or prosecution of a former appointee or employee, including expunged information; (ii) any information related to a civil suit regarding a former appointee's or employee's employment or performance of his duties; and (iii) any information obtained during the course of any internal investigation related to a former appointee's or employee's alleged criminal conduct, use of excessive force, or other official misconduct. The bill provides that disclosure is required only if the prospective employer presents a written waiver signed by the former appointee or employee that explicitly authorizes the disclosure and the agency receiving the request is not prohibited from the disclosure of such information pursuant to a binding nondisclosure agreement or otherwise prohibited by law. The bill provides immunity to such sheriff, chief of police, and director or chief executive and to the Director of the Department of Criminal Justice Services for disclosing information in compliance with the provisions of this bill. (18101841D)

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

SB 488 (Edwards) (SGL) transfers primary authority for the adoption of the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board (the Board). The bill allows the Board to convene an ad hoc committee whenever it proposes a change to the Statewide Fire Prevention Code for the purpose of advising the Board. The bill also requires the Board to develop the means to publicize the policies and programs of the Department of Fire Programs to educate the public and elicit public support. The bill contains technical amendments. (18104394D)

Asset Forfeiture

HB 900 (Freitas) (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 found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the owner of the property is a fugitive from justice, (ii) there is no identifiable owner of the property, (iii) the property has been abandoned, (iv) the owner denied ownership of the property during the prosecution of the offense, (v) the owner agrees to the forfeiture, (vi) the forfeiture is ordered by the court pursuant to a plea agreement, or (vii) the owner has not submitted a written demand for the return of the property within 21 days from the date the property was seized. The bill also provides that all forfeited cash and negotiable instruments and proceeds from the sale of forfeited property used in connection with crimes involving the manufacture, sale, or distribution of controlled substances or marijuana be deposited into the Drug Offender Assessment and Treatment Fund, which is appropriated by the General Assembly for various drug assessment and drug treatment activities conducted by the Department of Corrections, the Department of Juvenile Justice, the Department of Criminal

Justice Services, the Commission on the Virginia Alcohol Safety Action Program, and the Office of the Executive Secretary of the Supreme Court of Virginia. Under current law, such forfeited property is deposited into a Department of Criminal Justice Services fund and used to promote state and local law-enforcement activities. The bill also provides that all forfeited cash, negotiable instruments, and proceeds from the sale of forfeited property seized by a federal agency and received by any state or local agency pursuant to federal law be deposited into the Drug Offender Assessment and Treatment Fund. The bill also requires the Comptroller to report annually to the Governor and the General Assembly on the amount of property forfeited to the Commonwealth and to establish and maintain a publicly available, searchable electronic database containing information regarding all property seized and forfeited. (18104392D)

SB 341 (Peake) (SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within one year from the date the property was seized. (18103145D)

SB 463 (Reeves) (SCT) provides that 20 percent of all cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall be paid into the Drug Offender Assessment and Treatment Fund. The remaining 80 percent of such property and proceeds will continue to be deposited into the special fund of the Department of Criminal Justice Services made available to federal, state, and local agencies to promote law enforcement. The bill provides that promoting law enforcement shall include activities calculated to enhance future investigations, law enforcement training, law enforcement equipment and operations, detention facilities, law enforcement facilities, drug education and drug addiction and rehabilitation programs, pro rata funding, and asset accounting and tracking and other expenses specifically approved by the Department of Criminal Justice Services that promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board. (18100103D)

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

Distracted Driving

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

HB 181 (Collins) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18101409D)

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

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

HB 506 (Mullin) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18103078D)

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

HB 1384 (Ayala) (HCT) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. The bill provides that if such device is mounted to the dashboard of the vehicle it shall not obscure the driver's view of any portion of the windshield other than specifically allowed. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include

handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle or (ii) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle and removes the exemption for an operator who is lawfully parked or stopped. (18104057D)

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

Driver's License Suspension

HB 599 (Carr) (HCT) provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 20-year period, as opposed to a 10-year period as current law provides, and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is lesser, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such individual has entered into a subsequent agreement to pay within a period of 15 years, as opposed to seven under current law, and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than 10 years, as opposed to seven years under current law. (18101724D)

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

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

SB 111 (Ebbin) (SCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. (18101142D)

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

SB 148 (Edwards) (SCT) removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018. (18101577D)

SB 578 (Ebbin) (SCT) removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (18102708D)

Electronic Devices/Trespass

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

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

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

Firearms

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

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

Taxation

HB 302 (Watts) (HCCT) grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only. (18102516D)

Transportation

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

HB 428 (Marshall, Daniel W.) (HTRAN) establishes a minimum speed of 45 miles per hour on interstate highways or other limited access highways with divided roadways, non-limited access highways having four or more lanes, and all primary highways. (18100384D)

HB 1276 (Garrett) (HTRAN)/**SB 504** (Carrico) (STRAN) authorizes the Commissioner of Highways to enroll in or withdraw from any federal pilot program or project for the collection and study of data for the review of truck weights and the impact of such vehicles on federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, or capacity challenges. (18102970D, 18103024D)

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

HB 1441 (Orrock) (HFIN) provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. (18103871D)

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

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

Miscellaneous

HB 209 (Mullin) (HCT) provides that any person owning, operating, or managing (i) a commercial property used primarily for business purposes or (ii) residential real property that is owned by a person who owns five or more dwelling units that are used primarily for rental as a dwelling unit shall have the duty to take reasonable precautions to protect the tenants, other authorized occupants, or guests or invitees of such property against injury caused by the criminal conduct of a third party, if the danger of injury by such conduct is known to such owner, operator, or manager or is reasonably foreseeable. The bill provides that the same duty applies to any private security services business contracted to provide services to such person owning, operating, or managing such property. (18101369D)

HB 323 (Campbell) (HCT) creates a cause of action for loss of consortium, the damages for which are specified in the bill, for (i) spouses of persons, (ii) parents of minor children, and (iii) adult children of persons who suffer personal injuries as a result of negligence. (18101371D)

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

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

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

Administration of Government

HB 605 (Carr) (HCCT) authorizes any locality to adopt an ordinance prohibiting any person from leaving a motor vehicle unattended while the motor vehicle is running, including a vehicle that remains stationary in the parked or neutral position. Such ordinance shall not apply to any commercial, law-enforcement, fire, or emergency medical services vehicle. (18103501D)

SB 677 (Deeds) (SLG) authorizes a member of a governing body of a locality to be elected or appointed by that governing body to be a member of a local convention, visitors, or tourism board, authority, or agency. (18101222D)

Animals

HB 865 (Orrock) (HAG) authorizes any local governing body to adopt an ordinance that requires any pet shop or dealer in companion animals to furnish a bond of as much as \$5,000 for each out-of-state commercial breeder whose animals the shop or dealer offers for sale. (18100009D)

HB 870 (Orrock) (HCCT) authorizes a locality to require by ordinance that a pet shop furnish a cash bond of up to \$5,000 per dealer from whom the pet shop has obtained an animal for sale within the past year. The bill requires that the cash bond be held in escrow until the pet shop is no longer in business, the pet shop has not conducted business with such dealer within the past year, or the cash bond is disbursed to a purchaser of an animal that is unfit for purchase. (18101098D)

HB 889 (Orrock) (HAG) authorizes the governing body of any locality to adopt an ordinance restricting the tethering of a dog outdoors. The ordinance may limit the maximum number of hours during which the dog may remain tethered but shall not completely prohibit tethering that provides the dog "adequate space" as that phrase is defined in the Code. (18101099D)

SB 175 (Stanley) (SACNR) requires a public animal shelter to wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the particular animal. The shelter must make reasonable efforts to accomplish the release of the dog or cat but is not required to hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia. (18105478D-S1)

Conflict of Interests Act

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

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

Courts

HB 223 (Krizek) (HCT) allows courts to award front pay in addition to back pay as damages for discharging an employee in violation of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill also removes the time period limitation on the amount of back pay awarded, allows courts to increase or diminish the award if the court finds that either party engaged in delay tactics, and increases the cap on attorney fees awarded from 25 percent of the back pay awarded to 40 percent of the back pay and front pay awarded. (18101370D)

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

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

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

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

Education

HB 224 (Krizek) (HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2036, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (18101489D)

HB 1586 (Convirs-Fowler) (HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July

1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (18105122D)

Elections

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

HB 1210 (Hugo) (HPE)/**SB 591** (Vogel) (SPE) requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original, voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a

work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly. (18102957D, 18102749D)

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

HB 1405 (Ransone) (HPE)/**SB 825** (Edwards) (SPE) increases the membership of the State Board of Elections (Board) from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as the principal administrative officer. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019. (18103919D, 18104230D)

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

Absentee Voting

HB 1042 (Torian) (HPE)/**SB 771** (Surovell) (SPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (18101816D, 18101815D)

Split Precincts & Redistricting

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

HB 767 (Jones) (HPE) prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18102007D)

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

Voter Registration

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

Environment

HB 574 (Hodges) (HGL) excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. (18104419D)

HB 723 (Plum) (HAG) requires the State Water Control Board to adopt regulations requiring a local stormwater management authority that requires a landowner of property zoned for residential use to maintain a stormwater management facility on such property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such facility to disclose such specifications, requirements, and schedule of audits to a purchaser of the property. (18102418D)

HB 936 (Lopez) (HAG) authorizes the Board of Agriculture and Consumer Services to restrict or prohibit the use of neonicotinoid insecticides (neonicotinoids) and prohibits, beginning July 1, 2019, the outdoor application of neonicotinoids on any property that is either owned or maintained by the Commonwealth or zoned for residential use. Such prohibition shall not apply to the use of neonicotinoids purchased before July 1, 2018, or to any facility licensed to conduct research on neonicotinoids. The bill also directs the Department of Agriculture and Consumer Services (the Department) to issue by July 1, 2020, a draft report evaluating whether scientific evidence exists to show that outdoor applications of neonicotinoids are safe for pollinators, the environment, and human health. The Department shall consider public comments on the draft and deliver its final evaluation report on neonicotinoid safety research to the Governor and to the Chairs of the Senate Agriculture, Conservation and Natural Resources Committee and the House Agriculture, Chesapeake and Natural Resources Committee by July 1, 2021. (18103069D)

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

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

SB 219 (Lewis) (SPE) provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate

subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. (18104027D)

SB 344 (Peake) (Passed Senate) directs the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in writing that such timing is unlawful under the federal Clean Water Act. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. (18105302D-S1)

SB 585 (DeSteph) (SRUL) clarifies the purposes for which grants from the Chesapeake Bay Restoration Fund (the Fund) are to be used and clarifies that guidelines for the use of such grants shall be developed by the Chesapeake Bay Restoration Fund Advisory Committee (the Committee) in accordance with such purposes. The bill shifts the date by which the Committee is required to present a plan for expenditure of any amounts in the Fund. The bill contains technical amendments. (18103877D)

SJ 21 (Lewis) (SPE) provides that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. (18102801D)

Water Quality Improvement Fund

SB 340 (Peake) (Passed Senate) requires the Director of the Department of Environmental Quality to prioritize cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia over other water quality improvement methods in distributing grants from the Virginia Water Quality Improvement Fund subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill places certain limitations on grants for technologies to reduce nitrogen-containing ammonia. The bill also requires the Department of Environmental Quality to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. (18103170D-E)

Freedom of Information Act

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

SB 730 (DeSteph) (SGL) clarifies that the definition of "public record" does not include records that are not prepared for or used in the transaction of public business. The bill defines "social media account" and creates a new discretionary exemption for social media records of General Assembly members when such records relate to the use of a social media account by a member in such member's individual capacity. The bill requires the public body to be a necessary party in any enforcement proceeding. (18100455D)

Human Services

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

Land Use

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

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

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

Advisory Council, the Center for Innovative Technology, telecommunication and cable providers, and utility providers. (18104687D)

Minimum Wage

HB 39 (Levine) (HRUL) establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of his employees, for work performed by them within the locality, wages at a rate to be determined by local ordinance beginning July 1, 2019. In subsequent fiscal years, the maximum local alternative minimum wage shall be adjusted based on changes in the consumer price index. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail. (18101018D)

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

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

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

employed by the Commonwealth, its agencies or political subdivisions, or a public body. (18102325D)

Public Safety

HB 64 (McQuinn) (HCCT) defines "making of fires," which under current law a locality can regulate or prohibit, as any use of a flame, including bonfires, cooking stoves, torches, and candles. (18100530D)

HB 402 (Levine) (HMP) requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records. (18101024D)

HB 814 (Levine) (HMP) allows a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof within 1,000 feet of a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties. (18104268D)

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

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

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

SB 33 (Stanley) (SCT) eliminates the requirement that the Virginia Department of Transportation receive written assurance from the Federal Highway Administration of the U.S.

Department of Transportation that Virginia will not lose any federal funds as a prerequisite to implementing revisions enacted in 2017 that except persons who have been placed on deferred disposition for simple possession of marijuana, subject to certain exceptions, from the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense. The bill contains an emergency clause. (18100452D)

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

Studies

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

HJ 93 (Lopez) (HRUL) directs the Department of Environmental Quality to study whether the planting and preservation of trees shall be certified as a stormwater best management practice and, if so, how much credit shall be awarded. (18104546D)

Transportation

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

Speed Enforcement Programs

HB 1021 (Adams, Les R.) (HMP) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system, defined in the bill, that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot

exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at school crossing zones. The procedures for operating a speed monitoring system and issuing summonses to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (18102397D)

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

VII. Legislation Provided for Information

HB 153 (Habeeb) (HAG) authorizes the Comptroller of the Commonwealth to disburse appropriated sums to the Virginia Society of the Sons of the American Revolution for the maintenance of no more than 6,000 Revolutionary War graves set forth on a list submitted annually by the society to the Director of the Department of Historic Resources (the Director). The bill expands the categories of people whose graves may be maintained or marked to include persons rendering service to the Patriot cause in the Revolutionary War. The bill prohibits retroactive disbursements and requires the Director to deposit any funds that have been appropriated for grave maintenance but are not disbursed during the same fiscal year into the Revolutionary War Cemeteries and Graves Fund, which is created by the bill. The bill provides that the Director may use moneys in the Fund to make grants to perform extraordinary maintenance, renovation, repair, or reconstruction of cemeteries or graves or to erect and care for markers, memorials, and monuments. (18103142D)

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

SB 199 (DeSteph) (SCT) provides that before bringing a civil action based on the failure to remove an architectural barrier, as defined in the bill, to access into an existing public accommodation, the aggrieved person shall provide to the owners or operators a written notice that (i) provides the name of the individual alleging a failure to remove the architectural barrier; (ii) provides the date, place, and manner in which the aggrieved person discovered the alleged violation; (iii) cites the law alleged to be violated; (iv) identifies each architectural barrier that is the subject of an alleged violation and specifies its location on the premises; and (v) provides a

reasonable period for response, which shall not be less than 60 days after receipt of notice. The bill prohibits the aggrieved person from including in the notice a request or demand for money or an offer or agreement to accept money but provides that such notice may offer to engage in settlement negotiations before litigation. The owner or operator may submit to the aggrieved person within the time period either a notice of the correction describing each correction and the manner in which the correction addresses the alleged violation or a notice of explanation if the owner or operator concludes that an alleged violation has not occurred and that a correction is not necessary. The bill defines "aggrieved person" as a person with a disability who patronized or attempted to patronize a public accommodation, encountered a barrier to his access to the public accommodation, and experienced denial of access to the public accommodation based on his disability. (18100156D)

SB 481 (Reeves) (SCT) decreases the time period in which a plaintiff who takes a voluntary nonsuit may recommence this action from six months to 14 days from the date the nonsuit was entered. The bill does not change the provision allowing for recommencement of the action within the original period of limitation, if longer than 14 days from the date the nonsuit was entered. The bill further provides that a plaintiff who has taken a voluntary nonsuit shall serve the defendant within three months of the recommencement of the action. The bill contains a technical amendment. (18103995D)

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

Administration of Government

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

HB 783 (Keam) (HCT) provides that in any town within the Counties of Fairfax, Loudoun, and Prince William, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality if the town meets the following conditions: (i) the town sends public notices by email to each resident that provides an email address and (ii) all public notices to be published on the town's website are posted in a prominent manner that is intended to reach the largest number of viewers. (18104534D)

HB 818 (Herring) (HCCT) provides that a locality may request funding from a special fund to help offset the costs of the lawful removal or relocation of certain monuments. The bill establishes the Monument Removal Fund (the Fund) for such purpose. The bill provides that the Fund shall appear on the individual income tax return and is eligible to receive tax refunds. (18104555D)

SB 414 (McDougle) (SFIN) provides for the Department of Agriculture and Consumer Services to issue permits for the operation of a micro market, which is defined in the bill as an unattended, self-checkout retail food establishment located in the interior of a building that is accessible to a defined population, such as the employees of a particular employer or occupants of the building in which the micro market is located, and is not accessible to the general public. The bill establishes minimum standards for the operation of a micro market and provides that any person who operates a micro market without the required permit or violates a condition of such permit is guilty of a Class 1 misdemeanor. (18104431D)

SB 371 (Chafin) (SLG) authorizes a locality to establish, conduct, and regulate public boating, canoeing, kayaking, and tubing activities on property adjacent to public waterways and to set apart for such use any land or buildings owned or leased by it and obtain licenses or permits for such use on land not owned or leased by it. The bill also exempts such localities, and the owners of property leased or licensed for such use, from liability for injuries to a person or his property on systems of trails for hiking, biking, and horseback riding and from boating, canoeing, kayaking, or tubing activities on property adjacent to public waterways in the absence of gross negligence or willful misconduct. Current law exempts such localities, and the owners of property leased or licensed for such use, from liability only for injuries to a person or property on systems of trails used for all-terrain vehicles or off-road motorcycles in the absence of gross negligence or willful misconduct. (18100725D)

Animals

HB 646 (Bell, John J.) (HAG) provides that outdoor tethering of an animal shall not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill provides that a tether shall meet the requirement that an animal be given adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain, contain metal chain links, or weigh more than one-tenth of the animal's body weight. (18104368D)

SB 28 (Stanley) (SFIN) prohibits appropriating or expending state funds for or to any organization, whether public or private, to carry out any medically unnecessary scientific or medical research that causes significant pain or distress to a dog or cat. The bill defines "significant pain or distress" to include any procedure or condition classified under pain and distress category E by the Department of Agriculture. In addition to any other applicable penalty,

any person violating the prohibition on expending state funds for such research will be liable for a civil penalty not to exceed \$50,000 per incident. (18105009D-S1)

SB 571 (DeSteph) (SFIN) requires a representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any companion animal from a person in the course of his official duties, to obtain a signed statement from such person indicating whether, if known, the companion animal has bitten a person or other animal and the circumstances and date of such bite. The bill requires any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a companion animal for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, to disclose, if known, that a companion animal has bitten a person or other animal and the circumstances and date of such bite. Willful failure to disclose such information is punishable by a civil penalty not to exceed \$1,000. The bill makes technical amendments with regard to use of the definition of "releasing agency." (18100873D)

SB 729 (DeSteph) (SCT) provides that a person who commits an act of aggravated cruelty on a companion animal is guilty of a Class 6 felony. The bill defines "aggravated cruelty" and "torture." The bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for torturing, killing, or willfully inflicting inhumane injury or pain to a dog or cat. Current law requires that the dog or cat die as a direct result of the torture or cruelty before the violation is a Class 6 felony. (18100183D)

Courts

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

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

Education

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

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

HB 685 (Ransone) (HST) establishes the Cybersecurity Student Loan Repayment Grant Program, to be administered by the State Council of Higher Education for Virginia (the Council), whereby renewable grants of up to \$20,000 of matching state and employer funds are provided on a competitive basis to an individual who (i) either (a) graduated within the past year from a public institution of higher education or nonprofit private institution of higher education with an undergraduate or graduate degree in computer science or another academic program recognized by the Council to prepare an individual for a career in cybersecurity and who resides in the Commonwealth or (b) has served on active duty in the Armed Forces of the United States, was discharged or released within the past year from such service under conditions other than dishonorable, gained experience or received training in computer science during such service, and resides in the Commonwealth and (ii) accepts an offer of employment in a computer science position with any federal or state organization, including any federal or state military or defense organization, that is located in the Commonwealth or any private organization that contractually provides cybersecurity services for any such federal or state organization and that is located in the Commonwealth. The bill contains provisions relating to program administration and dissemination of information and reporting on the program. (18100586D)

HB 711 (Adams, Dawn M.) (HRUL) establishes the 19-member Commission on Educational Parity (the Commission), consisting of six members of the House Committee on Education, four members of the Senate Committee on Education and Health, four members of the Board of Education, and five non-legislative citizen members, including at least one member of a parent-teacher association and at least one teacher, for the purpose of ensuring that the General Assembly and the Board of Education collaborate in the fulfillment of their constitutional duty to provide a system of high quality public elementary and secondary schools in the Commonwealth. The bill requires the Commission to (i) determine legislative priorities for achieving parity in educational outcomes for each public elementary and secondary school student in the Commonwealth, (ii) review the extent to which effective public elementary and secondary school teachers and principals are equitably distributed throughout the Commonwealth and make recommendations regarding how to more equitably distribute such effective personnel throughout the Commonwealth, and (iii) review the standards for public school buildings and maintenance and make recommendations regarding how to more equitably ensure the physical quality of the learning environment in each public elementary and secondary school. The provisions of the bill sunset on July 1, 2021. (18103025D)

HB 1111 (Tran) (HST) establishes the STEAM Education Fund for the purpose of awarding grants in amounts not to exceed \$50,000 annually to any public elementary or secondary school in the Commonwealth at which at least 25 percent of students qualify for free or reduced lunch that provides an academic class, curriculum, or activity focused on a science, technology, engineering, arts, or mathematics (STEAM) discipline. (18104509D)

SB 80 (Favola) (SRUL) establishes the School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and provide guidance on any associated training requirements. (18100382D)

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

SB 401 (Lewis) (SRUL) directs the Department of Environmental Quality and the Department of Education to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse. (18102800D)

Charter Schools

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

K-12 Studies

HJ 19 (Bell, Richard P.) (HRUL)/**SJ 62** (Newman) (SRUL) continues for one additional year the Joint Committee of the Senate Committee on Education and Health and the House Committee on Education to Study the Future of Public Elementary and Secondary Education in the Commonwealth, consisting of six members of the Senate and seven members of the House Committee on Education. (18103172D, 18103703D)

SB 738 (Newman) (SRUL) establishes the 20-member Commission on the Future of Public Elementary and Secondary Education (the Commission), consisting of seven members of the House Committee on Education, six members of the Senate, five non-legislative citizen members, the Superintendent of Public Instruction or his designee, and the Secretary of Education or his designee, for the purpose of ensuring a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform in the Commonwealth. The bill requires the Commission to (i) collaborate with the Board of Education, the Department of Education, the Standards of Learning Innovation Committee, and other interested stakeholders to study (a) the need for revisions to or reorganization of the Standards of Quality with a particular emphasis on the effective use of educational technology, (b) emerging education issues in the Commonwealth, and (c) the future of public elementary and secondary education in the Commonwealth and (ii) establish and appoint members from a variety of stakeholder organizations to subcommittees in distinct subject matter areas. The provisions of the bill sunset on July 1, 2021. (18101932D)

School Calendar

HB 36 (Kory) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (18100646D)

HB 38 (Habeeb) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (18101695D)

HB 354 (Reid) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (18102549D)

HB 372 (Robinson) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. (18101760D)

SB 300 (Favola) (SEH) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (18101469D)

Textbooks

SB 785 (Surovell) (SEH) prohibits local school boards from requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2020, (i) each student enrolled in such course will have access to a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per enrolled student. (18103352D)

Elections

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

SB 564 (Obenshain) (SCT) provides that a clerk of court shall make non-confidential court records available to the public upon request. The bill specifies that such records shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of non-confidential information for criminal cases by July 1, 2019. (18104550D)

Environment

HB 400 (Keam) (HCCT) authorizes any locality in the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the land development process. Current law only allows a locality with a population density of at least 75 persons per square mile to adopt such an ordinance. The bill authorizes such an ordinance to exceed the requirements set out in the section. (18102199D)

HB 771 (Jones) (HAG) creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD). The bill establishes an eight-member advisory board called the Potomac Aquifer Recharge Oversight Committee (the Committee), directing it to ensure that the SWIFT Project is monitored independently. The bill provides that the Committee shall consist of the State Health Commissioner, the Director of the Department of Environmental Quality, the Executive Director of the Hampton Roads Planning District Commission, the two Co-Directors of the Laboratory, the Director of the Occoquan Watershed Monitoring Laboratory, and two Virginia citizens appointed by the Governor, and the bill also provides for two nonvoting members. The Committee is required by the bill to meet at least quarterly during the initial three years of its existence. The bill also authorizes the Committee to appoint a science and technical advisory council and directs the Committee to request funding

from HRSD for the first three years of monitoring of the recharge of the aquifer. The bill also creates the Potomac Aquifer Recharge Monitoring Laboratory (the Laboratory) at Old Dominion University (ODU), placing it under the direction of an ODU faculty member and the co-direction of a faculty member at Virginia Tech. The bill provides that the Laboratory shall monitor the impact of the SWIFT Project on the Potomac Aquifer, manage testing data, and conduct water sampling and analysis. The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. (18104334D)

SB 507 (Carrico) (SACNR) provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014. (18103946D)

SB 693 (Lewis) (SFIN) establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants, from funds transferred to the Fund from Commonwealth Port Fund, to local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the Grant Program by developing guidelines and procedures for the application process and for the awarding of annual grants. (18102798D)

Stormwater

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

HB 493 (Hodges) (HAG) authorizes the recipient of a grant from the Stormwater Local Assistance Fund to use a portion of the grant funds to pay for reasonable administrative costs. The bill also allows a grant recipient to count the fair market value of administrative services as an in-kind match for as much as half of the amount of any matching funds required. (18100338D)

HB 1038 (Convirs-Fowler) (HGL) provides that the board of directors of each association shall be responsible for inspecting and maintaining the stormwater best management practice that serves and is operated or owned by the development. (18103538D)

Health and Human Services

HB 192 (Yancey) (HHWI) directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water. (18101454D)

HB 216 (Krizek) (HHWI)/**SB 156** (Edwards) (SCT) provides that the annual report that is required to be filed by a guardian with the local department of social services must also include a report by a licensed physician, licensed psychologist, or other licensed professional who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period. The bill further provides that a court may issue a summons or motion to show cause why the guardian has not filed a timely annual report upon notification from the local department of social services that such report has not been filed. (18101380D, 18101381D)

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

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

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

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

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

HJ 81 (Delaney) (HRUL)/**SJ 47** (Ebbin) (SRUL) designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. (18103457D, 18100470D)

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

SB 121 (Wexton) (Senate Floor) repeals the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (18100999D-E)

SB 290 (McClellan) (SGL) expands from specific localities to any locality the scope of existing enabling legislation related to affordable dwelling unit ordinances, making such legislation applicable statewide. Other existing statewide provisions related to affordable dwelling unit ordinances are repealed and references to those provisions are deleted. (18101959D)

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

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

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

SB 956 (Barker) (SEH) establishes the Virginia Health Care Access Program (the Program) to (i) develop and fund programs to improve access to health care services for recipients of medical assistance and other medically needy, low-income underinsured and uninsured residents of the Commonwealth; (ii) support the financial stability of rural hospitals and access to health care in rural areas of the Commonwealth; and (iii) fund programmatic and financial support for health professional education provided by public and private teaching hospitals within the Commonwealth. The bill establishes the Virginia Health Care Access Authority to oversee implementation of the Program, including imposition of an assessment on covered hospitals, as that term is defined in the bill. (18103860D)

Emergency Air Medical Transportation

HB 777 (Ransone) (HHWI) requires emergency medical services personnel, prior to initiating contact with an emergency air medical transportation provider for air transport of a patient, to obtain written consent from the patient after disclosing certain information. The bill provides that emergency medical services personnel shall be exempt from such requirements if compliance might jeopardize the health or safety of the patient or the patient is unable to provide consent. (18102247D)

HB 778 (Ransone) (HHWI) requires a health care provider, before arranging for air ambulance services for an individual known to be covered under a health benefit plan, to provide the covered person or his authorized representative a written disclosure and obtain the covered person's or his representative's signature on the disclosure document. The disclosure includes statements that (i) the air ambulance provider may be an out-of-network provider; (ii) if so, the air ambulance provider has not agreed to hold covered persons harmless from payment of any balance due after receiving any payment from the carrier under the covered person's health benefit plan; (iii) indicate the range of the typical charges for out-of-network air ambulance services for which the covered person may be responsible; and (iv) the covered person or his representative may agree to accept and pay the charges of the air ambulance provider as an out-of-network provider, contact the covered person's carrier for additional assistance, or rely on other rights and remedies that may be available under state or federal law. The disclosure is also required to include a statement that the covered person or the covered person's authorized representative may obtain a list of air ambulance providers from the covered person's carrier that are participating providers and may request that the health care provider arrange for air ambulance providers that are participating providers. The measure also provides that if the health care provider is unable to provide the written disclosure or obtain the signature of the covered person or his authorized representative, the health care provider is required to document the reason therefor. (18103240D)

Medicaid

HB 1107 (Yancey) (HRUL) creates the Medicaid Legacy Fund (the Fund), to consist of all federal and state Medicaid funds, including any funds made available as enhanced match under 42 U.S.C. § 1396d(y). Moneys in the Fund shall be used for paying the cost of medical assistance services. Moneys remaining in the Fund at the end of the fiscal year shall be deposited in the

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

HB 1108 (Yancey) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, to allow the Commonwealth to receive the federal medical assistance percentage for the provision of medical assistance pursuant to the state plan for medical assistance, any Medicaid waiver, or 42 U.S.C. § 1396d(y) as an annual payment at the beginning of each fiscal year upon adoption of any measure expanding eligibility for medical assistance services to individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII). (18102979D)

Mental Health

HB 1133 (Rasoul) (HCT) establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. (18102071D)

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

SB 953 (Deeds) (SEH) requires health instruction to incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. The bill also directs the Board of Education to review

and update the health Standards of Learning for students in grades nine and 10 to include mental health. (18104953D)

Southwestern/Southeastern Virginia Training Centers

HB 324 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103090D)

HB 325 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center and the Central Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103102D)

HB 806 (O'Quinn) (HAPP) provides that the Southwestern Virginia Training Center and the Southeastern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18102320D)

Immigration

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

HB 19 (Lopez) (HRUL) declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals

program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program. (18100982D)

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

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

SB 606 (Ebbin) (SRSS) establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigrant service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. (18103009D)

Land Use

HB 431 (Marshall) (HCCT) codifies the minimum size and maximum size of enterprise zones under the Enterprise Zone Grant Program administered by the Department of Housing and

Community Development. The bill also provides that amendments to an enterprise zone that include the elimination of an area or areas from the zone shall not exceed the maximum size provisions and shall be reviewed by the Department with the potential impact on affected businesses and property owners given primary consideration. (18101734D)

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

HB 709 (Bell, John J.) (HCCT)/**SB 187** (Favola) (Reported from SLG) increases the maximum fine for misdemeanor conviction of a zoning violation from \$1,000 to \$2,500. The bill also increases the maximum fine for failure to remove or abate the zoning violation after conviction from \$1,500 to \$2,500 for succeeding 10-day periods. (18102445D, 18102578D)

SB 81 (Hanger) (Passed Senate) provides that a landowner whose property is used for an educational activity shall owe no duty of care to a member of the public arising out of the educational use of the land. Current law provides such an exemption for recreational activities and certain other uses of land. (18100094D-E2)

Opioids

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

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

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

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

HJ 1 (Herring) (HRUL) directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of the Virginia courts' sentencing of Schedule I and Schedule II drug offenders. (18100953D)

HJ 114 (Hugo) (HRUL) designates September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia. (18103335D)

HJ 142 (Hodges) (HRUL) designates the third Sunday of September, in 2018 and in each succeeding year, as Recovery Sunday in Virginia. (18104720D)

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

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

Procurement

HB 375 (Davis) (HGL) prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2019, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees. (18102176D)

Public Safety/Criminal Justice

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

HB 174 (Filler-Corn) (HCT) requires the Department of Criminal Justice Services to establish protocols for communication by law-enforcement personnel with individuals diagnosed with

autism spectrum disorders, intellectual disabilities, and developmental disabilities. (18101919D)

HB 430 (Marshall) (HMP) requires a prospective law-enforcement officer, subsequent to a conditional offer of employment, to undergo a psychological examination conducted under the supervision of a licensed psychiatrist or psychologist. (18102099D)

SB 196 (Locke) (SCT) requires the Criminal Justice Services Board (the Board) to adopt, by July 1, 2019, statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. The bill requires any sheriff, chief of police, or agency administrator to notify the Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been found to have engaged in serious misconduct. The bill authorizes the Board to initiate decertification proceedings against any former law-enforcement or jail officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct. The bill has a delayed effective date of October 1, 2019. (18101568D)

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

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

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

Firearms

HB 950 (Lopez) (HMP) provides that it is a Class 1 misdemeanor to knowingly authorize a child age four or younger to use a firearm or pneumatic gun. (18101610D)

Unmanned Aircraft System/Drones

SB 307 (Cosgrove) (STRAN) authorizes the Virginia Aviation Board to promulgate rules and regulations in reference to unmanned aircraft systems, defined in the bill, and for the Department of Aviation to enforce such rules and regulations. (18103986D)

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

Renewable Energy

HB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. (18104236D)

Transportation

HB 453 (Yancey) (HTRAN) requires that any person appointed to an airport board or authority created by a locality or group of localities (i) have a degree from an accredited university or at least five years of related experience in aerospace engineering, air transportation, business administration and management, aviation management, construction management, or facilities management or similar related degree; (ii) have at least five years of relevant experience as a pilot; (iii) be an attorney in good standing with the Virginia Bar Association; or (iv) have a master of business administration degree. The bill requires such airport boards or authorities who receive funding from the Department of Aviation or Virginia Aviation Board to keep records and submit a public report regarding the receipt and disbursement of such funds. (18101999D)

HB 455 (Filler-Corn) (HTRAN) provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated yearly by the Department of Rail and Public Transportation and shall cover 84 percent of the total costs. (18101396D)

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

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

HB 580 (Bloxom) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18102473D)

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

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

HB 1012 (Gilbert) (HTRAN) prohibits operating a vehicle in the left-most lane of a highway that is divided into at least two lanes in each direction whenever the operation of any other vehicle may be impeded by the use of such lane, except (i) when overtaking and passing another vehicle or (ii) in preparation for a left exit. The bill contains technical amendments. (18102819D)

HB 1070 (Heretick) (HTRAN) requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts that a potential comprehensive agreement may have on all affected local jurisdictions. The bill further requires that affected local jurisdictions be given reasonable opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions. (18102806D)

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

SB 185 (Favola) (STRAN) provides that the local governing body of any county, city, or town may change the name of any highway named before 1965 within such locality. Current law allows for only the Commonwealth Transportation Board or the General Assembly to name or rename any primary highway, regardless of when the highway was named. (18100834D)

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

Driver's Licenses, Driver Privilege Cards and Credential Cards

HB 1149 (Wilt) (HTRAN) requires the Department of Motor Vehicles to issue a credential card to a person who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029 or an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph. The bill directs that a credential card be of a similar size, shape, and design to a driver's license but not include a photograph of its holder and that it state that the card does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. (18102372D)

HB 1318 (Boysko) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting

privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18104558D)

Towing

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

HB 1406 (Pogge) (HTRAN) creates a mechanism whereby towing and recovery operators that tow certain abandoned or immobile vehicles on behalf of a law-enforcement agency may recover costs for storage, towing, and recovery fees from such law-enforcement agency. The bill provides that such law-enforcement agency may seek full reimbursement of the costs from the state treasury from the appropriation for criminal charges. (18104430D)

Transportation Funding

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

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

Transportation Studies

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

HJ 68 (Roem) (HRUL) requests that the Department of Transportation study the feasibility of implementing improvements to State Route 28 in Prince William County between the City of Manassas Park and Fairfax County. (18103805D)

Legislative Actions of February 2, 2018

Members Present: Legislative Chairman McKay
Chairman Bulova
Supervisor Foust
Supervisor Smith
Supervisor Smyth

Specific Issues

WMATA and the Transit Fiscal Cliff: The Committee received an overview of pending legislative proposals to provide funding for WMATA and other statewide transit, which was prepared by Commonwealth of Virginia staff (see handwritten pages 108-109).

Revised Fairfax County Principles for WMATA Funding and Northern Virginia Transportation Commission's (NVTC) Principles for WMATA Reform Resolution: The Committee reviewed revised Fairfax County Principles for WMATA funding, which specify that any funding solution should leave each Northern Virginia Transportation Authority (NVTA) member with reasonable access to both regional and local funds, and that the federal government should renew its PRIIA commitment to WMATA. The Fairfax County Principles for WMATA Funding refer to the NVTC resolution passed in September 2017, titled Principles for WMATA Reform, which is also included. The revised Fairfax County principles will be considered at the February 6, 2018, Board meeting (see handwritten pages 110-117).

Local Fiscal Stress Presentation: The Committee also received copies of a presentation prepared by the Auditor of Public Accounts on local fiscal stress (see handwritten pages 118-128).

Priority Principles for Reviewing Legislation

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

Specific Legislation

New Bills – 2018 GA

HB 220 (Morefield) (HCCT) authorizes a locality to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a

system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. Amend to include the Park Authority. (18103058D)

SB 371 (Chafin) (Reported from SLG) authorizes a locality to establish, conduct, and regulate public boating, canoeing, kayaking, and tubing activities on property adjacent to public waterways and to set apart for such use any land or buildings owned or leased by it and obtain licenses or permits for such use on land not owned or leased by it. The bill also exempts such localities, and the owners of property leased or licensed for such use, from liability for injuries to a person or his property on systems of trails for hiking, biking, and horseback riding and from boating, canoeing, kayaking, or tubing activities on property adjacent to public waterways in the absence of gross negligence or willful misconduct. Current law exempts such localities, and the owners of property leased or licensed for such use, from liability only for injuries to a person or property on systems of trails used for all-terrain vehicles or off-road motorcycles in the absence of gross negligence or willful misconduct. Amend to include the Park Authority. (18100725D)

HB 1082 (Yancey) (HAG) prohibits the Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from adopting any environmental rule, regulation, or standard that is inconsistent with or exceeds the requirements of any relevant and duly adopted federal environmental statute, regulation, standard, criterion, or guidance document. Oppose. (18102000D)

Building Code Records

SB 921 (Ebbin) (SGL) provides that the exemption from disclosure of information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) is limited to information that includes a depiction of the interior of a structure. The bill also provides that nothing shall be construed to exempt from disclosure or deny public access to any engineering and construction drawings and plans for any single-family residential dwelling that (i) depict only the exterior of the single-family residential dwelling or (ii) are the subject of an appeal to the Board of Zoning Appeals, the Board of Building Code Appeals, or any other administrative board. Amend to conform with HB 683 (Pogge). (18104762D)

HB 683 (Pogge) (Reported from HGL) clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. Support. (18102130D)

Courts

HB 484 (Bell, Robert B.) (HCT) provides that for any offense that occurs on or after July 1, 2018, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing within 90 days of the date restitution was to be paid in full if any restitution remains unsatisfied and no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full. Monitor. (18102534D)

Health

HB 192 (Yancey) (HHWI) directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water. Monitor. (18106324D)

HB 888 (Orrock) (Passed House; SRUL) directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination. Oppose. (18101594D-E)

Human Services

HB 1026 (Adams, Les. R) (Reported from HHWI) provides that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act. Monitor. (18101587D)

HB 1235 (Hugo) (HHWI) requires local departments of social services, when responding to a report or complaint of suspected child abuse or neglect by conducting an investigation, to verify the physical and legal custody arrangements for the child. Monitor. (18103281D)

SB 44 (Favola) (Reported from SFIN) creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program. Support. (18100496D-E)

Land Use

HB 1595 (Wilt) (HCCT)/**SB 972** (Obenshain) (SLG) prohibits an owner of real property who has an occupancy permit as of January 1, 2018, from being required to retrofit existing landscape cover materials, or from continuing to use, supplement, or refurbish existing landscape cover materials on their property. Oppose. (18105605D, 18105703D)

SB 993 (Reeves) (SLG) reduces from 60 days to 45 days the time within which a local planning commission shall act on a proposed plat, site plan, or plan of development after it has been officially submitted for approval. The bill prohibits a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The bill also reduces from 45 days to 30 days of receipt of the plat the time within which any state agency or public authority making a review of a plat shall complete its review upon first submission or for any proposed plat that has previously been disapproved. The bill eliminates exemptions (i) for deficiencies caused by changes, errors, or omissions occurring in the applicant's plat, site plan, or plan of development filings after the initial submission of such plat, site plan, or plan of development and (ii) from the review and approval of construction plans. Oppose. (18105308D)

SB 582 (Hanger) (Passed Senate; HAG) increases the threshold for the substitution of real property when lands are converted or diverted from open-space land use, requiring the substitute land to have "substantially" greater value as permanent open-space land than the land being converted or diverted. The bill establishes several requirements that an applicant for such conversion or diversion, such as an electric utility or a pipeline company, shall meet, including the requirements that it demonstrate the essentiality of its project, show that no feasible alternative exists, pay for appraisals conducted by a certified general real estate appraiser, and explain why, if the substitute land is not adjacent to the land to be converted or diverted, adjacent land could not be acquired. The bill also requires the creation of a stewardship fund for the substitute land. Amend to exempt localities and park authorities from requirement to create separate maintenance fund for open-space land of the locality or park authority. (18104710D-E)

Opioids

HB 501 (Hodges) (Passed House; SEH) provides that the Board of Health, in consultation with the Board of Pharmacy, shall promulgate regulations requiring a hospice program to establish a process for mitigating the risk of diversion of drugs dispensed to a hospice patient residing at home and for disposition of any unneeded dispensed drugs by an employee of the hospice program in a manner that is witnessed by the patient, patient's family member, or another employee of the hospice program and documented. Support. (18105770D-H1)

HB 793 (Robinson) (HHWI) eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the Boards of Medicine and Nursing and have completed at least 1,040 hours of clinical experience as a licensed, certified nurse practitioner. The bill replaces the term "patient care team physician" with the term

"collaborating provider" and allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement for a practice agreement. The bill establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists. The bill contains technical amendments. Amend to increase hours of clinical experience to two years. (18104186D)

Prescription Monitoring Program

SB 632 (Dunnavant) (Passed Senate; HHWI) eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022. Support. (18101945D)

SB 728 (Dunnavant) (Passed Senate; HHWI) requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. Support. (18105239D-S1)

Transportation

SB 307 (Cosgrove) (STRAN) directs the Department of Aviation to convene a work group to explore issues related to unmanned aircraft system activities. Monitor. (18105733D-S1)

IV. Legislation Provided for Discussion

HB 302 (Watts) (HCCT) grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only. Monitor. (18102516D)

Asset Forfeiture

HB 900 (Freitas) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture,

regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within 21 days from the date the stay terminates. Oppose. (18105993D)

SB 341 (Peake) (Reported from SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within one year from the date the property was seized. Oppose. (18103145D)

Education/Public Safety

HB 15 (Mullin) (HCT) requires a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury. Monitor. (18101158D)

HB 445 (Carroll Foy) (HCT) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. Monitor. (18102544D)

SB 476 (Reeves) (Passed Senate; HCT) provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion. Monitor. (18102416D)

Taxation

SB 219 (Lewis) (Reported from SPE; SFIN) provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. Monitor. (18104027D)

SJ 21 (Lewis) (Reported from SPE; SFIN) provides that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which

flooding abatement, mitigation, or resiliency efforts have been undertaken. Monitor. (18102801D)

Transportation

HB 1276 (Garrett) (HTRAN)/**SB 504** (Carrico) (STRAN) authorizes the Commissioner of Highways to enroll in or withdraw from any federal pilot program or project for the collection and study of data for the review of truck weights and the impact of such vehicles on federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, or capacity challenges. Oppose. (18102970D, 18103024D)

V. Legislation Requiring Further Review

Administration of Government

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

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

Courts

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

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

SB 564 (Obenshain) (SCT) provides that a clerk of court shall make non-confidential court records available to the public upon request. The bill specifies that such records shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of non-confidential information for criminal cases by July 1, 2019. (18104550D)

HB 1306 (Habeeb) (HCT)/**SB 980** (Obenshain) (SFN) provides that, except as otherwise provided by law, beginning July 1, 2019, no petition, pleading, motion, order, or decree filed in

a civil case in a circuit court, including any agreement of the parties or transcripts, shall contain the social security number of any party, or of any minor child of any party, or any identifying financial information of any party. The bill further provides that, where such information is required by law, such information shall be contained in a separate addendum file by the attorney or party in such civil case. The bill further requires each circuit clerk to establish and operate a system for electronic filing. Current law provides that any such clerk may establish and operate such a system. The bill provides that, in any civil case filed on or after July 1, 2019, clerks of the circuit courts shall maintain all nonconfidential documents in electronic form and make such documents available through secure remote access and searchable by name and case number across all circuit courts that use the Office of the Executive Secretary's electronic imaging system. The bill directs the Executive Secretary of the Supreme Court to administer a paid subscription service that provides access to all electronic records maintained by the clerks who use such electronic imaging system for civil cases filed on or after July 1, 2019. The bill specifies that such subscription shall be on an annual basis, with an annual fee to be established by the Judicial Council of Virginia. The bill provides that any sums collected pursuant to such subscription shall be deposited into the state treasury to the credit of the Courts Technology Fund. The bill directs the Virginia Information Technologies Agency to update its document entitled "Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites" consistent with the provisions of the bill by July 1, 2019. The requirement that the Virginia Information Technologies Agency update such document becomes effective in due course; the remaining provisions of the bill become effective on July 1, 2019. (18103924D, 18105604D)

Restitution

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

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

Education

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

Elections

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

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

Redistricting & Split Precincts

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

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

SB 983 (Obenshain) (Senate Floor) requires counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly and requires that precincts be contained wholly within congressional or state legislative districts when a county, city, or town is divided between two or more such districts. The bill provides that a locality that is unable to comply with this requirement may apply to the State Board of

Elections for a waiver to administer a split precinct. The State Board shall have the authority to grant the request or direct the locality to create a precinct with fewer than the required number of registered voters. The measure also prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18106429D-S1)

Voter Registration

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

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

Environment

HB 1094 (Hodges) (HAG) directs the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land for the purpose of mitigating the effects of flooding. (18102373D)

HB 1608 (Poindexter) (HAG) authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. (18106158D)

Freedom of Information Act

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

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

Health and Human Services

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

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

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

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

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

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

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

Land Use

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

Medicaid

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

HB 1108 (Yancey) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, to allow the Commonwealth to receive the federal medical assistance percentage for the provision of medical assistance pursuant to the state plan for medical assistance, any Medicaid waiver, or 42 U.S.C. § 1396d(y) as an annual payment at the beginning of each fiscal year upon adoption of any measure expanding eligibility for medical assistance services to individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII). (18102979D)

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

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

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

Medicaid Expansion

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

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

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

Virginia Health Care Access Program

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

Work Requirements

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

Opioids

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

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

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

Reporting of Overdoses

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

Public Safety/Criminal Justice

Asset Forfeiture

SB 463 (Reeves) (SCT) provides that 20 percent of all cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall be paid into the Drug Offender Assessment and Treatment Fund. The remaining 80 percent of such property and proceeds will continue to be deposited into the special fund of the Department of Criminal Justice Services made available to federal, state, and local agencies to promote law enforcement. The bill provides that promoting law enforcement shall include activities calculated to enhance future investigations, law enforcement training, law enforcement equipment and operations, detention facilities, law enforcement facilities, drug education and drug addiction and rehabilitation programs, pro rata funding, and asset accounting and tracking and other expenses specifically approved by the Department of Criminal Justice Services that promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board. (18100103D)

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

Distracted Driving

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

HB 181 (Collins) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18101409D)

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

HB 446 (Carroll Foy) (HCT) provides that the penalty for driving on a suspended or revoked driver's license where the reason for the suspension or revocation was a person's failure to pay

court-ordered fines and costs is punishable as a traffic infraction. Currently, the offense is a Class 1 misdemeanor. (18102546D)

HB 506 (Mullin) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18103078D)

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

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

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

Firearms

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

Transportation

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

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

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

Miscellaneous

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

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

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

SB 20 (Chase) (SRUL) creates the Red Tape Reduction Commission (the Commission) to develop and maintain a state regulatory baseline of all current state regulatory requirements, with

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

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

Conflict of Interests Act

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

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

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

that prohibition to three years and further prohibits lobbying before the General Assembly during that period. Members of the General Assembly are currently prohibited from lobbying the General Assembly or any legislative agency for one year after the termination of public service; the bill extends that prohibition to three years. (18100027D)

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

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

SJ 75 (Norment) (SRUL) establishes a two-year joint subcommittee consisting of six legislative members and two nonlegislative citizen members to study the current ethics laws in the Commonwealth. In conducting its study, the joint subcommittee shall study the disclosure requirements of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form. In its review, the joint subcommittee shall examine the effectiveness and efficiency of the ethics laws in promoting public trust and confidence in the service of public officials. (18104691D)

Courts

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

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

HB 277 (Collins) (HCT) requires guardians ad litem appointed to represent a child in a matter to conduct an investigation in compliance with certain standards. The bill further requires the guardian ad litem to file a copy of any written report directed by the court with the clerk of court. The bill requires the guardian ad litem to furnish a copy of such report to the attorneys representing parties and parties proceeding pro se in the matter prior to any trial or other

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

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

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

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

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

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

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

Education

HB 1586 (Convirs-Fowler) (HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (18105122D)

Virginia Preschool Initiative and Other Preschool-related Legislation

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

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

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

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

Elections

HB 403 (Levine) (HPE)/**HB 834** (Bagby) (HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain

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

HB 628 (Marshall) (HPE) directs the Attorney General to develop and make available a template memorandum of understanding to be used by the localities when establishing polling places. The bill allows governing bodies to enter into a memorandum of understanding with the entity or person authorized to grant the use of the facility as a polling place. Using the template prescribed by the Attorney General, the parties will specify the terms for use of the facility, including the hours and dates the facility is to be used, the availability of parking at the facility, and the defined space where the elections are to be conducted. Such memorandum of understanding shall be entered into for a period of five years, with the option to renew at the end of the fourth year. Upon the mutual agreement of the two parties, such memorandum of understanding shall be voided. (18100801D)

HB 1210 (Hugo) (HPE)/**SB 591** (Vogel) (SPE) requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original,

voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly. (18102957D, 18102749D)

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

HB 1405 (Ransone) (HPE)/**SB 825** (Edwards) (SPE) increases the membership of the State Board of Elections (Board) from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as the principal administrative officer. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019. (18103919D, 18104230D)

SB 153 (Edwards) (Passed Senate) clarifies the documents that independent candidates must file to appear on a ballot and requires the offices that receive the documents to record the time and date of the filing so as to establish a "time of filing for the office," defined in the bill. The bill specifies that a candidate is responsible for providing proof of the dates and times at which all relevant documents have been filed and that the general registrar or the Department of Elections is required to give to the candidate or candidate's designee a written receipt with the time and date of the completed filing. The general registrar or Department of Elections is also required to

maintain a copy of the receipt until the election has been certified and there are no contests pending. (18102930D-E2)

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

Absentee Voting

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

HB 1042 (Torian) (HPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (18101816D)

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

Split Precincts & Redistricting

HB 158 (Cole) (HPE) authorizes the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precinct boundaries. Any

adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. (18101899D)

HB 767 (Jones) (HPE) prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18102007D)

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

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

Voter Registration

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

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

SB 820 (Cosgrove) (SPE) adds party affiliation, beginning January 1, 2019, to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he

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

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

Environment

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

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

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

SB 344 (Peake) (Passed Senate) directs the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in writing that such timing is unlawful under the federal Clean Water Act. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. (18105302D-S1)

SB 576 (Hanger) (SACNR) allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. (18103641D)

Onsite Sewage and Treatment Systems

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

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

Freedom of Information Act

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

Health and Human Services

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

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

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

HB 1375 (Tyler) (HHWI) broadens the definition of "qualified mental health professional" to include employees and independent contractors of the Department of Corrections who by education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services. (18104731D)

SB 719 (Dunnavant) (SGL) establishes a Substance Abuse Data Sharing and Analytics Clearinghouse (the Clearinghouse), to be administered by the Secretary of Health and Human Resources in consultation with the Substance Abuse Data Sharing and Analytics Advisory Committee (the Advisory Committee), also created by the bill. To the extent allowed by federal law, state and local health and human services and public safety agencies are required to provide data to the Clearinghouse to be used for data analytics and analysis related to improving the

efficiency and efficacy of the treatment and prevention of substance abuse, with a focus on opioid addiction and abuse. The Secretary of Health and Human Resources may also enter into agreements with private entities and public institutions of higher education to further the goals of the Clearinghouse. The bill requires the Secretary to report annually to the Governor and the General Assembly regarding the results achieved through the use of the Clearinghouse, including the identification of cost savings and policy recommendations. The Advisory Committee shall have 14 members, consisting of three members of the House of Delegates, two members of the Senate, the Secretaries of Health and Human Resources, Public Safety and Homeland Security, and Technology, and six non-legislative citizen members representing local government, the medical profession, and community services boards. The Advisory Committee is charged with advising on all matters related to the Clearinghouse. The bill also makes changes to the Government Data Collection and Dissemination Practices Act to codify that data sharing among state and local agencies in certain circumstances is a proper use of personal data. (18104822D)

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

Lake Barcroft

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

SB 927 (Marsden) (SGL) provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) containing 500 or more lots, (ii) having each lot contained in the development being located within the boundaries of a watershed improvement district, and (iii) having each lot subject to substantially similar deed restrictions contained in one or more declarations. (18104155D)

Land Use

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

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

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

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

SB 944 (Stuart) (SLG) removes various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. (18104301D)

Minimum Wage

HB 39 (Levine) (HRUL) establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery

of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of his employees, for work performed by them within the locality, wages at a rate to be determined by local ordinance beginning July 1, 2019. In subsequent fiscal years, the maximum local alternative minimum wage shall be adjusted based on changes in the consumer price index. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail. (18101018D)

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

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

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

Opioids

SB 735 (Dunnivant) (SEH) allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his

designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program. (18104483D)

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

Procurement

HB 257 (Hope) (HGL) clarifies the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience. (18102611D)

Public Safety

HB 814 (Levine) (HMP) allows a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof within 1,000 feet of a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties. (18104268D)

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

HB 1019 (Toscano) (HMP) authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space

during a permitted event, or an event that would otherwise require a permit. This bill contains technical amendments. (18102694D)

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

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

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

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

Driver's License Suspension

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

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

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

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

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

Electronic Devices/Trespass

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

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

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

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

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

Sex Offenders

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

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

Studies

HJ 29 (Bell, Richard P.) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a comprehensive review of the Children's Services Act (§ 2.2-5200 et seq.),

including its administration, structure, funding sources, and covered services. The resolution directs JLARC to make recommendations for improvement in these areas and to ensure the future success of the Children's Services Act. (18102427D)

Transportation

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

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

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

Speed Enforcement Programs

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

SB 678 (Deeds) (STRAN) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence

districts, school crossing zones, and highway work zones. The procedures for operating a speed monitoring system and issuing summons to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (18101223D)

VII. Legislation Provided for Information

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

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

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

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

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

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

Administration of Government

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

HB 783 (Keam) (HCT) provides that in any town within the Counties of Fairfax, Loudoun, and Prince William, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality if the town meets the following conditions: (i) the town sends public notices by email to each resident that provides an email address and (ii) all public notices to be published on the town's website are posted in a prominent manner that is intended to reach the largest number of viewers. (18104534D)

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

Courts

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

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

Data and Information Technology

HB 781 (Keam) (HST) creates the Virginia Open Data Initiative Act to increase public awareness of and access to the data created by and available from state agencies. The bill provides for appointment by the Governor of a Chief Data Officer to maintain the official website of the Commonwealth of Virginia as a dedicated open data website. The bill requires the Chief

Data Officer to oversee the establishment of procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, including the development of a dataset format standard and ensuring that the datasets are accessible in a nonproprietary, machine-readable format that is compliant with state and federal law. The bill also provides for the Chief Data Officer to submit by December 31, 2019, a written report to the Governor and the General Assembly consisting of (i) the progress made on the implementation of the provisions of the bill, (ii) the effectiveness in providing open data and datasets to the public and among agencies, and (iii) the feasibility of expanding the open data initiative to the legislative and judicial branches of government. (18104653D)

HB 1221 (Thomas) (HST) requires the Chief Information Officer of the Virginia Information Technologies Agency to (i) conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures, and (ii) issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. (18103358D)

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

Education

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

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

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

SB 343 (Peake) (Reported from SCT) prohibits any school board from employing (i) any individual who has been convicted of any felony offense against a child; a certain act of violence or violent felony; or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child or (ii) any other individual who has been convicted of any other felony offense

unless such individual has had his civil rights restored by the Governor and at least 5 years have passed since such conviction. (18105948D-S1)

Charter Schools

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

School Calendar

HB 372 (Robinson) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. (18101760D)

Textbooks

SB 785 (Surovell) (SEH) prohibits local school boards from requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2020, (i) each student enrolled in such course will have access to a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per enrolled student. (18103352D)

Elections

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

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

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

HB 1424 (Simon) (Passed House) provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, it shall direct a determination by lot, but that no right to a recount shall be permitted. A candidate who loses a determination by lot following a recount may contest the election. The bill prohibits more than one recount of any election. (18104141D)

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

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

Health and Human Services

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

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

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

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

HB 1128 (Filler-Corn) (HHWI)/**SB 121** (Wexton) (Senate Floor) repeals the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (18101570D, 18100999D-E)

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

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

Emergency Air Medical Transportation

HB 777 (Ransone) (HHWI) requires emergency medical services personnel, prior to initiating contact with an emergency air medical transportation provider for air transport of a patient, to obtain written consent from the patient after disclosing certain information. The bill provides that emergency medical services personnel shall be exempt from such requirements if

compliance might jeopardize the health or safety of the patient or the patient is unable to provide consent. (18102247D)

HB 778 (Ransone) (HHWI) requires a health care provider, before arranging for air ambulance services for an individual known to be covered under a health benefit plan, to provide the covered person or his authorized representative a written disclosure and obtain the covered person's or his representative's signature on the disclosure document. The disclosure includes statements that (i) the air ambulance provider may be an out-of-network provider; (ii) if so, the air ambulance provider has not agreed to hold covered persons harmless from payment of any balance due after receiving any payment from the carrier under the covered person's health benefit plan; (iii) indicate the range of the typical charges for out-of-network air ambulance services for which the covered person may be responsible; and (iv) the covered person or his representative may agree to accept and pay the charges of the air ambulance provider as an out-of-network provider, contact the covered person's carrier for additional assistance, or rely on other rights and remedies that may be available under state or federal law. The disclosure is also required to include a statement that the covered person or the covered person's authorized representative may obtain a list of air ambulance providers from the covered person's carrier that are participating providers and may request that the health care provider arrange for air ambulance providers that are participating providers. The measure also provides that if the health care provider is unable to provide the written disclosure or obtain the signature of the covered person or his authorized representative, the health care provider is required to document the reason therefor. (18103240D)

Mental Health

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

Southwestern/Southeastern Virginia Training Centers

HB 324 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103090D)

HB 325 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center and the Central Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103102D)

HB 806 (O'Quinn) (HAPP) provides that the Southwestern Virginia Training Center and the Southeastern Virginia Training Center shall not be closed and shall instead remain open and

continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18102320D)

Immigration

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

HB 19 (Lopez) (HRUL) declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program. (18100982D)

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

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

SB 606 (Ebbin) (SRSS) establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigrant service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. (18103009D)

Land Use

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

Opioids

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

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

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

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

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

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

Public Safety/Criminal Justice

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

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

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

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

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

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

SB 954 (Norment) (SFIN) reduces the penalties for possession of marijuana to a fine of not more than \$500. Current law provides that the possession of marijuana may be punished by confinement in jail for not more than 30 days and subject to a fine of not more than \$500. The bill also provides that a first offense for possession of marijuana is eligible for expungement. The bill provides that any person seeking expungement of a first-offense marijuana charge shall be assessed a \$300 fee, which shall be paid into the Heroin and Prescription Opioid Epidemic Fund. The bill has a delayed effective date of January 1, 2019, except for the provisions related to the reduction of penalties for possession of marijuana, which shall become effective July 1, 2018. The bill contains technical amendments. (18106134D-S1)

Renewable Energy

SB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to

purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. (18104236D)

Transportation

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

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

HB 580 (Bloxom) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18102473D)

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

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

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

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

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

Driver's Licenses, Driver Privilege Cards and Credential Cards

HB 1149 (Wilt) (HTRAN) requires the Department of Motor Vehicles to issue a credential card to a person who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029 or an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph. The bill directs that a credential card be of a similar size, shape, and design to a driver's license but not include a photograph of its holder and that it state that the card does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. (18102372D)

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

privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18104558D)

Towing

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

Transportation Funding

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

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

Transportation Studies

HJ 58 (Carroll Foy) (HRUL) requests that the Department of Rail and Public Transportation (the Department) identify and recommend potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties and study the feasibility of extending the Blue Line and other multimodal

options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Department shall report on its findings and recommendations on the first day of the 2019 and 2020 Regular Sessions of the General Assembly. (18102664D)

Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer
Tisha Deeghan, Deputy County Executive
David J. Molchany, Deputy County Executive
Dave Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Elizabeth Teare, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board
Richmond Team
Tom Biesiadny, Director, Department of Transportation

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February 6, 2018

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FAIRFAX COUNTY LEGISLATIVE SUMMARY

2018 GENERAL ASSEMBLY

February 3, 2018

Fairfax County Legislative Summary

2018 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.)	Committee/Floor Actions	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee <i>Italics</i> = Date position recommended by staff
HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.	1/10/2006 House: Referred to Committee on Transportation	12/5/2005
Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."		

Bold = Board Position, [] = BOS Legislative Committee Position, *Italics*=Staff Recommended Position Changes (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)

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<u>HB 103</u> Cole, M	Interstate 95; VDOT to commence project to add additional lanes.
<u>HB 178</u> Bell, R	Virginia Fair Housing Law; exemptions.
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<u>HB 381</u> Krizek, P	Virginia State Police Electronic Summons System Fund; created.
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<u>HB 508</u> Hodges, M	Solar facilities; local regulation.
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<u>HB 1545</u>	Watts, V	Metrorail; funding for capital expenses.
<u>HJ 2</u>	Kory, K	United States Constitution; ratifies Equal Rights Amendment.
<u>HJ 4</u>	Lopez, A	United States Constitution; ratifies Equal Rights Amendment.

<u>HJ 70</u>	Standards of Quality; JLARC to study cost to implement.
<u>HJ 112</u>	Standards of Quality; Secretary of Education to study full funding.
<u>HJ 113</u>	Special elections in the Commonwealth; JLARC to study streamlining.
<u>HJ 115</u>	Standards of Quality; JLARC to study cost to implement.
<u>HJ 126</u>	Education; JLARC to study costs.
<u>HJ 129</u>	United States Constitution; ratifies Equal Rights Amendment.
<u>SB 14</u>	Service of process; county attorney to be served when actions against county officers, etc.
<u>SB 44</u>	Kinship Guardianship Assistance program; established.
<u>SB 125</u>	Value engineering; raises minimum project cost.
<u>SB 166</u>	Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.
<u>SB 184</u>	Child abuse and neglect; founded reports regarding former school employees.
<u>SB 189</u>	Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.
<u>SB 202</u>	Public employment; prohibits discrimination on basis of sexual orientation or gender identity.
<u>SB 242</u>	Park authority; immunity from liability in any civil action.
<u>SB 312</u>	Cooperative procurement of professional services; construction, solar power purchase agreements.
<u>SB 393</u>	Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.
<u>SB 399</u>	Drug overdose fatality review teams, local or regional; localities to establish.
<u>SB 423</u>	Virginia Fair Housing Law; unlawful discriminatory housing practices.
<u>SB 451</u>	Local government; authority to require abatement of criminal blight on real property.
<u>SB 458</u>	Conditional proffers; public facility capacity, previously approved residential developments.
<u>SB 525</u>	Judges; maximum number in each judicial district and circuit.
<u>SB 543</u>	Adult protective services; emergency order, temporary conservator.
<u>SB 559</u>	Uniform Military and Overseas Voters Act; secure DeSteph, Jr., B return of voted military-overseas ballots.

<u>SB 632</u>	Dunnavant, S	Controlled substances; limits on prescriptions containing opioids.
<u>SB 636</u>	Dunnavant, S	Kinship Guardianship Assistance program; established.
<u>SB 670</u>	Deeds, R	Mental health awareness; training for firefighters and emergency medical services personnel.
<u>SB 683</u>	Stuart, R	Commuter Rail Operating and Capital Fund; established.
<u>SB 728</u>	Dunnavant, S	Prescription Monitoring Program; prescriber and dispenser patterns.
<u>SB 741</u>	Ruff, Jr., F	Stormwater management; termination of general permit, notice.
<u>SB 757</u>	Sturtevant, Jr., G	Certificate of public need; psychiatric beds and services.
<u>SB 783</u>	Peake, M	Pretrial services agencies; Department of Criminal Justice Services to review, report.
<u>SB 827</u>	Howell, J	Courthouse and courtroom security; increases assessment to fund security.
<u>SB 839</u>	Favola, B	Resident stickers; turns in certain residential areas.
<u>SB 856</u>	Saslaw, R	Mass transit; makes numerous changes to administration of and revenues for transit.
<u>SB 862</u>	Vogel, J	Pharmacy drug disposal program; each pharmacy required to participate in a program.
<u>SB 896</u>	Wagner, F	Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.
<u>SB 908</u>	McClellan, J	Electric vehicle charging stations; local and public operation.
<u>SB 909</u>	McClellan, J	Virginia Fair Housing Law; unlawful discriminatory housing practices.
<u>SJ 4</u>	Surovell, S	United States Constitution; ratifies Equal Rights Amendment.
<u>SJ 13</u>	Black, R	2016 conditional rezoning proffer reform bill; joint committee to study.
<u>SJ 29</u>	Spruill, Sr., L	Standards of Quality; JLARC to study cost to implement.
<u>SJ 56</u>	Sturtevant, Jr., G	Standards of Quality; JLARC to study cost to implement.
<u>SJ 58</u>	Surovell, S	Law clerks; study on use and impact on judicial workload and work product.

Fairfax County Positions

(Monitor):

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<u>HB 15</u>	Mullin, M	Student discipline, alternative; assault and battery without bodily injury.
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<u>HB 136</u>	Alcoholic beverage control; annual mixed beverage special events licenses for museums.
<u>HB 148</u>	Prescription Monitoring Program; requirements of prescribers, prescriptions for opioids.
<u>HB 155</u>	Opioids; location of clinics for treatment of addiction.
<u>HB 177</u>	Distracted driving; handheld personal communications devices, driving with an animal.
<u>HB 180</u>	Distracted driving; penalty.
<u>HB 192</u>	Rainwater and gray water; regulations.
<u>HB 196</u>	Child abuse or neglect; extension of hearings to review findings by local depts. of social services.
<u>HB 227</u>	Adoption by stepparent; background check.
<u>HB 302</u>	Counties, certain; granted powers of cities & towns.
<u>HB 313</u>	Prescription Monitoring Program; prescriber and dispenser patterns, annual review, report.
<u>HB 389</u>	Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.
<u>HB 445</u>	School principals; incident reports.
<u>HB 484</u>	Restitution; defendant on probation until all is paid in full.
<u>HB 492</u>	Passing a stopped school bus; conviction shall not be made part of driving record.
<u>HB 509</u>	Comprehensive plan; solar facilities.
<u>HB 607</u>	Recovery community organization pilot program; DBHDS to evaluate.
<u>HB 614</u>	Social work; practice.
<u>HB 824</u>	Short-term rentals; City of Lexington required to comply with provisions related.
<u>HB 886</u>	Mental health treatment; admission regulations, toxicology results.
<u>HB 933</u>	Mandatory outpatient treatment; extends time period for adults and juveniles.
<u>HB 1026</u>	Adult protective services; appealability of findings made by local department of social services.
<u>HB 1235</u>	Child protective services; verification of physical and legal custody.
<u>HB 1289</u>	Passing stopped school buses; local ordinances.
Guzman, E	

<u>HB 1303</u>	Prescribing controlled substances; veterinarian-client-patient relationship.
<u>HB 1480</u>	Child day programs; exemptions from licensure, removes certain programs from list.
<u>SB 179</u>	Comprehensive plan; solar facilities.
Stanley, Jr., W	
<u>SB 183</u>	Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.
Favola, B	
<u>SB 208</u>	Impact fees; residential development.
Stuart, R	
<u>SB 218</u>	Recycling; clarifies definitions of beneficial use and recycling center, etc.
Lewis, Jr., L	
<u>SB 219</u>	Constitutional amendment; real property tax exemption for flooding remediation, abatement, etc.
Lewis, Jr., L	
<u>SB 278</u>	Eminent domain proceedings; prompt payment of funds.
Petersen, J	
<u>SB 307</u>	Unmanned aircraft systems; work group to explore issues related system activities.
Cosgrove, Jr., J	
<u>SB 329</u>	Opioids; location of clinics for treatment of addiction in Henrico County or City of Richmond.
Dunnavant, S	
<u>SB 476</u>	School principals; incident reports.
Reeves, B	
<u>SB 539</u>	Child day programs; exemptions from licensure, removes certain programs from list.
Hanger, Jr., E	
<u>SB 588</u>	Alcoholic beverage control; annual mixed beverage special events licenses for museums.
Ebbin, A	
<u>SB 622</u>	Local transportation plan; secondary system road construction program allocation.
Surovell, S	
<u>SB 751</u>	Localities and school divisions; posting of register of funds expended.
Sturtevant, Jr., G	
<u>SB 766</u>	Citizen water quality monitoring; use as evidence in enforcement actions.
Surovell, S	
<u>SJ 21</u>	Constitutional amendment; property tax, exemption for flooding remediation, etc.
Lewis, Jr., L	

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***Legislation No Longer Under Consideration
(Continued to 2019)***

<u>HB 966</u>	Income tax, sales tax, etc.; refundable credit for certain local taxes.
Davis, G	
<u>SB 4</u>	Absentee voting; persons age 65 or older.
Ebbin, A	
<u>SB 114</u>	Absentee voting; no excuse.
Locke, M	

<u>SB 136</u>	Absentee voting; no-excuse in-person available 21 days prior to election.
<u>SB 164</u>	Absentee voting; persons age 65 or older.
<u>SB 254</u>	Absentee voting; no excuse required when voting in person.
<u>SB 277</u>	Absentee voting; persons age 65 or older.
<u>SB 367</u>	Stormwater; localities to provide for partial waiver of service charges for management at airports.
<u>SB 436</u>	Schedule I drugs; classification for fentanyl derivatives.
<u>SB 453</u>	Absentee voting; persons age 65 or older.
<u>SB 497</u>	Public places; disorderly conduct, right of person in charge to detain.
<u>SB 499</u>	Conservation easements; validity, termination.
<u>SB 602</u>	Absentee voting; no-excuse in-person available 21 days prior to election.
<u>SB 613</u>	Local government; deposition.
<u>SB 700</u>	School bus video-monitoring systems; release of information by DMV.
<u>SB 770</u>	Absentee voting; alternative locations for in-person absentee voting.

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***Legislation No Longer Under Consideration
(Killed, Failed to Report, Tabled,
Incorporated into Other
Legislation, etc.):***

<u>HB 169</u>	Lyme disease; information disclosure requirement, sunset.
<u>HB 1051</u>	Communications sales and use tax; services subject to taxation.
<u>HB 1514</u>	Police misconduct; locality authorized to establish civilian review panel, law-enforcement auditor.
<u>SB 74</u>	Handheld personal communications devices; use while driving.
<u>SB 117</u>	Value engineering; raises minimum project cost.
<u>SB 200</u>	Local government taxing authority; equalizes municipal and county taxing authority.
<u>SB 203</u>	Food stamp eligibility; drug-related felonies.

<u>SB 204</u>	Favola, B	TANF; eligibility, person who refuses to participate in periodic drug testing, drug-related felony.
<u>SB 381</u>	Chafin, A	School buses; passing while stopped, injury to another person, penalty.
<u>SB 440</u>	Wexton, J	School boards, local; prior authorization for legal action.
<u>SB 455</u>	McClellan, J	Opioid addiction; clinics for treatment.
<u>SB 616</u>	Surovell, S	Waiver of immunity; persons covered by insurance policy.
<u>SB 623</u>	Surovell, S	Electronic Routing Registry; created.
<u>SB 635</u>	Dunnivant, S	Prescribers; notice of administration of naloxone.
<u>SB 714</u>	Chase, A	Local economic development; expenditure shall be first approved by local governing body.
<u>SB 805</u>	Carrico, Sr., C	Passing a stopped school bus; conviction shall not be made part of driving record.
<u>SB 822</u>	Edwards, J	Delinquent taxes; collection of amounts due locality.
<u>SB 898</u>	Black, R	Tolling; Northern Virginia.
<u>SB 911</u>	Chase, A	Eminent domain; redefines lost profits.
<u>SB 929</u>	McPike, J	Tolling; sets hours for high-occupancy toll (HOT) lanes on Interstate 66 inside Capital Beltway.

Fairfax County Initiatives

*Bills Introduced
at Fairfax County's Request*

Bills	General Assembly Actions	Date of BOS Position
<u>HB 517</u> - Bell (58) Involuntary commitment of a juvenile; notification of parents.	1/8/2018 House: Referred to Committee for Courts of Justice 1/24/2018 House: Subcommittee recommends laying on the table (8-Y 0-N)	1/23/2018
<p>Initiate (18102875D) - See also SB 392 (Barker).</p> <p>Summary: Provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent.</p>		
<u>SB 392</u> - Barker (39) Involuntary commitment of a juvenile; notification of parents.	1/9/2018 Senate: Referred to Committee for Courts of Justice (SCT) 1/31/2018 Senate: Reported from SCT with substitute (14-Y 0-N)	1/23/2018
<p>Initiate (18103640D) - See also HB 517 (Bell, Robert B.).</p> <p>Summary: Provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent.</p>		

Fairfax County Positions

(Oppose or Amend)

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 59</u> - Bell (87) Transportation, Department of; use of practical design methods.	12/4/2017 House: Referred to Committee on Transportation 1/18/2018 House: Subcommittee recommends reporting with amendments (5-Y 3-N) 1/23/2018 House: Referred from Transportation by voice vote 1/23/2018 House: Referred to Committee on General Laws	1/23/2018
Oppose (18101179D) - Oppose unless amended to ensure community input can be addressed. Summary: Department of Transportation; use of practical design methods. Requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.		
<u>HB 71</u> - Miyares (82) Constitutional amendment; real property tax exemption for spouse of disabled veteran.	12/4/2017 House: Referred to Committee on Privileges and Elections (HPE) 1/29/2018 House: Subcommittee recommends reporting (7-Y 0-N) 2/2/2018 House: Reported from HPE (22-Y 0-N)	1/23/2018
Amend (18100171D) - Amend to support as a state tax credit. Board has historically recommended amendment. See also SB 900 (Stuart). Summary: Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans. Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption.		
<u>HB 72</u> - Thomas, Jr. (28) Statewide prioritization process project selection; cost of project to be considered.	12/4/2017 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends continuing to 2019 by voice vote	1/23/2018
Oppose (18102019D) - See also SB 207 (Stuart). Summary: Statewide prioritization process project selection. Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.		
<u>HB 103</u> - Cole (88) Interstate 95; VDOT to commence project to add additional lanes.	12/13/2017 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends continuing to 2019 by voice vote	1/23/2018

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

Bills	General Assembly Actions	Date of BOS Position
Oppose (18101688D) - Oppose because it circumvents the Smart Scale process.		
Summary: Additional lanes of Interstate 95. Directs the Department of Transportation to immediately commence a transportation project to add an additional lane of travel to that portion of Interstate 95 between Exit 126 in Spotsylvania County and Interstate 495 in both the north-bound and south-bound directions.		
HB 178 - Bell (20) Virginia Fair Housing Law; exemptions.	12/23/2017 House: Referred to Committee on General Laws	[1/26/2018]
[Oppose] (18102452D)		
Summary: Provides that it shall not be unlawful under the Virginia Fair Housing Law for any owner to deny or limit the rental of housing to persons whose payment of rent for such housing is contingent upon the owner's acceptance of a contract authorizing payment of such rent by an entity or individual other than the lessee.		
HB 220 - Morefield (3) Parks, local; waterway activities, liability.	12/29/2017 House: Referred to Committee on Counties, Cities and Towns (HCCT) 2/1/2018 House: Subcommittee recommends reporting with amendments (7-Y 0-N) 2/2/2018 House: Reported from HCCT with amendments (22-Y 0-N)	[2/2/2018]
[Amend] (18103058D) - Amend to include the Park Authority.		
Summary: Local parks; waterway activities; liability. Authorizes a locality to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct.		
HB 381 - Krizek (44) Virginia State Police Electronic Summons System Fund; created.	1/5/2018 House: Referred to Committee for Courts of Justice 1/29/2018 House: Subcommittee recommends reporting with amendment (5-Y 3-N) 1/29/2018 House: Subcommittee recommends referring to Committee on Appropriations	[1/26/2018]
[Oppose] (18103183D)		
Summary: Virginia State Police Electronic Summons System Fund. Creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee that the bill requires to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.		
HB 423 - Gooditis (10) Composite index of local ability-to-pay; use value of real estate in certain localities.	1/6/2018 House: Referred to Committee on Appropriations 1/23/2018 House: Subcommittee recommends striking from docket (8-Y 0-N)	[1/26/2018]
[Oppose] (18103286D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living.		

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

Bills	General Assembly Actions	Date of BOS Position
Summary: Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.		
HB 471 - Reid (32) Small businesses, new; state and local tax and regulatory exemptions.	1/7/2018 House: Referred to Committee on Commerce and Labor 1/25/2018 House: Subcommittee recommends reporting with amendments by voice vote 1/30/2018 House: Referred from Commerce and Labor by voice vote 1/30/2018 House: Referred to Committee on Finance 2/2/2018 House: Subcommittee recommends passing by indefinitely (5-Y 3-N)	[1/26/2018]
[Oppose] (18103342D) Summary: State and local tax and regulatory exemptions for new small businesses. Exempts new small businesses from (i) payment of unemployment, sales and use, and local license taxes and (ii) certain registration and reporting requirements with the State Corporation Commission. The bill defines an eligible business as any business that has its principal place of business in the Commonwealth, has not been in existence for more than five years, and has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception.		
HB 508 - Hodges (98) Solar facilities; local regulation.	1/8/2018 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/26/2018 House: Reported from HCCT with substitute (21-Y 1-N) 2/1/2018 House: Read third time and passed House (90-Y 6-N 1-A) 2/2/2018 Senate: Referred to Committee on Local Government	[2/2/2018] 1/23/2018
[Amend] (18106085D-H1) - Amend enactment clause to reflect current law, which grandfathered existing lawful structures. See also SB 429 (Stanley). Monitor (18103843D) See also SB 429 (Stanley). Summary: Local regulation of solar facilities. Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.		
HB 565 - Gooditis (10) Synthetic turf; 3-year moratorium on installation of turf that contains recycled crumb rubber.	1/8/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends striking from docket (8-Y 0-N)	1/23/2018

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

Bills	General Assembly Actions	Date of BOS Position
Amend (18100899D) - Amend to remove moratorium on installation of synthetic turf while a comprehensive study is conducted. Board has historically recommended amendment.		
<p>Summary: Three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks. Places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2019.</p>		
HB 638 - Collins (29) Trespass; electronic device, penalty.	1/9/2018 House: Referred to Committee for Courts of Justice 2/2/2018 House: Subcommittee recommends reporting with substitute (6-Y 1-N)	[1/26/2018]
<p>[Amend] (18104458D) - Amend to allow the Fairfax County Park Authority to continue efforts to limit the use of drones on parkland for public safety reasons. As technology evolves, a comprehensive analysis of unmanned aircraft systems would be beneficial.</p> <p>Summary: Trespass; electronic device; penalty. Provides that any person who, after being given notice to desist, knowingly and intentionally causes any electronic device to enter the area of a dwelling house of another person or the curtilage thereof with the intent to coerce, intimidate, or harass any other person is guilty of a Class 3 misdemeanor and, upon a second or subsequent conviction, is guilty of a Class 2 misdemeanor. The bill also provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or the petitioner's family members, is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities.</p>		
HB 668 - Kilgore (1) Transportation funding in certain areas of the Commonwealth; price floor.	1/9/2018 House: Referred to Committee on Rules	1/23/2018
<p>Oppose (18104460D) - Oppose unless amended to remove direct allocation to certain transportation districts.</p> <p>Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. The bill allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway.</p>		

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

Bills	General Assembly Actions	Date of BOS Position
<u>HB 765</u> - Jones (76) Transportation processes in the Commonwealth; responsibilities of transportation entities, funding.	1/9/2018 House: Referred to Committee on Transportation (HTRAN) 1/30/2018 House: Subcommittee recommends reporting with substitute (10-Y 0-N) 1/30/2018 House: Subcommittee recommends referring to Committee on Appropriations 2/1/2018 House: Reported from HTRAN with substitute (22-Y 0-N) 2/1/2018 House: Referred to Committee on Appropriations	[1/26/2018]
[Amend] (18101751D) - Amend to retain current Revenue Sharing Program funding levels. Summary: Transportation processes in the Commonwealth; responsibilities of transportation entities; funding. Expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill expands the requirements of the annual report provided by the Commissioner of Highways and requires the Office to submit an annual report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater.		
<u>HB 786</u> - Keam (35) Taxes, local; taxpayer's application to court to correct erroneous assessments.	1/9/2018 House: Referred to Committee on Finance (HFIN) 1/24/2018 House: Subcommittee recommends reporting with substitute (10-Y 0-N) 1/29/2018 House: Reported from HFIN with substitute (22-Y 0-N) 2/2/2018 House: Read third time and passed House (98-Y 0-N)	1/23/2018
Oppose (18101855D) Summary: Local taxes; appeal to court. Provides that on an appeal to court for relief from local taxes, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and on an appeal of the assessment of real or personal property that concerns an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving by a preponderance of the evidence that the assessment is correct. The bill also provides that an assessment constitutes manifest error if any one of three mistakes under current law was made. The bill contains technical amendments.		
<u>HB 787</u> - Keam (35) Real property taxes; appeals to boards of equalization.	1/9/2018 House: Referred to Committee on Finance (HFIN) 1/24/2018 House: Subcommittee recommends reporting with amendment (10-Y 0-N) 1/29/2018 House: Reported from HFIN with amendment (22-Y 0-N) 2/2/2018 House: Read third time and passed House (98-Y 0-N)	1/23/2018
Oppose (18101856D) Summary: Provides that (i) on appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and (ii) when the appeal involves an assessment of real property with an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving that the assessment is correct by a preponderance of the evidence.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 791</u> - Pogge (96) School personnel; staffing ratios, school nurses.	1/9/2018 House: Referred to Committee on Education 1/31/2018 House: Subcommittee recommends reporting (10-Y 0-N) 1/31/2018 House: Subcommittee recommends referring to Committee on Appropriations	1/23/2018
Oppose (18101961D) - Potential fiscal impact to Fairfax County is \$35.9 million. See also SB 366 (Stuart). Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.		
<u>HB 793</u> - Robinson (27) Nurse practitioners; practice agreements.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions 2/1/2018 House: Subcommittee recommends reporting with substitute (9-Y 0-N)	[2/2/2018]
[Amend] (18104186D) - Amend to increase hours of clinical experience to two years. Summary: Eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the Boards of Medicine and Nursing and have completed at least 1,040 hours of clinical experience as a licensed, certified nurse practitioner. The bill replaces the term "patient care team physician" with the term "collaborating provider" and allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement for a practice agreement. The bill establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists. The bill contains technical amendments.		
<u>HB 801</u> - O'Quinn (5) Stormwater regulation; no stricter than federal law.	1/9/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources (HAG) 1/24/2018 House: Reported from HAG with amendments (12-Y 10-N) 1/31/2018 House: Re-referred to HAG	[1/26/2018]
[Oppose] (18100290D) Summary: Prohibits the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document.		
<u>HB 888</u> - Orrock, Sr. (54) Onsite sewage systems; evaluation and design services.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions 1/23/2018 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N) 1/29/2018 House: Read third time and passed House (93-Y 6-N) 1/30/2018 Senate: Referred to Committee on Rules	[2/2/2018]
[Oppose] (18101594D-E) Summary: Directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 900</u> - Freitas (30) Forfeiture of property used in connection with commission of crimes; finding of guilt required.	1/9/2018 House: Referred to Committee for Courts of Justice 1/24/2018 House: Subcommittee recommends reporting with substitute (5-Y 2-N)	[2/2/2018]
[Oppose] (18105993D)	Summary: Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within 21 days from the date the stay terminates.	
<u>HB 903</u> - Freitas (30) Transportation, Department of; real property owners can request evaluation of completed projects.	1/9/2018 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends laying on the table (7-Y 0-N)	[1/26/2018]
[Oppose] (18101047D)	Summary: Evaluation of Department of Transportation projects; impact on real property owners. Creates a method whereby certain real property owners can request an evaluation of a completed Department of Transportation (the Department) project to determine whether the project has created a significant financial burden on such landowners. The bill requires the Department to take certain corrective steps if a project has created such a burden. The bill creates a method by which the requesting landowner can rebut the Department's findings and bring a civil action against the Department.	
<u>HB 997</u> - Gilbert (15) Pretrial Services Act; repeals Act.	1/9/2018 House: Referred to Committee for Courts of Justice	1/23/2018
Oppose (18103124D)	Summary: Pretrial Services Act; repeal. Repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019.	
<u>HB 1004</u> - Byron (22) Stormwater; locality shall provide for full waiver of certain charges for public use airport runway.	1/9/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	1/23/2018
Oppose (18100851D) - See also SB 367 (Newman).	Summary: Regulation of stormwater; airports. Provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways.	

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1046</u> - Torian (52) School personnel; staffing ratios, school nurses.	1/9/2018 House: Referred to Committee on Education 1/31/2018 House: Subcommittee recommends striking from docket (11-Y 0-N)	[1/26/2018]
[Oppose] (18102767D) - Potential fiscal impact to Fairfax County is \$57.2 million. Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.		
<u>HB 1082</u> - Yancey (94) Environmental regulations; no stricter than federal law.	1/10/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[2/2/2018]
[Oppose] (18102000D) Summary: Prohibits the Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from adopting any environmental rule, regulation, or standard that is inconsistent with or exceeds the requirements of any relevant and duly adopted federal environmental statute, regulation, standard, criterion, or guidance document.		
<u>HB 1242</u> - Cline (24) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions 1/30/2018 House: Subcommittee recommends passing by indefinitely (5-Y 1-N)	[1/26/2018]
[Oppose] (18102887D) - Oppose unless amended to provide that added costs for additional drug testing will be paid by the state. Board has historically opposed similar bills unless amended. Summary: Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services shall require drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year unless, in the case of a positive test result, such person enters into a drug treatment program.		
<u>HB 1247</u> - Cline (24) Virginia Freedom of Information Act; right to speak at open meetings.	1/10/2018 House: Referred to Committee on General Laws 1/30/2018 House: Subcommittee recommends striking from docket (8-Y 0-N)	1/23/2018
Oppose (18102890D) - Board has historically opposed. See also SB 336 (Peake). Summary: Requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1254</u> - Thomas, Jr. (28) School personnel; staffing ratios, school nurses.	1/10/2018 House: Referred to Committee on Education 1/31/2018 House: Subcommittee recommends striking from docket (11-Y 0-N)	[1/26/2018]
<p>Oppose (18103110D) - Potential fiscal impact to Fairfax County is \$24.2 million.</p> <p>Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 1,000 students in grades kindergarten through 12.</p>		
<u>HB 1256</u> - Hugo (40) HOT lanes on Interstate 66; operating hours.	1/10/2018 House: Referred to Committee on Transportation	1/23/2018
<p>Oppose (18103655D) - See also HB 1417 (Bulova).</p> <p>Summary: Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.</p>		
<u>HB 1257</u> - Cline (24) Sanctuary policies; enforcement of federal immigration laws.	1/10/2018 House: Referred to Committee for Courts of Justice	1/23/2018
<p>Oppose (18102897D) - Board has historically opposed. Scope of bill is significant and not well-defined. Requires local enforcement of federal laws that are currently permissive, and constitutes an unfunded mandate.</p> <p>Summary: Sanctuary policies prohibited. Provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. The General Assembly shall reduce state funding to the extent permitted by state and federal law to any locality found to have violated the provisions of the bill.</p>		
<u>HB 1258</u> - Kilgore (1) Wireless communications infrastructure; zoning.	1/10/2018 House: Referred to Committee on Commerce and Labor (HLC) 2/1/2018 House: Reported from HLC with substitute (17-Y 2-N)	1/23/2018
<p>Oppose (18102258D) - See also SB 405 (McDougle).</p> <p>Summary: Zoning for wireless communications infrastructure. Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1263</u> - Kilgore (1) Bristol and Salem Highway Construction Districts; Transportation Board's prioritization process.	1/10/2018 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends continuing to 2019 by voice vote	1/23/2018
Oppose (18104177D) - Limiting scoring to certain factors will fundamentally change Smart Scale. Summary: Commonwealth Transportation Board prioritization process; factors considered in Bristol and Salem Highway Construction Districts. Provides that for the purposes of prioritizing projects in the Bristol Highway Construction District or the Salem Highway Construction District, the Commonwealth Transportation Board (Board) shall consider (i) the relative importance of secondary highways in such districts and (ii) only the following other factors: economic development, accessibility, and safety. Current law requires the Board to consider congestion mitigation, economic development, accessibility, safety, and environmental quality when prioritizing projects in all districts.		
<u>HB 1276</u> - Garrett (23) Highways, Commissioner of; authorized to enroll in or withdraw from any federal pilot programs.	1/10/2018 House: Referred to Committee on Transportation 2/1/2018 House: Subcommittee recommends reporting with amendments (4-Y 2-N)	[2/2/2018]
[Oppose] (18102970D) - See also SB 504 (Carrico). Summary: Commissioner of Highways; federal pilot programs. Authorizes the Commissioner of Highways to enroll in or withdraw from any federal pilot program or project for the collection and study of data for the review of truck weights and the impact of such vehicles on federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, or capacity challenges.		
<u>HB 1284</u> - Hugo (40) Vehicles bearing clean special fuel license plates; HOT lanes.	1/10/2018 House: Referred to Committee on Transportation	1/23/2018
Oppose (18103649D) Summary: Allows vehicles bearing clean special fuel license plates issued before July 1, 2011, to use the HOT lanes on Interstate 66 inside the beltway if the vehicle is equipped with an E-ZPass Flex transponder. The bill contains an emergency clause.		
<u>HB 1291</u> - Hugo (40) Interstate 66; tolling facilities.	1/10/2018 House: Referred to Committee on Transportation	1/23/2018
Oppose (18104505D) Summary: Directs the Secretary of Transportation to renegotiate the agreement governing transportation facilities on Interstate 66 outside the Capital Beltway in an effort to coordinate tolling inside and outside the Capital Beltway once the tolling facilities outside the Capital Beltway are established.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1292</u> - Hugo (40) Northern Virginia; comprehensive plans, impact on state and local transportation.	1/10/2018 House: Referred to Committee on Transportation 1/25/2018 House: Subcommittee recommends striking from docket (8-Y 0-N)	1/23/2018
Oppose (18103787D) - Board has historically opposed. Summary: State and local transportation planning. Provides that prior to the adoption of or amendment to any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8, the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning and name any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. Current law provides for such review for any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the change. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan, or within the regional transportation plan, to ensure no reduction of service to any transportation facility affected by the plan or rezoning.		
<u>HB 1417</u> - Bulova (37) HOT lanes on Interstate 66; operating hours.	1/15/2018 House: Referred to Committee on Transportation	1/23/2018
Oppose (18104045D) - See also HB 1256 (Hugo). Summary: Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.		
<u>HB 1427</u> - Kilgore (1) Wireless support structures; public rights-of-way use fees established.	1/16/2018 House: Referred to Committee on Commerce and Labor (HLC) 2/1/2018 House: Reported from HLC (18-Y 0-N)	1/23/2018
Oppose (18104250D) - See also SB 823 (McDougle). Summary: Wireless support structures; public rights-of-way use fees. Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires.		
<u>HB 1442</u> - Orrock, Sr. (54) Real property tax; assessment of wetlands.	1/16/2018 House: Referred to Committee on Finance 1/31/2018 House: Subcommittee recommends reporting with substitute (7-Y 3-N)	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Oppose] (18103883D)	<p>Summary: Requires the commissioner of revenue to separately and specially assess wetlands when requested by the owner of such property on which wetlands are found, and to use the National Wetlands Inventory Map or other similar federal or state map if he disagrees as to the presence of wetlands. Under current law, the commissioner of revenue shall consider assessing wetlands separately and specially at the request of the owner, and he shall consider such maps if he disagrees with the owner.</p>	
HB 1455 - Thomas, Jr. (28) Commonwealth Transportation Board; implementing changes to SMART SCALE.	1/17/2018 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends striking from docket (7-Y 0-N)	[1/26/2018]
[Oppose] (18104126D)	<p>Summary: Commonwealth Transportation Board; SMART SCALE; job accessibility factors. Directs the Commonwealth Transportation Board to change both the access to jobs and the access to jobs for disadvantaged populations accessibility factors for commuting thresholds adopted for the implementation of SMART SCALE from 45 minutes for automobile trips or 60 minutes for transit trips to 60 miles for all trips.</p>	
HB 1456 - Thomas, Jr. (28) State Inspector General; powers and duties.	1/17/2018 House: Referred to Committee on General Laws 2/1/2018 House: Subcommittee recommends continuing to 2019 by voice vote	[1/26/2018]
[Oppose] (18105266D)	<p>Summary: Requires the State Inspector General to receive complaints that allege a local ordinance violates state law, determine whether the complaints give reasonable cause to investigate, and provide a report detailing any findings to the complainant.</p>	
HB 1459 - Fariss (59) Signs; permit to post on a Department of Transportation right-of-way.	1/17/2018 House: Referred to Committee on Transportation 1/31/2018 House: Subcommittee recommends continuing to 2019 by voice vote	[1/26/2018]
[Oppose] (18104540D)	<p>Summary: Posting a sign on a Department of Transportation right-of-way; permit. Directs the Department of Transportation (the Department) to issue permits authorizing a landowner to place signs advertising the sale of his real property on a highway right-of-way adjoining such real property, provided that (i) the proposed sign placement will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and (ii) the land on which the sign is to be placed cannot be reasonably foreseen as needed for highway or other transit uses and purposes. The bill authorizes the Department to revoke such permit at the discretion of the Commissioner of Highways.</p>	
HB 1471 - Hugo (40) Teacher grievance procedures; hearing before school board, selection of panel.	1/17/2018 House: Referred to Committee on Counties, Cities and Towns	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Oppose] (18105377D) - Board has historically opposed.		
Summary: 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.		
HB 1489 - LaRock (33) Tolling; Northern Virginia.	1/18/2018 House: Referred to Committee on Transportation (HTRAN) 1/30/2018 House: Subcommittee recommends passing by indefinitely (7-Y 3-N) 2/1/2018 House: Reported from HTRAN with substitute (21-Y 1-N) 2/1/2018 House: Referred to Committee on Appropriations	[1/26/2018]
[Oppose] (18105462D) - See also SB 898 (Black).		
Summary: Requires the Department of Transportation to refund the holder of an electronic toll collection device for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device until the eastbound widening project on Interstate 66 inside the Capital Beltway (Beltway) is completed. The bill sets the tolling hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until the eastbound widening project on Interstate 66 inside the Beltway is completed. The bill requires that the Department of Transportation activate tolling on reverse commuters inside the Beltway on Interstate 66. The bill directs the Secretary of Transportation (the Secretary) to engage the Metropolitan Washington Airports Authority (MWAA) and federal government officials for the purpose of implementing dynamic tolling on the Dulles Airport Access Highway and requires that the Secretary report to the Chairmen of the House and Senate Transportation Committees. The bill also requires the Secretary to engage the MWAA for the purpose of eliminating tolls on the Dulles Toll Road by 2030 and requires the Secretary to report to the Chairmen of the House and Senate Transportation Committees regarding the same.		
HB 1595 - Wilt (26) Vested rights; owner of real property w/ occupancy permit as of 1/1/18, existing landscape material.	1/19/2018 House: Referred to Committee on Counties, Cities and Towns	[2/2/2018]
[Oppose] (18105605D) - See also SB 972 (Obenshain).		
Summary: Vested rights; existing landscape cover materials. Prohibits an owner of real property who has an occupancy permit as of January 1, 2018, from being required to retrofit existing landscape cover materials, or from continuing to use, supplement, or refurbish existing landscape cover materials on their property.		
HJ 6 - Miyares (82) Constitutional amendment; real property tax exemption for spouse of disabled veteran.	12/4/2017 House: Referred to Committee on Privileges and Elections (HPE) 1/29/2018 House: Subcommittee recommends reporting (7-Y 0-N) 2/2/2018 House: Reported from HPE (22-Y 0-N)	1/23/2018
Amend (18100166D) - Amend to support as a state tax credit. Board has historically recommended amendment. See also SJ 76 (Stuart).		
Summary: Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran. Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.		

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<u>HJ 91</u> - Webert (18) Composite index of local ability to pay; DOE to study effect of local use value assessment.	1/9/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends striking from docket (7-Y 0-N)	1/23/2018
Oppose (18101824D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. 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 real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) 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 such locality after taking into consideration such use values.		
<u>HJ 98</u> - Byron (22) Business property; Department of Taxation to study appeals concerning valuation.	1/9/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends reporting with amendments (8-Y 0-N)	1/23/2018
Oppose (18104018D) Summary: Study; Department of Taxation; appeals concerning valuation of business property; report. Requests the Department of Taxation to study and make recommendations on the appeals process for valuation of real and personal property of businesses.		
<u>SB 104</u> - Suetterlein (19) Reckless driving; raises threshold for speeding.	12/12/2017 Senate: Referred to Committee on Transportation 1/17/2018 Senate: Reported from Transportation (8-Y 4-N) 1/23/2018 Senate: Read third time and passed Senate (23-Y 16-N) 1/29/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
[Oppose] (18100616D) - Board has historically opposed. Summary: Reckless driving; exceeding speed limit. Raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit.		
<u>SB 147</u> - Edwards (21) Commonwealth Transportation Board; factors for project selection.	12/28/2017 Senate: Referred to Committee on Transportation	[1/26/2018]
[Oppose] (18101565D) Summary: Requires travel time reliability to be one of the factors used by the Commonwealth Transportation Board in its statewide prioritization process for project selection.		
<u>SB 207</u> - Stuart (28) Statewide prioritization process project selection;	1/2/2018 Senate: Referred to Committee on Transportation	1/23/2018

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cost of project to be considered.		
Oppose (18100222D) - See also HB 72 (Thomas).		
Summary: Statewide prioritization process project selection. Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.		
SB 224 - Petersen (34) Release of seized property; petition to stay release.	1/3/2018 Senate: Referred to Committee for Courts of Justice	1/23/2018
Oppose (18101669D) - Legislation relates to pending litigation.		
Summary: Provides that any property seized shall be released to the owner or lienholder within one year from the date of seizure unless an information has been filed against the property or the attorney for the Commonwealth files a petition to stay the release of such property. The bill provides that such petition shall allege that the property seized is an integral part of an investigation and that such property cannot be returned without jeopardizing such investigation. The bill provides that the owner or lienholder may file a response to the petition within 30 days of the filing of such petition and that, if a response is filed, the Commonwealth must prove by a preponderance of the evidence that the property is an integral part of an investigation.		
SB 331 - Peake (22) Voter registration; verification of social security numbers, provisional registration status.	1/8/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/16/2018 Senate: Reported from SPE (8-Y 6-N) 1/22/2018 Senate: Read third time and passed Senate (20-Y 19-N) 1/22/2018 Senate: Reconsideration of passage agreed to by Senate (39-Y 0-N) 1/23/2018 Senate: Read third time and passed Senate (21-Y 18-N) 1/29/2018 House: Referred to Committee on Privileges and Elections	[1/26/2018]
[Oppose] (18100115D) - Board has historically opposed.		
Summary: Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with § 24.2-429, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 336</u> - Peake (22) Virginia Freedom of Information Act; right to speak at open meetings.	1/8/2018 Senate: Referred to Committee on General Laws and Technology 1/29/2018 Senate: Reported from General Laws and Technology with amendment (9-Y 0-N)	1/23/2018
Oppose (18103103D) - Board has historically opposed. See also HB 1247 (Cline). Summary: Requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner.		
<u>SB 341</u> - Peake (22) Commission of crimes; forfeiture of property used in connection with crimes.	1/8/2018 Senate: Referred to Committee for Courts of Justice 1/31/2018 Senate: Reported from Courts of Justice (15-Y 0-N) 1/31/2018 Senate: Re-referred to Finance	[2/2/2018]
[Oppose] (18103145D) Summary: Forfeiture of property used in connection with the commission of crimes; finding of guilt required. Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within one year from the date the property was seized.		
<u>SB 366</u> - Stuart (28) School personnel; staffing ratios, school nurses.	1/9/2018 Senate: Referred to Committee on Education and Health 2/1/2018 Senate: Continued to 2019 in Education and Health (14-Y 0-N)	1/23/2018
Oppose (18100682D) - Potential fiscal impact to Fairfax County is \$35.9 million. See also HB 791 (Pogge). Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.		
<u>SB 371</u> - Chafin (38) Recreation facilities; regulation of activities, liability of localities.	1/9/2018 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Reported from Local Government (12-Y 1-N)	[2/2/2018]
[Amend] (18100725D) - Amend to include the Park Authority. Summary: Recreation facilities; regulation of activities; liability of localities. Authorizes a locality to establish, conduct, and regulate public boating, canoeing, kayaking, and tubing activities on property adjacent to public waterways and to set apart for such use any land or buildings owned or leased by it and obtain licenses or permits for such use on land not owned or leased by it.		

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Bills	General Assembly Actions	Date of BOS Position
SB 405 - McDougle (4) Wireless communications infrastructure; zoning.	1/10/2018 Senate: Referred to Committee on Commerce and Labor	1/23/2018
Oppose (18101342D) - See also HB 1258 (Kilgore).		
Summary: Zoning for wireless communications infrastructure. Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities.		
SB 429 - Stanley, Jr. (20) Solar facilities; local regulation.	1/9/2018 Senate: Referred to Committee on General Laws and Technology 1/15/2018 Senate: Re-referred to Local Government (SLG) 1/30/2018 Senate: Reported from SLG with substitute (12-Y 0-N 1-A)	[2/2/2018] 1/23/2018
[Amend] (18106156D-S1) - Amend enactment clause to reflect current law, which grandfathered existing lawful structures. See also HB 508 (Hodges). Monitor (18104541D) - See also HB 508 (Hodges) .		
Summary: Local regulation of solar facilities. Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.		
SB 469 - Reeves (17) Conditional zoning; removes restrictions on types of proffers a locality may request or accept.	1/9/2018 Senate: Referred to Committee on Local Government	1/23/2018
Oppose (18100807D)		
Summary: Conditional zoning. Removes restrictions on the types of proffers a locality may request or accept in connection with a rezoning or proffer condition amendment as a condition of approval of a new residential development or residential use. The bill removes a restriction on denying an application on the basis of a failure or refusal to submit an unreasonable proffer or proffer condition amendment. The bill also removes a requirement that a proffer be made only when the new development will create a need in excess of the existing public facility capacity.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 495</u> - Carrico, Sr. (40) Deputy Sheriff Supplemental Salary Fund; created, revenue source.	1/9/2018 Senate: Referred to Committee on Finance	1/23/2018
Oppose (18100666D) Summary: Deputy Sheriff Supplemental Salary Fund; creation and revenue source. Creates the Deputy Sheriff Supplemental Salary Fund to provide funds for qualified localities to supplement the salaries of deputy sheriffs. Twenty percent of local fines generated by a local sheriff's office would be transferred by the circuit court clerk to the Fund to pay for such supplements.		
<u>SB 504</u> - Carrico, Sr. (40) Highways, Commissioner of; authorized to enroll in or withdraw from any federal pilot programs.	1/9/2018 Senate: Referred to Committee on Transportation	[2/2/2018]
[Oppose] (18103024D) - See also HB 1276 (Garrett). Summary: Commissioner of Highways; federal pilot programs. Authorizes the Commissioner of Highways to enroll in or withdraw from any federal pilot program or project for the collection and study of data for the review of truck weights and the impact of such vehicles on federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, or capacity challenges.		
<u>SB 523</u> - Obenshain (26) Voter identification; electronic pollbooks to contain photographs of voters, effective clause.	1/9/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/16/2018 Senate: Reported from SPE (8-Y 6-N) 1/16/2018 Senate: Re-referred to Finance (SFIN) 1/24/2018 Senate: Reported from SFIN with amendment (8-Y 5-N) 1/29/2018 Senate: Read third time and passed Senate (21-Y 19-N) 1/31/2018 House: Referred to Committee on Privileges and Elections	1/23/2018
Oppose (18103159D) - Board has historically opposed. Summary: Voter identification; electronic pollbooks to contain photographs of voters. Requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2019.		
<u>SB 526</u> - Obenshain (26) Trespass; use of system in unlawful manner.	1/9/2018 Senate: Referred to Committee for Courts of Justice 1/24/2018 Senate: Reported from Courts of Justice with substitute (15-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Amend] (18104997D-S1) - Amend to allow the Fairfax County Park Authority to continue efforts to limit the use of drones on parkland for public safety reasons. As technology evolves, a comprehensive analysis of unmanned aircraft systems would be beneficial.		
Summary: Harassment; unmanned aircraft system; penalty. Provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person without such person's permission is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any persons listed on the protective order is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities.		
SB 537 - Hanger, Jr. (24) Computation of composite index; land-use assessment value.	1/9/2018 Senate: Referred to Committee on Education and Health 2/1/2018 Senate: Re-referred to Finance	1/23/2018
Oppose (18100437D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. Summary: Education; computation of composite index; land-use assessment value. Requires the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan.		
SB 582 - Hanger, Jr. (24) Open-space land; increase threshold for substitution of real property when lands are converted.	1/9/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/25/2018 Senate: Reported from Agriculture, Conservation and Natural Resources with amendments (14-Y 0-N) 1/31/2018 Senate: Read third time and passed Senate (40-Y 0-N) 2/5/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[2/2/2018]
[Amend] (18104710D-E) - Amend to exempt localities and park authorities from requirement to create separate maintenance fund for open-space land of the locality or park authority. Summary: Open-space lands; conversion or diversion. Increases the threshold for the substitution of real property when lands are converted or diverted from open-space land use, requiring the substitute land to have "substantially" greater value as permanent open-space land than the land being converted or diverted. The bill establishes several requirements that an applicant for such conversion or diversion, such as an electric utility or a pipeline company, shall meet, including the requirements that it demonstrate the essentiality of its project, show that no feasible alternative exists, pay for appraisals conducted by a certified general real estate appraiser, and explain why, if the substitute land is not adjacent to the land to be converted or diverted, adjacent land could not be acquired. The bill also requires the creation of a stewardship fund for the substitute land.		
SB 809 - Petersen (34) Eminent domain; calculation of lost profits amends definitions.	1/11/2018 Senate: Referred to Committee for Courts of Justice 1/29/2018 Senate: Incorporates SB911 (Chase) 1/29/2018 Senate: Reported from Courts of Justice with substitute (15-Y 0-N) 1/29/2018 Senate: Re-referred to Finance	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Amend] (18104879D) - Amend to remove changes in valuation date of lost profits to conform to SB 911 (Chase).		
Summary: Eminent domain; calculation of lost profits. Amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority.		
SB 823 - McDougle (4) Wireless support structures; public rights-of-way use fees established.	1/15/2018 Senate: Referred to Committee on Commerce and Labor	1/23/2018
Oppose (18104616D) - See also HB 1427 (Kilgore).		
Summary: Wireless support structures; public rights-of-way use fees. Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires.		
SB 900 - Stuart (28) Constitutional amendment; real property tax exemption for spouse of disabled veteran.	1/19/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Reported from SPE (13-Y 0-N) 1/30/2018 Senate: Re-referred to Finance	1/23/2018
Amend (18104335D) - Amend to support as a state tax credit. Board has historically recommended amendment. See also HB 71 (Miyares).		
Summary: Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans. Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow		

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Bills	General Assembly Actions	Date of BOS Position
the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption.		
<u>SB 921</u> - Ebbin (30) Uniform Statewide Building Code; security of certain records.	1/19/2018 Senate: Referred to Committee on General Laws and Technology	[2/2/2018]
[Amend] (18104762D) - Amend to conform with HB 683 (Pogge). Summary: Provides that the exemption from disclosure of information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) is limited to information that includes a depiction of the interior of a structure. The bill also provides that nothing shall be construed to exempt from disclosure or deny public access to any engineering and construction drawings and plans for any single-family residential dwelling that (i) depict only the exterior of the single-family residential dwelling or (ii) are the subject of an appeal to the Board of Zoning Appeals, the Board of Building Code Appeals, or any other administrative board.		
<u>SB 972</u> - Obenshain (26) Vested rights; owners of property not required to retrofit existing landscape cover materials.	1/19/2018 Senate: Referred to Committee on Local Government	[2/2/2018]
[Oppose] (18105703D) - See also HB 1595 (Wilt). Summary: Vested rights; existing landscape cover. Prohibits an owner of real property who has an occupancy permit as of January 1, 2018, from being required to retrofit existing landscape cover materials, or from continuing to use, supplement, or refurbish existing landscape cover materials on their property.		
<u>SB 993</u> - Reeves (17) Local planning commissions; proposed plats.	1/24/2018 Senate: Referred to Committee on Local Government	[2/2/2018]
[Oppose] (18105308D) Summary: Reduces from 60 days to 45 days the time within which a local planning commission shall act on a proposed plat, site plan, or plan of development after it has been officially submitted for approval. The bill prohibits a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The bill also reduces from 45 days to 30 days of receipt of the plat the time within which any state agency or public authority making a review of a plat shall complete its review upon first submission or for any proposed plat that has previously been disapproved. The bill eliminates exemptions (i) for deficiencies caused by changes, errors, or omissions occurring in the applicant's plat, site plan, or plan of development filings after the initial submission of such plat, site plan, or plan of development and (ii) from the review and approval of construction plans.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SJ 76</u> - Stuart (28) Constitutional amendment; real property tax exemption for spouse of disabled veteran.	1/19/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Reported from SPE (13-Y 0-N) 1/30/2018 Senate: Re-referred to Finance	1/23/2018
<p>Amend (18104257D) - Amend to support as a state tax credit. Board has historically recommended amendment. See also HJ 6 (Miyares).</p> <p>Summary: Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran. Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.</p>		

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Fairfax County Positions

(Support)

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Bills	General Assembly Actions	Date of BOS Position
HB 57 - Herring (46) Absentee voting; no excuse.	12/1/2017 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	1/23/2018
Support (18100938D) - See also HB 1072 (Heretick) and SB 114 (Locke).		
Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which 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.		
HB 70 - Webert (18) Immunity of employers; employees and independent contractors convicted of a nonviolent offense.	12/4/2017 House: Referred to Committee for Courts of Justice 1/31/2018 House: Subcommittee recommends striking from docket (7-Y 0-N)	[1/26/2018]
[Support] (18100943D)		
Summary: Immunity of employers; employees and independent contractors convicted of a nonviolent offense; negligent hiring. Provides that no cause of action for negligent hiring against an employer shall arise solely because such employer hired an employee or independent contractor convicted of a nonviolent offense.		
HB 89 - Bell (87) Conditional rezoning proffers; affordable dwelling units.	12/11/2017 House: Referred to Committee on Counties, Cities and Towns 1/25/2018 House: Subcommittee recommends passing by indefinitely (6-Y 2-N)	1/23/2018
Support (18101180D) - Support elements that mitigate impacts of 2016 proffer legislation.		
Summary: Conditional zoning proffers; affordable dwelling units. Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable.		
HB 92 - Sullivan, Jr. (48) Absentee voting; eligibility of certain caregivers.	12/11/2017 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	1/23/2018
Support (18101186D)		
Summary: Entitles a person to vote absentee if he is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled individual who is confined at home. Currently, such caregivers are entitled to vote absentee only if the ill or disabled individual who is confined at home is a family member of the caregiver.		
HB 106 - Delaney (67) Kinship Guardianship Assistance program; established.	12/13/2017 House: Referred to Committee on Health, Welfare and Institutions 1/31/2018 House: Subcommittee recommends laying on the table (7-Y 0-N)	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
Support (18102122D) - See also HB 1333 (Brewer) and SB 636 (Dunnavant).		
<p>Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.</p>		
<u>HB 116</u> - Webert (18) Distracted driving; authority of local government.	12/15/2017 House: Referred to Committee for Courts of Justice 2/2/2018 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)	1/23/2018
Support (18101083D)		
<p>Summary: Local authority; distracted driving. Authorizes any local governing body to adopt an ordinance prohibiting any person from driving a vehicle on any highway within the locality while failing to provide proper time and attention necessary for the safe operation of the vehicle where the manner of driving does not constitute reckless or improper driving. The bill provides that a violation of any such ordinance is punishable as a traffic infraction with a fine of not more than \$300.</p>		
<u>HB 134</u> - Bell (87) Value engineering; raises minimum project cost.	12/19/2017 House: Referred to Committee on Transportation 1/19/2018 House: Subcommittee recommends reporting with amendments (8-Y 0-N) 1/23/2018 House: Referred from Transportation by voice vote 1/23/2018 House: Referred to Committee on General Laws	1/23/2018
Support (18102443D)		
<p>Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.</p>		
<u>HB 150</u> - Bulova (37) Child abuse and neglect; founded reports regarding former school employees.	12/20/2017 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Reported from HHWI (22-Y 0-N) 1/24/2018 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/25/2018 Senate: Referred to Committee on Rehabilitation and Social Services 2/2/2018 Senate: Reported from Rehabilitation and Social Services (11-Y 4-N)	[1/26/2018] 1/23/2018
[Support] (18101331D) - See also SB 184 (Favola). Monitor (18101331D) - See also SB 184 (Favola).		
<p>Summary: Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 161</u> - Cole (88) Service districts; general government facilities may be constructed pursuant to power of districts.	12/21/2017 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/26/2018 House: Reported from HCCT (22-Y 0-N) 2/1/2018 House: Read third time and passed House BLOCK VOTE (97-Y 0-N) 2/1/2018 House: Reconsideration of passage agreed to by House 2/1/2018 House: VOTE: BLOCK VOTE PASSAGE 2 (98-Y 0-N) 2/2/2018 Senate: Referred to Committee on Local Government	1/23/2018
Support (18101893D) Summary: Powers of service districts. Adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts.		
<u>HB 163</u> - Ware, Jr. (65) Conditional proffers; public facility capacity, previously approved residential developments.	12/21/2017 House: Referred to Committee on Counties, Cities and Towns 1/25/2018 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)	1/23/2018
Support (18101462D) - Support elements that mitigate impacts of 2016 proffer legislation. See also SB 458 (Peake). Summary: Conditional proffers; public facility capacity; previously approved residential developments. Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable.		
<u>HB 186</u> - Hayes, Jr. (77) Absentee voting; persons age 65 or older.	12/26/2017 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends laying on the table (4-Y 2-N)	1/23/2018
Support (18101097D) - Board has historically supported. See also HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason). Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		
<u>HB 191</u> - Sullivan, Jr. (48) Voter identification; accepted forms of identification.	12/27/2017 House: Referred to Committee on Privileges and Elections 2/1/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	[1/26/2018]
[Support] (18101185D) Summary: 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.		

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Bills	General Assembly Actions	Date of BOS Position
HB 219 - Morefield (3) Passing a stopped school bus; penalty.	12/29/2017 House: Referred to Committee for Courts of Justice	1/23/2018
Support (18103054D)		
Summary: Requires that any person who fails to stop his vehicle and remain stopped when approaching, from any direction, a school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging passengers, and as the sole and proximate result of his reckless driving causes the serious injury or death of another, is guilty of a Class 5 felony.		
HB 241 - Brewer (64) Adoption; lowers amount of time child must reside with close relative.	1/2/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Reported from HHWI (22-Y 0-N) 1/24/2018 House: Read third time and passed House (98-Y 0-N) 1/25/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 2/2/2018 Senate: Reported from SRSS (15-Y 0-N)	[1/26/2018]
[Support] (18103409D)		
Summary: Close relative adoption. Lowers from three years to two years the amount of time a child must have continuously resided with or been under the physical custody of the prospective close relative adoptive parent in order for the adoption proceeding to commence in circuit court and be exempt from the parental placement provisions.		
HB 261 - Price (95) Localities; regulation of firearms in government buildings.	1/2/2018 House: Referred to Committee on Militia, Police and Public Safety 2/1/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	[1/26/2018]
[Support] (18101844D) - Board has historically supported.		
Summary: Allows localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of firearms, ammunition, or components or combination thereof into, any building owned or used by such locality for governmental purposes. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof unless expressly authorized by statute.		
HB 265 - Turpin (85) Election day; extending polling hours.	1/3/2018 House: Referred to Committee on Privileges and Elections 2/1/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	1/23/2018
Support (18103752D) - Support with adequate state funding for implementation. See also HB 568 (Gooditis).		
Summary: Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.		
HB 270 - Boysko (86) Sale of dog or cat not obtained from releasing	1/3/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/22/2018 House: Subcommittee recommends striking from	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
agency or animal rescue; prohibition.	docket (8-Y 0-N)	
Support (18102649D)		
Summary: Authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor.		
HB 295 - Murphy (34) Resident stickers; turns in certain residential areas.	1/3/2018 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/31/2018 House: Subcommittee recommends reporting with amendment (7-Y 1-N) 2/2/2018 House: Reported from HCCT with amendment (22-Y 0-N)	1/23/2018
Support (18103592D) - See also SB 839 (Favola).		
Summary: Turns in certain residential areas; resident stickers. Allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.		
HB 307 - Watts (39) Solicitation; prohibited on premises with a no soliciting sign, penalty.	1/3/2018 House: Referred to Committee for Courts of Justice 1/31/2018 House: Subcommittee recommends striking from docket (7-Y 0-N)	1/23/2018
Support (18104253D)		
Summary: Prohibited solicitation; penalty. Provides that no seller or person acting for him shall remain upon the land, buildings, or premises of another in order to make or attempt to make a home solicitation sale to any person that he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises that has been posted with a no soliciting sign. A violation of this provision is punishable as a Class 1 misdemeanor.		
HB 308 - Watts (39) Bicycles; passing in a lane prohibited.	1/3/2018 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends passing by indefinitely (6-Y 4-N)	1/23/2018
Support (18104182D)		
Summary: Passing in a bicycle lane prohibited. Prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle.		
HB 322 - Bourne (71) Naloxone or other opioid antagonist; possession & administration.	1/4/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Reported from HHWI (22-Y 0-N) 1/24/2018 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/25/2018 Senate: Referred to Committee on Education and Health	[1/26/2018]
[Support] (18103202D)		
Summary: Possession and administration of naloxone. Adds employees of the Department of Corrections who are designated as probation and parole officers or correctional officers to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 374</u> - Yancey (94) Controlled substances; exposure, bodily injury to law-enforcement officers, etc., penalty.	1/5/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
[Support] (18102005D) Summary: Exposure to controlled substances; bodily injury to law-enforcement officers, etc.; penalty. Provides that if a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel is exposed to a controlled substance while engaged in the performance of his official duties and such exposure causes bodily injury, the person who knowingly or intentionally possessed such controlled substance is guilty of a Class 6 felony. This provision also applies to exposure to a controlled substance by a police animal performing its lawful duties or being kept in a kennel, pen, or stable while off duty.		
<u>HB 377</u> - Bulova (37) Virginia Water Protection Permit; exception for stormwater management facility on dry land.	1/5/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources (HAG) 1/24/2018 House: Subcommittee recommends reporting with amendments (10-Y 0-N) 1/31/2018 House: Reported from HAG with amendments (22-Y 0-N)	[1/26/2018]
[Support] (18104333D) Summary: Exempts from the requirement to obtain a Virginia Water Protection Permit an impact to a stormwater management facility on dry land.		
<u>HB 401</u> - Levine (45) Discrimination; sexual orientation and gender identity.	1/5/2018 House: Referred to Committee on General Laws	1/23/2018
Support (18101020D) - Board has historically supported. Summary: Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public 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 veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.		
<u>HB 424</u> - Levine (45) Animal shelters; administration of Schedule VI biological products.	1/6/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/24/2018 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (22-Y 0-N) 1/30/2018 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/30/2018 House: Reconsideration of passage agreed to by House 1/30/2018 House: Passed House BLOCK VOTE (99-Y 0-N) 1/31/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Support] (18105746D-H1)		
HB 464 - Carter (50) Pedestrians; drivers yielding the right-of-way.	1/7/2018 House: Referred to Committee on Transportation 1/23/2018 House: Subcommittee recommends passing by indefinitely (5-Y 4-N)	1/23/2018
Support (18101658D) - Board has historically supported. Summary: Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments.		
HB 501 - Hodges (98) Home hospice programs; disposal of drugs.	1/8/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/23/2018 House: Reported from HHWI with substitute (22-Y 0-N) 1/29/2018 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/30/2018 Senate: Referred to Committee on Education and Health	[2/2/2018]
[Support] (18105770D-H1)		
Summary: Provides that the Board of Health, in consultation with the Board of Pharmacy, shall promulgate regulations requiring a hospice program to establish a process for mitigating the risk of diversion of drugs dispensed to a hospice patient residing at home and for disposition of any unneeded dispensed drugs by an employee of the hospice program in a manner that is witnessed by the patient, patient's family member, or another employee of the hospice program and documented.		
HB 568 - Gooditis (10) Election day; extending polling hours.	1/8/2018 House: Referred to Committee on Privileges and Elections 2/1/2018 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)	1/23/2018
Support (18101395D) - Support with adequate state funding for implementation. See also HB 265 (Turpin). Summary: Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.		
HB 594 - Carr (69) Local government; authority to require abatement of criminal blight on real property.	1/8/2018 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/31/2018 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 2/2/2018 House: Reported from HCCT with substitute (22-Y 0-N)	[1/26/2018]
[Support] (18101405D) - See also SB 451 (Dance).		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. The bill also provides a procedure for the locality and law-enforcement officials to secure inspection warrants for guest registries for real property operated as a hotel or motel or other transient lodging if the property is declared to be in a state of criminal blight. This is a recommendation of the Virginia Housing Commission.		
<u>HB 606</u> - Gooditis (10) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	1/8/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends passing by indefinitely (6-Y 0-N)	1/23/2018
Support (18104099D) - See also HB 656 (LaRock), SB 166 (Black), and SB 189 (Favola). Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.		
<u>HB 639</u> - Boysko (86) Fiber optics and other communications infrastructure; identifying during road construction projects.	1/9/2018 House: Referred to Committee on Rules	[1/26/2018]
[Support] (18102696D) Summary: Creating a process for identifying and relocating fiber optics and other communications infrastructure during road construction projects; Department of Transportation. Provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include, but are not limited to, representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility registration and relocation procedures and requirements are adequate and reasonable, and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 640</u> - Boysko (86) Comprehensive plan, locality's; broadband infrastructure.	1/9/2018 House: Referred to Committee on Counties, Cities and Towns 1/31/2018 House: Subcommittee recommends reporting with amendments (7-Y 0-N) 2/2/2018 House: Reported from Counties, Cities and Towns with amendments (22-Y 0-N)	1/23/2018
Support (18103572D)		
Summary: Comprehensive plan; broadband infrastructure. Provides that a locality's comprehensive plan shall include strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. In the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study.		
<u>HB 642</u> - Hope (47) Legal notices; online publications.	1/9/2018 House: Referred to Committee for Courts of Justice 1/29/2018 House: Subcommittee recommends passing by indefinitely (5-Y 3-N)	1/23/2018
Support (18100184D) - Board has historically supported the concept.		
Summary: Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication.		
<u>HB 656</u> - LaRock (33) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	1/9/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)	1/23/2018
Support (18103597D) - See also HB 606 (Gooditis), SB 166 (Black), and SB 189 (Favola).		
Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.		
<u>HB 662</u> - Murphy (34) American Legion Bridge; VDOT to submit a plan for remediation of bridge.	1/9/2018 House: Referred to Committee on Rules 2/1/2018 House: Subcommittee recommends reporting with substitute (6-Y 0-N)	1/23/2018
Support (18103558D) - Support concept; amend to address implementation issues.		
Summary: Department of Transportation to submit a plan for the remediation of the American Legion Bridge. Directs the Department of Transportation to complete the initial design and related assessments for remediating the American Legion Bridge and to submit the design and assessments in a report to the General Assembly in advance of the 2019 Regular Session.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 683</u> - Pogge (96) Uniform Statewide Building Code; security of certain records.	1/9/2018 House: Referred to Committee on General Laws 1/30/2018 House: Reported from General Laws (22-Y 0-N)	[2/2/2018]
[Support] (18102130D) Summary: Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential.		
<u>HB 699</u> - Levine (45) Motor vehicle fuels; sales tax in certain transportation districts.	1/9/2018 House: Referred to Committee on Rules	1/23/2018
Support (18104463D) Summary: Motor vehicle fuels sales tax in certain transportation districts. Provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%.		
<u>HB 729</u> - Head (17) Virginia Fire Services Board; powers & duties, modular training program for volunteer firefighters.	1/9/2018 House: Referred to Committee on Militia, Police and Public Safety (HMP) 2/1/2018 House: Subcommittee recommends reporting (6-Y 0-N) 2/1/2018 House: Subcommittee recommends referring to Committee on Appropriations 2/2/2018 House: Reported from HMP (21-Y 0-N) 2/2/2018 House: Referred to Committee on Appropriations	[1/26/2018]
[Support] (18104370D) Summary: Virginia Fire Services Board; powers and duties; modular training program for volunteer firefighters. Directs the Virginia Fire Services Board to develop a modular training program for volunteer firefighters for adoption by local volunteer fire departments that shall include (i) Firefighter I and Firefighter II certification pursuant to standards developed by the National Fire Protection Association and (ii) an online training program.		
<u>HB 733</u> - Carr (69) Absentee voting; no-excuse in-person available 21 days prior to election.	1/9/2018 House: Referred to Committee on Privileges and Elections	1/23/2018
Support with Amendment (18101802D) - Support with amendments to facilitate implementation. See also SB 136 (Howell) and SB 602 (Ebbin). Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.		

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<u>HB 743</u> - Leftwich (78) Judges; maximum number in each judicial district and circuit.	1/9/2018 House: Referred to Committee for Courts of Justice 1/29/2018 House: Subcommittee recommends reporting with amendment (7-Y 0-N)	1/23/2018
Support (18101400D) - See also SB 525 (Obenshain). Summary: Maximum number of judges in each judicial district and circuit. Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report."		
<u>HB 768</u> - Jones (76) Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.	1/9/2018 House: Referred to Committee on Rules	1/23/2018
Support (18102993D) Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax.		
<u>HB 835</u> - Bagby (74) Absentee voting; no excuse required when voting in person.	1/9/2018 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends striking from docket (6-Y 0-N)	1/23/2018
Support (18102486D) - Board has historically supported. See also SB 254 (Dance). Summary: Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.		
<u>HB 850</u> - Peace (97) Adult protective services; emergency order, temporary conservator.	1/9/2018 House: Referred to Committee for Courts of Justice 1/22/2018 House: Subcommittee recommends reporting with amendment (8-Y 0-N) 1/29/2018 House: Reported from Courts of Justice with amendment (18-Y 0-N) 2/2/2018 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)	1/23/2018
Support (18101127D) - See also SB 543 (Mason). Summary: Emergency order for adult protective services; temporary conservator. Requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with		

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responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult.		
<u>HB 887</u> - Orrock, Sr. (54) Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/23/2018 House: Reported from HHWI with amendments (22-Y 0-N) 1/29/2018 House: Read third time and passed House (94-Y 3-N) 1/30/2018 Senate: Referred to Committee on Education and Health	[1/26/2018] 1/23/2018
<p>[Support] (18101591D-E) - Support as amended. Recommended amendment was made. Amend (18101591D) - Amend to allow County to continue local health inspections of onsite system repairs.</p> <p>Summary: Onsite sewage systems; maintenance. Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit.</p>		
<u>HB 917</u> - Stolle (83) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.	1/9/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18102733D)</p> <p>Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.</p>		
<u>HB 922</u> - Bulova (37) Electric vehicle charging stations; local and public operation.	1/9/2018 House: Referred to Committee on General Laws 2/1/2018 House: Subcommittee recommends reporting with amendments (7-Y 0-N)	1/23/2018
<p>Support (18104708D) - See also SB 908 (McClellan).</p> <p>Summary: Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill requires that the use of a retail fee-based electric vehicle charging station on property owned or leased by a locality be restricted to employees of the locality and authorized visitors and that such station be accompanied by appropriate signage that provides reasonable notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity.</p>		

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<u>HB 925</u> - Bulova (37) Industrial waste permits; local enforcement.	1/9/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources (HAG) 1/24/2018 House: Subcommittee recommends reporting with substitute (10-Y 0-N) 1/31/2018 House: Reported from HAG with substitute (22-Y 0-N)	[1/26/2018]
<p>[Support] (18104478D)</p> <p>Summary: Local enforcement of industrial waste permits. Authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program, and it prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement.</p>		
<u>HB 931</u> - Lopez (49) Battery; punishment when against public transportation operators, penalty.	1/9/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
<p>[Support] (18103245D) - Board has historically supported.</p> <p>Summary: Battery; public transportation operators; penalty. Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 6 felony.</p>		
<u>HB 945</u> - Lopez (49) TANF; eligibility, drug-related felonies.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/30/2018 House: Subcommittee recommends reporting (8-Y 2-N) 1/30/2018 House: Subcommittee recommends referring to Committee on Appropriations 2/1/2018 House: Reported from HHWI (16-Y 5-N) 2/1/2018 House: Referred to Committee on Appropriations	1/23/2018
<p>Support (18101638D) - Board has historically supported.</p> <p>Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services and is actively engaged in or has completed a substance abuse treatment program.</p>		
<u>HB 970</u> - Guzman (31) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.	1/9/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18102548D)</p> <p>Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.</p>		

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<u>HB 971</u> - Guzman (31) Fair Housing Law; unlawful discrimination, gender identity.	1/9/2018 House: Referred to Committee on General Laws	1/23/2018
Support (18103628D) - Board has historically supported. Summary: Fair Housing Law; unlawful discrimination; gender identity. Adds discrimination based on gender identity as an unlawful housing practice under the Virginia Fair Housing Law. The bill also defines "gender identity."		
<u>HB 996</u> - Gilbert (15) Pretrial services agencies; Department of Criminal Justice Services to review, report.	1/9/2018 House: Referred to Committee for Courts of Justice	1/23/2018
Support (18103933D) - See also SB 783 (Peake). Summary: Department of Criminal Justice Services to review pretrial services agencies; report. Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission.		
<u>HB 1013</u> - Simon (53) Transportation network company; discrimination.	1/9/2018 House: Referred to Committee on General Laws	[1/26/2018]
[Support] (18100923D) Summary: Requires transportation network companies to adopt and enforce a policy of nondiscrimination on the basis of a passenger's race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.		
<u>HB 1058</u> - Tran (42) Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots.	1/10/2018 House: Referred to Committee on Appropriations	1/23/2018
Support (18104655D) - Board has historically supported concept. Implementation issues need to be resolved. Summary: Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program. Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to		

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sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The bill has an expiration date of July 1, 2020.		
HB 1060 - Tran (42) Electric utilities; net energy metering, program cap.	1/10/2018 House: Referred to Committee on Commerce and Labor 1/30/2018 House: Subcommittee failed to recommend reporting (4-Y 6-N)	[1/26/2018]
<p>[Support] (18103144D)</p> <p>Summary: Electric utilities; net energy metering; program cap. Repeals the provision that caps the amount of the aggregate rated generating capacity of renewable generating facilities eligible for a net energy metering standard contract or tariff at one percent of each utility's adjusted Virginia peak-load forecast for the previous year.</p>		
HB 1072 - Heretick (79) Absentee voting; no excuse.	1/10/2018 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends laying on the table (4-Y 2-N)	1/23/2018
<p>Support (18103012D) - See also HB 57 (Herring) and SB 114 (Locke).</p> <p>Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which 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.</p>		
HB 1083 - Filler-Corn (41) Motor vehicle fuels sales tax; price floor.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18104751D)</p> <p>Summary: Provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas, defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013.</p>		
HB 1134 - Aird (63) Absentee voting; persons age 65 or older.	1/10/2018 House: Referred to Committee on Privileges and Elections 1/30/2018 House: Subcommittee recommends laying on the table (4-Y 2-N)	1/23/2018
<p>Support (18103589D) - Board has historically supported. See also HB 186 (Hayes), SB 4 (Ebbin), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason).</p> <p>Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1137</u> - Sickles (43) Commuter Rail Operating and Capital Fund; established.	1/10/2018 House: Referred to Committee on Transportation 1/30/2018 House: Subcommittee recommends reporting (7-Y 0-N) 1/30/2018 House: Subcommittee recommends referring to Committee on Appropriations	1/23/2018
Support (18102127D) - See also SB 683 (Stuart). Summary: Commuter Rail Operating and Capital Fund. Establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service.		
<u>HB 1172</u> - Pillion (4) State Overdose Death Review Process Team; created, report, local and regional teams.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/23/2018 House: Subcommittee recommends reporting with substitute (9-Y 0-N) 1/23/2018 House: Subcommittee recommends referring to Committee on Appropriations 1/25/2018 House: Reported from HHWI with substitute (22-Y 0-N) 1/25/2018 House: Referred to Committee on Appropriations	1/23/2018
Support (18102981D) Summary: Overdose death review teams. Establishes the State Overdose Death Review Process Team to develop and implement processes to ensure that overdose deaths occurring in the Commonwealth are reviewed in a systematic way. The bill also authorizes the establishment of local or regional overdose death review process teams for the purpose of conducting contemporaneous reviews of local overdose deaths in order to develop interventions and strategies for prevention specific to the locality or region.		
<u>HB 1175</u> - Pillion (4) Prescribers; notice of administration of naloxone.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions 2/1/2018 House: Subcommittee recommends striking from docket (9-Y 0-N)	[1/26/2018]
[Support] (18103279D) - See also SB 635 (Dunnivant). Summary: Requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber.		
<u>HB 1222</u> - Boysko (86) Controlled paraphernalia; dispensing or distributing.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions 1/23/2018 House: Subcommittee recommends passing by indefinitely (10-Y 0-N)	[1/26/2018]
[Support] (18104520D) Summary: Possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone. Provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals		

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Bills	General Assembly Actions	Date of BOS Position
on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. This bill includes an emergency clause.		
<u>HB 1319</u> - Sullivan, Jr. (48) Mass transit; makes numerous changes to administration of and revenues for transit.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
Support (18101814D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program; County will work with stakeholders to address concerns with the bills. See also SB 856 (Saslaw). Summary: Mass transit in the Commonwealth. Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit.		
<u>HB 1327</u> - Edmunds, II (60) Pneumatic guns; Class 6 felony to possess on school property, etc.	1/10/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
[Support] (18103983D) - The County's Legislative Program includes support for authority to adopt an ordinance banning pneumatic guns on school guns, with an exemption for persons participating in school-sponsored activities. Summary: Pneumatic guns on school property; penalty. Makes it a Class 6 felony to possess a pneumatic gun, i.e., a gun that will expel a BB or a pellet by action of pneumatic pressure, on school property, property being used exclusively for school-sponsored functions or extracurricular activities, or a school bus.		
<u>HB 1333</u> - Brewer (64) Kinship Guardianship Assistance program; established.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions 1/31/2018 House: Subcommittee recommends reporting with amendments (8-Y 0-N) 1/31/2018 House: Subcommittee recommends referring to Committee on Appropriations	1/23/2018
Support (18104179D) - See also HB 106 (Delaney) and SB 636 (Dunnivant). Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1334</u> - Brewer (64) Felony homicide; certain drug offenses constitute second degree murder, penalty.	1/10/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
[Support] (18104180D) - See also HB 1469 (Hugo). Summary: Felony homicide; certain drug offenses; penalty. Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in Woodard v. Commonwealth, 61 Va. App. 567, 739 S.E.2d 220 (2013), aff'd, 287 Va. 276, 754 S.E.2d 309 (2014).		
<u>HB 1352</u> - Thomas, Jr. (28) Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.	1/11/2018 House: Referred to Committee on Rules	1/23/2018
Support (18104418D) Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax.		
<u>HB 1355</u> - Hope (47) Minors; alternative facility of temporary detention.	1/11/2018 House: Referred to Committee for Courts of Justice 1/24/2018 House: Subcommittee recommends reporting (8-Y 0-N) 1/29/2018 House: Reported from Courts of Justice (18-Y 0-N) 2/2/2018 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)	[1/26/2018]
[Support] (18104118D) Summary: Alternative facility of temporary detention; minors. Establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults.		
<u>HB 1356</u> - Reid (32) Transient occupancy tax; expands tax in Northern Virginia statewide.	1/11/2018 House: Referred to Committee on Rules	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (18104285D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program.</p> <p>Summary: State transient occupancy tax. Expands the 2% regional transient occupancy tax in Northern Virginia statewide. Thirty-five percent of the revenue generated from the tax shall be used to fund the Washington Metropolitan Area Transit Authority, and the remaining amount shall be used to fund transit and transportation projects throughout the Commonwealth.</p>		
HB 1377 - Torian (52) Epinephrine; possession and administration at outdoor educational programs.	1/12/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/30/2018 House: Subcommittee recommends reporting (10-Y 0-N) 2/1/2018 House: Reported from HHWI (21-Y 0-N)	[1/26/2018]
<p>[Support] (18104300D)</p> <p>Summary: Possession and administration of epinephrine; outdoor educational programs. Provides that an employee of an organization that provides outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.</p>		
HB 1401 - Herring (46) Naloxone; administration by correctional and probation officers.	1/15/2018 House: Referred to Committee on Health, Welfare and Institutions 2/1/2018 House: Subcommittee recommends striking from docket (6-Y 0-N)	[1/26/2018]
<p>[Support] (18104239D)</p> <p>Summary: Administration of naloxone; correctional and probation officers. Adds correctional officers and probation officers who have completed a training program to the list of individuals who may possess and administer naloxone.</p>		
HB 1408 - Bourne (71) Virginia Fair Housing Law; unlawful discriminatory housing practices.	1/15/2018 House: Referred to Committee on General Laws	[1/26/2018]
<p>[Support] (18104447D) - Board has historically supported. See also SB 909 (McClellan).</p> <p>Summary: Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.</p>		
HB 1412 - Helsel, Jr. (91) Mental health awareness; training for firefighters and emergency medical services personnel.	1/15/2018 House: Referred to Committee on Militia, Police and Public Safety 2/1/2018 House: Subcommittee recommends reporting (6-Y 0-N) 2/2/2018 House: Reported from Militia, Police and Public Safety (21-Y 0-N)	[1/26/2018]
<p>[Support] (18104085D) - See also SB 670 (Deeds).</p>		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Mental health awareness training; firefighters and emergency medical services personnel. Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits.		
HB 1446 - Sickles (43) Conditional rezoning proffers; provision for public facility improvement.	1/17/2018 House: Referred to Committee on Counties, Cities and Towns 1/25/2018 House: Subcommittee recommends passing by indefinitely (7-Y 1-N)	1/23/2018
Support (18105323D) - Support for restoration of unrestricted local authority to accept cash and in-kind proffers from developers is in the County's Legislative Program. Summary: Exempts counties that operate under the urban county executive form of government (Fairfax County) from provisions related to the request or acceptance of unreasonable proffers.		
HB 1469 - Hugo (40) Felony homicide; certain drug offenses constitute second degree murder, penalty.	1/17/2018 House: Referred to Committee for Courts of Justice	[1/26/2018]
[Support] (18105380D) - See also HB 1334 (Brewer). Summary: Felony homicide; certain drug offenses; penalty. Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in Woodard v. Commonwealth, 61 Va. App. 567, 739 S.E.2d 220 (2013), aff'd, 287 Va. 276, 754 S.E.2d 309 (2014).		
HB 1526 - Plum (36) Comprehensive plan; telecommunications towers and facilities in Northern Virginia.	1/19/2018 House: Referred to Committee on Counties, Cities and Towns	1/23/2018
Support (18105094D) Summary: Comprehensive plan; telecommunications towers and facilities; Planning District 8. Provides that localities in Planning District 8 (Northern Virginia) have the option to enact ordinances that deem proposed telecommunications towers or facilities constructed by certain entities to be substantially in accord with the comprehensive plan if any such proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right, in which case local planning commission approval shall not be required. Under existing law, commission approval is not required for such proposed telecommunications towers and facilities statewide.		
HB 1545 - Watts (39) Metrorail; funding for capital expenses.	1/19/2018 House: Referred to Committee on Rules	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Support] (18105104D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program.		
Summary: Dedicates 15 percent of state recordation tax revenue for capital expenses of the Washington Metropolitan Area Transit Authority (WMATA) for Metrorail. Such dedication is contingent on the Cities of Alexandria, Fairfax, and Falls Church, and the Counties of Arlington, Fairfax, and Loudoun, paying WMATA for capital expenses for Metrorail an amount equal to each locality's obligation to pay for operating for WMATA.		
HJ 2 - Kory (38) United States Constitution; ratifies Equal Rights Amendment.	11/26/2017 House: Referred to Committee on Privileges and Elections	1/23/2018
Support (18101472D) - Board has historically supported. See also HJ 4 (Lopez), HJ 129 (Robinson), and SJ 4 (Surovell).		
Summary: United States Constitution; Equal Rights Amendment. 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.		
HJ 4 - Lopez (49) United States Constitution; ratifies Equal Rights Amendment.	11/28/2017 House: Referred to Committee on Privileges and Elections	1/23/2018
Support (18101628D) - Board has historically supported. See also HJ 2 (Kory), HJ 129 (Robinson), and SJ 4 (Surovell).		
Summary: United States Constitution; Equal Rights Amendment. 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.		
HJ 70 - Bloxom, Jr. (100) Standards of Quality; JLARC to study cost to implement.	1/8/2018 House: Referred to Committee on Rules	1/23/2018
Support (18103694D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 115 (LaRock), SJ 29 (Spruill), and SJ 56 (Sturtevant).		
Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.		
HJ 112 - Rodman (73) Standards of Quality; Secretary of Education to study full funding.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
Support (18103693D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding.		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Study; Secretary of Education; full funding of the Standards of Quality; report. Requests that the Secretary of Education study the requirements for the full funding of the Standards of Quality by establishing a work group consisting of interested stakeholders to review the current methods and formulae that the General Assembly utilizes to fund the Standards of Quality, with a particular focus on any adjustments or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners.		
HJ 113 - Sickles (43) Special elections in the Commonwealth; JLARC to study streamlining.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18102098D) - Board has historically supported.</p> <p>Summary: Study; JLARC; streamlining of special elections in the Commonwealth; report. Directs the Joint Legislative Audit and Review Commission to study the streamlining of special elections in the Commonwealth. In conducting its study, JLARC shall (i) review the current laws governing special elections, (ii) evaluate the costs borne in recent years by the localities to conduct special elections as compared to voter turnout at such elections, and (iii) consider options for a cohesive set of laws to govern special elections and for scheduling special elections, including the merits of establishing a uniform schedule. General registrars, members of local electoral boards, and other election administrators will be invited to participate in the study.</p>		
HJ 115 - LaRock (33) Standards of Quality; JLARC to study cost to implement.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18103648D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), SJ 29 (Spruill), and SJ 56 (Sturtevant).</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
HJ 126 - Foy (2) Education; JLARC to study costs.	1/10/2018 House: Referred to Committee on Rules	1/23/2018
<p>Support (18104123D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding.</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the funds necessary to fully implement the Standards of Quality.</p>		
HJ 129 - Robinson (27) United States Constitution; ratifies Equal Rights Amendment.	1/12/2018 House: Referred to Committee on Privileges and Elections	1/23/2018
<p>Support (18105037D) - Board has historically supported. See also HJ 2 (Kory), HJ 4 (Lopez), and SJ 4 (Surovell).</p> <p>Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the</p>		

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Bills	General Assembly Actions	Date of BOS Position
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.		
<u>SB 14</u> - Petersen (34) Service of process; county attorney to be served when actions against county officers, etc.	11/20/2017 Senate: Referred to Committee for Courts of Justice 1/24/2018 Senate: Reported from Courts of Justice (14-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee for Courts of Justice	1/23/2018
Support (18100550D)		
Summary: Service of process on county attorney. Removes the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served.		
<u>SB 44</u> - Favola (31) Kinship Guardianship Assistance program; established.	11/21/2017 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/12/2018 Senate: Reported from SRSS (14-Y 1-N) 1/12/2018 Senate: Re-referred to Finance (SFIN) 1/31/2018 Senate: Reported from SFIN with amendments (15-Y 0-N)	[2/2/2018]
[Support] (18100496D-E)		
Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.		
<u>SB 125</u> - Black (13) Value engineering; raises minimum project cost.	12/18/2017 Senate: Referred to Committee on Transportation 1/24/2018 Senate: Incorporates SB117 (Favola) 1/24/2018 Senate: Reported from Transportation with substitute (13-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee on General Laws	1/23/2018
Support (18101812D) - See also SB 117 (Favola).		
Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.		
<u>SB 166</u> - Black (13) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	12/28/2017 Senate: Referred to Committee on Rules	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
Support (18101820D) - See also HB 606 (Gooditis), HB 656 (LaRock), and SB 189 (Favola).		
<p>Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.</p>		
SB 184 - Favola (31) Child abuse and neglect; founded reports regarding former school employees.	12/29/2017 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services (8-Y 6-N) 1/24/2018 Senate: Read third time and passed Senate (26-Y 14-N) 1/29/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/26/2018] 1/23/2018
<p>[Support] (18101321D) - See also HB 150 (Bulova). Monitor (18101321D) - See also HB 150 (Bulova).</p> <p>Summary: Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded.</p>		
SB 189 - Favola (31) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	12/29/2017 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18102580D) - See also HB 606 (Gooditis), HB 656 (LaRock), and SB 166 (Black).</p> <p>Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.</p>		
SB 202 - Ebbin (30) Public employment; prohibits discrimination on basis of sexual orientation or gender identity.	1/2/2018 Senate: Referred to Committee on General Laws and Technology 1/22/2018 Senate: Reported from General Laws and Technology (12-Y 3-N) 1/26/2018 Senate: Passed Senate (28-Y 10-N 1-A) 1/26/2018 Senate: Reconsideration of passage agreed to by Senate (38-Y 1-N) 1/26/2018 Senate: Passed Senate (29-Y 10-N) 1/31/2018 House: Referred to Committee on General Laws	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
Support (18100785D) - Board has historically supported.		
Summary: Nondiscrimination in public employment. Prohibits discrimination in public employment 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 veteran.		
SB 242 - Marsden (37) Park authority; immunity from liability in any civil action.	1/4/2018 Senate: Referred to Committee on Local Government 1/23/2018 Senate: Reported from Local Government with amendment (9-Y 4-N) 1/29/2018 Senate: Read third time and passed Senate (25-Y 15-N) 1/31/2018 House: Referred to Committee on Counties, Cities and Towns	1/23/2018
Support (18101504D) - Board has historically supported.		
Summary: Park authority liability; immunity. Grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of any such park, recreational facility, or playground.		
SB 312 - Edwards (21) Cooperative procurement of professional services; construction, solar power purchase agreements.	1/8/2018 Senate: Referred to Committee on General Laws and Technology	1/23/2018
Support (18104236D)		
Summary: Provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019.		
SB 393 - Barker (39) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.	1/9/2018 Senate: Referred to Committee on Finance	1/23/2018
Support (18103710D)		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.		
<u>SB 399</u> - Lewis, Jr. (6) Drug overdose fatality review teams, local or regional; localities to establish.	1/9/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health with substitute (13-Y 2-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee on Health, Welfare and Institutions	1/23/2018
Support (18101721D)		
Summary: Local or regional drug overdose fatality review teams. Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional drug overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local drug overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of drug overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of drug overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent drug overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to drug overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.		
<u>SB 423</u> - Wexton (33) Virginia Fair Housing Law; unlawful discriminatory housing practices.	1/9/2018 Senate: Referred to Committee on General Laws and Technology 1/22/2018 Senate: Reported from General Laws and Technology (12-Y 3-N) 1/26/2018 Senate: Read third time and passed Senate (29-Y 10-N) 1/31/2018 House: Referred to Committee on General Laws	1/23/2018
Support (18100962D) - Board has historically supported.		
Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity.		
<u>SB 451</u> - Dance (16) Local government; authority to require abatement of criminal blight on real property.	1/9/2018 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Reported from Local Government with substitute (12-Y 1-N)	[1/26/2018]
[Support] (18101378D) - See also HB 594 (Carr).		
Summary: Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug		

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Bills	General Assembly Actions	Date of BOS Position
activity on such real property within the locality. The bill also provides a procedure for the locality and law-enforcement officials to secure inspection warrants for guest registries for real property operated as a hotel or motel or other transient lodging if the property is declared to be in a state of criminal blight. This is a recommendation of the Virginia Housing Commission.		
<u>SB 458</u> - Peake (22) Conditional proffers; public facility capacity; previously approved residential developments.	1/9/2018 Senate: Referred to Committee on Local Government	1/23/2018
Support (1810459D) - Support elements that mitigate impacts of 2016 proffer legislation. See also HB 163 (Ware). Summary: Conditional proffers; public facility capacity; previously approved residential developments. Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable. The bill also removes language prohibiting a locality from accepting any unreasonable proffer; language prohibiting a locality from requesting any unreasonable proffer is retained.		
<u>SB 525</u> – Obenshain (26) Judges; maximum number in each judicial district and circuit.	1/9/2018 Senate: Referred to Committee for Courts of Justice 1/24/2018 Senate: Reported from Courts of Justice (10-Y 1-N 2-A) 1/24/2018 Senate: Re-referred to Finance	1/23/2018
Support (18101399D) - See also HB 743 (Leftwich). Summary: Maximum number of judges in each judicial district and circuit. Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report."		
<u>SB 543</u> - Mason (1) Adult protective services; emergency order, temporary conservator.	1/9/2018 Senate: Referred to Committee for Courts of Justice 1/31/2018 Senate: Reported from Courts of Justice with amendment (15-Y 0-N)	1/23/2018
Support (18101949D) - See also HB 850 (Peace). Summary: Emergency order for adult protective services; temporary conservator. Requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult.		
<u>SB 559</u> - DeSteph, Jr. (8) Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots.	1/9/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Reported from SPE (11-Y 1-N 1-A) 1/30/2018 Senate: Re-referred to Finance	1/23/2018

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Support (18100152D) - Board has historically supported concept. Implementation issues need to be resolved.		
<p>Summary: Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program. Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The provisions of the bill are contingent on funding in a general appropriation act. The bill has an expiration date of July 1, 2020.</p>		
SB 632 - Dunnivant (12) Controlled substances; limits on prescriptions containing opioids.	1/10/2018 Senate: Referred to Committee on Education and Health (SEH) 1/25/2018 Senate: Reported from SEH (15-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee on Health, Welfare and Institutions	[2/2/2018]
<p>[Support] (18101945D)</p> <p>Summary: Limits on prescription of controlled substances containing opioids. Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022.</p>		
SB 636 - Dunnivant (12) Kinship Guardianship Assistance program; established.	1/10/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/19/2018 Senate: Reported from SRSS (14-Y 0-N) 1/19/2018 Senate: Re-referred to Finance (SFIN) 1/31/2018 Senate: Reported from SFIN with amendments (15-Y 0-N)	1/23/2018
<p>Support (18103106D) - See also HB 106 (Delaney) and HB 1333 (Brewer).</p> <p>Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.</p>		
SB 670 - Deeds (25) Mental health awareness; training for firefighters and emergency medical services personnel.	1/10/2018 Senate: Referred to Committee on Education and Health (SEH) 1/25/2018 Senate: Reported from SEH (10-Y 5-N) 1/30/2018 Senate: Read third time and passed Senate (34-Y 5-N) 2/5/2018 House: Referred to Committee on Militia, Police and Public Safety	[1/26/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Support] (18100553D) - See also HB 1412 (Helsel).		
Summary: Mental health awareness training; firefighters and emergency medical services personnel. Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits.		
SB 683 - Stuart (28) Commuter Rail Operating and Capital Fund; established.	1/10/2018 Senate: Referred to Committee on Transportation 1/17/2018 Senate: Re-referred to Finance	1/23/2018
Support (18102474D) - See also HB 1137 (Sickles).		
Summary: Commuter Rail Operating and Capital Fund. Establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service.		
SB 728 - Dunnavant (12) Prescription Monitoring Program; prescriber and dispenser patterns.	1/10/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health with substitute (15-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee on Health, Welfare and Institutions	[2/2/2018]
[Support] (18105239D-S1)		
Summary: Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year.		
SB 741 - Ruff, Jr. (61) Stormwater management; termination of general permit, notice.	1/10/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/18/2018 Senate: Reported from Agriculture, Conservation and Natural Resources with amendments (13-Y 0-N) 1/24/2018 Senate: Read third time and passed Senate (40-Y 0-N) 1/29/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/26/2018]
[Support] (18102671D)		
Summary: Stormwater management; termination of general permit; notice. Requires a Virginia Stormwater Management Program Authority (VSMP authority) to advise the Department of Environmental Quality to terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements.		

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Bills	General Assembly Actions	Date of BOS Position
SB 757 - Sturtevant, Jr. (10) Certificate of public need; psychiatric beds and services.	1/10/2018 Senate: Referred to Committee on Education and Health	1/23/2018
Support (18101914D)		
Summary: Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.		
SB 783 - Peake (22) Pretrial services agencies; Department of Criminal Justice Services to review, report.	1/10/2018 Senate: Referred to Committee for Courts of Justice 1/29/2018 Senate: Reported from Courts of Justice (15-Y 0-N) 2/1/2018 Senate: Read third time and passed Senate (37-Y 3-N) 2/5/2018 House: Referred to Committee for Courts of Justice	1/23/2018
Support (18103934D) - See also HB 996 (Gilbert).		
Summary: Department of Criminal Justice Services to review pretrial services agencies; report. Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission.		
SB 827 - Howell (32) Courthouse and courtroom security; increases assessment to fund security.	1/15/2018 Senate: Referred to Committee for Courts of Justice 1/31/2018 Senate: Reported from Courts of Justice (11-Y 4-N) 1/31/2018 Senate: Re-referred to Finance	1/23/2018
Support (18103979D) - Board has historically supported.		
Summary: Courthouse and courtroom 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 and courtroom security.		
SB 839 - Favola (31) Resident stickers; turns in certain residential areas.	1/15/2018 Senate: Referred to Committee on Local Government	1/23/2018
Support (18104060D) - See also HB 295 (Murphy).		
Summary: Turns in certain residential areas; resident stickers. Allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.		

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<u>SB 856</u> - Saslaw (35) Mass transit; makes numerous changes to administration of and revenues for transit.	1/17/2018 Senate: Referred to Committee on Finance	1/23/2018
Support (18101813D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program; County will work with stakeholders to address concerns with the bills. See also HB 1319 (Sullivan). Summary: Mass transit in the Commonwealth. Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit.		
<u>SB 862</u> - Vogel (27) Pharmacy drug disposal program; each pharmacy required to participate in a program.	1/17/2018 Senate: Referred to Committee on Education and Health 2/1/2018 Senate: Passed by indefinitely in Education and Health with letter (15-Y 0-N)	1/23/2018
Support (18104343D) Summary: Pharmacy drug disposal program. Requires that each pharmacy participate in a pharmacy drug disposal program in order to properly dispose of unwanted prescription drugs. Under current law, participation in such program is voluntary.		
<u>SB 896</u> - Wagner (7) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.	1/19/2018 Senate: Referred to Committee on Finance	[1/26/2018]
[Support] (18104315D) Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.		
<u>SB 908</u> - McClellan (9) Electric vehicle charging stations; local and public operation.	1/19/2018 Senate: Referred to Committee on Commerce and Labor	1/23/2018
Support (18104936D) - See also HB 922 (Bulova). Summary: Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or		

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leases. The bill requires that the use of a retail fee-based electric vehicle charging station on property owned or leased by a locality be restricted to employees of the locality and authorized visitors and that such station be accompanied by appropriate signage that provides reasonable notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity.		
SB 909 - McClellan (9) Virginia Fair Housing Law; unlawful discriminatory housing practices.	1/19/2018 Senate: Referred to Committee on General Laws and Technology	[1/26/2018]
<p>[Support] (18104940D) - Board has historically supported. See also HB 1408 (Bourne).</p> <p>Summary: Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.</p>		
SJ 4 - Surovell (36) United States Constitution; ratifies Equal Rights Amendment.	11/20/2017 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18100396D) - Board has historically supported. See also HJ 2 (Kory), HJ 4 (Lopez), and HJ 129 (Robinson).</p> <p>Summary: United States Constitution; Equal Rights Amendment. 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>		
SJ 13 - Black (13) 2016 conditional rezoning proffer reform bill; joint committee to study.	12/28/2017 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18101228D)</p> <p>Summary: Study; joint committee to study the 2016 conditional rezoning proffer reform bill; report. Establishes a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. In conducting its study, the joint committee is directed to gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including: (i) data regarding the growth, decline, or stagnation in the number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals,</p>		

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and other justiciable matters that have arisen from, or been directed at the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study.		
SJ 29 - Spruill, Sr. (5) Standards of Quality; JLARC to study cost to implement.	1/6/2018 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18102145D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), HJ 115 (LaRock), and SJ 56 (Sturtevant).</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
SJ 56 - Sturtevant, Jr. (10) Standards of Quality; JLARC to study cost to implement.	1/10/2018 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18101324D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), HJ 115 (LaRock), and SJ 29 (Spruill).</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
SJ 58 - Surovell (36) Law clerks; study on use and impact on judicial workload and work product.	1/10/2018 Senate: Referred to Committee on Rules	1/23/2018
<p>Support (18101458D)</p> <p>Summary: Study; use and impact of law clerks on judicial workload and work product; report. Requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks on judicial workload and work product, including potential costs to the Commonwealth to provide funds for law clerks in all circuit courts.</p>		

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Fairfax County Positions

(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 15</u> - Mullin (93) Student discipline, alternative; assault and battery without bodily injury.	11/20/2017 House: Referred to Committee for Courts of Justice	[2/2018]
[Monitor] (18101158D)	Summary: Alternative student discipline; assault and battery without bodily injury. Requires a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury.	
<u>HB 136</u> - Levine (45) Alcoholic beverage control; annual mixed beverage special events licenses for museums.	12/19/2017 House: Referred to Committee on General Laws 1/25/2018 House: Reported from General Laws with amendments (21-Y 0-N) 1/31/2018 House: Read third time and passed House (95-Y 1-N 1-A) 2/1/2018 Senate: Referred to Committee on Rehabilitation and Social Services	[2/2018] 1/23/2018
[Monitor] (18102765D-E) - See also SB 588 (Ebbin). Amend (18102765D) – Amend to allow licenses for Park Authority facilities. See also SB 588 (Ebbin).		
Summary: Alcoholic beverage control; annual mixed beverage special events licenses. Allows annual mixed beverage special events licenses to be issued to localities for use at museums or other facilities owned by the locality and used primarily for historic interpretation.		
<u>HB 148</u> - Rasoul (11) Prescription Monitoring Program; requirements of prescribers, prescriptions for opioids.	12/19/2017 House: Referred to Committee on Health, Welfare and Institutions 1/23/2018 House: Subcommittee recommends striking from docket (10-Y 0-N)	[1/26/2018]
[Monitor] (18101241D)	Summary: Prescription Monitoring Program; requirements of prescribers; prescriptions for opioids. Requires a prescriber to request and review information from the Prescription Monitoring Program prior to issuing a prescription for opioids, including a refill of an existing prescription for opioids. Currently, a prescriber is only required to request information from the Prescription Monitoring Program prior to initiating a new course of treatment that includes the prescribing of opioids anticipated at the onset to last more than seven consecutive days.	
<u>HB 155</u> - McQuinn (70) Opioids; location of clinics for treatment of addiction.	12/20/2017 House: Referred to Committee on Health, Welfare and Institutions 1/18/2018 House: Reported from Health, Welfare and Institutions with amendment (22-Y 0-N) 1/24/2018 House: Read third time and passed House (98-Y 0-N) 1/25/2018 Senate: Referred to Committee on Education and Health	[1/26/2018]
[Monitor] (18100826D) - See also SB 329 (Dunnivant).	Summary: Clinics for the treatment of opioid addiction; location. Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration	

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within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority.		
<u>HB 177</u> - Bell (20) Distracted driving; handheld personal communications devices, driving with an animal.	12/23/2017 House: Referred to Committee for Courts of Justice 2/2/2018 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)	1/23/2018
Monitor (18101015D) Summary: Distracted driving; handheld personal communications devices; driving with an animal. Prohibits a vehicle operator from using his hands to use a handheld personal communications device while driving. Current law only prohibits the use of a handheld personal communications device for certain purposes while operating a moving vehicle. The bill exempts any person who is using a radio-based communications device during an emergency or disaster relief operation or who is using a handheld personal communications device to initiate or terminate a telephone call; the bill maintains the current exemptions for any person who is stopped or parked, emergency personnel, and reporting an emergency. The bill also prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision.		
<u>HB 180</u> - Collins (29) Distracted driving; penalty.	12/23/2017 House: Referred to Committee for Courts of Justice 2/2/2018 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)	1/23/2018
Monitor (18101408D) Summary: Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.		
<u>HB 192</u> - Yancey (94) Rainwater and gray water; regulations.	12/27/2017 House: Referred to Committee on Health, Welfare and Institutions 1/31/2018 House: Subcommittee recommends reporting with substitute (7-Y 0-N)	[2/2/2018]
[Monitor] (18106324D) Summary: Directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 196</u> - Bulova (37) Child abuse or neglect; extension of hearings to review findings by local depts. of social services.	12/28/2017 House: Referred to Committee on Health, Welfare and Institutions 1/18/2018 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N) 1/18/2018 House: Referred to Committee on Appropriations 1/30/2018 House: Subcommittee recommends reporting (8-Y 0-N) 1/31/2018 House: Reported from Appropriations (22-Y 0-N)	1/23/2018
Monitor (18101323D)		
Summary: Extensions of hearings to review findings by local departments of social services related to child abuse or neglect. Provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request a maximum of two extensions of the hearing upon a showing of compelling reasons to justify the extensions, which shall not exceed 90 days after the date on which the hearing was first scheduled to be held.		
<u>HB 227</u> - Stolle (83) Adoption by stepparent; background check.	12/29/2017 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Reported from HHWI with amendment (21-Y 0-N) 1/25/2018 House: Read third time and passed House (97-Y 1-N) 1/26/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 2/2/2018 Senate: Reported from SRSS with substitute (15-Y 0-N)	1/23/2018
Monitor (18102229D)		
Summary: Requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. The provisions of this act shall expire on July 1, 2020.		
<u>HB 302</u> - Watts (39) Counties, certain; granted powers of cities & towns.	1/3/2018 House: Referred to Committee on Counties, Cities and Towns	[2/2/2018]
[Monitor] (18102516D)		
Summary: Additional powers of certain counties. Grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only.		
<u>HB 313</u> - Head (17) Prescription Monitoring Program; prescriber and dispenser patterns, annual review, report.	1/4/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/25/2018 House: Reported from HHWI with substitute (22-Y 0-N) 1/31/2018 House: Read third time and passed House (99-Y 0-N) 2/1/2018 Senate: Referred to Committee on Education and Health	[1/26/2018]
[Monitor] (18101252D)		
Summary: Prescription Monitoring Program; notification of top prescribers. Provides that the Director of the Department of Health Professions shall annually review data collected by the Prescription Monitoring Program to identify those prescribers who, based on such data, fall within the top 10 percent of prescribers by quantity of covered substances prescribed and shall notify such prescribers thereof.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 389</u> - Keam (35) Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.	1/5/2018 House: Referred to Committee on Health, Welfare and Institutions 1/16/2018 House: Subcommittee recommends reporting (10-Y 0-N) 1/23/2018 House: Reported from HHWI with amendments (22-Y 0-N) 1/29/2018 House: Read third time and passed House (99-Y 0-N) 1/30/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRRS) 2/2/2018 Senate: Reported from SRSS (8-Y 7-N)	1/23/2018
Monitor (18101334D) - See also SB 183 (Favola). Summary: Requires local departments of social services to notify the Superintendent of Public Instruction without delay (i) when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and (ii) if the founded complaint of child abuse or neglect is dismissed on appeal.		
<u>HB 445</u> - Foy (2) School principals; incident reports.	1/6/2018 House: Referred to Committee for Courts of Justice	[2/2/2018]
[Monitor] (18102544D) Summary: Eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement.		
<u>HB 484</u> - Bell (58) Restitution; defendant on probation until all is paid in full.	1/8/2018 House: Referred to Committee for Courts of Justice 2/2/2018 House: Subcommittee recommends reporting with substitute (7-Y 0-N)	[2/2/2018]
[Monitor] (18102534D) Summary: Restitution; probation. Provides that for any offense that occurs on or after July 1, 2018, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing within 90 days of the date restitution was to be paid in full if any restitution remains unsatisfied and no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full.		
<u>HB 492</u> - LaRock (33) Passing a stopped school bus; conviction shall not be made part of driving record.	1/8/2018 House: Referred to Committee for Courts of Justice 1/31/2018 House: Subcommittee recommends striking from docket (7-Y 0-N)	1/23/2018
Monitor (18103682D) - See also SB 805 (Carrico). Summary: Passing a stopped school bus; driving record. Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.		

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Bills	General Assembly Actions	Date of BOS Position
HB 509 - Hodges (98) Comprehensive plan; solar facilities.	1/8/2018 House: Referred to Committee on Counties, Cities and Towns (HCCT) 1/31/2018 House: Subcommittee recommends reporting with amendments (8-Y 0-N) 2/2/2018 House: Reported from HHCT with amendment (22-Y 0-N)	1/23/2018
Monitor (18103844D) - See also SB 179 (Stanley). Summary: Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.		
HB 607 - Carr (69) Recovery community organization pilot program; DBHDS to evaluate.	1/8/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Subcommittee recommends reporting with substitute (6-Y 0-N) 1/18/2018 House: Subcommittee recommends referring to Committee on Appropriations 1/23/2018 House: Reported from HHWI with substitute (22-Y 0-N) 1/23/2018 House: Referred to Committee on Appropriations	[1/26/2018]
[Monitor] (18105506D-H1) Summary: Department of Behavioral Health and Developmental Services; recovery community organization pilot program. Directs the Department of Behavioral Health and Developmental Services to implement a pilot program to evaluate the recovery community organization model of substance abuse treatment.		
HB 614 - Price (95) Social work; practice.	1/8/2018 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/25/2018 House: Subcommittee recommends reporting (10-Y 0-N) 2/1/2018 House: Reported from HHWI (21-Y 0-N)	[1/26/2018]
[Monitor] (18101583D) Summary: Practice of social work. Provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work.		
HB 824 - Knight (81) Short-term rentals; City of Lexington required to comply with provisions related.	1/9/2018 House: Referred to Committee on General Laws	1/23/2018
Monitor (18102104D) Summary: Regulation of short-term rentals; City of Lexington. Requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. Any business license that was illegally required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes illegally collected for short-		

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Bills	General Assembly Actions	Date of BOS Position
term rentals subject to any ordinance in effect shall be refunded. Any taxpayer who was illegally required to pay transient occupancy taxes for rental of real property for more than 30 days shall be refunded such payment. Any violations of this act by the City shall entitle a taxpayer who has been affected by the City's actions to recover a \$250 penalty per violation, with each such action by the City being a separate violation.		
<u>HB 886</u> - Stolle (83) Mental health treatment; admission regulations, toxicology results.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions	1/23/2018
Monitor (18102884D) Summary: Admissions for mental health treatment; toxicology. Requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to toxicology results, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists.		
<u>HB 933</u> - Hope (47) Mandatory outpatient treatment; extends time period for adults and juveniles.	1/9/2018 House: Referred to Committee for Courts of Justice 1/24/2018 House: Subcommittee recommends continuing to 2019 by voice vote 1/31/2018 House: Subcommittee recommends laying on the table (8-Y 0-N)	1/23/2018
Monitor (18102530D) Summary: Mandatory outpatient treatment; time period. Extends the time period for mandatory outpatient treatment for adults and juveniles from 90 days to 180 days.		
<u>HB 1026</u> - Adams (16) Adult protective services; appealability of findings made by local department of social services.	1/9/2018 House: Referred to Committee on Health, Welfare and Institutions 1/30/2018 House: Subcommittee recommends reporting (9-Y 1-N) 2/1/2018 House: Reported from Health, Welfare and Institutions (18-Y 0-N)	[2/2/2018]
[Monitor] (18101587D) Summary: Provides that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act.		
<u>HB 1235</u> - Hugo (40) Child protective services; verification of physical and legal custody.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions	[2/2/2018]

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Bills	General Assembly Actions	Date of BOS Position
[Monitor] (18103281D)		
HB 1289 - Guzman (31) Passing stopped school buses; local ordinances.	1/10/2018 House: Referred to Committee on Transportation 1/31/2018 House: Subcommittee recommends striking from docket (6-Y 0-N)	1/23/2018
Monitor (18100924D)		
Summary: Passing stopped school busses; local ordinances. Provides that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system.		
HB 1303 - Garrett (23) Prescribing controlled substances; veterinarian-client-patient relationship.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/26/2018]
[Monitor] (18102425D)		
Summary: Provides that a veterinarian shall not prescribe medication unless a bona fide veterinarian-client-patient relationship exists and establishes the requirements for a bona fide veterinarian-client-patient relationship.		
HB 1480 - Filler-Corn (41) Child day programs; exemptions from licensure, removes certain programs from list.	1/18/2018 House: Referred to Committee on Health, Welfare and Institutions 1/25/2018 House: Subcommittee recommends reporting with substitute (6-Y 0-N)	[1/26/2018]
[Monitor] (18101171D) - See also SB 539 (Hanger).		
Summary: Child day programs; exemptions from licensure. Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of		

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Bills	General Assembly Actions	Date of BOS Position
<p>children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019.</p>		
<u>SB 179</u> - Stanley, Jr. (20) Comprehensive plan; solar facilities.	12/28/2017 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Reported from Local Government with amendments (13-Y 0-N)	1/23/2018
<p>Monitor (18103842D) - See also HB 509 (Hodges).</p> <p>Summary: Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.</p>		
<u>SB 183</u> - Favola (31) Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.	12/29/2017 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/19/2018 Senate: Reported from SRSS (8-Y 6-N) 1/24/2018 Senate: Read third time and passed Senate (22-Y 18-N) 1/29/2018 House: Referred to Committee on Health, Welfare and Institutions	1/23/2018
<p>Monitor (18101322D) - See also HB 389 (Keam).</p> <p>Summary: Requires local departments of social services to notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect.</p>		
<u>SB 208</u> - Stuart (28) Impact fees; residential development.	1/2/2018 Senate: Referred to Committee on Local Government	1/23/2018
<p>Monitor (18100268D)</p> <p>Summary: Impact fees for residential development. Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.</p>		
<u>SB 218</u> - Lewis, Jr. (6) Recycling; clarifies definitions of beneficial use and recycling	1/3/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/11/2018 Senate: Reported from SACNR with substitute (15-Y 0-N) 1/17/2018 Senate: Read third time and passed Senate (40-Y 0-N)	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
center, etc.	1/23/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	
Monitor (18104926D-S1)		
	Summary: Recycling; beneficial use; crushed glass. Defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use.	
SB 219 - Lewis, Jr. (6) Constitutional amendment; real property tax exemption for flooding remediation, abatement, etc.	1/3/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Reported from SPE (13-Y 0-N) 1/30/2018 Senate: Re-referred to Finance	[2/2018]
[Monitor] (18104027D)		
	Summary: Constitutional amendment (voter referendum); real property tax exemption for flooding remediation, abatement, and resiliency. Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.	
SB 278 - Petersen (34) Eminent domain proceedings; prompt payment of funds.	1/5/2018 Senate: Referred to Committee for Courts of Justice (SCT) 1/29/2018 Senate: Reported from SCT with substitute (15-Y 0-N) 2/1/2018 Senate: Read third time and passed Senate (40-Y 0-N) 2/5/2018 House: Referred to Committee for Courts of Justice	[2/2018] 1/23/2018
[Monitor] (18105892D-S1) - Amended to address the County's concerns. Amend (18104221D) - Amend to allow for releases from secured lienholders prior to payment.		
	Summary: Eminent domain proceedings; payment of funds. Requires that any funds due to the landowner, whether such funds are in the possession of the court or are outstanding, shall be payable to the landowner or to the landowner's attorney, if such landowner is represented by counsel, within 30 days of a settlement or final determination in an eminent domain proceeding.	
SB 307 - Cosgrove, Jr. (14) Unmanned aircraft systems; work group to explore issues related system activities.	1/8/2018 Senate: Referred to Committee on Transportation 1/24/2018 Senate: Reported from Transportation with substitute (13-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee for Courts of Justice	[2/2018]
[Monitor] (18105733D-S1)		
	Summary: Directs the Department of Aviation to convene a work group to explore issues related to unmanned aircraft system activities.	

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 329</u> - Dunnivant (12) Opioids; location of clinics for treatment of addiction in Henrico County or City of Richmond.	1/8/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health with substitute (15-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/26/2018]
[Monitor] (18102967D) - See also HB 155 (McQuinn).		
Summary: Clinics for the treatment of opioid addiction; location. Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location or to relocate an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority.		
<u>SB 476</u> - Reeves (17) School principals; incident reports.	1/9/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health (15-Y 0-N) 1/30/2018 Senate: Read third time and passed Senate (39-Y 0-N) 2/5/2018 House: Referred to Committee for Courts of Justice	[2/2/2018]
[Monitor] (18102416D)		
Summary: Provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion.		
<u>SB 539</u> - Hanger, Jr. (24) Child day programs; exemptions from licensure, removes certain programs from list.	1/9/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/19/2018 Senate: Reported from SRSS with substitute (13-Y 0-N) 1/19/2018 Senate: Re-referred to Finance 1/23/2018 Senate: Reported from Finance (16-Y 0-N) 1/26/2018 Senate: Read third time and passed Senate (39-Y 0-N) 1/31/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/26/2018]
[Monitor] (18105484D-S1) - See also HB 1480 (Filler-Corn).		
Summary: Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and		

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Bills	General Assembly Actions	Date of BOS Position
cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019.		
<u>SB 588</u> - Ebbin (30) Alcoholic beverage control; annual mixed beverage special events licenses for museums.	1/9/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/18/2018 Senate: Re-referred to Rehabilitation and Social Services 1/26/2018 Senate: Reported from Rehabilitation and Social Services with amendments (15-Y 0-N) 1/31/2018 Senate: Read third time and passed Senate (37-Y 3-N) 2/5/2018 House: Referred to Committee on General Laws	[2/2/2018] <u>1/23/2018</u>
[Monitor] (18103717D-E) - See also HB 136 (Levine). <u>Amend</u> (18103717D) – Amend to allow licenses for Park Authority facilities. See also HB 136 (Levine). Summary: Alcoholic beverage control; annual mixed beverage special events licenses. Allows annual mixed beverage special events licenses to be issued to localities for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality.		
<u>SB 622</u> - Surovell (36) Local transportation plan; secondary system road construction program allocation.	1/10/2018 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Reported from Local Government with amendment (13-Y 0-N)	<u>1/23/2018</u>
Monitor (18104532D) Summary: Local transportation plan; secondary system road construction program allocation; undergrounding utilities. Provides that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation from the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.		
<u>SB 751</u> - Sturtevant, Jr. (10) Localities and school divisions; posting of register of funds expended.	1/10/2018 Senate: Referred to Committee on Local Government	[1/26/2018]
[Monitor] (18104562D) Summary: Requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense,		

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Bills	General Assembly Actions	Date of BOS Position
including credit card purchases with the same information. The bill allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2019.		
SB 766 - Surovell (36) Citizen water quality monitoring; use as evidence in enforcement actions.	1/10/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/1/2018 Senate: Re-referred to Commerce and Labor	[2/2/2018] 1/23/2018
<p>[Monitor] (SACNR amendment) - Amended as requested. Amend (18104064D) – Amend to ensure that data considered in regulatory actions conforms to the standards of quality and methods set forth in the Code and other applicable law.</p> <p>Summary: Authorizes the Department of Environmental Quality (the Department) to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited. The bill also directs the Department to consider in some cases data collected by a citizen group, regardless of whether the data conforms to the requirements set out in the Code of Virginia.</p>		
SJ 21 - Lewis, Jr. (6) Constitutional amendment; property tax, exemption for flooding remediation, etc.	1/3/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Reported from SPE (13-Y 0-N) 1/30/2018 Senate: Re-referred to Finance	[2/2/2018]
<p>[Monitor] (18102801D)</p> <p>Summary: Constitutional amendment (second resolution); property tax; exemption for flooding remediation, abatement, and resiliency efforts. Provides that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.</p>		

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Fairfax County Positions

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*Legislation
No Longer Under Consideration*

(Continued to 2019)

Bills	General Assembly Actions	Date of BOS Position
<u>HB 966</u> - Davis (84) Income tax, sales tax, etc.; refundable credit for certain local taxes.	1/9/2018 House: Referred to Committee on Finance 1/29/2018 House: Continued to 2019 in Finance by voice vote	1/23/2018
Monitor (18102193D) Summary: Taxation in the Commonwealth; income tax, sales tax, and credit for certain local taxes. Provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax.		
<u>SB 4</u> - Ebbin (30) Absentee voting; persons age 65 or older.	11/20/2017 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support (18100495D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason). Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		
<u>SB 114</u> - Locke (2) Absentee voting; no excuse.	12/15/2017 Senate: Referred to Committee on Privileges and Elections 1/30/2018 Senate: Continued to 2019 in Privileges and Elections (13-Y 0-N)	1/23/2018
Support (18101566D) - See also HB 57 (Herring) and HB 1072 (Heretick). Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which 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.		
<u>SB 136</u> - Howell (32) Absentee voting; no excuse in-person available 21 days prior to election.	12/20/2017 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support with Amendment (18101090D) - Support with amendments to facilitate implementation. See also HB 733 (Carr) and SB 602 (Ebbin). Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.		
<u>SB 164</u> - Wexton (33) Absentee voting; persons age 65 or older.	12/28/2017 Senate: Referred to Committee on Privileges and Elections 1/30/2018 Senate: Continued to 2019 in Privileges and Elections (13-Y 0-N)	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
Support (18100995D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 277 (Barker), and SB 453 (Mason).		
Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		
<u>SB 254</u> - Dance (16) Absentee voting; no excuse required when voting in person.	1/5/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support (18102273D) - Board has historically supported. See also HB 835 (Bagby).		
Summary: Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.		
<u>SB 277</u> - Barker (39) Absentee voting; persons age 65 or older.	1/5/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support (18103562D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), and SB 453 (Mason).		
Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		
<u>SB 367</u> - Newman (23) Stormwater; localities to provide for partial waiver of service charges for management at airports.	1/9/2018 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Continued to 2019 in Local Government (10-Y 0-N)	1/23/2018
Oppose (18100804D) - See also HB 1004 (Byron).		
Summary: Regulation of stormwater; airports. Allows localities to provide for a partial waiver of service charges for stormwater management to airports for that portion of the property that is used for runways and taxiways.		
<u>SB 436</u> - Wexton (33) Schedule I drugs; classification for fentanyl derivatives.	1/9/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health (15-Y 0-N) 1/25/2018 Senate: Re-referred to Finance 1/31/2018 Senate: Continued to 2019 in Finance (15-Y 0-N)	1/23/2018
Support (18101586D)		
Summary: Adds to Schedule I of the Drug Control Act a classification for fentanyl derivatives.		
<u>SB 453</u> - Mason (1) Absentee voting; persons age 65 or older.	1/9/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support (18101939D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), and SB 277 (Barker).		
Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 497</u> - Carrico, Sr. (40) Public places; disorderly conduct, right of person in charge to detain.	1/9/2018 Senate: Referred to Committee for Courts of Justice (SCT) 1/22/2018 Senate: Continued to 2019 in SCT (14-Y 0-N)	1/23/2018
Monitor (18101055D)		
Summary: Disorderly conduct in public places; right to detain. Provides that the person in charge of any public building, place, conveyance, meeting, operation, or activity may detain any person who engages in disorderly conduct for a period not to exceed one hour pending arrival of a law-enforcement officer.		
<u>SB 499</u> - Carrico, Sr. (40) Conservation easements; validity, termination.	1/9/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/18/2018 Senate: Continued to 2019 in Agriculture, Conservation and Natural Resources (12-Y 2-N)	1/23/2018
Oppose (18101699D)		
Summary: Agriculture easements; validity; termination. Prohibits a restriction imposed by a conservation easement from being enforced against any occupied single-family dwelling structure, including any outbuilding, shed, barn, garage, or driveway, or the land lying immediately underneath any such structure, for the purposes of additions, repairs, or sale. The bill authorizes the owner of an interest in real property burdened by the easement to terminate such easement in the event of financial hardship. Such owner shall be liable to the Department of Taxation for the full amount of any land preservation tax credits claimed or transferred by the owner that are related to the easement and shall pay any legal fees associated with the termination of the easement. Until such payments are made, such conservation easement shall be considered perpetual in duration unless otherwise provided in the instrument creating it.		
<u>SB 602</u> - Ebbin (30) Absentee voting; no-excuse in-person available 21 days prior to election.	1/9/2018 Senate: Referred to Committee on Privileges and Elections 1/30/2018 Senate: Continued to 2019 in Privileges and Elections (13-Y 0-N)	1/23/2018
Support with Amendment (18101803D) - Support with amendments to facilitate implementation. See also HB 733 (Carr) and SB 136 (Howell).		
Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.		
<u>SB 613</u> - Surovell (36) Local government; deposition.	1/10/2018 Senate: Referred to Committee for Courts of Justice 1/24/2018 Senate: Continued to 2019 in Courts of Justice (15-Y 0-N)	1/23/2018
Oppose (18101221D)		
Summary: Deposition of local governing body. Provides that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 700</u> - Deeds (25) School bus video-monitoring systems; release of information by DMV.	1/10/2018 Senate: Referred to Committee on Transportation 1/24/2018 Senate: Continued to 2019 in Transportation (13-Y 0-N)	1/23/2018
Support (18102265D) Summary: School bus video-monitoring systems; release of information by the Department of Motor Vehicles. Authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring system operator or upon request of the authorized agent or employee of a video-monitoring system operator.		
<u>SB 770</u> - Surovell (36) Absentee voting; alternative locations for in-person absentee voting.	1/10/2018 Senate: Referred to Committee on Privileges and Elections (SPE) 1/30/2018 Senate: Continued to 2019 in SPE (13-Y 0-N)	1/23/2018
Support with Amendment (18103486D) - Support with amendments to facilitate implementation. Summary: Provides that the alternative locations approved by the electoral boards for absentee voting in person prior to election day shall be in a public facility owned or leased by the city, the county, or a town within the county, at which all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location are adequately protected and secured. Currently, the law limits the electoral boards to approving alternative locations only in public buildings.		

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Fairfax County Positions

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Legislation No Longer Under Consideration

*(Failed to Report, Incorporated into other
Legislation, Tabled, etc.)*

Bills	General Assembly Actions	Date of BOS Position
<u>HB 169</u> - Murphy (34) Lyme disease; information disclosure requirement, sunset.	12/22/2017 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/18/2018 House: Stricken from docket by HHWI (21-Y 0-N)	1/23/2018
Support (18103474D) - Board has historically supported. Summary: Lyme disease information disclosure requirement; sunset. Extends to July 1, 2023, the sunset of the provision requiring disclosure of certain information to a patient when a Lyme disease test is ordered. Under current law, the disclosure requirement will expire on July 1, 2018.		
<u>HB 1051</u> - Watts (39) Communications sales and use tax; services subject to taxation.	1/9/2018 House: Referred to Committee on Finance 1/29/2018 House: Passed by indefinitely in Finance (22-Y 0-N)	1/23/2018
Support (18102521D) - Support for modernizing the communications sales and use tax is in the County's legislative program. Summary: Applies the communications sales and use tax to services related to the streaming of audio and visual data, and prepaid calling. The bill also clarifies that the tax applies to communications services regardless of whether customers are charged a subscription fee, a periodic fee, or an actual usage fee.		
<u>HB 1514</u> - Watts (39) Police misconduct; locality authorized to establish civilian review panel, law-enforcement auditor.	1/18/2018 House: Referred to Committee on Militia, Police and Public Safety 2/1/2018 House: Subcommittee recommends striking from docket (6-Y 0-N)	[1/26/2018]
(18104676D) Because the County's Police Civilian Review Panel was recently established, the Legislative Committee asked staff to request that the patron continue this bill to the 2019 General Assembly. Summary: Authorizes a locality to establish a law-enforcement civilian review panel that may (i) receive complaints from citizens of the locality regarding the conduct of the primary law-enforcement agency serving the locality and its officers and employees and (ii) review investigations conducted by the agency into such conduct. The bill also authorizes a locality to appoint a law-enforcement auditor who may review investigations conducted by the agency regarding the use of force by a law-enforcement officer that resulted in the death or serious bodily injury of another person. The bill provides that the panel or auditor may conduct hearings and request that the city or county attorney seek a subpoena for witnesses and evidence. The bill provides that the panel and auditor shall report annually on their activities. Finally, the bill provides that the findings and recommendations made by the panel or auditor are not binding on the agency and nothing in the bill either requires or precludes the agency from conducting its own investigation.		
<u>SB 74</u> - Surovell (36) Handheld personal communications devices; use while driving.	12/1/2017 Senate: Referred to Committee on Transportation (STRAN) 1/17/2018 Senate: Incorporates SB441 (Wexton) 1/17/2018 Senate: Reported from STRAN with substitute (9-Y 4-N) 1/22/2018 Senate: Re-referred to Courts of Justice (SCT) 1/24/2018 Senate: Failed to report (defeated) in SCT (4-Y 11-N)	1/23/2018
Monitor (18105161D-S1) Summary: Use of handheld personal communications devices while driving. Expands the prohibition on using a		

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Bills	General Assembly Actions	Date of BOS Position
handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle, (ii) as a citizens band radio, (iii) by federally licensed amateur radio operators under certain circumstances, or (iv) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle.		
<u>SB 117</u> - Favola (31) Value engineering; raises minimum project cost.	12/15/2017 Senate: Referred to Committee on Transportation 1/24/2018 Senate: Incorporated by Transportation (SB125-Black) (13-Y 0-N)	1/23/2018
Support (18102577D) - See also SB 125 (Black). Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.		
<u>SB 200</u> - Favola (31) Local government taxing authority; equalizes municipal and county taxing authority.	1/1/2018 Senate: Referred to Committee on Local Government 1/23/2018 Senate: Re-referred to Finance 1/31/2018 Senate: Passed by indefinitely in Finance with letter (15-Y 0-N)	1/23/2018
Support with Amendment (18101468D) - Support with amendment to address technical issues; support for equal taxing authority is in the County's legislative program. Summary: Local government taxing authority. Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior which to the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.		
<u>SB 203</u> - Favola (31) Food stamp eligibility; drug-related felonies.	1/2/2018 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/19/2018 Senate: Reported from SRSS (8-Y 6-N) 1/19/2018 Senate: Re-referred to Finance 1/31/2018 Senate: Failed to report (defeated) in Finance (7-Y 8-N)	1/23/2018
Support (18102659D) - Board has historically supported. Summary: Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute more than one-half ounce but not more than five pounds of marijuana, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such benefits only if such persons have been convicted of felony possession of a controlled substance.		
<u>SB 204</u> - Favola (31) TANF; eligibility, person who refuses to participate in periodic	1/2/2018 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from SRSS with amendments (8-Y 6-N) 1/19/2018 Senate: Re-referred to Finance	1/23/2018

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Bills	General Assembly Actions	Date of BOS Position
drug testing, drug-related felony.	1/31/2018 Senate: Failed to report (defeated) in Finance (7-Y 8-N)	
Support (18102662D) - Board has historically supported.		
<p>Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a first-time felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits.</p>		
SB 381 - Chafin (38) School buses; passing while stopped, injury to another person, penalty.	1/9/2018 Senate: Referred to Committee for Courts of Justice (SCT) 1/22/2018 Senate: Reported from SCT with substitute (11-Y 3-N) 1/22/2018 Senate: Re-referred to Finance 1/31/2018 Senate: Passed by indefinitely in Finance (16-Y 0-N)	1/23/2018
Support (18100710D)		
<p>Summary: Passing a stopped school bus; injury to another person; penalty. Provides that any person who unlawfully passes a stopped school bus while driving a motor vehicle and causes serious bodily injury to another person is guilty of a Class 5 felony.</p>		
SB 440 - Wexton (33) School boards, local; prior authorization for legal action.	1/9/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Reported from Education and Health (8-Y 7-N) 1/29/2018 Senate: Re-referred to Courts of Justice (SCT) 1/31/2018 Senate: Passed by indefinitely in SCT (10-Y 5-N)	[1/26/2018]
[Oppose] (18102563D)		
<p>Summary: Local school boards; prior authorization for legal action. Narrows the restriction, to appointed school boards, that a local school board receive prior authorization from the local governing body prior to instituting any legal action or proceeding against any other governmental agency in Virginia. Under current law, the restriction applies to all school boards regardless of selection method.</p>		
SB 455 - McClellan (9) Opioid addiction; clinics for treatment.	1/9/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Incorporated by Education and Health (SB329-Dunnavant) (15-Y 0-N)	[1/26/2018]
[Monitor] (18101226D)		
<p>Summary: Clinics for the treatment of opioid addiction; location. Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 616</u> - Surovell (36) Waiver of immunity; persons covered by insurance policy.	1/10/2018 Senate: Referred to Committee for Courts of Justice 1/24/2018 Senate: Failed to report (defeated) in Courts of Justice (2-Y 13-N)	1/23/2018
Oppose (18103488D) Summary: Waiver of immunity; insurance coverage. Provides that no person who is sued in a civil cause of action and who is immune from liability under Virginia law may claim such immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy.		
<u>SB 623</u> - Surovell (36) Electronic Routing Registry; created.	1/10/2018 Senate: Referred to Committee on Transportation 1/31/2018 Senate: Failed to report (defeated) in Transportation (6-Y 6-N 1-A)	[1/26/2018]
[Oppose] (18104485D) Summary: Electronic Routing Registry. Requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation.		
<u>SB 635</u> - Dunnivant (12) Prescribers; notice of administration of naloxone.	1/10/2018 Senate: Referred to Committee on Education and Health 1/25/2018 Senate: Stricken at request of patron in Education and Health (15-Y 0-N)	[1/26/2018]
[Support] (18102855D) - See also HB 1175 (Pillion). Summary: Requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber.		
<u>SB 714</u> - Chase (11) Local economic development; expenditure shall be first approved by local governing body.	1/10/2018 Senate: Referred to Committee on Local Government 1/30/2018 Senate: Failed to report (defeated) in Local Government (6-Y 7-N)	[1/26/2018]
[Monitor] (18103334D) Summary: Local economic development expenditure. Provides that any local economic development expenditure shall be first approved by the local governing body.		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 805</u> - Carrico, Sr. (40) Passing a stopped school bus; conviction shall not be made part of driving record.	1/11/2018 Senate: Referred to Committee on Transportation 1/31/2018 Senate: Stricken at request of Patron in Transportation (13-Y 0-N)	1/23/2018
Monitor (18104568D) - See also HB 492 (LaRock). Summary: Passing a stopped school bus; driving record. Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.		
<u>SB 822</u> - Edwards (21) Delinquent taxes; collection of amounts due locality.	1/15/2018 Senate: Referred to Committee on Finance 1/30/2018 Senate: Passed by indefinitely in Finance (15-Y 0-N)	[1/26/2018]
[Support] (18104758D) Summary: Collection of delinquent amounts due locality. Amends provisions that currently allow the treasurer in any locality to employ the services of private collection agents to assist with the collection of delinquent local taxes by also including "other charges." The bill also changes from six months to three months the period for which certain taxes or other charges must be delinquent prior to certain collection efforts.		
<u>SB 898</u> - Black (13) Tolling; Northern Virginia.	1/19/2018 Senate: Referred to Committee on Transportation 1/31/2018 Senate: Incorporates SB 643 (McPike) 1/31/2018 Senate: Failed to report (defeated) in Transportation (6-Y 7-N)	[1/26/2018]
[Oppose] (18105330D) - See also HB 1489 (LaRock). Summary: Requires the Department of Transportation to refund the holder of an electronic toll collection device for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device until the eastbound widening project on Interstate 66 inside the Capital Beltway (Beltway) is completed. The bill sets the tolling hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until the eastbound widening project on Interstate 66 inside the Beltway is completed. The bill requires that the Department of Transportation activate tolling on reverse commuters inside the Beltway on Interstate 66. The bill directs the Secretary of Transportation (the Secretary) to engage the Metropolitan Washington Airports Authority (MWAA) and federal government officials for the purpose of implementing dynamic tolling on the Dulles Airport Access Highway and requires that the Secretary report to the Chairmen of the House and Senate Transportation Committees. The bill also requires the Secretary to engage the MWAA for the purpose of eliminating tolls on the Dulles Toll Road by 2030 and requires the Secretary to report to the Chairmen of the House and Senate Transportation Committees regarding the same.		
<u>SB 911</u> - Chase (11) Eminent domain; redefines lost profits.	1/19/2018 Senate: Referred to Committee for Courts of Justice 1/29/2018 Senate: Incorporated by Courts of Justice (SB809-Petersen) (15-Y 0-N)	[1/26/2018]
[Monitor] (18104948D) Summary: Eminent domain; lost profits. The bill redefines lost profits for the purposes of calculating an award in an eminent domain proceeding as a loss of business profits from a business or farm operation for a period not to		

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Bills	General Assembly Actions	Date of BOS Position
exceed three years from the date of valuation, regardless of the amount of property that is taken. Under current law, lost profits are calculated for a period not to exceed three years from the date of valuation if there is a partial taking of property and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken.		
SB 929 - McPike (29) Tolling; sets hours for high-occupancy toll (HOT) lanes on Interstate 66 inside Capital Beltway.	1/19/2018 Senate: Referred to Committee on Transportation 1/31/2018 Senate: Incorporated by Transportation (SB898-Black) (13-Y 0-N)	[1/26/2018]
<p>[Oppose] (18105091D)</p> <p>Summary: Tolling; hours. Sets the tolling hours for HOT lanes on Interstate 66 inside the Capital Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until (i) the eastbound widening project on Interstate 66 inside the Capital Beltway is completed and (ii) additional commuter parking capacity is constructed to serve commuters outside the Capital Beltway.</p>		

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Key House and Senate Member Budget Amendments for Fairfax County 2018 General Assembly

2016-2018 BIENNIUM BUDGET Oppose

I-66 Inside the Beltway

House: Item 453 #1h (LaRock)

Directs the Department of Transportation and the Secretary of Transportation to make changes to the tolling policies on Interstate 66 Inside the Beltway. The changes would revert the tolling hours to the HOV hours prior to the imposition of tolling, initiate tolling of reverse commuters, and refund all monthly per person tolls in excess of \$200.00 until the new eastbound lanes are open to traffic.

2018-2020 BIENNIUM BUDGET Support

Cost of Competing Adjustment for K-12 Support Positions

House: Item 136 #2h (Sickles)

Senate: Item 136 #4s (Howell)/ Item 135 #4s (Black)

Provides \$23.9 million GF the first year and \$24.5 million GF the second year to increase the percentage rate for the SOQ funded support positions from 10.61 percent, as reflected in the new biennial budget fiscal year 2018-2020, to 24.61 percent. The entire Fairfax County delegation signed on as co-patrons for the amendments sponsored by Delegate Sickles and Senator Howell.

Developmental Disability Waiver Rates

House: Item 303 #1h (Torian)/ #2h (Guzman)

Senate: Item 303 #9s (Howell)/ #12s (Barker)

Provides \$37.7 million GF and \$37.7 million in federal Medicaid matching funds each year to eliminate the priority one wait list for Medicaid waiver slots – this would add an additional 2,296 Medicaid waiver slots.

House: Item 303 #6h (Hope)

Senate: Item 303 #5s (Favola)

Adds \$1.8 million GF and \$1.8 million in matching federal Medicaid funds in each year and language to increase the direct support staff wage assumptions used to determine reimbursement rates in the newly designed Developmentally Disabled (DD) waiver programs for individuals residing in Northern Virginia. A higher rate will assist in the recruitment and retention of competent professional staff to provide quality community-based employment. The current staff wage assumption used for DD Waiver provider rates is based on 50 percent of the fiscal year 2014 federal Bureau of Labor Statistics rate.

Northern Virginia Training Center

House: Item 312 #4h (Sickles)

This language-only amendment specifies that proceeds from the Northern Virginia Training Center sale shall be used to develop provider capacity to serve residents with medically complex support needs or who have multiple diagnoses in Northern Virginia for Virginia residents. Numerous members of the County's GA delegation signed onto this amendment as co-patrons.

Judgeships

Senate: Item 41 #1s (Howell)

Provides funding for 10 General District Court judgeships to be filled as of July 1, 2018, including one in the 19th Judicial District (Fairfax County), as recommended by the 2017 National Center for State Courts Judicial Workload Assessment report.

Senate: Item 41 #3s (Surovell)

Funds a vacant General District Court judgeship for the 19th Judicial District (Fairfax County), effective July 1, 2018.

Senate: Item 42 #1s (Howell)

Provides funding for 11 Juvenile and Domestic Relations District Court judgeships to be filled as of July 1, 2018, including one in the 19th Judicial District (Fairfax County), as recommended by the 2017 National Center for State Courts Judicial Workload Assessment report.

Senate: Item 42 #2s (Surovell)

Funds a vacant Juvenile and Domestic Relations District Court judgeship for the 19th Judicial District (Fairfax County), effective July 1, 2018.

Northern Virginia Regional Gang Task Force

House: Item 395 #3h (Hugo)

Provides \$1.5 million each year from the general fund for the Northern Virginia Regional Gang Task Force, to be distributed by the Department of Criminal Justice Services.

Stormwater

House: Item C-45 #2h (Bulova)

Senate: Item C-45 #1s (Hanger)

Provides \$50 million in bond proceeds in FY 2019 for the Stormwater Local Assistance Fund administered by the Department of Environmental Quality.

House: Item C-45 #1h (Landes)

Provides \$25 million in bond proceeds in each year for the Stormwater Local Assistance Fund administered by the Department of Environmental Quality.

House: Item 368 #1h (Landes)

Provides \$25 million GF each year for the Stormwater Local Assistance Fund established by the 2013 Acts of Assembly. To date, \$80 million in cash and bonds have been provided for this purpose.

American Legion Bridge

House: Item 449 #1h (Murphy)

Senate: Item 449 #2s (Favola)

Directs the Department of Transportation to undertake an initial assessment and preliminary design for remediation of the American Legion Bridge.

Oppose

I-66 Tolling

House: Item 433 #1h (LaRock)

Directs the Department of Transportation and the Secretary of Transportation to make changes to the tolling policies on Interstate 66 Inside the Beltway. The changes would revert the tolling hours to the HOV hours prior to the imposition of tolling, initiate tolling of reverse commuters, and refund all monthly per person tolls in excess of \$200.00 until the new eastbound lanes are open to traffic.

WMATA Funding and Governance

House: Item 445 #2h (Peace)

Conditions disbursement by DRPT of state funding for WMATA on the implementation of recommendation #1 (Creation of the Reform Board) of the "LaHood Report" regarding WMATA reforms.

Transit Capital Bonds

House: Item 445 #5h (Peace)

Eliminates a proposed \$110 million bond authorization for transit capital improvements.

NVTA

House Item: 453 #4h (LaRock)

Limits the share of NVTA funding that can be used for transit and rail projects to no more than 25% of total NVTA funding.

House Item 453 #5h (Hugo)

Limits the number of employees working for the NVTA to six.

Of Concern

Transit Capital Prioritization Process

House: Item 445 #4h (Peace)

Expedites the implementation of a process to prioritize the expenditure of transit capital projects.

NVTA Funding

House: Item 453 #6h (Hugo)

Limits the share of the NVTA budget allocated to administrative expenses to four percent.

Dulles Access Road

House Item 433 #2h (LaRock)

Directs the Department of Transportation and the Secretary of Transportation to execute a plan, in conjunction with MWAA and the U.S. Congress, to convert the Dulles Access Road to HOT lanes and utilize the revenues generated to buy-down and expedite the defeasement of tolling on the Dulles Toll Road.

FYI

WMATA Funding and Governance

House: Item 453 #2h (Sickles)

Modifies the Governor's proposal by reducing the share of existing NVTA funds going to WMATA (from \$85 million to \$35 million per year), eliminating the proposed increase in the regional transient occupancy tax, reducing the proposed increase in the congestion relief fee (grantor's tax) by 50 percent, and increasing the regional sales tax by 0.2 percent. The amendment also commits \$20 million from existing state recordation revenues to provide the full dedicated amounts to support WMATA (\$154 million Virginia share of the identified \$500 million annual WMATA capital needs), and separates the funding streams dedicated to WMATA and VRE (and provides an increase for VRE from the additional sales tax revenues generated in Prince William County).

Senate: Item 453 #2s (Barker)

Removes the proposed increase in regional taxes for funding of the WMATA Metro capital replacement program, and directs the Commonwealth to instead provide \$100 million in each year from existing funds to NVTC under certain conditions and only if matching funding is provided.

WMATA Funding

House Item 445 #6h (Sickles)

Sets out a separate allocation from the Mass Transit Account for Metro to ensure that funding for other statewide transit properties is not impacted by changing Metro allocations.

Franconia-Springfield to Quantico Study

House: Item 445 #1h (Carroll Foy)

Senate: Item 445 #2s (Surovell)

Provides funding for the evaluation of enhanced public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties.

VRE Funding

Senate: Item 446 #1s (Stuart)

Provides \$20 million from the Passenger and Freight Rail Financial Assistance to capitalize the Commuter Rail Operating and Capital Fund, and directs such proceeds for investment in the Virginia Railway Express.

Department of Motor Vehicle Funding

Various amendments would increase a variety of fees and make operational changes to address Department of Motor Vehicle (DMV) funding needs, including:

- Implementing an additional \$20 fee for oversize and overweight vehicles. *House Item 439 #14h (Wilt); Senate Item 439 #1s (Carrico)*
- Equalizing the motor vehicle registration transfer fee with the fee amount DMV receives from original registrations. *House Item 439 #2h (Ingram); Senate Item 439 #2s (Wagner)*
- Adjusting the fee on all motor vehicle titles to partially account for inflation. *House Items 439 #1h (Ingram) and 439 #7h (Sickles); Senate Item 439 #3s (Wagner)*
- Raising the processing fee charged for vital record transactions at DMV locations. *House Items 439 #3h (Ingram) and 439 #8h (Garrett); Senate Item 439 #4s (Newman)*

Legislative Committee
January 26, 2018

- Authorizing the DMV Commissioner to end or modify discounts for multiyear or online registrations. *House Items 439 #5h (Ingram) and 439 #10h (Garrett); Senate Item 439 #5s (Newman)*
- Directing the DMV to study the feasibility of privatizing driver license road tests. *House Items 439 #4h (Ingram) and 439 #9h (Garrett); Senate Item 439 #6s (Newman)*
- Authorizing the DMV to eliminate the provision of refunds for partial-year vehicle registrations when vehicles are sold or registrations otherwise ended. *House Items 439 #6h (Ingram) and 439 #11h (Garrett); Senate Item 439 #7s (Newman)*

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Fairfax County Principles for WMATA Funding

- The Washington Metropolitan Area Transit Authority (WMATA) is vital to the transportation network and economic growth of Northern Virginia and the Commonwealth, and sufficient state support is needed to address state of good repair and help accommodate additional growth in Fairfax County and Northern Virginia.
- Fairfax County strongly supports the identification and enactment of long-term, dedicated, bondable, reliable, and sustainable funding to support WMATA's capital funding requirements.
- In addition to addressing WMATA capital needs, the County supports NVTC's Principles for WMATA Reform, pertaining to WMATA's governance and operations, adopted in September 2017.
- The enactment of additional Virginia funding must be contingent on the provision of additional funding from the District of Columbia and Maryland.
- It is essential that a WMATA funding plan not jeopardize the Northern Virginia Transportation Authority's (NVTA) existing authorities, creditworthiness, credibility or bond validation.
- It is also essential that a funding plan not trigger the "kill switch" that would dissolve the Northern Virginia regional revenue sources enacted by the 2013 General Assembly.
- The Commonwealth's funding for WMATA must include a substantial statewide component, in order to avoid dramatically increasing the funding burden on Northern Virginia taxpayers, who already provide extensive funding for transportation projects and services, including WMATA.
- Any local transportation sources redirected to WMATA funding needs should be accompanied by legislative authority to replace such revenues, as Northern Virginia's transportation funding needs continue to grow.
- A transit funding plan should address the needs of both WMATA and the Virginia Railway Express (VRE), which also provides essential transit services in Northern Virginia.

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WMATA and Transit Fiscal Cliff – Moving Forward

WMATA Budget	Virginia Share	State	Regional/ Local Existing	Regional/ Local New
FY 2017	\$350	\$207	\$143	N/A
FY18	\$456	\$198	\$258	N/A
FY19 Under new Proposal	\$518*	\$227	\$227.7	\$63.3

*Estimated figures – WMATA FY19 budget has not been released

WMATA - \$154M/year in dedicated capital funding with \$124-\$134M bondable

- \$20M/year in state funding – growing to \$30M/year over 8-10 years
- \$18.6M/year from NVTC gas tax floor – total increase from this is split between WMATA and VRE based on existing formulas
- \$29.9M from imposing a new Grantor's Tax in the NVTC jurisdictions
- \$44.5M from imposing a new Transient Occupancy Tax in the NVTC jurisdictions
 - \$29.7M comes from replacing existing 2% tax that is repealed
 - \$14.8M comes from increasing tax to 3% from 2%
 - NVTA 2% Transient Occupancy Tax is repealed
- \$31M from funds distributed to local governments from the NVTA 30% local funds with each locality paying an amount proportional to their share of the WMATA capital formula. Currently these localities receive \$88.5M in NVTA 30% local funds.
- \$10M from existing NVTC gas tax until the state funds increase to \$30M

Statewide Transit Capital Funding

- Addresses transit fiscal cliff – pending 44% reduction in transit capital funding
- Authorizes issues of \$550M in bonds with an annual cap of \$110M

Virginia Railway Express - \$26.6M/year in dedicated funding for capital and operating

- \$18M/year from PRTC gas tax floor – full amount dedicated to VRE
- \$8.6M/year from NVTC gas tax floor – NVTC jurisdiction's share of VRE funding based on PRTC's increased contribution using existing formulas

Hampton Roads Transportation Accountability Commission - \$22.1M/year

- \$22.1M/year from gas tax floor in the region

Northern Virginia Transportation Authority Funds

- Does not transfer any NVTA revenues to WMATA
- NVTA regional revenues would be reduced by \$22M due to the repeal of the NVTA Transient Occupancy Tax

HB1319 / SB856 – Substitute

WMATA Budget	Virginia Share	State	Regional/ Local Existing	Regional/ Local New
FY 2017	\$350	\$207	\$143	N/A
FY18	\$456	\$198	\$258	N/A
FY19 as Proposed	\$518*	\$237	\$217.7	\$63.3

*Estimated share

New WMATA Funding Proposal - \$154M/year

Source	Amount Annually
State revenues (existing, redirected)	\$30M
Grantors Tax in NVTC (\$0.10 per \$100)	\$29.9M
Transient Occupancy Tax in NVTC – 3%	\$44.5M
NVTC Gas Tax Floor – portion	\$18.6M
Local NVTA Funds from NVTC members	\$31M
TOTAL	\$154M

- Funds would be deposited in new "Washington Metropolitan Area Transit Authority Capital Fund" a special non-reverting fund with uses limited only to WMATA capital needs
- Eliminates \$85M "off the top" NVTA funding for WMATA; repeals NVTA Transient Occupancy Tax reducing NVTA regional funds by \$22M/year
- Focuses on the Northern Virginia Transportation Commission, the entity with direct responsibility for WMATA

VRE Funding Proposal

Source	Amount Annually
PRTC Gas Tax Floor – all	\$18M
NVTC Gas Tax Floor – portion	\$8.6M
TOTAL	\$26.6M

Statewide - \$110m/year in reauthorized bonds to address transit fiscal cliff

Hampton Roads - \$22M/year from gas tax floor

Fairfax County Principles for WMATA Funding

- The Washington Metropolitan Area Transit Authority (WMATA) is vital to the transportation network and economic growth of Northern Virginia and the Commonwealth, and sufficient state support is needed to address state of good repair and help accommodate additional growth in Fairfax County and Northern Virginia.
- Fairfax County strongly supports the identification and enactment of long-term, dedicated, bondable, reliable, and sustainable funding to support WMATA's capital funding requirements.
- In addition to addressing WMATA capital needs, the County supports NVTC's Principles for WMATA Reform, pertaining to WMATA's governance and operations, adopted in September 2017.
- The enactment of additional Virginia funding must be contingent on the provision of additional funding from the District of Columbia and Maryland.
- It is essential that a WMATA funding plan not jeopardize the Northern Virginia Transportation Authority's (NVTA) existing authorities, creditworthiness, credibility or bond validation.
- It is also essential that a funding plan not trigger the "kill switch" that would dissolve the Northern Virginia regional revenue sources enacted by the 2013 General Assembly.
- The Commonwealth's funding for WMATA must include a substantial statewide component, in order to avoid dramatically increasing the funding burden on Northern Virginia taxpayers, who already provide extensive funding for transportation projects and services, including WMATA.
- Any local transportation sources redirected to WMATA funding needs should be accompanied by legislative authority to replace such revenues, as Northern Virginia's transportation funding needs continue to grow.
- *Any funding solution should leave each NVTA member with reasonable access to both regional and local funds.*

- A transit funding plan should address the needs of both WMATA and the Virginia Railway Express (VRE), which also provides essential transit services in Northern Virginia.
- Additionally, the federal government should renew its PRIIA commitment to WMATA, as well as provide new matching funds at a level commensurate with increases in state and local funding required for WMATA's long-term safety, reliability and state of good repair and needs to take responsibility for WMATA's capital expenditures and increase their contributions beyond PRIIA funding.



RESOLUTION #2342

SUBJECT: NVTC Principles for WMATA Reform

WHEREAS: The Washington Metropolitan Area Transit Authority (WMATA) is critical to Northern Virginia and the Commonwealth's transportation network and economic growth;

WHEREAS: The Northern Virginia Transportation Commission (NVTC) was founded in part to represent the interests of the Commonwealth during the establishment of WMATA;

WHEREAS: The General Assembly, through Enactment Clause 4 of HB2136/SB1251 (2017), directed the Secretary of Transportation, in coordination with the Northern Virginia Transportation Commission, to engage his counterparts in Maryland and Washington, D.C., and the appropriate officials in the federal government for the purpose of revising the Washington Metropolitan Area Transit Authority Compact of 1966 and implementing other reforms necessary to ensure the near-term and long-term viability of the Washington Area Metropolitan Transit Authority (WMATA);

WHEREAS: In doing so, the Secretary shall develop, propose, and seek agreement on reforms related to the following:

- (i) the legal and organizational structure of WMATA;
- (ii) the composition and qualifications of the WMATA Board of Directors and the length of terms of its members;
- (iii) labor costs and labor relations;
- (iv) measures necessary to resolve WMATA's unfunded pension liability and other postemployment benefits;
- (v) measures necessary to better ensure the safety of riders and employees, including safety in the event of a homeland security emergency in the national capital area; and
- (vi) financial and operational improvements necessary to ensure that WMATA's performance is at least as efficient as its closest comparable transit systems in the United States.

WHEREAS: NVTC seeks to provide its recommendations to the Secretary of Transportation on these matters through this and subsequent resolutions;

WHEREAS: NVTC supports a legal and organizational WMATA Board structure that recognizes that Virginia is unique in the WMATA Compact region in that its local governments – the cities of Alexandria, Falls Church, and Fairfax and the counties of Arlington and Fairfax – are the Compact funding partners, with Loudoun County becoming a funding partner as the Silver Line Phase 2 becomes operational;

- WHEREAS:** NVTC supports the role of the federal government in providing dedicated funding for WMATA through the Passenger Rail Investment and Improvement Act (PRIIA), which provides \$150 million per year in dedicated funding to support capital improvements to WMATA, with the requirement that Maryland, the District of Columbia and Virginia provide matching funds;
- WHEREAS:** NVTC endorses the continued investment by the Commonwealth to provide funds that partially support NVTC jurisdictions' contributions to WMATA as well as matching funds under PRIIA;
- WHEREAS:** Under current law, the Virginia Secretary of Transportation or his/her designee and any NVTC Commissioner appointed by the Northern Virginia Transportation Commission are authorized to serve as members of the WMATA Board;
- WHEREAS:** Peer transit agency, foundation, and corporate boards in the United States average between 11.5 and 13.5 members and do not include alternate members. The current WMATA Board includes 16 members, eight of which are alternates with no full Board voting rights;
- WHEREAS:** No other peer transit agency uses alternates on their boards, and current WMATA alternates perform all the work of voting board members, including voting in committees, but cannot vote during full Board meetings;
- WHEREAS:** The WMATA Board has nine committees with four to 16 members each, tied for the most board committees among transit agencies peers. Between 2016 and 2017 each WMATA Board member attended an average of 41 meetings;
- WHEREAS:** Effective membership on the WMATA Board requires a large commitment of its members' time and energy. Compensation for that time should not be provided by entities that may represent real or perceived conflicts of interest for WMATA Board members;
- WHEREAS:** In November 2016, as a response to recommendations from a strategic advisor, the WMATA Board adopted an updated Code of Ethics that requires annual training on identifying and resolving actual and apparent conflicts, making disclosures and acknowledgments, and rules regarding acceptance of gifts;
- WHEREAS:** Board members, either corporate representatives with business connections or elected officials who must both represent the interests of their constituents while also representing WMATA's interest, must engage in rigorous and ongoing analysis of the ethics and balance of these multiple interests and responsibilities;
- WHEREAS:** The veto by a single jurisdiction inhibits jurisdictional collaboration and impedes regional policy decisions on the WMATA Board;
- WHEREAS:** A Department of Rail and Public Transportation review of WMATA operational cost drivers found that while WMATA's operational cost metrics are similar to peer transit agencies, it does have greater costs associated with rail maintenance activities;

WHEREAS: The WMATA General Manager, in his April 2017 Action Plan, expressed a desire to address operational cost drivers noting that, without changes, operating cost increases will outpace revenue growth by approximately 50 percent and the current public subsidy requirement for day-to-day operations would grow from \$980 million to \$1.6 billion annually in 10 years;

WHEREAS: On June 1, 2017, NVTC endorsed the spirit and direction of the WMATA General Manager's April 2017 Action Plan to significantly reform operations at WMATA that would yield reductions in operating and capital costs absent changes to the WMATA Compact;

WHEREAS: NVTC maintains interest in identifying near and long-term changes to reduce WMATA's operating costs to control the overall growth in jurisdictional contributions to no more than three percent per year; and

WHEREAS: In November 2016, WMATA's unfunded pension liability was estimated at \$1 billion with total plan assets at \$3.6 billion, and while comparable to peer transit and governmental agencies, poses a financial risk to its funding jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission, pursuant to items (i) and (ii) of Enactment Clause 4 of HB2136/SB1251, recommends the following:

1. WMATA Governance Structure:

- The WMATA Board should be comprised of 12 members, with three members representing each jurisdiction and the federal government.
- Federal government representation should be contingent upon the continued dedicated federal funding of at least \$150 million per year.
- The WMATA Board members from Virginia should include one member appointed by the Commonwealth and two members appointed by NVTC.
- All Virginia members of the WMATA Board should serve on NVTC.
- The term of each WMATA Board member should continue to be four years, limited to two terms.
- WMATA should reduce the number of committees and committee meetings.
- All WMATA Board members should have full voting authority (no alternates).

2. Compensation:

- WMATA Board members should receive equal financial compensation, to be paid by WMATA.

3. Board Composition and Experience:

- The WMATA Board should include a mix of elected and nonelected members, each of whom has experience in transit planning, transportation planning, or land use planning; transit or transportation management or other public-sector management; engineering; finance; public safety; homeland security; human resources; or the law; or knowledge of the region's transportation issues derived from working on the resolution of regional transportation issues. Some members of the Board should have significant senior executive experience with rail systems, transit agencies, airlines, airports, ports, or other transportation providers.
- All members of the WMATA Board should be familiar with the WMATA transit system.

4. Board Fiduciary and Other Conflicts of Interest:

- The WMATA Board should engage in a robust review of its policies on conflicts of interests and fiduciary interests so that it will maintain its strong commitment to ethics pertaining to fiduciary duties and conflicts of interest.

5. Jurisdictional Veto:

- The use of the jurisdictional veto should be eliminated.

BE IT FURTHER RESOLVED that NVTC, pursuant to items (iii) of Enactment Clause 4 of HB2136/SB1251, recommends the following:

- In labor negotiations, the WMATA General Manager and Board should have greater authority to make operational decisions that improve the system's cost effectiveness without jeopardizing safety, including the use of tools such as competitive contracting of targeted functions.
- WMATA's annual operational cost increases should be comparable to those of its funding jurisdictions, and the jurisdictional subsidies it sets should hold within the three percent annual cap recommended by the General Manager in his April 2017 Action Plan, and that to maintain such funding discipline should be a mandatory factor used in consideration of establishing labor costs through collective bargaining or subsequent arbitration.

- NVTC endorses an amendment to the Wolf Act (National Capital Area Interest Arbitration Standards Act of 1995, Pub L. 104-50) that would require arbitrators in WMATA contract arbitrations to consider these fiscal restrictions in all cases.

BE IT FURTHER RESOLVED that NVTC, pursuant to item (iv) of Enactment Clause 4 of HB2136/SB1251, calls upon the WMATA General Manager and Board to identify a specific plan to address its unfunded pension liability and other post-employment benefits.

BE IT FURTHER RESOLVED that NVTC, pursuant to item (v) of Enactment Clause 4 of HB2136/SB1251, calls upon the WMATA's General Manager and Board, to take measures to ensure the safety of riders and employees, including safety in the event of a homeland security emergency in the national capital area.

BE IT FURTHER RESOLVED that NVTC recommends that the WMATA Board direct the General Manager to set forth, by January 1, 2018, a detailed business plan for implementing the operational reforms outlined in his April 2017 Action Plan and any other actions necessary to meet the requirements of item (vi) of Enactment Clause 4 of HB2136/SB1251 (2017) so the legislatures of the respective jurisdictions will have the opportunity to review such plan prior to the commencement of their legislative sessions.

Approved on this 7th day of September 2017.



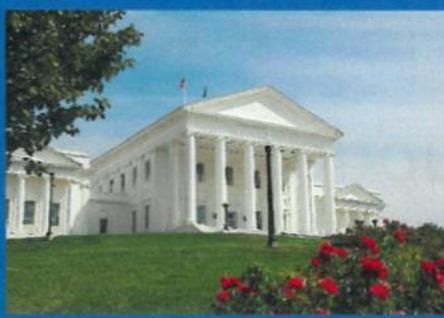
Jeffrey C. McKay
Chairman



Matthew F. Letourneau
Secretary-Treasurer

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Update on Local Fiscal Stress



January 31, 2018
Martha S. Mavredes, CPA
Auditor of Public Accounts



Current requirements

- Locality submits audited CAFR and Comparative Report Transmittal form by November 30
- CPA firm presents audit to local governing body by December 31
- APA publishes Comparative Report of Local Government by January 31

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Current Status

CAFRs	Filed by 11/30	Filed by 2/1	Filed after 2/1
2017	108	42	21 ^a
2016	85	64	20
2015	40	86 ^b	45 ^b

Transmittals	Filed by 11/30	Filed by 2/1	Filed after 2/1
2017	144	19	8 ^a
2016	150	15	4
2015	150	15	6

* Hopewell and Manassas Park still have not submitted for 2016 and 2017.

^a Localities have not submitted as of January 26, 2018.

^b 78 localities submitted a “draft” CAFR by 11/30/15. Effective with the 2016 reporting, the APA only accepts submission of the final audited CAFR.



FY 2016 – implemented a fiscal stress model

- APA calculated 10 ratios using information in the localities' CAFRs
- APA ranked each locality's performance by ratio and converted into percentile rankings
- APA used average of the percentile rankings to determine a Financial Assessment Model (FAM) score
- APA used the FAM score to determine need for follow-up

Initial Notification to Locality

- For localities that had a FAM score that caused concern, notification letter sent
- Explained the analytical process and the cause for concern
- Explained the follow up process that would be followed
- Explained potential assistance available
- Sent notification letters to all other localities to update on the new process and notify they did not fall below our threshold

EEI

Localities Identified for Follow Up

- Based on CAFR ratios and trends
 - Cities of Bristol and Richmond
 - Counties of Giles, Northumberland, Page, and Richmond
- Based on no CAFR available
 - City of Hopewell
 - City of Manassas Park

APA Current Follow-up Process

- Reviewed completed questionnaire responses for “follow-up” localities that chose to respond
- Scheduled meetings with locality officials to discuss responses
- Made a determination of whether there is a need to report to the Governor and Chairs of the money committees that the locality needs assistance
- Letter sent to each locality to summarize the results of our follow-up

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Results of Follow Up

- Stressed it was more important to finalize 2017 (and prior) CAFRs than to respond to our questionnaire
- Two localities declined to participate
 - Counties of Giles and Page
- For three localities, the process indicated they did not currently need Commonwealth assistance
 - City of Richmond, Counties of Northumberland and Richmond

APA Current Follow-up Process, continued

- For one locality, we sent a letter to the Governor, Secretary of Finance, and the Chairs of HAC and SFC recommending Commonwealth assistance
 - City of Bristol
 - issues specific to operational sustainability and long-term debt of its solid waste disposal fund
 - short-term debt related to The Falls project

Pending APA actions

- Summary report of localities experiencing fiscal stress
- Revisions to the Model
 - Follow-up needed/not needed instead of a numerical score
 - Incorporate additional factors
 - Unemployment
 - Commission on Local Government's fiscal stress rankings on locality revenue capacity/effort
 - Information used by bond rating agencies
 - Additional ratios
- Run the revised Model in March for 2017 data

QUESTIONS

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