DATE:      January 24, 2017
TO:        Board of Supervisors
FROM:      Edward F. Long, Jr., County Executive
SUBJECT:   2017 Legislative Report No. 1—Board Legislative Committee Meeting of January 19, 2017

The regular 2017 Session of the Virginia General Assembly convened on January 11, 2017 and is scheduled to adjourn on February 25, 2017. This is a “short” session of 45 days.

The 2017 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 22, 2,355 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 19 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 19, 2017:

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

Budget Update: The Committee received a chart on budget proposals submitted by the Governor for FY 2017 and FY 2018. More detailed information may be found in the chart provided on handwritten pages 59-67 of the attachments to this memorandum.

Pending Wireless Telecommunications Infrastructure Legislation: The Committee received an update on the pending wireless telecommunications bills (HB 2196 (Kilgore) and SB 1282 (McDougle)) and discussed the version under consideration as of January 19, 2017 (see handout on handwritten pages 68-69).

Metro Safety Commission (MSC) Overview: The Committee received an overview of the Metro Safety Commission (MSC) and discussed legislation pertaining to the Washington Metropolitan Area Transit Authority (see handout on handwritten pages 70-72).

Senate Finance Committee Presentation: The Committee received copies of the Senate Finance Committee presentation, which provides an overview of Governor McAuliffe’s proposed amendments to the FY 2016-FY 2018 biennium budget. (see handout on handwritten pages 73-141).

Letter Regarding Non-Medical Emergency Transportation: The Committee received copies of a letter from the Fairfax-Falls Church Community Services Board to Governor McAuliffe regarding non-emergency medical transportation received through Medicaid. (see handout on handwritten pages 142-160).

Priority Principles for Reviewing Legislation

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

Specific Legislation

County Initiative

SB 1354 (Favola) (SLG) 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. (17103135D)
Historical Positions of the Board

SUPPORT

HB 2057 (Kory/Surovell) (HGL) prohibits discrimination in private or public employment based on sexual orientation or status as a veteran. The bill provides that under the Virginia Human Rights Act, such discrimination is actionable if the violating employer has more than five but less than 15 employees. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also conforms various provisions prohibiting discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or veteran status. The bill contains technical amendments. Support; Board has historically supported. (17100266D)

HB 2094 (Price) (HMP) allows localities to regulate the possession of firearms, ammunition, or components or combination thereof into, 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. (17100848D)

HB 2129 (Levine) (HGL) prohibits discrimination in employment and public accommodation on the basis of sexual orientation. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also 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. The bill also adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill contains technical amendments. Support; Board has historically supported. (17103723D)

HB 2070 (Watts) (HFIN) grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing, and payments for highway maintenance. Such powers currently are generally granted to cities and towns. Support; support concept of equalizing taxing authority between counties and cities, although the County has historically opposed any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. (17102290D)

SJ 221 (Surovell) (SPE) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of
the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support; Board has historically supported. (17100183D)

Elections

Absentee Voting

SB 792 (Ebbin) (SPE)/SB 1016 (Barker) (SPE)/SB 1132 (Mason) (SPE) entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee. Support; Board has historically supported. (17100334D, 17102887D, 17102815D)

SB 827 (Wexton) (SPE) entitles a person who will be age 70 or older on the date of the election for which an absentee ballot is requested to vote absentee. Support; Board has historically supported. (17100198D)

SB 882 (Spruill) (SPE) allows 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 but retains the requirement to apply to vote absentee. The bill contains numerous technical amendments that consolidate existing provisions relating to absentee voting by uniformed and overseas voters and absentee voting by persons with a disability. Support; Board has historically supported. (17100875D)

SB 979 (Dance) (SPE) allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail. Support; Board has historically supported. (17102132D)

Transportation

HB 1834 (Anderson) (HCT) 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 position system for the purposes 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. Support; Board has historically supported. (17103620D)

HB 2130 (Levine) (HFIN) 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
The regional price has an initial floor of January 11, 2017. If a newly averaged regional price is higher than the preceding regional price, the tax is imposed on the new regional price, but if a newly averaged regional price is less than the preceding regional price, the higher of the two remains the regional price. If the regional price is at any time equal to or greater than the statewide average wholesale price of unleaded regular gasoline on February 20, 2013, then the tax is imposed on the regional price, which moving forward shall not be less than the statewide average wholesale price of unleaded regular gasoline on February 20, 2013, and shall not be more than a price of $4 per gallon of unleaded regular gasoline. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%. The bill also changes the regional gas tax in Hampton Roads from a percentage to a cents-per-gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of $0.05 per gallon and a ceiling of $0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline. Support; Board has historically supported. (17103725D)

SB 1456 (Wagner) (SFIN) places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax. Support; Board has historically supported. (17103949D)

OPPOSE

HB 1435 (Head) (HHWI) requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare (VIEW) program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2017, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2018. Oppose; Board has historically opposed. (17100158D)

SB 1157 (Reeves) (SRUL) requires the governing body of any association or other nonstock corporation that is established by a political subdivision or combination of political subdivisions of the Commonwealth to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account. Oppose; Board has historically opposed. (17100695D)

SB 1252 (Obenshain) (SPE) requires the officers of election to compare the signature on an absentee ballot envelope with the signature on that voter’s voter registration application. Three officers, including one representative of each political party, are required to agree that the signatures match in order for the absentee ballot to be accepted. If less than three agree, the ballot and application are later reviewed by the electoral board at its meeting held on the day after
election day. If the electoral board determines that the signature on the ballot envelope and the voter's voter registration application match, the ballot is counted. However, if the electoral board determines that the signatures do not match, the ballot is not counted. The bill requires that, when the electoral board determines the signatures do not match, copies of the ballot envelope and the voter registration application are to be provided to the appropriate attorney for the Commonwealth. The voter is required to be notified in writing of the decision of and actions taken by the electoral board. Oppose; Board has historically opposed. (17103095D)

**Immigration**

**HB 2000** (Poindexter) (HCT) 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 bill requires each locality to adopt a policy requiring any public contractor with which the locality does business to use the E-Verify program. Oppose; 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. (17102598D)

**HB 2236** (Cline) (HCT) 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. Oppose; 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. (17102981D)

**SB 1262** (Black) (SLG) provides that a sanctuary city, defined in the bill as any locality that adopts any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law, shall be jointly and severally liable for the tortious injury to persons or property caused by an illegal alien within such locality. Oppose; 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. (17101859D)

**Taxation**

**HJ 676** (Weber) (HRUL) 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. 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. (17101285D)
SB 836 (Chase) (HFIN) provides that if a locality imposes a license tax upon a business, the tax shall be based upon the Virginia taxable income of the business. Current law allows a locality to impose the tax upon gross receipts or Virginia taxable income. Oppose; Board has historically opposed. Fiscal impact to Fairfax County is approximately $146 million per year. (17101006D)

**Transportation**

HB 2120 (Keam) (HTRAN)/SB 929 (Petersen) (SRUL) increases from 17 to 18 the membership of the NVTA and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems. Oppose; Board has historically opposed. (17102324D, 17102740D)

SB 887 (Chafin) (STRAN) exempts projects on U.S. Route 121, commonly known as the Coalfield Expressway, and U.S. Route 460 from the prioritization process that the Commonwealth Transportation Board applies to projects for state funding. Oppose; Board has historically opposed. (17101159D)

SB 1409 (Suetterlein) (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. (17100426D)

**New Bills – 2017 GA**

**Administration of Government**

HB 1468 (Marshall, R.) (HMP) prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority. Monitor. (17100565D)

HB 1723 (Anderson) (HCCT) provides that any public or private entity in the Commonwealth that proposes to enter into a contractual agreement with the federal government that would result in the acceptance and resettlement of refugees or persons not lawfully present in the United States shall first notify in writing the chief elected official of all local governments where such persons may be resettled, the Secretary of the Commonwealth, and the Chairmen of the House and Senate Committees on Rules. Such written notice shall be given at least 30 days prior to the signing of any such agreement. The purpose of this bill is for notification purposes only and grants no authority to localities or the Commonwealth to either approve or disapprove any such proposed resettlement. Monitor. (17103572D)
HB 2043 (Miller) (HGL) prohibits any public official, public employee, or person acting on behalf of a public official or public employee from releasing to the public any identifying information of a law-enforcement officer who is the subject of an official investigation that involves the discharge of a firearm or use of force by such law-enforcement officer during the performance of his official duties prior to the conclusion of such official investigation or the conclusion of the first six months of such investigation. The bill requires that such law-enforcement officer's name be released to the public if he is charged with a criminal offense as a result of the official investigation. The bill authorizes the law-enforcement officer's name to be withheld if the law-enforcement officer is not charged with a criminal offense as a result of the official investigation and the release of his name would create a risk of harm to such law-enforcement officer or his family. A violation is a Class 1 misdemeanor. The bill makes corresponding changes in the Virginia Freedom of Information Act. Monitor. (17103786D)

HB 2105 (Byron) (HFIN)/ SB 1416 (Newman) (SFIN) authorizes public officers, municipal corporations, and other political subdivisions to invest any or all of the moneys belonging to them or within their control, other than sinking funds, in the Virginia Investment Pool Trust Fund administered by the Virginia Local Government Finance Corporation, provided that such investments comply with the requirements of the Investment of Public Funds Act (§ 2.2-4500 et seq.) applicable to municipal corporations and other political subdivisions. Support. (17102038D, 17103326D)

SB 795 (Sturtevant) (SLG) requires every locality and each school division located within the locality to post on the public government website of the locality 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. A locality and school division may exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act. Amend to allow flexibility to exclude personally sensitive information of constituents and employees. (17100644D)

SB 901 (Marsden) (Senate Floor) 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. Support. (17102232D)

SB 920 (Edwards) (SLG) inserts "real estate" in several places related to the priority of tax liens so that the operative language now reads "on a parity with liens for unpaid local real estate taxes." Support. (17102716D)

Animals — Dog Tethering

HB 1802 (Bell, J.) (HAG) prohibits tethering of companion animals outdoors unless the owner is outdoors within sight of the animal. A violation of this prohibition is a Class 4 misdemeanor.
and a second or subsequent violation is a Class 3 misdemeanor. **Amend to allow the County’s approved ordinance provisions, including its penalties, to continue.** (17101042D)

**HB 1877** (Pogge) (HAG) authorizes the governing body of any locality to adopt ordinances limiting the amount of time during which a dog may be tethered. **Monitor.** (17102166D)

**Other Animal Bills**

**HB 1477** (Orrock) (HAG)/**SB 856** (Hanger) (Passed Senate)/ **SB 1263** (Black) (SACNR) authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at $50, and limits the fee for a duplicate dog or cat tag to $1. **Monitor.** (17101360D, 17101869D, 17101857D)

**SB 1204** (Lewis) (SACNR) authorizes localities to adopt ordinances prohibiting the sale in a business of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. **Support.** (17102768D)

**Courts**

**HB 1487** (Albo) (HCT) reduces from 15 to 14 the maximum number of circuit court judges in the 19th Judicial Circuit (Fairfax, Fairfax County), effective July 1, 2018, or upon the death, resignation, or retirement of any judge of that court, whichever occurs later. **Oppose.** (17101507D)

**HB 1515** (Leftwich) (HCT) permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials. **Monitor.** (17101620D)

**SB 854** (Stanley) (SCT) increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. **Monitor.** (17100685D)

**SB 870** (Stuart) (Passed Senate) provides that a clerk of a circuit court that has established an electronic filing system for land records may charge a fee not to exceed $5 per instrument for every land record filed by paper. **Support.** (17102470D)

**SB 926** (Petersen) (Senate Floor) allows localities to authorize the chief law-enforcement officer in the locality to enforce a uniform schedule of civil penalties for violation of that locality’s noise ordinance. **Support.** (17101888D)
Conflicts of Interest

SJ 289 (Ebbin) (SRUL) directs the Virginia Conflict of Interest and Ethics Advisory Council to study the procedures for the filing and review of disclosure forms by local government officers and employees. Monitor. (17102167D)

Elections

HB 1698 (Marshall, D.W.) (HPE) directs the Attorney General to develop and make available a template memorandum of understanding to be used by the general registrars when establishing polling places. The bill requires the general registrar 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. Support with amendments to make the bill permissive, and address technical issues with the legislation. (17101752D)

HJ 702 (Sickles) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the current and future funding needs of modern elections administration in the Commonwealth. The resolution directs JLARC to (i) evaluate and compare the potential fiscal impact at the state and local level of procuring a new voter registration system to replace the current voter registration system with the potential fiscal impact of modifying the current voter registration system so that it is capable of meeting the current and projected needs of the Department of Elections, elections administrators, voters, and other relevant parties; (ii) review the statutory requirements related to the coordination of voter record management between the Department of Elections and other state agencies, including the Department of Motor Vehicles, the Department of Social Services, and the Virginia State Police; and (iii) assess the current and projected costs of the security requirements for election and voter data. Support. (17101227D)

HJ 703 (Sickles) (HRUL) establishes a joint committee of the House and Senate Committees on Privileges and Elections to study the streamlining of special elections in the Commonwealth. In conducting its study, the joint committee is to (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 elections administrators will be invited to participate in the study. Support. (17101228D)

SB 1254 (Obenshain) (Senate Floor) requires the Department of Elections to conduct an annual audit of the ballot scanner machines in use in the Commonwealth. The localities selected for the audit are to be chosen at random with every locality participating in the Department's annual
audit at least once during a five-year period. The bill requires the Department to submit a report on the results of each audit to the State Board of Elections. Amend to clarify that localities will be responsible for performing the audits and reporting the findings to the Department of Elections. (17103101D)

Photo Identification

HB 1428 (Fowler) (HAPP)/SB 872 (Chase) (SPE) requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill also requires any voter to submit a copy of such identification with his voted absentee ballot. The bill exempts military and overseas voters and persons with a disability from these requirements. The bill contains technical amendments. Oppose. (17100844D, 17102046D)

SB 1253 (Obenshain) (SPE) grants to the localities the option to include in their electronic pollbooks 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 provides that the Department of Elections receives such photographs and is required to make them available, upon request, to the general registrars for download in accordance with the procedures set by the State Board of Elections. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. 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. However, the bill requires the officer of election to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph or in the pollbook. The bill has a delayed effective date of July 1, 2018. Monitor. (17103100D)

Environment

HB 2272 (Krizek) (HAG) allows any locality to require (i) a retailer of CFL bulbs to accept used bulbs from customers and to post written notice of that requirement at the point of retail sale and (ii) a wholesaler of CFL bulbs to accept used bulbs and to pick them up from the point of collection within 90 days of collection. The bill requires any such local ordinance to require CFL bulb retailers and wholesalers to take the returned bulbs to a collection or recycling facility and authorizes the locality to subject violations of the law to a civil penalty of up to $50 per violation. Monitor. (17103491D)

Stormwater

HB 1597 (Webert) (HCCT) requires any locality establishing a stormwater management utility to waive charges for a person whose approved stormwater management plan indicates that the stormwater produced by his property is retained and treated on site. Oppose. (17102615D)
SB 1127 (Obenshain) (SACNR) directs the State Water Control Board to adopt regulations requiring that all plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018, and exempts them from certain provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Monitor. (17103564D)

Health

HB 1453 (LaRock) (HHWI)/ HB 1449 (Boysko) (HHWI) / SB 848 (Wexton) (SEH) allows 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 substance abuse treatment services to individuals at risk of experiencing 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 pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber,(ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Support. (17102196D, 17101968D, 17100988D)

HB 1757 (Dudenhefer) (HAPP) 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 $16.5 million. (17100964D)

HB 2097 (Price) (HHWI) allows a magistrate to issue an order requiring a person to provide a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C virus when exposure to bodily fluids occurs between a person and a health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer or other person employed by a law enforcement agency, firefighter, emergency medical services personnel, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. Currently, only the general district court may issue such order. Support. (17102168D)
Human Services

HB 1426 (Garrett) (HHWI) directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with the relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice. Support. (17100871D)

SB 810 (Favola) (SRSS) requires the State Board of Social Services to establish broad-based categorical eligibility for the food stamp program, exempting families that already qualify for certain public assistance programs from an additional financial eligibility determination for food stamp benefits. Support. (17100627D)

SB 876 (Favola) (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. (17102201D)

Community Service Boards

HB 1549 (Farrell) (HAPP)/SB 1005 (Hanger) (SFIN) provides that the core of services provided by community services boards and behavioral health authorities shall include, effective July 1, 2018, (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that the core of services provided by community services boards and behavioral health authorities shall additionally include, effective July 1, 2021, crisis services for individuals with mental health or substance use disorders; outpatient mental health and substance abuse services; psychiatric rehabilitation services; peer support and family support services; mental health services for certain members of the armed forces and veterans; care coordination services; and case management services, including targeted mental health case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of this act. Support with sufficient funding for implementation. (17100770D, 17101412D)

HB 2095 (Price) (HHWI)/SB 1020 (Barker) (SEH) authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines
"qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. The bill requires that a qualified mental health professional provide such services as an employee or independent contractor of a mental health service provider licensed by the Department of Behavioral Health and Developmental Services. The bill defines "registered peer recovery specialist" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. The bill requires that a registered peer recovery specialist provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a mental health service provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health. The bill adds qualified mental health professionals and registered peer recovery specialists to the list of mental health providers that are required to take actions to protect third parties under certain circumstances and notify clients of their right to report to the Department of Health Professions any unethical, fraudulent, or unprofessional conduct. The bill directs the Board of Counseling and the Board of Behavioral Health and Developmental Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment. Oppose unless amended to resolve conflict between language defining “qualified mental health professionals” and other professional licensing rules, which could be costly to CSB. (17101364D, 17101955D)

Financial Exploitation

**HB 1441** (Kory) (HCT) expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity. The bill also allows for forfeiture of personal property used in connection with the crime. Support. (17100262D)

**HB 1788** (Yancey) (HCT)/**SB 1420** (Mason) (SCT) provides that any responsible person who abuses or neglects an incapacitated adult and such abuse or neglect results in any bodily injury, other than serious bodily injury, to the incapacitated adult is guilty of a Class 6 felony, which is in addition to the current Class 4 felony if such abuse or neglect results in serious bodily injury. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity. The bill also provides that a multi-jurisdiction grand jury may investigate and to prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The bill also provides that motor vehicles used in
connection with such offenses are subject to forfeiture to the Commonwealth upon conviction.  
Support.  (17103551D)

HB 2333 (Watts) (HCT) adds the offenses of obtaining money by false pretense, financial 
exploitation of mentally incapacitated persons, and construction fraud to the criminal violations 
that a multi-jurisdiction grand jury may investigate.  Support.  (17103545D)

HB 2334 (Watts) (HCT) provides that motor vehicles used in connection with an offense of 
obtaining money by false pretense, financial exploitation of mentally incapacitated persons, or 
construction fraud are subject to forfeiture to the Commonwealth upon conviction.  Support. 
(17103547D)

HB 2335 (Watts) (HCT) provides that, in addition to existing penalties for unlicensed activity, 
any second or subsequent violation by any person who undertakes work without a valid Virginia 
contractor's license or certificate when a license or certificate is required shall constitute a Class 
6 felony.  Support.  (17103548D)

**Telemedicine**

HB 1767 (Garrett) (House Floor) provides that a health care practitioner who performs or has 
performed an appropriate examination of the patient, either physically or by the use of 
instrumentation and diagnostic equipment, for the purpose of establishing a bona fide 
practitioner-patient relationship may prescribe Schedule II through VI controlled substances to 
the patient, provided that the prescribing of such controlled substance is in compliance with 
federal requirements for the practice of telemedicine. The bill also authorizes the Board of 
Pharmacy to register an entity at which a patient is treated by the use of instrumentation and 
diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship 
and is prescribed Schedule II through VI controlled substances to possess and administer 
Schedule II through VI controlled substances when such prescribing is in compliance with 
federal requirements for the practice of telemedicine and the patient is not in the physical 

SB 1009 (Dunnavant) (Passed Senate) provides that a health care practitioner who performs or 
has performed an appropriate examination of the patient, either physically or by the use of 
instrumentation and diagnostic equipment, for the purpose of establishing a bona fide 
practitioner-patient relationship may prescribe Schedule II through VI controlled substances to 
the patient, provided that the prescribing of such controlled substance is in compliance with 
federal requirements for the practice of telemedicine. The bill also authorizes the Board of 
Pharmacy to register an entity at which a patient is treated by the use of instrumentation and 
diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship 
and is prescribed Schedule II through VI controlled substances to possess and administer 
Schedule II through VI controlled substances when such prescribing is in compliance with 
federal requirements for the practice of telemedicine and the patient is not in the physical
presence of a practitioner registered with the U.S. Drug Enforcement Administration. Support. (17104059D-S1)

**Land Use**

**HB 1697** (Marshall, D.) (HCCT) extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2022. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2017. Monitor. (17101449D)

**HB 1936** (Carr) (HCCT) authorizes a locality to petition the circuit court to appoint a land bank entity to act as a receiver in certain limited circumstances to repair derelict and blighted buildings that contains residential dwelling units. Support. (17102899D)

**SB 802** (Stanley) (SLG) prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year. Oppose. (17100687D)

**SB 919** (Edwards) (Senate Floor) authorizes localities to immediately remove, repair, or secure any building in the event that an emergency is deemed to exist, as certified in writing by the local building code official, without complying with prescribed notice requirements. Support. (17102099D)

**HB 1766** (Habeeb) (House Floor)/**SB 1110** (Stanley) (SCL) provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of an electrical transmission line of 138 kilovolts and any associated facilities shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities. The measure defines "associated facilities" as including any station, substation, transition station, and switchyard facilities to be constructed in association with the 138 kilovolt transmission line. Oppose. (17101914D, 17102098D)

**SB 1173** (Obenshain) (SLG) provides that if a structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. The provisions of the bill are declared to not be deemed retroactive. Oppose. Current law provides for the same situation and remedy for the property owner. (17103645D)

**Condemnation**

**HB 2024** (Freitas) (HCT) provides that "quick take" condemnation proceedings, the procedure for which is governed by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 (Transferring Defeasible
Title by Certificate), are available for use only when a court determines that the use of such procedure is necessary to protect against an imminent threat to public health, safety, and welfare. The bill further allows for entities allowed to exercise eminent domain only in the manner provided for by Chapter 3 of Title 25.1 to alternatively use the procedures outlined by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 (Condemnation Procedures). Oppose. (17101207D)

**HB 2124** (Minchew) (HLC) provides that a condemnor or a natural gas company with the right of entry without the permission of the landowner must provide just compensation to the landowner for such entry. The bill provides that the presumptive amount of such just compensation is $100, which shall be paid to the landowner in advance of the entry onto the property. Oppose. (17103364D)

**SB 927** (Petersen) (SCT) provides that an authorized condemnor in a "quick-take" condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the owner of the property. Under current law, such proceedings must be instituted within 60 days after the completion of the construction of the improvements upon the property. The bill further provides that the owner of such property has 180 days after the authorized condemnor has entered upon and taken possession of the property or after the recordation of a certificate to petition the court for a determination of just compensation for the property taken or damaged by the authorized condemnor. Oppose. (17101891D)

**SB 1153** (Obenshain) (SCT) directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article I, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013. Oppose. (17100907D)

**SB 1421** (Mason) (STRAN) provides that, for condemnation proceedings involving the Commissioner of Highways, interest on an award that is greater or less than that which is deposited with the court shall accrue at a rate that is the greater of (i) the average monthly rate of interest established pursuant to § 6621 (a)(2) of the Internal Revenue Code, computed from the month of such deposit to the date of payment into court, or (ii) the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code, compiled by the Department of Transportation for the month in which the award is rendered. Monitor. (17103351D)

**Proffers**

**SB 857** (Locke) (SLG) reduces from 3.0 to 2.0 the minimum floor area ratio necessary for a new residential development to be exempted from provisions applicable to certain proffers as a condition for rezoning. Support. (17101432D)
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Wireless Communications Infrastructure

**HB 2196 (Kilgore) (HLC)/SB 1282 (McDougle) (SCL)** provides a uniform procedure for the way in which wireless communications infrastructure is approved by localities and approved and installed in public rights-of-way. **Oppose.** (17103884D, 17103885D)

**Procurement**

**HB 1808** (Bell, J.) (HGL) authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth above. **Support.** (17102088D)

**SB 1275** (Ebbin) (SGL) authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of (i) technical solution, 30 percent; (ii) past performance, 30 percent; and (iii) price, 40 percent. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal must contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe the criteria that will be considered and the numerical scoring system that will be used in evaluating the proposals. **Support.** (17103635D)

**Public Safety/ Criminal Justice**

**HB 1815** (Yancey) (HCT)/**SB 1138** (Mason) (SFIN) increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities. **Support.** (17102280D, 17102278D)

**HB 1719** (Anderson) (House Floor)/**SB 1003** (Ebbin) (Passed Senate) postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. **Support.** (17102186D, 17102202D)

**HB 1782** (Bell, Robert B.) (HCT) authorizes the State Board of Corrections (Board) to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate’s death and whether the facility was in
compliance with the Board's regulations. The bill requires the Board to develop and implement policies and procedures for the review of the death of any inmate that occurs in any local or regional correctional facility. The bill also requires that the State Department of Health and the Office of the Chief Medical Examiner assist the Board in developing and implementing these policies and procedures and with any death review undertaken by the Board. The bill provides that any death review shall be performed by Department of Corrections (Department) staff designated by the Board and requires the Board to submit a report of the findings of a completed investigation to the Governor, the General Assembly, and the Department. The bill also specifies requisite qualifications for individuals appointed to the Board. Monitor. (17103517D)

SB 942 (Cosgrove) (SRSS) authorizes the State Board of Corrections (Board) to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate's death and whether the facility was in compliance with the Board's regulations. The bill provides that any review shall be performed by Department of Corrections (Department) staff designated by the Board and requires the Board to submit a report of the findings of a completed investigation to the Governor, the General Assembly, and the Department. Monitor. (17101442D)

HB 1894 (Herring) (HAPP)/SB 1047 (Lucas) (SCT) expands the responsibilities of the Department of Criminal Justice Services regarding community policing by requiring the compulsory training standards for basic training and recertification of law-enforcement officers to include fair and impartial policing, verbal de-escalation, and needs of special populations. The bill changes the term "community policing" to "community engaged policing." Monitor. (17101805D, 17101806D)

HJ 618 (Davis) (HRUL) requests the Department of Criminal Justice Services to study the costs and benefits of assisting localities in alleviating pay compression in police and deputy sheriffs' salaries and to propose strategies, campaigns, or state actions to alleviate pay compression issues. Monitor. (17102941D)

Fire Alarms

HB 1404 (Cole) (HCT) removes the provision that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a fire alarm to apply. The Class 1 misdemeanor will apply to all buildings. Support. (17100210D)

SB 1054 (Stuart) (SCT) removes the condition that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a building's fire alarm to apply. The bill authorizes any locality to provide by ordinance that a person convicted of maliciously activating a fire alarm shall be liable for the reasonable expense in responding to such a fire alarm. Current law allows such an ordinance to impose liability for the reasonable expense of an emergency response to an imitation version of a weapon of terrorism, fire bomb, other explosive device, bomb threat, or incitement of a bomb threat. The bill increases the amount that a locality or
volunteer emergency medical services agency may recover under such an ordinance from $1,000 to $2,500. Support. (17103161D)

Firearms

**SB 791** (Chase) (SFIN) makes the $10 fee that the clerk of court is now required to charge for processing a concealed handgun permit application or issuing a concealed handgun permit discretionary with the clerk. Monitor. (17100369D)

Fireworks

**SB 980** (Stanley) (SGL) authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The bill also creates a 12 percent tax on the purchase of all consumer fireworks to be paid to the locality in which the tax was collected for the support of fire and rescue services. The bill has a delayed effective date of January 1, 2018. The bill contains technical amendments. Oppose. (17100688D)

**SB 1411** (Suetterlein) (SGL) authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property.
SB 1433 (Reeves) (SGL) authorizes a person to sell consumer fireworks if he possesses a federal permit to sell fireworks, a permit issued by the Board of Housing and Community Development, and a local permit, if and as required by the locality where the sales facility is located. The measure directs the Board to establish requirements and establish a process for the issuance and renewal of permits for the sale of consumer fireworks. A permittee is required to carry, with respect to each permitted facility, public liability and product liability insurance with minimum limits of $5 million to cover the losses, damages, or injuries that might ensue to persons or property as a result of the sales of consumer fireworks. The measure specifies certain requirements for facilities at which consumer fireworks are permitted to be sold, including prohibitions on an individual under 18 years of age (i) being admitted into any consumer fireworks retail sales facility unless accompanied by a parent, guardian, or responsible adult or (ii) working in any consumer fireworks retail sales facility. The measure prohibits a person from, among other acts, (a) selling consumer fireworks within the Commonwealth unless he is a permittee or an employee or agent of a permittee; (b) selling consumer fireworks from a place other than a permanent consumer fireworks retail sales facility; (c) selling consumer fireworks to an individual who appears to be under the influence of alcohol or drugs; (d) knowingly selling or otherwise furnishing consumer fireworks to an individual under 18 years of age; (e) purchasing, using, or possessing consumer fireworks if the individual is under 18 years of age; or (f) selling or storing fireworks that are not consumer fireworks as defined in a standard established by the American Pyrotechnics Association. Certain violations are punishable as a Class 1 misdemeanor. A person violating restrictions on the hours during which, or places where, consumer fireworks may be used is subject to a civil penalty not to exceed $150 per violation. 

Mental Health Awareness Training

HB 1480 (Helsel) (HCT)/SB 1064 (Deeds) (SFIN) requires the Department of Behavioral Health and Developmental Services (DBHDS) to establish and administer a mental health awareness program for training persons in emergency services professions in recognizing potential mental health issues and assisting themselves and each other with mental health issues. The bill requires DBHDS to create and administer a process by which a program not created by DBHDS can be certified as a qualified mental health awareness program. The bill requires law-enforcement officers, emergency medical services personnel, and firefighters other than volunteer firefighters to participate in a mental health awareness program created or certified by DBHDS once every two years. Support concept of mental health training for first responders; seek flexibility to mitigate fiscal impacts. 

Renewable Energy

HB 1800 (Toscano) (HLC) authorizes individual retail customers of electric energy to own and operate, or contract with other persons to own, operate, or both, a renewable electrical generating
facility under a third party power purchase agreement, on the customer's premises that meets the "eligible customer-generator" requirements for nonresidential customers and agricultural customers under the Commonwealth's net energy metering program. **Support.** (17101835D)

**SB 918** (Edwards) (SCL) replaces the pilot program enacted in 2013 that authorized certain third-party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third-party power purchase agreement programs for each electric utility. The existing pilot program applies only to Dominion Virginia Power and sets the maximum size of a renewable generation facility at one megawatt; the programs authorized by this measure apply to all electric utilities and do not set limits on the size of facilities. The measure also exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a renewable generation facility. **Support.** (17101717D)

**Study of Virginia Lottery Fund**

**HJ 627** (Wright) (HRUL)/**SJ 248** (Ruff) (SRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the feasibility of allocating a larger portion of Virginia Lottery prize money to localities. In its study, JLARC is directed to (i) review how the Virginia Lottery would be affected if prizes were reduced by up to five percent to provide a greater return to localities, (ii) determine if operation costs could be reduced to provide an alternative way to return more money to localities, and (iii) review other related issues and make recommendations as appropriate. **Support.** (17100990D, 17103146D)

**Taxation**

**HB 1488** (Albo) (HFIN) reduces from six months to three months the minimum period of time that a tax has been delinquent before a locality may refer the delinquency to an attorney, collection agency, or the sheriff for collection. **Support.** (17102385D)

**HJ 634** (Cole) (HPE) provides that the General Assembly may authorize any elected school board to impose real property taxes. **Monitor.** (17101131D)

**SB 956** (Locke) (SFIN) increases from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. **Monitor.** (17101430D)

**Business Professional and Occupational Licenses (BPOL)**

**HB 1889** (Hugo) (HFIN)/**SB 1274** (McDougle) (SFIN) clarifies that the exemption for wholesale manufacturers from local license taxes includes a defense production business selling manufacturing, rebuilding, repair, and maintenance services to the United States or for which
consent of the United States is required. Amend to narrow scope; exemptions in bill as written are overly broad. (17101713D, 17101436D)

HB 1961 (Hugo) (HFIN) requires the Department ofTaxation to promulgate regulations that clarify the appropriate methodology for determining deductible gross receipts attributable to business conducted in another state or a foreign country. The bill requires the regulations to be based on previous Rulings of the Tax Commissioner and the decision of the Supreme Court of Virginia in The Nielsen Company, LLC v. County Board of Arlington County, 289 Va. 79 (2015). In that decision, the Court endorsed the Tax Commissioner’s ruling to require manual accounting but to allow payroll apportionment in the event that manual accounting is impossible to use in order to calculate the deduction. Monitor. (17101883D)

Transportation

HB 1888 (Hugo) (House Floor) allows school bus drivers to use, in addition to two-way radio devices, wireless telecommunications devices that are similar to two-way radio devices to communicate with school or public safety officials. Support. (17101457D)

HB 2138 (LeMunyon) (HTRAN) provides that in its adoption of any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8 (Northern Virginia), the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning on any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8 (Northern Virginia), 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. Oppose. (17101142D)

Northern Virginia Transportation Authority

HB 2137 (LeMunyon) (HTRAN) requires the Northern Virginia Transportation Authority (the Authority) to annually publish on its website any land use or transportation elements of a locality's comprehensive plan that each locality embraced by the Authority is currently required to report when such locality's plan is inconsistent with the Authority's regional transportation plan. Additionally, the bill requires the Authority to consider for revision and revise as necessary its regional transportation plan at least once every five years. In the procedures for such consideration for revision, the Authority is required to certify that the plan would reduce congestion in Planning District 8 to the greatest extent practicable or, if unable to so certify, specify the reasons and any need for cooperation by other regional entities. Oppose. (17100338D)
Personal Communication Devices

**HB 1606** (Villanueva) (HTRAN) 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. **Monitor.** (17100696D)

School Bus Seat Belts

**HJ 570** (Lingamfelter) (HRUL) directs the Joint Legislative Audit and Review Commission to study the effectiveness of requiring seat belts on every school bus in the Commonwealth. **Monitor.** (17102369D)

Taxes

**SB 1211** (Wexton) (Senate Floor) allows counties and adjoining towns to enter into reciprocal agreements to collect each other's vehicle license fees and taxes. Currently, such collection is limited to non-delinquent license fees and taxes. **Support.** (17102381D)

**SB 1092** (Petersen) (SFIN) establishes a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia by requiring that the average sales price upon which the tax is based be no less than the statewide average sales price on July 1, 2013. **Support.** (17101882D)

IV. Legislation Provided for Discussion

**Opioids**

**SB 1232** (Dunnavant) (SEH) prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed, owned, or operated by the Commonwealth to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a three-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, owned, or operated by the Commonwealth to provide health care unless the prescription complies with the requirements of the bill. The bill has an expiration date of July 1, 2020. **Support concept of limiting supply of opioids with input from prescribing professionals in an expeditious manner.** (17101977D)

**HB 1885** (Hugo) (HHWI) provides that a prescriber who prescribes a controlled substance containing an opioid to a patient shall not prescribe an amount greater than a seven-day supply unless (i) in the professional medical judgment of the prescriber, more than a seven-day supply of the controlled substance containing an opioid is required to stabilize the patient's acute medical condition, or (ii) the prescription is for the management of pain associated with cancer, use in palliative or hospice care, or management of chronic pain not associated with cancer. The bill
also requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than seven consecutive days. Currently, a prescriber must request such information when a course of opioid treatment is expected to last more than 14 consecutive days. Support concept of limiting supply of opioids with input of prescribing professionals in an expeditious manner. (17100971D)

HB 2167 (Pillion) (HHWI)/SB 1180 (Chafin) (Senate Floor) directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill contains an emergency clause. Support. (17103362D, 17101154D)

HB 2161 (Pillion) (HHWI)/SB 1179 (Chafin) (SRUL) requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as representatives of the State Council of Higher Education for Virginia and each of the Commonwealth's medical schools, dental schools, schools of optometry, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017. Support as long-term comprehensive review to improve current practices on pain management. (17100758D, 17101155D)

Public Safety/Criminal Justice

License Plate Readers

HB 1657 (Marshall, R.) (HMP) codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act by limiting the ability of law-enforcement and regulatory agencies to use license plate readers to collect and maintain personal information on individuals where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individuals. The bill provides that information collected by a license plate reader without a warrant shall be used only for the investigation of a crime or a report of a missing person and shall be retained only for seven days, after which such information shall be purged unless relevant to an ongoing investigation of a crime or missing person report. The bill also prohibits an agency from acquiring personal information collected from license plate readers from any other agency or a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own. Monitor. Retention period in bill may be insufficient. (17103275D)

SB 924 (Petersen) (SGL) provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended
for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or a missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information," for the purposes of government data collection and dissemination practices, vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place. Monitor. Board has historically monitored. Retention period in bill may be insufficient. (17101878D)

Transportation

Towing

HB 1960 (Hugo) (HTRAN)/SB 1468 (Marsden) (STRAN) creates a civil penalty of $100 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing. The bill exempts Planning District 8 (Northern Virginia) 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 a tow truck driver immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. The bill raises the hookup and initial towing fee in Planning District 8 (Northern Virginia) from $135 to $150. The bill requires the chairman of any towing advisory board within Planning District 8 (Northern Virginia) to be a representative of a licensed towing and recovery operator and limits the membership of such boards to only representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and one member of the general public. The bill adds improper towing as a prohibited act under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). Support increasing consumer protections, including creation of a civil penalty for improper towing while retaining existing local authority. (17101900D, 17101890D)

HB 2132 (Levine) (HTRAN) requires local towing advisory boards to consist of an equal number of representatives of (i) local law-enforcement agencies, (ii) licensed towing and recovery operators, (iii) commercial property or business owners, including business tenants residing in commercial buildings, and (iv) the general public. Current law requires the membership of such advisory boards to consist of (a) an equal number of representatives of local law-enforcement agencies and licensed towing and recovery operators and (b) one member of the general public. Monitor. (17102409D)

SB 1340 (Surovell) (STRAN) includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing, and violations of local ordinances regulating police towing, price, and trespass towing. Support. (17100606D)
Washington Metropolitan Area Transit Authority

**HB 2136** (LeMunyon) (HTRAN)/**SB 1251** (Barker) (STRAN) authorizes Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact. The compact establishes a state safety oversight authority for the Washington Metropolitan Area Transit Authority (WMATA) Rail System, pursuant to the mandate of federal law, to review, approve, oversee, and enforce the safety of the WMATA Rail System. Support. (17102733D, 17102737D)

**HJ 617** (LeMunyon) (HTRAN) requests the Governor to review the Washington Metropolitan Area Transit Authority Compact of 1966 and enter into discussions with his counterparts in the District of Columbia and Maryland to identify possible improvements to the agreement, particularly with regard to the governance, financing, and operation of the Washington Metropolitan Area Transit Authority. Support. Discussion regarding Washington Metropolitan Area Transit Authority should be comprehensive. (17102277D)

V. Legislation Requiring Further Review

**Administration of Government**

**HB 2223** (Kory) (HGL) requires that every public body afford an opportunity for public comment during any open meeting and requires that the public comment periods be noticed on the public body’s agenda. The bill permits the public body to have discretion in where it places the public comment period on its agenda and permits the public body to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. The bill requires that for meetings of all public bodies, not just those state public bodies on which there is at least one member appointed by the Governor as in current law, the notice provided for any such meeting include a statement as to approximately at what point during the meeting public comment will be received. (17103756D)

**HJ 705** (Yancey) (HRUL) expresses the sense of the General Assembly that localities be encouraged to develop a more uniform and streamlined permitting process. Such an effort would benefit from having the Virginia Association of Counties and the Virginia Municipal League take the lead in developing a model application and permitting process while utilizing the best practices from localities throughout the Commonwealth. (17101686D)

**SB 884** (Locke) (SLG) provides that certain waste and recycling charges, and any penalty and interest thereon, constitute a lien against the real property ranking on a parity with liens for unpaid taxes. The bill provides that a lien may be placed on the property in the amount of (i) up to three months of delinquent waste and recycling charges when the service is supplied to a lessee or tenant or (ii) up to the number of months of delinquent charges when the service is provided to the property owner. (17101428D)
SB 932 (Favola) (SLG) exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. (17101930D)

SB 1259 (Black) (SLG) exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. (17102908D)

SB 1368 (Norment) (SGL) provides that, in lieu of newspaper advertisements, foreclosure sales shall be advertised at the courthouse and on the website of the public government of the locality served by the court or of the circuit court for the county or city in which the property to be sold is located, and that the clerk shall place a small notice in a newspaper having a general circulation in the city or county in which the property to be sold is located informing the public of the location of such advertisements. The bill has a delayed effective date of January 1, 2018. (17102756D)

SJ 278 (Hanger) (SRUL) establishes a 15-member joint subcommittee to study local government fiscal stress. The two-year joint subcommittee shall review (i) the taxing authorities of local governments, including the disparity between city and county tax authority; (ii) local responsibilities for service delivery of state-mandated or high priority programs, (iii) causes of fiscal stress among local governments, (iv) the current state tax system, including the future of the car tax; and (v) potential financial incentives and other governmental reforms to encourage increased regional cooperation and consolidation of services. (17103879D)

Conflicts of Interest

SB 965 (Hanger) (SRUL) provides an exception to the prohibition against contracts between employing agencies and their officers or employees for contracts by an officer or employee of a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under such program. The bill provides that the exception applies to all contracts by an officer or employee or an immediate family member of such officer of or employee with a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality entered into prior to July 1, 2017. (17100969D)

SB 1294 (Vogel) (SRUL) replaces the $100 annual cap on gifts to (i) members of and candidates for the General Assembly and their immediate family members from a lobbyist or lobbyist's principal and (ii) state and local officers and employees required to file a statement of economic interests and their immediate family members from a lobbyist or lobbyist's principal or a person, organization, or business who is or is seeking to become a party to a contract with the officer or employee's agency local agency with an absolute ban on gifts from such individuals. The only exceptions to this gift ban are (i) gifts from foreign dignitaries received on behalf of the
Commonwealth or a locality and (ii) travel approved by the Virginia Conflict of Interest and Ethics Advisory Council. (17102993D)

SB 1312 (Norment) (SRUL) makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council) including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to be admitted into evidence in any trial of a person for violating the conflict of interest acts; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a $250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; and (x) directing that candidates for statewide or constitutional office and the General Assembly are required to file a disclosure form with the State Board of Elections and not the Council. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill also eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which was not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) gifts given on a special occasion by an individual in a bona fide personal relationship with the donee. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clause (x). (17102773D)

Education

Class Size

HB 2173 (Murphy) (HED) establishes a maximum class size of 24 students in science laboratory classes in grades six through 12. (17102269D)

HB 2174 (Murphy) (HED) requires each school board to annually report to the public (i) the actual pupil/teacher ratios in middle school and high school academic courses by school, subject,
course, and teacher for the current school year and (ii) each classroom in the local school division that exceeds the relevant class size limit established by law, identifying such classroom by school, subject, course or class, and teacher. (17103665D)

School Vouchers

HB 1605 (LaRock) (HED) permits the parent of a public preschool, elementary, or secondary school student to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private sectarian, or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts. (17100986D)

SB 1243 (Dunnavant) (SEH) permits the parent of a public preschool, elementary, or secondary school student who meets certain criteria to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private, sectarian or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts. (17102447D)

HB 1756 (Davis) (HFIN) eliminates the requirement that a student currently or recently have attended public school in order to qualify for a scholarship from a scholarship foundation that provides tax-credit-derived scholarships. The bill increases the maximum annual scholarship amount from 100 percent of the per pupil amount distributed to the local school division as its share of standards of quality costs (i) for a student with a disability, to 400 percent of such amount and (ii) for a student who has an autism spectrum disorder, to $26,000. The bill adds to the definition of "qualified educational expenses" expenditures made in connection to summer education. (17102985D)
Virtual Schools

HB 1400 (Bell, Richard P.) (HED) establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. (17100178D)

SB 1240 (Dunnavant) (SEH) establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. (17102925D)

HB 1923 (Bagby) (HED) requires that the Virtual Virginia program, established by the Department of Education, be made available to all public middle and high schools. The bill provides that such program may be made available to all public elementary schools. Under current law, Virtual Virginia is required to be made available to public high schools only. The bill also replaces the term "statewide electronic classroom" with "online learning program" to more accurately reflect the Virtual Virginia program. (17101288D)

Elections

HB 1594 (Boysko) (HPE) provides that any property line or subdivision boundary shown on an official local property map will constitute a "clearly observable boundary" for the purpose of constituting a district or precinct boundary. Current law provides that only property lines and subdivision boundaries that appear on VDOT maps, United States Geological Survey topographical maps, or the TIGER/line files of the United States Bureau of the Census may be used. (17102206D)

HB 1733 (Anderson) (HPE) provides a process by which elected officers and officers appointed to an elected office may be recalled and removed from office. The recall process is initiated by a petition signed by a number of registered voters residing within the jurisdiction of the officer equal to 20 percent of the total number of votes cast at the last election for the office the officer
holds. The bill requires the timing and conduct of the recall election to comply with the provisions governing special elections. Any registered voter qualified to vote for the officer subject to the recall may vote in the recall election. If a majority of the votes are for removal of the officer, the officer is removed from office and the vacancy is filled in accordance with law. The bill retains the statutory reasons for removal. The bill retains the process for removal by the courts for officers appointed for a term certain. (17100134D)

SB 844 (Howell) (SPE) allows for any registered voter to vote by absentee ballot in person in 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 the twenty-first 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, including the application requirement and the list of statutory reasons. (17101106D)

SB 1002 (Ebbin) (SPE) allows any registered voter to vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason or making a prior application for an absentee ballot. Absentee voting in person will be available in the office of the general registrar or the secretary of the electoral board and may be available at additional locations if approved by the local electoral board. The period for absentee voting in person will begin on the twenty-first day prior to any election and will end at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting absentee by mail, including the application process and list of eligibility reasons. (17102185D)

SB 1105 (Obenshain) (SPE) requires the local electoral boards to direct the 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 years or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia, in order to determine the cause of the inflated number of registered voters, including identifying persons who may be improperly registered. 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, in order to determine the cause of the inflated turnout, including identifying persons who may not be eligible to vote. The local electoral boards are required to make reports of the findings to the State Board. These reports are public documents. (17102905D)

SB 1200 (Lewis) (SPE) repeals the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy
of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding requirements for certain voters pursuant to the Help America Vote Act of 2002. (17101485D)

**SB 1295** (Vogel) (SPE) 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. (17103008D)

**SB 1302** (Vogel) (Senate Floor) provides that when no person is elected to an office by write-in votes and the total number of write-in votes for that office is less than the total number of votes cast for the candidate receiving the least number of votes for that office, the electoral board is required only to ascertain and the abstract of votes is required only to contain the total number of write-in votes cast for that office. (17104357D-S1)

**SB 1304** (Vogel) (Senate Floor) provides that the statutory authority allowing a city or town to move its local elections to the November general election date by ordinance notwithstanding a charter provision to the contrary shall be retroactively effective beginning on July 1, 2000, in keeping with the intent of the General Assembly when first granting such authority. (17103078D)

*Absentee Voting*

**HB 1912** (Yost) (SPE) entitles a person to vote absentee if the person has been granted a protective order issued by or under the authority of any court of competent jurisdiction. (17102030D)

**SB 845** (Howell) (SPE) entitles a person to vote absentee if the person 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. (17101251D)

**SB 961** (Spruill) (Senate Floor) provides that when an absentee ballot is rejected, at least two officers of election, one representing each political party, are required to write and sign a
statement for the cause of the ballot's rejection. Currently, the law requires that a majority of the officers write and sign such statement. (17103090D)

**SB 1131** (Mason) (SPE) 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 a child or for an ill or disabled individual who is confined at home. The bill also entitles a person to vote absentee if he lacks access to reliable personal transportation. (17101480D)

**SB 1467** (Marsden) (SPE) allows the officers of election at a central absentee voter precinct to begin counting those absentee ballots that are counted by hand at any time after 6:00 a.m. on the day of the election. The bill prohibits ballot count totals to be announced or transmitted outside of the central absentee voter precinct until after the closing of the polls. Currently, absentee ballots may be processed at the central absentee voter precinct prior to the closing of the polls, but shall not be counted until after the polls have closed. (17103917D)

**Voter Registration**

**HB 1430** (Fowler) (HPE) requires any individual or organization that will be distributing and collecting voter registration applications to register as a third-party registration group with the Department of Elections (the Department) prior to engaging in any voter registration activities. The bill requires volunteers and employees of third-party registration groups to register with the Department. The Department is required to issue a unique identification number to each third-party registration group, and each group shall assign its volunteers and employees a separate identification number. The bill requires these identification numbers to be included on voter registration applications collected by the third-party registration group. The bill also requires third-party registration groups to maintain a record containing information about all volunteers and employees engaging in voter registration activities on behalf of the group, each of whom is required to receive training and to maintain a log of his registration activities to be submitted with all completed applications collected. The bill prohibits the compensation of volunteers and employees on a per-application basis. (17100934D)

**HB 1431** (Cole) (HPE) requires any individual or organization that will be distributing and collecting voter registration applications to register as a third-party registration group with the Department of Elections (the Department) prior to engaging in any voter registration activities. The bill requires volunteers and employees of third-party registration groups to register with the Department. The Department is required to issue a unique identification number to each third-party registration group, and each group shall assign its volunteers and employees a separate identification number. The bill requires these identification numbers to be included on voter registration applications collected by the third-party registration group. The bill also requires third-party registration groups to maintain a record containing information about all volunteers and employees engaging in voter registration activities on behalf of the group, each of whom is required to receive training and to maintain a log of his registration activities to be submitted with all completed applications collected. The bill prohibits the compensation of volunteers and employees on a per-application basis. (17100850D)
SB 871 (Chase) (SPE) requires any individual or organization that will be distributing and collecting voter registration applications to register as a third-party registration group with the Department of Elections (the Department) prior to engaging in any voter registration activities. The bill requires volunteers and employees of third-party registration groups to register with the Department. The Department is required to issue a unique identification number to each third-party registration group, and each group shall assign its volunteers and employees a separate identification number. The bill requires these identification numbers to be included on voter registration applications collected by the third-party registration group. The bill also requires third-party registration groups to maintain a record containing information about all volunteers and employees engaging in voter registration activities on behalf of the group, each of whom is required to receive training and to maintain a log of his registration activities to be submitted with all completed applications collected. The bill prohibits the compensation of volunteers and employees on a per-application basis. (17102047D)

SB 1256 (Ebbin) (SPE) requires any individual or organization that will be distributing and collecting voter registration applications to register as a third-party registration group with the Department of Elections (the Department) prior to engaging in any voter registration activities. The Department is required to issue a unique identification number to each third-party registration group, and each group shall assign its volunteers and employees a separate identification number. The bill requires these identification numbers to be included on voter registration applications collected by the third-party registration group. The bill also requires third-party registration groups to maintain a record containing information about all volunteers and employees engaging in voter registration activities on behalf of the group. (17101096D)

SB 1303 (Vogel) (Senate Floor) requires that voter registration applications made by electronic means be made by 5:00 p.m. on the final day for registration before an election and that the principal office of each general registrar close for voter registration purposes at 5:00 p.m. on the final day of registration; the same deadline applies to the receipt of certain mail voter registration applications. (17103072D)

Environment

HB 1619 (Bulova) (HAG) directs the State Water Control Board to incorporate into the general permit procedures by which it will, every 10 years, (i) review load allocations to determine whether changes in the use of a facility have halted or reduced nutrient discharges and (ii) determine, prior to reissuing the general permit, the need for reallocations based on a variety of factors, including changes in treatment technologies and land use. (17101509D)

HB 1740 (Minchew) (HAG) transfers authority to create or enlarge sanitary districts from the circuit court with jurisdiction over the locality in which the district is located to the governing body of the county or city in which the district is located. The bill requires the governing body, at a hearing for the creation or enlargement of a sanitary district, to make a finding of fact of whether the action is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in the case of
enlargement, the area proposed to be included in the existing district. The bill also requires a minimum standard regarding timeliness for hearings. (17102826D)

HB 1859 (Lopez) (HAG) directs the Department of Environmental Quality (DEQ) to publish and update annually a Virginia Nonfederally Managed Hazardous Site Inventory, consisting of a list of sites of which DEQ is aware that meet certain criteria regarding the presence of hazardous wastes or other hazardous substances but that are not listed on the federal National Priorities List. The bill also requires an owner of an inactive nonfederally managed hazardous waste site to notify DEQ of its existence. (17103714D)

HB 1870 (Lopez) (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 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. (17101576D)

SB 1189 (Edwards) (SLG) separates Code provisions regarding water and sewer services provided to lessees or tenants of real property from Code provisions regarding water and sewer services provided to owners of real property. The bill removes a locality's authority to waive a required written authorization by an owner for water or sewer services provided by a locality to a lessee or tenant. A copy of the lease between the lessee or tenant and the owner is acceptable authorization. The bill provides that no lien can be placed on the property of an owner when a lessee or tenant has delinquent fees for water or sewer charges until the locality has made reasonable collection efforts and practices including (i) applying the security deposit to the payment of the outstanding balance and (ii) either filing for the Setoff Debt Collection Program (§ 58.1-520 et seq.) or placing the account with a debt collection service. A lien against the lessee or tenant shall rank on a parity with a lien for unpaid taxes. When a locality does not require a security deposit from a lessee or tenant to obtain water and sewer services, the locality shall waive its lien rights against the property owner. The bill also authorizes the locality or authority to provide a partial credit where excessive water and sewer charges result from an intentional cause. A locality or authority cannot deny service to a new lessee or tenant when there are unpaid fees for services to a previous lessee or tenant unless a lien against the property owner is placed on the property. (17103817D)

Freedom of Information Act

HB 1539 (LeMunyon) (HGL) clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information
as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also eliminates the correspondence exclusion for certain state and local officials. The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the HJR 96 FOIA study (2014-2016). (17100968D)

HB 1587 (Campbell) (HGL) provides that 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 be confidential and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). (17101163D)

SB 1128 (DeSteph) (SGL) provides that there shall be a rebuttable presumption that a failure to respond to a request for records was willful and knowing. (17102874D)

Health and Human Services

HB 1551 (Farrell) (HHWI) provides that records and information related to proceedings, hearings, and orders for involuntary commitment in the possession of the court, including identifiable information, shall be transmitted to the Department of Behavioral Health and Developmental Services upon request for the purpose of enabling the Department and its agents to maintain statistical archives and merge the data with other records and information in the Department's statistical archives; conduct research on the characteristics and outcomes of proceedings, hearings, and orders; and otherwise carry out its responsibilities in accordance with the provisions of Title 37.2 (Behavioral Health and Developmental Services). The bill requires the Department to take all necessary steps to protect the security and privacy of the records and information provided pursuant to the provisions of the bill in accordance with the requirements of state and federal law and regulations. (17101062D)

HB 1604 (Bell, Richard P.) (HCT) allows a local board of social services to take a child into immediate custody pursuant to an emergency removal order in cases in which the child is alleged to have been abused or neglected, and allows a court to issue certain orders in such cases, without
requiring that reasonable efforts be made to prevent removal of the child from his home if (i) the parental residual rights of the child's parent over a sibling were involuntarily terminated; (ii) the parent was convicted of murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim was a child of or resided with the parent or was the other parent of the child; (iii) the parent was convicted of felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim was a child of or resided with the parent; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances or abandoned a child under circumstances that would justify the termination of residual parental rights. The bill makes other changes related to foster care to comply with federal requirements. (17101355D)

HB 1918 (Robinson) (HCT) directs the Department of Behavioral Health and Developmental Services to develop and administer a web-based acute psychiatric patient registry to collect, aggregate, and display de-identified information about individuals who meet the criteria for temporary detention to facilitate the timely identification of a facility for temporary detention and treatment of the individual. The bill requires each community services board and behavioral health authority in the Commonwealth to update information contained in the acute psychiatric patient registry to include information about a person found to meet the criteria for temporary detention and requires private providers to identify patients for whom they are able to provide temporary detention and treatment and to contact the state facility, community services board, or behavioral health agency having custody of the individual to facilitate the transfer of the patient to the provider for temporary detention and treatment. (17101582D)

HB 2300 (O'Bannon) (HHWI) provides that in cases in which inspections of emergency medical services agencies and vehicles, hospitals, hospices, home care organizations, restaurants, summer camps, campgrounds, and hotels are required, no licensee shall be inspected for a second time until such time as all other licensees in that category have also been inspected. (17100856D)

SB 1008 (Hanger) (SRSS) clarifies the individual crimes that constitute a barrier for (i) individuals seeking employment at nursing homes, home care organizations, hospices, state facilities, and private providers licensed by the Department of Behavioral Health and Developmental Services, community services boards, behavioral health authorities, assisted living facilities, adult day care centers, children's welfare agencies, family day homes approved by family day systems, and children's residential facilities; (ii) applicants for licensure, registration, or approval as assisted living facilities, child welfare agencies, or family day homes approved by family day systems; (iii) individuals with whom a local board of social services or child-placing agency is considering placing a child on an emergency, temporary, or permanent basis; (iv) foster and adoptive homes seeking approval from child-placing agencies; and (v) providers of adult services and adult foster care seeking approval by the Department of Social Services. The bill provides further that in all cases, in addition to convictions for any barrier crime, pending charges for and findings of not guilty by reason of insanity of any barrier crime also constitute such a barrier. The bill also adds certain offenses to the list of barrier crimes. (17100081D)
SB 1228 (Barker) (SGL) sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process for the review and approval or denial of a request from a person with a disability for reasonable accommodation to maintain an assistance animal in such person's dwelling. Under the bill, whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have (i) a disability or (ii) a disability-related need for an assistance animal, the person who receives the request shall initiate an interactive process with the individual requesting accommodation to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill removes language providing that the terms "individual with a handicap" nor the term "handicap" do not apply to an individual solely because that individual is a transvestite. The bill also defines assistance animal, major life activities, and physical or mental impairment. This bill is a recommendation of the Virginia Housing Commission. (17103819D)

SB 1246 (Stuart) (SEH) grants, for a period of three years, eligibility for funding from the state pool of funds available through the Comprehensive Services for At-Risk Youth and Families program to children and youth placed for purposes of special education in a public school special educational program established and funded jointly by a local governing body and school board pursuant to a Memorandum of Agreement for the purpose of providing special education, related services, or both within a public day program, when the public school special educational program is able to provide services comparable to those of an approved private school special educational program, and the student would require placement in an approved private school special educational program but for the availability of the public school special educational program. (17102926D)

Child Care Programs

HB 1568 (Orrock) (HHWI) requires the following individuals to undergo a fingerprint-based national criminal history background check: (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, 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. The bill also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 of the Code of Virginia be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. (17101350D)

HB 2259 (Filler-Corn) (HCT) 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 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, in writing, to the parents or guardians of the 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; and (viii) post in a visible location notice that the program is not licensed or inspected by the Department of Social Services and only certifies basic health and safety requirements. The bill modifies staffing ratios for religious-exempt child day centers and requires that such centers have a person trained and certified in first aid and CPR present whenever children are in attendance and comply with safe sleep practices for infants established by regulations of the Board. 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. (17102656D)

**SB 1239** (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 all safe sleep practices for infants established by regulations of the Board; 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 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, 2018. (17101850D)
Financial Exploitation

**HB 2061** (Watts) (HHWI) requires the Department of Social Services (the Department) to (i) keep records of the number of reports filed alleging suspected adult abuse, neglect, or exploitation and the disposition of such reports and (ii) annually publish nonidentifying statistics regarding such information. The bill also requires the Department to annually disseminate to the Department of Health and all local boards of social services and area agencies on aging a report of such information, categorized by the planning district in which the report was filed; the facility in which the abused, neglected, or exploited adult resided at the time of the abuse, neglect, or exploitation, if applicable; and the names of individuals who were the subject of criminal charges as a result of the investigation. (17102286D)

**HB 2375** (Watts) (HLC) provides that no seller or person acting for him shall make or attempt to make a home solicitation sale on residential property to any person that displays a no soliciting sign on one or more entry doors on such property, except as may be permissible under the Solicitation of Contributions Act. The bill defines "residential property" and "no soliciting sign" and provides that any seller who knowingly violates this provision is guilty of a trespass. The bill also sets out exceptions to its applicability. (17103546D)

Pre-Admission Screenings

**HB 2304** (Orrock) (HHWI) provides that the Department of Medical Assistance Services shall require all individuals who administer preadmission screenings for long-term care services to receive training on and be certified in the use of the Uniform Assessment Instrument; requires the Department to develop a program for the training and certification of preadmission screeners, develop guidelines for a standardized preadmission screening process, and strengthen oversight of the preadmission screening process to ensure that problems are identified and addressed promptly; requires the Department to make a number of changes to contracts for long-term care services provided by managed care organizations through the Medallion program; directs the Department to impose additional requirements related to submission of data and information by managed care organizations participating in the Medallion program; and requires the Department to implement a number of spending and utilization control measures in conjunction with managed care organizations participating in the Medallion program. (17103363D)

**HB 2331** (Heretick) (HHWI) provides that the duties of a community services board include providing preadmission screening services to inmates incarcerated in a regional jail where the locality served by the community services board is a participant in such jail. The bill allows for one or more of the community services boards that serve such localities to enter into a joint agreement regarding the provision of such services. (17104042D)

**SB 975** (Lucas) (SEH) provides that the duties of a community services board include providing preadmission screening services to inmates incarcerated in a regional jail where the locality served by the community services board is a participant in such jail. The bill allows for one or more of the community services boards that serve such localities to enter into a joint agreement...
regarding the provision of such services. In the absence of an agreement, each community services board is responsible for providing services to inmates convicted in the locality served by the community services board. (17101068D)

**Land Use**

**HB 1797** (Stolle) (HCCT) provides that when any landowner subject to certain proffers applies to the governing body for amendments to such proffered conditions, written notice of such application be shall be given in the manner prescribed by subsection B, rather than subsection H, of § 15.2-2204, thereby expanding such notice requirement. (17101820D)

**SB 1224** (Stuart) (SACNR) provides that a landowner who has entered into an agreement with a public entity or nonprofit concerning the use of his land for public recreation shall be immune from liability to a member of the public arising out of the recreational use of the land. (17102744D)

**Public Safety/Criminal Justice**

**HB 1532** (Wright) (House Floor) increases the rate of the assessment for the Fire Programs Fund from one to 1.4 percent of the total direct gross premium income for fire and related lines of insurance. The measure also increases the share of certain moneys in the Fund to be allocated to localities for the improvement of volunteer and career fire services from 75 percent to 80 percent. The measure has a delayed effective date of January 1, 2018. (17102058D)

**HB 1783** (Bell, Robert B.) (HCT) requires that the staff of a local, regional, or community correctional facility screen persons admitted to the facility for mental illness using a scientifically validated instrument identified by the Department of Criminal Justice Services in consultation with the State Board of Corrections and the Department of Behavioral Health and Developmental Services. The bill also requires that these entities develop and deliver a training program for employees of such facilities in the administration of such instrument. The bill provides that if the screening indicates that a person may have a mental illness, an assessment of his need for mental services shall be conducted within 72 hours of the time of the screening by a qualified mental health professional. (17103518D)

**HB 1896** (Freitas) (HCT) provides that guidelines developed by the Department of Criminal Justice Services related to the creation of victim and witness assistance programs shall include provisions requiring that local victim witness assistance staff shall be considered employees of the locality within which the program is established and that no elected official shall have authority to appoint or remove such staff. (17102141D)

**SB 801** (Stanley) (SACNR) requires a public animal shelter to notify any person or releasing agency of its intent to euthanize an abandoned dog, and to wait five days before euthanizing the dog, if the person or agency has requested the adoption or transfer of the particular animal. The
shelter is not required to provide such notice if it has reason to believe that the dog has injured a human or the dog meets certain other specified conditions for euthanasia. (17100684D)

SB 873 (Marsden) (Senate Floor) authorizes a fire chief or other officer in charge to ban or restrict privately owned unmanned aircraft systems at fires, explosions, or other hazardous situations. The bill provides civil immunity for damages to a public safety agency or an employee of such agency if such an unmanned aircraft system is damaged during a ban or restriction. (17101194D)

HB 2118 (Keam) (HMP) requires the Department of Criminal Justice Services to establish a model policy regarding the independent review of all officer-involved shootings. The bill also requires that the Department periodically review community-policing programs and establish training standards to ensure sensitivity to and awareness of persons who have a mental illness, substance abuse addiction, or developmental disability. (17102398D)

SB 1000 (Locke) (SCT) 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 general 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. (17101426D)

SB 957 (Locke) (SCT) prohibits any law-enforcement officer from interfering with, damaging, destroying, or seizing another person's recording or recording device, provided that such recording or recording device is lawful and does not interfere with the duties of a law-enforcement officer. The bill provides that a violation of this prohibition is a Class 1 misdemeanor. The bill exempts any seizure or alteration of a recording or recording device by a law-enforcement officer with the permission of the person who possesses the recording or recording device, when the law-enforcement officer reasonably believes that seizure is necessary to prevent the destruction of evidence, pursuant to a lawful court order, or in accordance with state or federal law. (17101425D)

Body Worn Cameras

HB 1613 (Marshall, R.G.) (HCT) provides that a law-enforcement officer who is required to wear a body-worn camera during the performance of his duties and fails to cause an audiovisual recording to be made may still testify regarding any occurrence that would have otherwise been recorded by the body-worn camera, but the court shall instruct the jury that the officer's failure shall be considered in determining the weight given to his testimony or, if there is no jury, the court shall consider such failure in determining the weight given to his testimony. (17103141D)
Civil Immunity

HB 1739 (Minchew) (HCT)/SB 888 (Chafin) (SCT) extends immunity from civil liability to persons involved in providing, operating, or maintaining services or equipment used for emergency assistance, unless the act or omission that gave rise to the injury is a result of such person's gross negligence or willful misconduct. Under current law, such immunity is limited to persons who are communications services providers, a term defined in Title 58.1. (17102472D, 17101052D)

Driver's License Suspension

HB 1599 (Fariss) (HCT) provides that the Department of Motor Vehicles shall restore a person's driver's license that has been suspended for failure to pay court-ordered fines, costs, forfeitures, restitution, or penalties if the person pays the required reinstatement fee and presents to the Department a written offer of employment that is contingent on the person's possessing a driver's license. The bill also provides that, in order for the license to be restored, the employer making the written offer of employment must agree to withhold 10 percent of the person's disposable earnings or $100, whichever is greater, per month for the payment of unpaid fines, costs, forfeitures, restitution, or penalties. The bill also requires the person whose license is restored, within six months from the date of restoration, to petition each court that suspended his license for, and enter into, an agreement to make deferred payments or installment payments of unpaid fines, costs, forfeitures, restitution, or penalties and, if the person does not enter into an agreement with each court within the six-month period, requires the Commissioner of Motor Vehicles to suspend his license. (17100207D)

SB 1188 (Edwards) (SCT) removes the requirement that a person's driver's license be suspended for nonpayment of fines and court costs. The bill removes 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 removes the requirement that a person who is less than 18 years old and attending a public school in the Commonwealth who has had 10 or more unexcused absences from school on consecutive school days show cause why his driver's license should not be suspended. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2017. (17102797D)

SB 1280 (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. (17102801D)
Firearms

HB 1458 (Lingamfelter) (HAPP) eliminates (i) the fee, under current law up to $35, that a local law-enforcement agency is permitted to charge for conducting the background investigation for a concealed handgun permit and (ii) the requirement that the local law-enforcement agency forward to the State Police any amount assessed by the FBI for providing criminal history record information in the background investigation. The bill makes discretionary the current mandatory fee of up to $10 charged by the clerk for processing a concealed handgun permit application or issuing a permit. The bill increases from $10 to $20 the maximum amount, designated solely to fund courthouse and courtroom security, that 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. (17104112D-H1)

Taxation

HB 1820 (Hope) (HCCT) requires that the board of equalization of real estate assessments in any county having the county manager plan of government be composed of an odd number of not less than three nor more than 11 members, as determined by the local governing body. The circuit court of the county shall appoint a number of members equal to the lowest number that constitutes a majority of members, and the governing body shall appoint the remainder. (17102127D)

HB 2038 (Murphy) (HFIN) exempts from recordation tax deeds of trust or mortgages that refinance an existing deed of trust or mortgage on which the recordation tax was paid within the last two years. (17100232D)

HJ 619 (Davis) (HRUL) requests that the Tax Commissioner study disincentives in the Code of Virginia that discourage investment in upgrades to machinery and tools and propose modifications to the Code of Virginia that would remove such disincentives. (17102955D)

Tax Amnesty

HB 2246 (Jones) (HFIN) establishes the Virginia Tax Amnesty Program to be administered by the Department of Taxation (the Department) during the 2017-2018 fiscal year for not less than 60 nor more than 75 days, as determined by the Tax Commissioner. The Program will be open to any taxpayer that is required but has failed to file a return or to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities will be waived upon payment of the taxes and interest. For purposes of implementing the Program, the Department is exempt from the project management and procurement oversight of the Virginia Information Technologies Agency. (17101767D)

SB 1438 (Norment) (SFIN) establishes the Virginia Tax Amnesty Program to be administered by the Department of Taxation (the Department) during the 2017-2018 fiscal year for not less
than 60 nor more than 75 days, as determined by the Tax Commissioner. The Program will be open to any taxpayer that is required but has failed to file a return or to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities will be waived upon payment of the taxes and interest. For purposes of implementing the Program, the Department is exempt from the project management and procurement oversight of the Virginia Information Technologies Agency. (17101768D)

**Transportation**

*Public/Private Partnerships and Tolling*

**HB 1929** (Bagby) (HTRAN) requires all comprehensive agreements resulting in privately funded roads open for public transportation to include a provision ensuring funding for adequate staffing, defined in the bill, for general law enforcement by the Virginia State Police. (17103562D)

**HB 2244** (Jones) (HTRAN) changes the Transportation Public-Private Partnership Advisory Committee to the Transportation Public-Private Partnership Steering Committee and provides that the Deputy Secretary of Transportation on the Committee serves as the chairman of the Committee. The bill provides that the responsible public entity may grant approval for the development and/or operation of a transportation facility by a private entity if that entity can develop and/or operate the transportation facility for less cost than the Department of Transportation (VDOT) or the Department of Rail and Public Transportation (DRPT). The bill requires the chief executive officer of the responsible public entity to certify in writing to the Governor and the General Assembly that there has been no material change since the finding of public interest to the public contribution requested by the private entity does not exceed the maximum public contribution. The bill requires the responsible public entity, when such entity is VDOT or DRPT, to ensure competition through the procurement process and develop a public sector analysis of the cost for the responsible entity to develop and/or operate the transportation facility. The bill adds to the information required to be included in the finding of public interest a description of the benefits expected to be realized by the responsible public entity and a public sector analysis demonstrating that the private sector can deliver the project for less cost than the responsible public entity. (17101600D)

**SB 954** (DeSteph) (STRAN) relocates Title 46.2 (Motor Vehicles) provisions relating to driving a motor vehicle from an establishment where motor fuel is dispensed into the vehicle's tank without payment, and smoking in proximity to gas pumps, from their current location in Article 1.1 (Toll Violations and Enforcement) of Chapter 8 to a more logical placement in Chapter 1 (General Provisions). The bill combines Code sections relating to electronic toll facilities. The bill requires a court to consider extenuating circumstances in assessing civil penalties for toll violations, which have been updated to reflect the technological advancements in collecting tolls. The bill makes the procedure for contesting toll violations via affidavit on toll facilities uniform. (17100661D)
SB 1004 (Ebbin) (STRAN) requires a court to consider extenuating circumstances in assessing civil penalties for toll violations. (17100820D)

SB 1322 (Carrico) (SFIN) changes the Transportation Public-Private Partnership Advisory Committee to the Transportation Public-Private Partnership Steering Committee and provides that the Deputy Secretary of Transportation on the Committee serves as the chairman of the Committee. The bill provides that the responsible public entity may grant approval for the development and/or operation of a transportation facility by a private entity if that entity can develop and/or operate the transportation facility for less cost than the Department of Transportation (VDOT) or the Department of Rail and Public Transportation (DRPT). The bill requires the chief executive officer of the responsible public entity to certify in writing to the Governor and the General Assembly that there has been no material change since the finding of public interest to the public contribution requested by the private entity does not exceed the maximum public contribution. The bill requires the responsible public entity, when such entity is VDOT or DRPT, to ensure competition through the procurement process and develop a public sector analysis of the cost for the responsible entity to develop and/or operate the transportation facility. The bill adds to the information required to be included in the finding of public interest a description of the benefits expected to be realized by the responsible public entity and a public sector analysis demonstrating that the private sector can deliver the project for less cost than the responsible public entity. (17102151D)

Transportation Network Companies

HB 1920 (Kilgore) (HTRAN) requires property transportation network companies to provide motor vehicle liability coverage in the same amounts as are currently required for transportation network companies. The bill exempts passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less from the motor carrier provisions of Chapter 21 (Regulation of Property Carriers) except for insurance requirements. (17103394D)

HB 2019 (Villanueva) (HTRAN) / SB 1366 (Newman) (STRAN) removes the requirement that a transportation network company (TNC) partner register his personal vehicle for use as a TNC partner vehicle with the Department of Motor Vehicles. The bill allows the Department of State Police to recognize another state's motor vehicle safety inspection in lieu of a Virginia inspection and clarifies that a TNC partner can keep proof of inspection in or on the vehicle. (17103824D, 17103845D)

SB 1219 (Stanley) (STRAN) requires property transportation network companies to provide motor vehicle liability coverage in the same amounts as are currently required for transportation network companies. (17102115D)
Transportation Design and Planning

HB 1804 (Bell, J.) (HTRAN) requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than $5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility. (17102082D)

HB 2241 (Jones) (HTRAN)/SB 1331 (Carrico) (STRAN) shifts responsibilities for transportation planning activities from the Virginia Department of Transportation (VDOT) to the Office of Intermodal Planning and Investment of the Secretary of Transportation. The bill specifies VDOT's core functions and limits the agency's duties to those core functions. The bill requires transparency in the development of the Six-Year Improvement Program by the Commonwealth Transportation Board (CTB) and requires the CTB and VDOT to make public certain information related to the selection of projects. (17101599D, 17103827D)

SB 921 (Edwards) (STRAN) requires travel time reliability to be one of the factors used by the Commonwealth Transportation Board in its statewide prioritization process. (17102758D)

Transportation Safety

HB 1622 (Collins) (HCT)/HB 1850 (Gilbert) (HCT) harmonizes the penalties for driving under the influence (DUI) and commercial DUI. The bill imposes a $250 mandatory minimum fine for a first offense of commercial DUI and mandatory minimum sentences of five days if the person's blood alcohol level was at least 0.15 and 10 days if the person's blood alcohol level was more than 0.20. The bill increases from five to 20 days the mandatory minimum sentence for a second offense committed within five years, adds a 10-day mandatory minimum sentence for a second offense committed within five to 10 years, and imposes a $500 mandatory minimum fine for any second offense committed within a 10-year period. The bill also imposes additional mandatory minimum sentences for a second offense committed within 10 years of 10 days if the person's blood alcohol level was at least 0.15 and 20 days if the person's blood alcohol level was more than 0.20 as well as an additional $500 mandatory minimum fine. The bill raises the penalty for a third offense committed within 10 years from a Class 1 misdemeanor with a mandatory minimum sentence of 10 days, or 30 days if the three offenses were committed within five years, to a Class 6 felony with a mandatory minimum sentence of 90 days, or six months if the three offenses were committed within five years, and a mandatory minimum fine of $1,000. The bill adds a penalty for a fourth or subsequent offense committed within a 10-year period that includes a mandatory minimum sentence of one year and a mandatory minimum fine of $1,000. The bill also provides that a person convicted of commercial DUI after being convicted of certain felony DUI or DUI-related offenses is guilty of a Class 6 felony with a mandatory minimum sentence of one year and a mandatory minimum fine of $1,000. Finally, the bill provides that the mandatory minimum punishments are cumulative and mandatory minimum sentences must be served consecutively. (17102325D, 17102589D)
HB 1633 (Sullivan) (HCT) provides that a person is guilty of a Class 1 misdemeanor and shall have his license suspended who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle. (17100902D)

SB 1339 (Surovell) (STRAN) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle, is guilty of a Class 1 misdemeanor and shall have his license suspended. (17102825D)

HB 2022 (Villanueva) (HTRAN) allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The bill requires a driver to move a vehicle from the roadway after an emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. Current law allows drivers to move a vehicle from the roadway after an accident if the vehicle is movable and the driver is capable of safely doing so, but does not require it. (17103825D)

HB 2016 (Villanueva) (HTRAN)/SB 1207 (DeSteph) (STRAN) allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be considered vehicles and are exempt from the motor carrier provisions of Title 46.2 (Motor Vehicles). (17101983D, 17101934D)

Miscellaneous Transportation

HB 1881 (Bell, J.) (HLC) requires the State Corporation Commission to ensure that the cost of operating tolled roadways under the Virginia Highway Corporation Act of 1988 is reasonably apportioned across all users on the basis of the relative distance each class of user travels on the roadway. (17103019D)

HB 2036 (Miller) (HTRAN) exempts from registration with the Department of Criminal Justice Services tow truck drivers who are (i) not for hire in the Commonwealth, (ii) transporting a vehicle from a location outside of the Commonwealth to a destination within the Commonwealth, or (iii) transiting the Commonwealth while transporting a vehicle from a location outside of the Commonwealth to a destination outside of the Commonwealth. (17101724D)

SB 1148 (Favola) (STRAN) provides that the Commissioner of Highways has the authority to select any competitive procurement process for leases and conveyances of airspace and that he may reject any bid he believes is not in the best interest of the Commonwealth. Current law
requires public advertisement for bids and requires the Commissioner to accept the highest bid from a responsible bidder. (17102114D)

SB 1186 (Dance) (SFIN) 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. (17102882D)

SB 1364 (Newman) (STRAN) combines the current property carrier and bulk property carrier authorities and eliminates the current license requirement for property brokers. The bill eliminates the requirement for the Department of Motor Vehicles to issue specially designated license plates for property-carrying vehicles operated for hire. The bill reduces insurance limits for carriers operating vehicles with a gross vehicle weight rating in excess of 7,500 pounds but not in excess of 10,000 pounds from $750,000 to $300,000. The bill reduces current liability coverage requirements for property carriers from $750,000 to $50,000 per person, $100,000 per incident for death and bodily injury, and $25,000 for property damage for passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 7,500 pounds or less. The bill has a delayed effective date of October 1, 2017. (17101780D)

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

Environment

HB 1562 (Cole) (HAG) authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Fund in the form of grants to common interest communities, as defined in § 54.1-2345, that own dams in order to protect public safety and welfare. The grants can be used for the design, repair, and the safety modifications of dams identified in safety reports. (17102065D)

SB 818 (Surovell) (SACNR) directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to bring it into compliance with the EPA policy by July 1, 2027. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMDL. (17100774D)

SB 898 (Stuart/Surovell) (Senate Floor) directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to bring it into compliance with the EPA policy by July 1, 2020. When the owner is a locality and it fails to meet the 2020 compliance deadline, the bill directs the Governor to withhold all state appropriations from the locality until
it brings the outfall into compliance. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMDL. (17104109D-S1)

Public Safety

HB 1934 (Carr) (HCCT) provides that any locality may by ordinance declare that when a property requires an excessive number of calls for police service within a specified time period, the owner of the property is subject to a civil penalty. The locality shall determine in its ordinance the number of calls that is excessive, but no owner shall be cited under such ordinance for fewer than five calls in a 12-month period. The bill requires the ordinance to contain an exclusion for all calls related to domestic violence. (17102013D)

SB 939 (Lucas) (SFIN) confers eligibility for death benefits under the Line of Duty Act to all employees of the Department of Military Affairs not currently eligible for such benefits whose death is the direct or proximate result of the performance of official duties of the agency when those duties are related to a major disaster or emergency. (17101617D)

SB 1183 (Dance) (SLG) provides that any locality may by ordinance declare that when a property requires an excessive number of calls for police service within a specified time period, the owner of the property is subject to a civil penalty. The locality shall determine in its ordinance the number of calls that is excessive, but no owner shall be cited under such ordinance for fewer than five calls in a 12-month period. The bill requires the ordinance to contain an exclusion for all calls related to domestic violence. (17102139D)

Taxation

HJ 577 (Cole) (HPE) provides that the General Assembly may authorize any locality to reduce the assessed value of real property, until the property is sold or the owner dies, whose fair market value has increased significantly as a result of public improvements abutting the property. (17102079D)

HJ 562 (Miyares) (HPE) 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 spouse's moving to a different principal place of residence. (17102260D)

HJ 697 (Byron) (HPE) 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 spouse's moving to a different principal place of residence. (17103348D)

HJ 706 (Rush) (HPE) provides that any locality may, by ordinance, exempt from taxation the first $5,000 of value of tangible personal property used in a business. (17103513D)
SJ 284 (Stuart) (SPE) provides that the real property tax exemption for the principal residence of the surviving spouse of a member of the armed forces killed in action also applies if the member died in a combat zone but was not killed in action. (17103525D)

**Transportation**

*Fare Enforcement Inspectors*

**HB 1931** (Carr) (HCT) provides for the appointment of fare enforcement inspectors to enforce payment of fares for use of mass transit facilities operated in Planning District 15 (Richmond Regional). Under current law, failure of a transit user to pay the fare or produce proof of fare payment to such fare enforcement inspectors carries a civil penalty of not more than $100. (17100410D)

**SB 1172** (Dance) (SCT) provides for the appointment of fare enforcement inspectors to enforce payment of fares for use of mass transit facilities operated anywhere in the Commonwealth. Currently, fare enforcement inspectors may be appointed only in Planning District 8 (Northern Virginia). Under current law, failure of a transit user to pay the fare or produce proof of fare payment to such fare enforcement inspectors carries a civil penalty of not more than $100. (17100421D)

*Transportation Network Companies*

**HB 2032** (Adams) (HTRAN)/**SB 1101** (Newman) (STRAN) allows transportation network companies two fee options when applying for an original or renewal of a certificate. A transportation network company may either pay the existing certificate fees of $100,000 upon application and $60,000 for renewal or pay a $20 surcharge per record when purchasing a driver transcript in addition to the current transcript fee. (17102061D, 17101779D)

*Miscellaneous Transportation*

**HB 1614** (Marshall, R.G.) (HTRAN) precludes the Commissioner of the Department of Motor Vehicles from disclosing the photograph of any person contained in the records of the Department to any state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement absent a search warrant. (17102120D)

**HB 1711** ( Toscano) (HTRAN)/**SB 1169** (Deeds) (STRAN) decreases from 90,000 to 40,000 the minimum population of cities whose parking, stopping, and standing ordinances may provide that summonses and tickets for violations of such ordinances or regulations may be issued by law-enforcement officers, other uniformed city employees, or uniformed personnel under contract with the city. (17100891D, 17101527D)
VII. Legislation Provided for Information

HB 1580 (Campbell) (HCT) provides that an employee of the Department of Social Services or a local department of social services may, in the course of conducting his professional duties, lawfully possess child pornography for a bona fide purpose. (17101992D)

HB 1612 (Marshall, R.G.) (HGL) creates the Physical Privacy Act, which requires that a government entity provide for members of the opposite sex separate restrooms and other facilities in a building owned, leased, or otherwise controlled by the entity. The bill provides that, subject to certain exceptions, no individual shall enter a restroom or other facility designated for use by members of the opposite sex. The bill creates a civil cause of action against a government entity for an individual who accesses a restroom or other facility designated for use by members of such individual's sex and encounters a member of the opposite sex if the government entity allowed the member of the opposite sex to use such restroom or other facility or failed to take reasonable steps to prohibit such use. The bill also requires that the principal of a public school notify within 24 hours the parent or guardian of a child attending such school if the child requests to be recognized or treated as the opposite sex, to use a name or pronoun inconsistent with the child's sex, or to use a restroom or other facility designated for the opposite sex. (17103140D)

HB 2011 (Marshall, R.G.) (HGL) provides that recognition by any entity of the inherent differences between males and females, including the biological characteristics or qualities that distinguish an individual as either male or female as determined at birth, and the mere separation of the sexes by such entity based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia. The bill also provides that any local ordinance that likewise recognizes such inherent differences does not constitute discrimination. The bill permits local school boards to enact policies prohibiting discrimination in education based on race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, provided that a policy that recognizes the inherent differences between males and females and the mere separation of the sexes by such policy based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia. (17103143D)

HB 1925 (Campbell) (HFIN) authorizes all counties to impose a cigarette tax. Under current law, only the Counties of Fairfax and Arlington are authorized to impose a cigarette tax. (17101171D)

HJ 639 (Lopez) (HRUL) requests the Office of Drinking Water of the Department of Health (the Office) to study the Commonwealth's drinking water infrastructure and oversight of the drinking water system. In conducting its study, the Office shall (i) identify problems or issues that may result in contamination of the Commonwealth's drinking water supply with lead or copper or increase the likelihood of contamination of the Commonwealth's drinking water supply with lead.
or copper and (ii) develop recommendations for addressing such problems or issues. (17103118D)

**SB 799** (Stanley) (SACNR) establishes a fund to reimburse participating veterinarians for the surgical sterilizations they perform on eligible cats or dogs. The bill requires that a surcharge of $5 per ton of pet food distributed in the Commonwealth be deposited in the fund and that such pet food be exempted from the existing litter tax. An animal will be eligible for sterilization under the program at no or reduced cost to its owner or caretaker if it is a feral or free-roaming cat or is owned by a low-income individual or a releasing agency such as an animal shelter. The bill establishes penalties for providing false information or submitting false payment requests. (17100677D)

**SB 823** (Wexton) (SCT) requires an employee or agent of an owner of multifamily residential real estate or a common interest community to grant entry into such property to a person attempting to execute service on a person who resides in, occupies, or is known to be present in such property. (17100201D)

**SB 867** (Stuart) (Senate Floor) clarifies that whenever any person sustains personal injuries caused by the alleged negligence of another and receives emergency medical services and transportation provided by an emergency medical services vehicle, the emergency medical services provider or agency shall have a lien for the amount of a just and reasonable charge for the services rendered, not to exceed $200 for each emergency medical services provider or agency, on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries. (17101129D)

**SB 1296** (Vogel) (SFIN) prohibits a county from holding a new referendum on the levy of a food and beverage tax in the three calendar years subsequent to the electoral defeat of such a referendum. The bill also requires the ballot for any such referendum to state the total tax, as a percentage, that would be imposed on food and beverage if the referendum were to pass, based upon a four percent food and beverage tax and any other ad valorem taxes applicable to the purchase of prepared food and beverage in the county. (17103024D)

**Administration of Government**

**HB 1677** (Cline) (HRUL) requires all legislation introduced by a member of the House of Delegates or the Senate to be considered by the committee of purview or a subcommittee thereof and receive a recorded vote. All legislation reported from the house of introduction shall be considered by the committee of purview or a subcommittee thereof in the other chamber and receive a recorded vote. (17102964D)

**HB 1686** (Hodges) (HCT) permits Indian tribes recognized by the federal government to join planning district commissions as members and to negotiate the terms of such membership. (17102334D)
SB 843 (McDougle) (SFIN) provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2019, through June 30, 2021. The bill requires that the fiscal year beginning July 1, 2018, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget). (17100738D)

SB 1084 (Wexton) (SLG) shifts the town's municipal elections from May to November. (17102380D)

**Arts and Cultural Districts**

HB 1486 (Albo) (HCCT) Provides that arts and cultural districts may be created jointly by two or more localities. (17102012D)

SB 1225 (Senate Floor) (Senate Floor) provides that arts and cultural districts may be created jointly by two or more localities. (17102989D)

**Education**

HB 1498 (LeMunyon) (HED) reduces from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six. (17100247D)

HB 1578 (Bell, Robert B.) (HED) prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2022. (17102346D)

HB 1708 (Filler-Corn) (HED) requires the Board of Education to include in the student outcome measures included in the standards of accreditation the number of industry certification credentials, as defined in relevant law, obtained by high school students. (17102469D)
HB 1709 (Filler-Corn) (HED) requires the policies and procedures prohibiting bullying that are contained in each school board's code of student conduct to direct the school principal to notify the parent of any student victim of bullying or harassment of the status or results of any investigation of such incident of bullying or harassment no later than one week after such principal is notified of such incident. (17102928D)

HB 1914 (Head) (HED) requires each individual who is elected or appointed to a school board to (i) submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints by the school board through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information and (ii) provide written consent and the necessary personal information for the school board to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services and to take reasonable steps to obtain information from each state in which the individual has resided within the prior five years to determine whether such individual is the subject of a founded complaint of child abuse and neglect in any such state. The bill precludes any individual who is found to have been (a) convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child in the Commonwealth or an equivalent offense in another state or (b) the subject of a founded complaint of child abuse and neglect in the Commonwealth or another state from serving on any school board. The bill requires each entity that administers the school board election or appointment process for each local school division to notify each prospective school board member of the foregoing requirements. (17102429D)

HB 1924 (Bagby) (HED) directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. (17102230D)

SB 1015 (Barker) (SEH) increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill directs the Board of Education to promulgate regulations by July 1, 2019, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. The bill has a delayed effective date of July 1, 2019. (17102896D)

SB 1089 (Sturtevant) (SEH) reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended. (17100193D)

Charter Schools

SB 1283 (Obenshain) (SEH) authorizes the Board of Education (Board) to establish regional charter school divisions consisting of two or more existing school divisions in regions in which one or more of the underlying school divisions have an enrollment of more than 3,000 students and 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 the state share of Standards of Quality per pupil funding of the underlying school district in which the public charter school is physically located transferred to such school. (17102226D)

HJ 629 (Bell, Robert B.) (HPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (17100556D)

SJ 240 (Obenshain) (SPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (17100906D)

Higher Education

HB 1886 (Hugo) (HED) requires the governing board of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, to establish policies requiring that at least 75 percent of undergraduate students admitted to the institution have established domicile in the Commonwealth. The bill requires each such governing board to recover any lost revenue caused by this requirement by increasing the tuition charged to undergraduate non-Virginia students. The bill requires compliance with such requirements and policies beginning no later than June 30, 2022. (17101459D)

HB 1887 (Hugo) (HED) prohibits each public institution of higher education from using any proceeds from state debt or revenues generated from state taxes and fees that are appropriated to such institution to offer any form of tuition assistance to any non-Virginia student and requires each public institution of higher education to separately account for such proceeds and revenues and provide a report of expenditures from such account to the House Committee on Appropriations and the Senate Committee on Finance upon the request of such committees. (17101731D)

School Calendar

HB 1983 (Greason) (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 contains technical amendments. (17101307D)

HB 2031 (Adams) (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 contains technical amendments. (17102729D)
SB 1111 (Edwards) (SEH) adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division that has entered into a dual enrollment agreement with a comprehensive community college and, in the school year for which the waiver is sought, participating students are required to attend college credit courses that begin prior to Labor Day. (17103781D)

School Discipline

SB 995 (Stanley) (SEH) reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill prohibits a long-term suspension from extending beyond the current grading period unless aggravating circumstances exist and prohibits a long-term suspension from extending beyond the current school year. (17100679D)

SB 996 (Stanley) (SEH) provides that no student shall receive a long-term suspension or expulsion for disruptive behavior unless such behavior involves intentional physical injury or credible threat of physical injury to another person. (17102845D)

SB 997 (Stanley) (SEH) prohibits students in preschool through grade five from being suspended or expelled except for drug offenses, firearm offenses, or certain criminal acts. (17102852D)

SB 1082 (Wexton) (SEH) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (17102792D)

School Incident Reports

HB 1839 (LaRock) (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. (17102485D)

HB 1843 (Mullin) (HCT) permits principals to refer to the local law-enforcement agency student incidents of assault and assault and battery, without bodily injury, only after such principal takes appropriate alternative disciplinary action or determines that no such appropriate alternative disciplinary action exists. (17101852D)

Textbooks

HB 2191 (Landes) (HED) requires each school board's procedures for handling challenged controversial instructional materials to include procedures for (i) annually notifying the parent of any student enrolled in a course in which the instructional materials or related academic activities may include sexually explicit content of the potential for such sexually explicit content
in such course and (ii) providing, as a replacement for instructional materials or related academic activities that include sexually explicit content, nonexplicit instructional materials or related academic activities to any student whose parent so requests. (17102452D)

SB 1335 (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, 2019, (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 student. (17100609D)

Elections

Electoral Board

HB 1399 (Cole) (HPE) provides that in the appointment of members to the State Board of Elections, one Board member shall be appointed by the Speaker of the House of Delegates, one Board member shall be appointed by the Senate Committee on Rules, and one Board member shall be appointed by the Governor. If all three members are of the same political party, the Board member appointed by the Governor shall be of the political party having cast the next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The bill also provides that in the appointment of members to each local electoral board, one member shall be of the political party having the highest number of members in the House of Delegates, one member shall be of the political party having the highest number of members in the Senate of Virginia, and one member shall be of the political party of the Governor. If all three members are of the same political party, one member shall be of the political party having cast the next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. However, if the Governor is not elected as a candidate of a political party, the bill provides that representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly. Representation on both the State Board of Elections and each local electoral board is to be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. (17100217D)

HB 1730 (Ransone) (HPE) requires the State Board of Elections, with the cooperation of the local electoral boards and general registrars, to develop a description of the duties and responsibilities of the local electoral boards. The Department of Elections is required to provide this description to the clerks of the circuit courts, the chairmen of the state and district political party committees, the general registrars, and the local electoral boards. (17102121D)

SB 864 (Stuart) (SPE) provides that appointments to the electoral board of each county and city are to be made by the chief judge of the judicial circuit for the county or city or that judge's
designee. Currently, such appointments are made by a majority of the circuit judges and if a majority of the judges cannot agree, the senior judge makes the appointment. The bill also contains technical amendments. (17100069D)

Voter Registration

**SB 821** (Cosgrove) (SPE) adds party affiliation, beginning January 1, 2018, 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, 2018, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in the party's primaries held from April 1 of that year through March 31 of the following year. (17100640D)

**SB 902** (Obenshain) (SPE) adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. The bill requires the State Board of Elections (State Board), in September 2017, to notify all registered voters of the new party registration law and send them a return card to indicate their party affiliation or independent status. Any voter who does not state a party affiliation shall be designated as independent in the registration records. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed in advance of an election. The bill (i) requires the state party chairman to notify the State Board by January 31 of each year whether the party will close or open its primaries, (ii) requires that primary candidate petitions be signed and witnessed by voters registered as affiliated with the party conducting the primary, (iii) sets the required number of petition signatures at one percent of the number of voters registered as affiliated with the party in the election district where the primary is being held, and (iv) allows an official political party to retain that status as long as at least 15 percent of the Commonwealth's registered voters are registered as affiliated with that party. The provisions of the bill are applicable to primaries conducted after January 1, 2018. (17100909D)

**HJ 552** (LeMunyon) (HPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant is required to provide his full social security number in order to register to vote. (17101672D)

**SJ 226** (Surovell) (SPE) permits the General Assembly to provide by law for the use of a portion of an applicant's social security number on the voter registration application. Currently, an applicant must provide his full social security number in order to register to vote. (17100611D)
Environment

HB 1600 (Fariss) (HAG) requires any active sanitary landfill that receives more than 100,000 tons of solid waste per year and is located within one-half mile of any residence or residentially zoned property to install a landfill gas collection and control system by July 1, 2019. (17101973D)

HB 1678 (Robinson) (HGL) excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy that identify chemical ingredient names, the chemical abstracts number for a chemical ingredient, or the amount or concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or Department regulations concerning such ground-disturbing activities. The bill requires that for such records to be protected, the submitting party must (i) invoke this FOIA exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. The bill requires the Department to determine whether the information claimed to be a trade secret is entitled to such protection. (17101906D)

HB 1774 (Hodges) (HAG) directs the State Water Control Board to adopt regulations establishing a rural development growth (RDG) area program for adoption by certain localities. The bill requires each RDG area to follow a public road and requires development in an RDG area to obey certain existing regulatory minimum standards. The bill also directs the Board to adopt regulations allowing the operation of regional stormwater best management practices banks (RSP banks) in Planning District 18. An RSP bank would treat runoff from roadside drainage ditches in order to provide off-site credits to RDG areas. (17103565D)

HB 1781 (Plum) (HAG) removes the requirements that certain agencies analyze the impact of regulations on the conversion of farm and forest lands and that the Commissioner of Agriculture and Consumer Services summarize the reports of the operators of state-owned farmers' markets to the General Assembly. (17101487D)

SB 1079 (Wexton) (SFIN) authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Fund in the form of grants to common interest communities that own dams in order to protect public safety and welfare. The grants can be used for the design, repair, and the safety modifications of dams identified in safety reports. (17101990D)

Health and Human Services

SB 938 (Edwards) (SLG) authorizes a locality, by ordinance, to designate nonsmoking areas within outdoor public places. The bill requires such ordinance to provide for adequate signage designating such areas and provides that a violation of such ordinance is subject to a civil penalty
of not more than $25 paid into the Virginia Health Care Fund. The bill defines "outdoor public place" and "public greenway."

Foster Care

SB 1155 (Reeves) (SCT) includes in the definition of "severe abuse" knowingly allowing a child to be present during the manufacture or attempted manufacture of methamphetamine. Severe abuse is included in the definition of "aggravated circumstances"; under current law, a finding of aggravated circumstances can lead to termination of parental rights under certain conditions. (17100347D)

SB 1199 (Favola) (SCT) provides that a blind parent's blindness, 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 blindness 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 by clear and convincing evidence that the child's best interests would not be met or served due to such parent's blindness. The bill allows a blind parent to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows 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 blind parent or where supportive parenting services are not ordered. The same requirements apply to the denial of approval of a blind prospective foster parent, or removal of a child from a blind foster parent's home, and to the denial of a final order of adoption wherein the prospective adoptive parent is blind.

Mental Health

HB 1550 (Farrell) (HRUL) requires the Department of Behavioral Health and Developmental Services, in cooperation with the Department of Medical Assistance Services, to study the use of the Involuntary Mental Commitment Fund, including (i) the potential use of the Involuntary Mental Commitment Fund to fund both involuntary temporary detention and voluntary treatment in a health care facility for the treatment of mental illness to reduce the use of involuntary treatment in the Commonwealth,(ii) the potential benefits of transferring management of the Involuntary Mental Commitment Fund from the Department of Medical Assistance Services to the Department of Behavioral Health and Developmental Services, and (iii) any other strategies for improving use of the funds in the Involuntary Mental Commitment Fund to improve access to mental health services in the Commonwealth. The Department of Behavioral Health and Developmental Services shall report its findings to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century by November 1, 2017. (17101408D)

SB 935 (Lucas) (Senate Floor) removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. (17101069D)
SB 1007 (Hanger/Deeds) (SRUL) requires the Department of Behavioral Health and Developmental Services, in cooperation with the Department of Medical Assistance Services, to study the use of the Involuntary Mental Commitment Fund, including (i) the potential use of the Involuntary Mental Commitment Fund to fund both involuntary temporary detention and voluntary treatment in a health care facility for the treatment of mental illness to reduce the use of involuntary treatment in the Commonwealth, (ii) the potential benefits of transferring management of the Involuntary Mental Commitment Fund from the Department of Medical Assistance Services to the Department of Behavioral Health and Developmental Services, and (iii) any other strategies for improving use of the funds in the Involuntary Mental Commitment Fund to improve access to mental health services in the Commonwealth. The Department of Behavioral Health and Developmental Services shall report its findings to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century by November 1, 2017. (17101415D)

HJ 637 (Bell, Robert B.) (HRUL) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2019. (17103151D)

SJ 279 (Deeds) (SRUL) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2019. (17101417D)

Miscellaneous Health Care Studies

HJ 568 (Farrell) (HRUL) directs the Joint Commission on Health Care to study options for increasing the use of telemental health services in the Commonwealth, including the issues and recommendations set forth in the report of the Telemental Health Work Group of the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century and to report its findings to the Joint Subcommittee by November 1, 2017. (17103421D)

HJ 616 (O’Bannon) (HRUL) directs the Joint Commission on Health Care to study the quality of health care services provided to inmates in jails and prisons in the Commonwealth. In conducting its study, the Joint Commission on Health Care shall (i) review the requirements for delivery of health care services in jails and prisons; (ii) review the oversight of health care service delivery in jails and prisons, including the process for the development and implementation of performance measures and oversight and enforcement of contracts for the delivery of health care services in jails and prisons; (iii) evaluate the current quality of health care services delivered in jails and prisons; and (iv) develop recommendations for improving the quality of health care services delivered in jails and prisons in the Commonwealth. The Joint Commission shall complete its work by November 30, 2018. (17101938D)

HJ 675 (Landes) (HRUL) directs the Joint Commission on Health Care (JCHC) to study creation of a registry of cases of abuse or neglect of an individual receiving services through the Building Independence, Family and Individual Supports, or Community Living waiver program by a
service provider. In conducting its study, the JCHC shall (i) determine the scope of the proposed registry of cases of abuse or neglect of an individual receiving services through the Building Independence, Family and Individual Supports, or Community Living waiver program by a service provider, including the types of cases that should be included; (ii) identify the statutory, regulatory, and policy changes that may be required for the establishment and operation of such a registry by the Department of Behavioral Health and Developmental Services or other appropriate entity; (iii) determine the cost of establishment and operation of such registry; and (iv) make such other recommendations to the establishment and operation of such registry as may be appropriate. (17100637D)

**HJ 720 (Pogge) (HRUL)** requests the Department of Behavioral Health and Developmental Services to (i) identify and make recommendations for the content and timing of notices that should be given prior to locating a group home, residential care facility, or detention center; (ii) make recommendations for improvements to public hearings that are required when a person seeks to establish a group home, residential care facility, or detention center; (iii) assess the appropriateness of restrictive covenants that prohibit homeowners from using, or renting a dwelling for another to use, their premises to house one or more persons who may present a threat to the health or safety of other individuals in the neighborhood on the basis of a prior criminal conviction; (iv) make recommendations for appropriate restrictions on the location of group homes, residential care facilities, and detention centers; (v) identify staff-to-resident ratio requirements that should be imposed on group homes, residential care facilities, and detention centers that house one or more persons who have a prior record of civil or criminal mental health commitment on the basis of being a danger to themselves; and (vi) review and make recommendations to improve licensure and other regulatory requirements for group homes, residential care facilities, and detention centers. (17103763D)

**SJ 257 (Hanger) (SRUL)** directs the Joint Commission on Health Care to study options for increasing the use of telemental health services in the Commonwealth, including the issues and recommendations set forth in the report of the Telemental Health Work Group of the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century and to report its findings to the Joint Subcommittee by November 1, 2017. (17101743D)

**Land Use**

**Proffers**

**HB 1674 (Dudenhefer) (HCCT)** expands the definition of public facilities to include libraries, court facilities, and certain other public buildings. The bill also provides that when considering the offsite impact of a development on public facilities for purposes of determining the reasonableness of an offsite proffer, the time period of consideration is extended through the anticipated completion of the development. **Recommend support.** (17101132D)

**HB 1735 (Bulova) (HCCT)** provides that for purposes of determining what constitutes the requesting of an unreasonable proffer, the term "locality" shall not include a person participating
at a meeting sponsored by a locality for the purpose of facilitating communication among interested parties and the applicant, provided that the person does not have a statutory role in the approval of a rezoning or a proffer condition amendment. Recommend support. (17102309D)

**HB 1899** (Bell, J.) (HCCT) exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. Recommend support. (17102500D)

**Public Safety/Criminal Justice**

**SB 1154** (Reeves/Howell) (SFIN) provides that any person who provides material support or resources to an organization that has been designated by the U.S. Secretary of State as a foreign terrorist organization is guilty of a Class 3 felony. If such material support results in the death of any person, the penalty is increased to a Class 2 felony. The bill provides an exemption to those persons who provide such material support with the approval of the U.S. Secretary of State and U.S. Attorney General. The bill provides that its provisions do not preclude prosecution under any other statute. (17100346D)

**SB 1288** (McDougle) (SCT) permits the Department of Juvenile Justice to share, at its discretion, the social reports and records of children who are committed to the Department to community gang task forces, provided that (i) the task force consists of only representatives of state or local government or their direct contractors or (ii) a sworn law-enforcement officer assigned to the task force is present at the task force meeting. (17101610D)

**SB 1407** (Ebbin) (SCT) requires the Department of Criminal Justice Services (the Department) to adopt regulations that make compulsory for all law-enforcement personnel the Department’s training standards regarding sensitivity to and awareness of human trafficking offenses, the identification of human traffickers, and identification of and assistance for victims of human trafficking offenses. Current law requires such training only for personnel in criminal investigations or assigned to vehicle or street patrol duties. The bill also requires the Department to include such human trafficking identification and awareness training as part of the minimum training standards for school security and campus security officers. (17102156D)

**Body Worn Cameras**

**HB 2117** (Keam) (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. (17102396D)

**HB 2134** (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. (17102388D)

*Crimes Against Law Enforcement Officers*

**HB 1398** (Bell, Richard P.) (HCT) expands the definition of hate crime for the purpose of reporting hate crimes within the Department of State Police to include acts against persons employed as law-enforcement officers, firefighters, or emergency medical services personnel. (17100179D)

**HB 1726** (Ransone) (HCT) increases from a Class 1 misdemeanor to a Class 6 felony the penalty for removing a chemical irritant weapon or impact weapon from a law-enforcement officer or correctional officer engaged in the performance of his duties with the intent to impede or prevent such officer from performing his duties. The bill further increases the penalty from a Class 6 felony to a Class 4 felony if the weapon removed is such officer's firearm or stun weapon. (17100361D)

**SB 790** (Cosgrove) (SFIN) eliminates, for the crime of capital murder of a law-enforcement officer or fire marshal, the element that the killing must be committed for the purpose of interfering with the performance of the victim's official duties for the defendant to be guilty of the crime. For the crimes of (i) malicious or unlawful wounding of a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel and (ii) assault or assault and battery of a judge, magistrate, law-enforcement officer, correctional officer, firefighter, emergency medical services personnel, or certain other employees of custodial facilities, the bill eliminates the element that the victim must be engaged in the performance of his public duties for the defendant to be guilty of such crimes. (17100181D)

**SB 1067** (Deeds) (SFIN) adds private police officers employed by a private police department to the definition of law-enforcement officer for purposes of the crimes of assault and battery. The current punishment for assault and battery against a law-enforcement officer engaged in the performance of his public duties is a Class 6 felony with a six-month mandatory minimum sentence. (17100523D)

*Firearms*

**SB 1112** (Edwards) (SCT) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of such local governing body, provided notice of such prohibition is publicly posted and the meeting room is owned or operated by the locality. (17102095D)

**SB 1422** (Chase) (SCT) eliminates (i) the fee, under current law up to $35, that a local law-enforcement agency is permitted to charge for conducting the background investigation for a concealed handgun permit and (ii) the requirement that the local law-enforcement agency
forward to the State Police any amount assessed by the FBI for providing criminal history record information in the background investigation. The bill makes discretionary the current mandatory fee of up to $10 charged by the clerk for processing a concealed handgun permit application or issuing a permit. The bill increases from $10 to $20 the maximum amount, designated solely to fund courthouse and courtroom security, that 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. (17103485D)

Substance Use

HB 2164 (Pillion) (HHWI) adds any material, compound, mixture, or preparation containing any quantity of gabapentin, including any of its salts, to the list of drugs of concern. (17101055D)

HB 2166 (Pillion) (HCT) lists possession of certain controlled substances (buprenorphine, cocaine, codeine, fentanyl, heroin, hydrocodone, hydromorphone, methadone, methamphetamine; methylphenidate, morphine, and oxycodone) as separate offenses under the existing crime of possession of controlled substances for the purpose of having the Virginia Criminal Sentencing Commission promulgate separate Virginia crime codes for such offenses. The bill does not alter the existing penalty for possession of these substances. (17102039D)

Higher Education

HB 1447 (Miyares) (HED) requires, by July 1, 2021, certain baccalaureate public institutions of higher education to establish a substance abuse recovery housing program to provide recovering students with a substance-free dormitory environment and appropriate support services. The bill allows participating institutions to designate a portion of a dormitory, and states that no participating institution shall be required to designate an entire dormitory, for such program. (17100569D)

Insurance

SB 1166 (Reeves) (SCL) requires any health carrier offering a health benefit plan that covers prescription drugs and applies a formulary to such coverage to offer in its formulary at least two classes of abuse-deterrent opioids as a tier 1 option that does not require the prescribing provider to utilize a preauthorization process. (17102495D)

Naloxone

HB 1642 (Hope) (HHWI) adds Department of Forensic Science employees and employees of the Office of the Chief Medical Examiner to the groups of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. The bill contains an emergency clause. (17103429D)
HB 1750 (O'Bannon) (HHWI) provides that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. (17101221D)

HB 2163 (Pillion) (HHWI) provides that buprenorphine mono or products containing buprenorphine without naloxone shall be issued only for a patient who is pregnant. (17100981D)

SB 1031 (Marsden) (Passed Senate) adds Department of Forensic Science employees and employees of the Office of the Chief Medical Examiner to the groups of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. The bill contains an emergency clause. (17103427D)

Prescriptions

HB 2165 (Pillion) (HHWI) requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application in accordance with federal regulations and is transmitted to a pharmacy as an electronic data file. The bill requires the Secretary of Health and Human Resources to convene a work group to review actions necessary for the implementation of the bill's provisions and report on the work group's progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017 and a final report to such Chairmen by November 1, 2018. (17101952D)

Public Safety/Criminal Justice

HB 1845 (Cox) (HCT) requires the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, to develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. The bill requires that participation in such program be voluntary and that such program address multiple aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process. (17100872D)

HB 1930 (Carr) (HCT) extends to an individual experiencing a drug-related or alcohol-related overdose the affirmative defense to prosecution for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol, if another individual, in good faith, sought or obtained emergency medical attention for the individual experiencing the overdose. Under
current law, the affirmative defense applies only to an individual who sought or obtained emergency medical attention for another individual experiencing an overdose or to an individual who sought or obtained emergency medical attention for himself. (17100409D)

HB 1616 (Lingamfelter) (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. However, the bill also provides that if the person proves that he gave or distributed the controlled substance only as an accommodation, he is guilty instead of a Class 5 felony. 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). (17101315D)

HB 1928 (Bell, Robert B.) (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). (17101188D)

HB 1948 (Peace) (HCT) authorizes a recovery community organization to provide substance abuse treatment to individuals ordered to such treatment by a court upon conviction or placement on first offender status of such individual for a crime involving controlled substances. The bill defines recovery community organization as a nonprofit organization composed of and governed by representatives of local communities of addiction recovery that offers peer recovery support services for persons with substance abuse and is accredited by the Council on Accreditation of Peer Recovery Support Services. (17100885D)

SB 1281 (McDougle) (SCT) authorizes a recovery community organization to provide substance abuse treatment to individuals ordered to such treatment by a court upon conviction or placement on first offender status of such individual for a crime involving controlled substances. The bill defines recovery community organization as a nonprofit organization composed of and governed by representatives of local communities of addiction recovery that offers peer recovery support services for persons with substance abuse and is accredited by the Council on Accreditation of Peer Recovery Support Services. (17103798D)
Studies

**HJ 597** (Marshall, R.G.) (HRUL) directs the Joint Commission on Health Care to study heroin use in the Commonwealth, including the rates of use, the pathways that lead individuals to use, and initiatives focused on the prevention of heroin use and heroin overdose, including the use of naloxone to prevent heroin overdoses. (17102211D)

**HJ 695** (Herring) 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. (17102444D)

Substance-Exposed Infants

**HB 1467** (Greason) (HHWI) requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported. (17101158D)

**HB 2162** (Pillion) (HHWI) directs the Secretary of Health and Human Resources (the Secretary) to convene a work group to study barriers to treatment of substance-exposed infants in the Commonwealth. Such work group shall include representatives of the Departments of Behavioral Health and Developmental Services and Health and Social Services and such other stakeholders as the Secretary may deem appropriate and shall (i) review current policies and practices governing the identification and treatment of substance exposed infants in the Commonwealth; (ii) identify barriers to treatment of substance exposed infants in the Commonwealth, including barriers related to identification and reporting of such infants, data collection, interagency coordination and collaboration, service planning, service availability, and funding; and (iii) develop legislative, budgetary, and policy recommendations for the elimination of barriers to treatment of substance-exposed infants in the Commonwealth. The Secretary shall report his findings to the Governor and the General Assembly by December 1, 2017. (17100769D)

Public Safety/ Criminal Justice

**HB 1720** (Anderson) (HMP) expands the category of flags required to be flown at half staff or mast when a service member, police officer, firefighter, or emergency medical services provider is killed in the line of duty to include flags flown at any building owned and operated by any political subdivision of the Commonwealth. (17103040D)

**HJ 630** (Bell, Robert B.) (HRUL) directs the Department of Criminal Justice Services to study the efficacy of the sheriff of any locality supervising animal control officers and report on the effectiveness and cost of such reorganization. (17102355D)
Hate Crimes

**HB 1702** (Sullivan) (HMP) includes within the definition of "hate crime" a criminal act committed against a person because of sexual orientation or gender identification and requires the reporting of the commission of such crime to the State Police. (17101555D)

**HB 1776** (Plum) (HCT) adds gender, sexual orientation, gender identity, and disability to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds these categories of victims to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. (17102505D)

**HB 1779** (Plum) (HCT) adds immigration status to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds immigration status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. (17102507D)

Transportation

**SB 1070** (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 only install and operate a speed monitoring system 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. (17101830D)

**HB 1682** (Bloxom) (IITRAN) allows the Department of Motor Vehicles to issue a temporary driver's license valid for one year to an applicant who is otherwise unable to be issued a driver's license due to immigration status if such applicant (i) has established residency in the Commonwealth, (ii) has filed an income tax return with the Commonwealth, (iii) has registered with the Department of Homeland Security, and (iv) either demonstrates proof of a motor vehicle liability insurance policy in force for the year the license is to be valid or pays the $500 uninsured motorist fee. (17101828D)

**HB 1761** (Anderson) (HTRAN) provides that the governing body of any county, city, or town that regulates taxicabs may authorize any taxicab to operate software-based devices that utilize GPS or other measurement data in the calculation of time-and-distance fares, notwithstanding the requirements for the specifications and tolerances for measuring and weighing devices. The
bill repeals the requirement that all taxicabs display roof signs and specific markings and provides that any local ordinance requiring such roof signs and markings for taxicabs is void. (17103625D)

Driver's License Forfeiture – Marijuana Possession

SB 784 (Ebbin) (SCT) revises 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 to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill. (17100117D)

SB 1091 (Ebbin) (SCT) revises 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 to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill. (17101071D)

Ports

HJ 580 (James) (HRUL) directs the Joint Legislative Audit and Review Commission to review and update its 1999 study entitled "Review of the Impact of State-Owned Ports on Local Governments." (17102448D)

HJ 648 (Heretick) (HRUL) directs the Joint Legislative Audit and Review Commission to review and update its 1999 study entitled "Review of the Impact of State-Owned Ports on Local Governments." (17101395D)

SJ 246 (Edwards) (SRUL) requests the Secretary of Transportation to study the feasibility of an additional inland port facility in the Roanoke Region and New River Valley. (17102726D)

Transportation Funding

HB 2121 (Keam) (HTRAN) allows revenues of the Northern Virginia Transportation Authority distributed to localities to be used, as determined solely by the applicable locality, to fund new sidewalk projects. (17102322D)

SB 806 (Stanley) (SFIN) reallocates and transfers the U.S. Route 58 Corridor Development Fund and Program to the Interstate 73 Corridor Development Fund effective either July 1, 2020, or upon completion of all parts of the U.S. Route 58 Corridor Development Program, whichever occurs sooner. Currently, $40 million is allocated annually to the Route 58 project. (17100673D)
Transportation Safety

**SB 863** (Surovell) (STRAN) changes the offense of operating a motor vehicle with an object suspended in such vehicle that obstructs the driver's clear view of the highway from a primary offense to a secondary offense (one that can only be charged when the offender is stopped for another, separate offense). (17100040D)

**SB 1184** (Dance) (STRAN) prohibits a person operating a motor vehicle from allowing such vehicle to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake. (17102140D)

**SB 1223** (Barker) (STRAN) provides that any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on a highway while intoxicated is guilty of a Class 2 misdemeanor. (17102947D)

**SB 1338** (Surovell) (STRAN) provides that the driver of a motor vehicle who uses a bicycle lane to pass or attempt to pass another vehicle is guilty of reckless driving. (17103609D)

**Tolls**

**HB 1715** (Minchew) (HLC)/**SB 1209** (Wexton) (SCL) gives the State Corporation Commission discretion to approve any request to increase tolls on the Dulles Greenway by a specified annual percentage increase. The measure also gives the Commission discretion to approve an additional increase in such tolls based on increases in local property taxes when requested by the operator. Currently the Commission is required to approve such requests for toll increases. (17102568D, 17103566D)

**HB 2139** (LeMunyon) (HTRAN) requires that the Commissioner of Highways, in his annual report, report specifically about transportation projects approved or modified during the prior fiscal year and data indicating the relationship between toll price and vehicle volume per unit time at selected toll lane locations for each public or private toll facility in which variable toll pricing is utilized. (17102308D)

Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer  
    Patricia Harrison, Deputy County Executive  
    David J. Molchany, Deputy County Executive  
    Dave Rohrer, Deputy County Executive  
    Robert A. Stalzer, Deputy County Executive  
    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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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** = Date Position taken by full Board of Supervisors
[] = Date position taken by BOS Legislative Committee
*Italics* = Date position recommended by staff

**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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**Support:**  
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SB 918  Edwards, J  Renewable energy; third-party power purchase agreements.
SB 919  Edwards, J  Removal of blight; building collapse; emergency.
SB 920  Edwards, J  Lien priority.
SB 926  Petersen, J  Noise violations; civil penalty.
SB 979  Dance, R  Elections; absentee voting; no-excuse, in-person.
SB 1003  Ebbin, A  Wireless E-911 Fund; distribution percentages.
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SB 1016  Barker, G  Absentee voting; eligibility of persons age 65 or older.
SB 1054  Stuart, R  Activation of fire alarms; reimbursement of expenses; penalty.
SB 1064  Deeds, R  Mental health awareness training; law-enforcement officers firefighters, and emergency medical.
SB 1092  Petersen, J  Motor vehicle fuels; establishes a floor on sales tax imposed in Northern Virginia.
SB 1132  Mason, T  Absentee voting; eligibility of persons age 65 or older.
SB 1138  Mason, T  Computer trespass; government computers and computers used for public utilities; penalty.
SB 1179  Chafin, A  Secretary of Health and Human Resources; workgroup to establish educational guidelines for training.
SB 1180  Chafin, A  Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.
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SB 1416 Newman, S
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SB 1420 Mason, T
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SB 1456 Wagner, F
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SB 1468 Marsden, D
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Fairfax County Initiative

Bill Introduced
at Fairfax County's Request
### Bills Introduced at Fairfax County’s Request

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| **SB 1354** - Favola (31)  
Comprehensive plan; telecommunications towers and facilities in Northern Virginia. | 1/11/2017 Senate: Referred to Committee on Local Government | [1/19/2017] |

**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.
Fairfax County Positions
(Oppose or Amend)

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| **HB 1428** - Fowler, Jr. (55)  
Absentee voting; photo identification required for applications and ballots. | 11/9/2016 House: Referred to Committee on Privileges and Elections  
1/20/2017 House: Reported from Privileges and Elections with substitute (14-Y 7-N)  
1/20/2017 House: Referred to Committee on Appropriations | [1/19/2017] |
| **[Oppose] (17100844D)** - See also SB 872.  
**Summary:** Absentee voting; applications and ballots; photo identification required. Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill also requires any voter to submit a copy of such identification with his voted absentee ballot. The bill exempts military and overseas voters and persons with a disability from these requirements. The bill contains technical amendments. |  |
| **HB 1435** - Head (17)  
VIEW; pilot program for substance abuse screening and assessment. | 11/22/2016 House: Referred to Committee on Health, Welfare and Institutions | [1/19/2017] |
| **[Oppose] (17100158D)** - Board has historically opposed.  
**Summary:** Department of Social Services; pilot program for substance abuse screening and assessment for VIEW; report. Requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare (VIEW) program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2017, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2018. |  |
| **HB 1487** - Albo (42)  
Maximum number of circuit court judges; 19th Judicial Circuit. | 12/13/2016 House: Referred to Committee for Courts of Justice | [1/19/2017] |
| **[Oppose] (17101507D)**  
**Summary:** Reduces from 15 to 14 the maximum number of circuit court judges in the 19th Judicial Circuit (Fairfax, Fairfax County), effective July 1, 2018, or upon the death, resignation, or retirement of any judge of that court, whichever occurs later. |  |
| **HB 1597** - Webert (18)  
Local stormwater management utility; waiver of charges; stormwater retained on site. | 1/2/2017 House: Referred to Committee on Counties, Cities and Towns | [1/19/2017] |

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action
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<td><strong>HB 1757 - Dudenhefer</strong>&lt;br&gt;(2)&lt;br&gt;School personnel; staffing ratios; school nurses.</td>
<td>1/9/2017 House: Referred to Committee on Education</td>
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<td><strong>HB 1766 - Habeeb (8)</strong>&lt;br&gt;Utility Facilities Act; associated facilities of an electrical transmission line.</td>
<td>1/9/2017 House: Referred to Committee on Commerce and Labor&lt;br&gt;1/17/2017 House: Reported from Commerce and Labor (18-Y 1-N)</td>
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<td><strong>HB 1802 - Bell (87)</strong>&lt;br&gt;Companion animals; prohibits tethering of animals outdoors unless owner is outdoors.</td>
<td>1/9/2017 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</td>
<td>[1/19/2017]</td>
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**Summary:** Requires any locality establishing a stormwater management utility to waive charges for a person whose approved stormwater management plan indicates that the stormwater produced by his property is retained and treated on site.

**Summary:** 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.

**Summary:** Provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of an electrical transmission line of 138 kilovolts and any associated facilities shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities. The measure defines "associated facilities" as including any station, substation, transition station, and switchyard facilities to be constructed in association with the 138 kilovolt transmission line.

**Summary:** Care of companion animals; tethering; penalty. Prohibits tethering of companion animals outdoors unless the owner is outdoors within sight of the animal. A violation of this prohibition is a Class 4 misdemeanor and a second or subsequent violation is a Class 3 misdemeanor.

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<td><strong>HB 1889</strong> - Hugo (40)</td>
<td>License taxes, local; exemption for certain defense production businesses.</td>
<td>1/10/2017 House: Referred to Committee on Finance</td>
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[Amend] (17101713D) - Amend to narrow scope; exemptions in bill as written are overly broad. See also SB 1274 (McDougle).
**Summary:** Local license taxes; exemption for certain defense production businesses. Clarifies that the exemption for wholesale manufacturers from local license taxes includes a defense production business selling manufacturing, rebuilding, repair, and maintenance services to the United States or for which consent of the United States is required.

| **HB 2000** - Poindexter (9) | Sanctuary policies; prohibited. | 1/10/2017 House: Referred to Committee for Courts of Justice | [1/19/2017] |

[Oppose] (17102598D) - 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.
**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 bill requires each locality to adopt a policy requiring any public contractor with which the locality does business to use the E-Verify program.

| **HB 2024** - Freitas (30) | Condemnation powers and proceedings; imminent threat to public health, safety, and welfare. | 1/10/2017 House: Referred to Committee for Courts of Justice | [1/19/2017] |

[Oppose] (17101207D) **Summary:** Condemnation powers and proceedings; imminent threat to public health, safety, and welfare required. Provides that "quick take" condemnation proceedings, the procedure for which is governed by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 (Transferring Defeasible Title by Certificate), are available for use only when a court determines that the use of such procedure is necessary to protect against an imminent threat to public health, safety, and welfare. The bill further allows for entities allowed to exercise eminent domain only in the manner provided for by Chapter 3 of Title 25.1 to alternatively use the procedures outlined by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 (Condemnation Procedures).

| **HB 2095** - Price (95) | Registration of peer recovery specialists and qualified mental health professionals. | 1/10/2017 House: Referred to Committee on Health, Welfare and Institutions | [1/19/2017] |

**Bold** – Indicates BOS formal action
[ ] Indicates BOS Legislative Committee Action
[Oppose Unless Amended] (17101364D) - Oppose unless amended to resolve conflict between language defining “qualified mental health professionals” and other professional licensing rules, which could be costly to CSB. See also SB 1020 (Barker).

**Summary:** Authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines "qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. The bill requires that a qualified mental health professional provide such services as an employee or independent contractor of a mental health service provider licensed by the Department of Behavioral Health and Developmental Services. The bill defines "registered peer recovery specialist" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. The bill requires that a registered peer recovery specialist provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a mental health service provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health. The bill adds qualified mental health professionals and registered peer recovery specialists to the list of mental health providers that are required to take actions to protect third parties under certain circumstances and notify clients of their right to report to the Department of Health Professions any unethical, fraudulent, or unprofessional conduct. The bill directs the Board of Counseling and the Board of Behavioral Health and Developmental Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

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<tr>
<th>Bills</th>
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</thead>
<tbody>
<tr>
<td><strong>HB 2120</strong> - Keam (35)</td>
<td>Northern Virginia Transportation Authority (NVTA); membership composition.</td>
<td>1/10/2017 House: Referred to Committee on Transportation</td>
</tr>
</tbody>
</table>

[Oppose] (17102324D) - Board has historically opposed. See also SB 929 (Petersen).

**Summary:** Increases from 17 to 18 the membership of the NVTA and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems.

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<tr>
<td><strong>HB 2124</strong> - Minchew (10)</td>
<td>Eminent domain; just compensation for entry onto property.</td>
<td>1/11/2017 House: Referred to Committee on Commerce and Labor</td>
</tr>
</tbody>
</table>

[Oppose] (17103364D)

**Summary:** Provides that a condemnor or a natural gas company with the right of entry without the permission of the landowner must provide just compensation to the landowner for such entry. The bill provides that the presumptive amount of such just compensation is $100, which shall be paid to the landowner in advance of the entry onto the property.

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<tr>
<td><strong>HB 2137</strong> - LeMunyon (67)</td>
<td>Northern Virginia Transportation Authority; regional transportation plan.</td>
<td>1/11/2017 House: Referred to Committee on Transportation</td>
</tr>
</tbody>
</table>

**Summary:** Requires the Northern Virginia Transportation Authority (the Authority) to annually publish on its website any land use or transportation elements of a locality's comprehensive plan that each locality embraced by the Authority is currently required to report when such locality's plan is inconsistent with the Authority's regional transportation plan. Additionally, the bill requires the Authority to consider for revision and revise as necessary its regional transportation plan at least once every five years. In the procedures for such consideration for revision, the Authority is required to certify that the plan would reduce congestion in Planning District 8 to the greatest extent practicable or, if unable to so certify, specify the reasons and any need for cooperation by other regional entities.

| **HB 2138** - LeMunyon (67) | Transportation planning, state and local; adoption of comprehensive plan in Northern Virginia. | 1/11/2017 House: Referred to Committee on Transportation | [1/19/2017] |

**Summary:** State and local transportation planning. Provides that in its adoption of any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8 (Northern Virginia), the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning on any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8 (Northern Virginia), 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.

| **HB 2196** - Kilgore (1) | Wireless communications infrastructure; procedure for approved by localities. | 1/11/2017 House: Referred to Committee on Commerce and Labor | [1/19/2017] |

**Summary:** Wireless communications infrastructure. Provides a uniform procedure for the way in which wireless communications infrastructure is approved by localities and approved and installed in public rights-of-way.

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</table>
| **HB 2236** - Cline (24)  
Sanctuary policies; enforcement of federal immigration laws | 1/11/2017 House: Referred to Committee for Courts of Justice | [1/19/2017] |

**Oppose** (17102981D) - 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.  
**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.

| **HJ 676** - Webert (18)  
Study; Department of Education; effect of local use value assessment of certain real estate. | 1/10/2017 House: Referred to Committee on Rules | [1/19/2017] |

**Oppose** (17101285D) - 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.

| **SB 795** - Sturtevant, Jr. (10)  
Register of funds expended; required posting by localities & school divisions on public gov website. | 9/22/2016 Senate: Referred to Committee on Local Government | [1/19/2017] |

**Amend** (17100644D) - Amend to allow flexibility to exclude personally sensitive information of constituents and employees.  
**Summary:** Register of funds expended; required posting by localities and school divisions. Requires every locality and each school division located within the locality to post on the public government website of the locality 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. A locality and school

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division may exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act.

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<th>Bills</th>
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</table>
| **SB 802**    | Stanley, Jr. (20)  
Camping in tent or recreational vehicle; special use permit.                         | 10/7/2016 Senate: Referred to Committee on Local Government | [1/19/2017] |
| [Oppose] (17100687D) | **Summary**: Special use permit; camping in tent or recreational vehicle. Prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year. |

**SB 836** - Chase (11)  
License taxes; if locality imposes tax upon business, tax shall be based upon Va. taxable income.  
11/15/2016 Senate: Referred to Committee on Finance  
[Oppose] (17101006D) - Board has historically opposed. Fiscal impact to Fairfax County is approximately $146 million per year.  
**Summary**: License taxes; Virginia taxable income. Provides that if a locality imposes a license tax upon a business, the tax shall be based upon the Virginia taxable income of the business. Current law allows a locality to impose the tax upon gross receipts or Virginia taxable income.

**SB 872** - Chase (11)  
Absentee voting; applications and ballots; photo identification required.  
12/12/2016 Senate: Referred to Committee on Privileges and Elections  
[Oppose] (17102046D) – See also HB 1428 (Fowler).  
**Summary**: Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill also requires any voter to submit a copy of such identification with his voted absentee ballot. The bill exempts military and overseas voters and persons with a disability from these requirements. The bill contains technical amendments.

**SB 887** - Chafin (38)  
Prioritization of statewide transportation projects; exceptions.  
12/20/2016 Senate: Referred to Committee on Transportation  
[Oppose] (17101159D) - Board has historically opposed.  
**Summary**: Exempts projects on U.S. Route 121, commonly known as the Coalfield Expressway, and U.S. **Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action
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<tr>
<td>Route 460 from the prioritization process that the Commonwealth Transportation Board applies to projects for state funding.</td>
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<tr>
<td><strong>SB 927</strong> - Petersen (34) Eminent domain; timing for initiation of 'quick-take' condemnation procedure for just compensation.</td>
<td>12/27/2016 Senate: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17101891D) <strong>Summary:</strong> Eminent domain; timing for initiation of &quot;quick-take&quot; condemnation procedure and petition for determination of just compensation. Provides that an authorized condemnor in a &quot;quick-take&quot; condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the owner of the property. Under current law, such proceedings must be instituted within 60 days after the completion of the construction of the improvements upon the property. The bill further provides that the owner of such property has 180 days after the authorized condemnor has entered upon and taken possession of the property or after the recordation of a certificate to petition the court for a determination of just compensation for the property taken or damaged by the authorized condemnor.</td>
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<tr>
<td><strong>SB 929</strong> - Petersen (34) Northern Virginia Transportation Authority (NVTA); membership composition.</td>
<td>12/27/2016 Senate: Referred to Committee on Rules</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17102740D) - Board has historically opposed. See also HB 2120 (Keam). <strong>Summary:</strong> Increases from 17 to 18 the membership of the NVTA and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems.</td>
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<tr>
<td><strong>SB 980</strong> - Stanley, Jr. (20) Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.</td>
<td>1/3/2017 Senate: Referred to Committee on General Laws and Technology</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17100688D) <strong>Summary:</strong> Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines &quot;consumer fireworks&quot; as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes</td>
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from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The bill also creates a 12 percent tax on the purchase of all consumer fireworks to be paid to the locality in which the tax was collected for the support of fire and rescue services. The bill has a delayed effective date of January 1, 2018. The bill contains technical amendments.

**SB 1020** - Barker (39)
Registration of peer recovery specialists and qualified mental health professionals.

1/4/2017 Senate: Referred to Committee on Education and Health
[1/19/2017]

**SB 1110** - Stanley, Jr. (20)
Utility Facilities Act; associated facilities of an electrical transmission line.

1/9/2017 Senate: Referred to Committee on Commerce and Labor
[1/19/2017]
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</table>
| **SB 1153** - Obenshain (26)  
Inverse condemnation proceeding; reimbursement of owner's costs. | 1/9/2017 Senate: Referred to Committee for Courts of Justice | [1/19/2017] |
| **SB 1157** - Reeves (17)  
Lobbyist disclosure; reporting by certain political subdivisions. | 1/9/2017 Senate: Referred to Committee on Rules | [1/19/2017] |
| **SB 1173** - Obenshain (26)  
Vested property rights; nonconforming uses. | 1/10/2017 Senate: Referred to Committee on Local Government | [1/19/2017] |

**Summary:** Provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of an electrical transmission line of 138 kilovolts and any associated facilities shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities. The measure defines "associated facilities" as including any station, substation, transition station, and switchyard facilities to be constructed in association with the 138 kilovolt transmission line.

[Oppose] (17102098D) – See also HB 1766 (Habeeb).

**Summary:** Directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article I, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013.

**Summary:** Requires the governing body of any association or other nonstock corporation that is established by a political subdivision or combination of political subdivisions of the Commonwealth to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.

**Summary:** Vested property rights. Provides that if a structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. The provisions of the bill are declared to not be deemed retroactive.
### Bills Fairfax County Opposes or Seeks Amendments to Bill

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<tr>
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</table>
| **SB 1252** - Obenshain (26)  
Absentee voting; signature verification. | 1/10/2017 Senate: Referred to Committee on Privileges and Elections  
[Oppose] (17103095D) - Board has historically opposed.  
**Summary:** Requires the officers of election to compare the signature on an absentee ballot envelope with the signature on that voter's voter registration application. Three officers, including one representative of each political party, are required to agree that the signatures match in order for the absentee ballot to be accepted. If less than three agree, the ballot and application are later reviewed by the electoral board at its meeting held on the day after election day. If the electoral board determines that the signature on the ballot envelope and the voter's voter registration application match, the ballot is counted. However, if the electoral board determines that the signatures do not match, the ballot is not counted. The bill requires that, when the electoral board determines the signatures do not match, copies of the ballot envelope and the voter registration application are to be provided to the appropriate attorney for the Commonwealth. The voter is required to be notified in writing of the decision of and actions taken by the electoral board. | [1/19/2017] |
| **SB 1254** - Obenshain (26)  
Ballot scanner machines; Department of Elections to conduct an annual audit, report. | 1/10/2017 Senate: Referred to Committee on Privileges and Elections  
1/17/2017 Senate: Reported from Privileges and Elections with amendments (10-Y 0-N)  
[Amend] (17103101D) - Amend to clarify that localities will be responsible for performing the audits and reporting the findings to the Department of Elections.  
**Summary:** Department of Elections; annual audit of ballot scanner machines. Requires the Department of Elections to conduct an annual audit of the ballot scanner machines in use in the Commonwealth. The localities selected for the audit are to be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The bill requires the Department to submit a report on the results of each audit to the State Board of Elections. | [1/19/2017] |
| **SB 1262** - Black (13)  
Liability of sanctuary cities for certain injuries and damages. | 1/10/2017 Senate: Referred to Committee on Local Government | [1/19/2017] |

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<tr>
<td>SB 1274 - McDougle (4) Local license taxes; exemption for certain defense production businesses.</td>
<td>1/10/2017 Senate: Referred to Committee on Finance</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Amend] (17101436D) - Amend to narrow scope; exemptions in bill as written are overly broad. See also HB 1889 (Hugo). <strong>Summary:</strong> Clarifies that the exemption for wholesale manufacturers from local license taxes includes a defense production business selling manufacturing, rebuilding, repair, and maintenance services to the United States or for which consent of the United States is required.</td>
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<tr>
<td>SB 1282 - McDougle (4) Wireless communications infrastructure; procedure for approved by localities.</td>
<td>1/10/2017 Senate: Referred to Committee on Commerce and Labor</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17103885D) – See also HB 2196 (Kilgore) <strong>Summary:</strong> Wireless communications infrastructure. Provides a uniform procedure for the way in which wireless communications infrastructure is approved by localities and approved and installed in public rights-of-way.</td>
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<tr>
<td>SB 1409 - Suetterlein (19) Reckless driving; raises threshold for speeding.</td>
<td>1/11/2017 Senate: Referred to Committee on Transportation</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17100426D) - Board has historically opposed. <strong>Summary:</strong> 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.</td>
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<tr>
<td>SB 1411 - Suetterlein (19) Statewide Fire Prevention Code; authorizes use of consumer fireworks, penalties.</td>
<td>1/11/2017 Senate: Referred to Committee on General Laws and Technology</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Oppose] (17102877D) <strong>Summary:</strong> Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties. Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks</td>
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from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks; (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The bill has a delayed effective date of January 1, 2018. The bill contains technical amendments.

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<td>SB 1433 - Reeves (17)</td>
<td>Consumer fireworks; regulation of sale, permit issued by Board of Housing and Community Development.</td>
<td>1/12/2017 Senate: Referred to Committee on Commerce and Labor 1/16/2017 Senate: Reported from Commerce and Labor (14-Y 0-N) 1/16/2017 Senate: Rereferred to General Laws and Technology</td>
</tr>
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</table>

[Oppose] (17103804D)

**Summary:** Regulation of the sale of consumer fireworks; Board of Housing and Community Development; criminal and civil penalties. Authorizes a person to sell consumer fireworks if he possesses a federal permit to sell fireworks, a permit issued by the Board of Housing and Community Development, and a local permit, if and as required by the locality where the sales facility is located. The measure directs the Board to establish requirements and establish a process for the issuance and renewal of permits for the sale of consumer fireworks. A permittee is required to carry, with respect to each permitted facility, public liability and product liability insurance with minimum limits of $5 million to cover the losses, damages, or injuries that might ensue to persons or property as a result of the sales of consumer fireworks. The measure specifies certain requirements for facilities at which consumer fireworks are permitted to be sold, including prohibitions on an individual under 18 years of age (i) being admitted into any consumer fireworks retail sales facility unless accompanied by a parent, guardian, or responsible adult or (ii) working in any consumer fireworks retail sales facility. The measure prohibits a person from, among other acts, (a) selling consumer fireworks within the Commonwealth unless he is a permittee or an employee or agent of a permittee; (b) selling consumer fireworks from a place other than a permanent consumer fireworks retail sales facility; (c) selling consumer fireworks to an individual who appears to be under the influence of alcohol or drugs; (d) knowingly selling or otherwise furnishing consumer fireworks to an individual under 18 years of age; (e) purchasing, using, or possessing consumer fireworks if the individual is under 18 years of age; or (f) selling or storing fireworks that are not consumer fireworks as defined in a standard established by the American Pyrotechnics Association. Certain violations are punishable as a Class 1 misdemeanor. A person violating restrictions on the hours during which, or places where, consumer fireworks may be used is subject to a civil penalty not to exceed $150 per violation.

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Fairfax County Positions
(Support)

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### Bills Fairfax County Supports

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<td><strong>HB 1404</strong> - Cole (88)</td>
<td>Fire alarms; malicious activation in any building, penalty.</td>
<td>9/8/2016 House: Referred to Committee for Courts of Justice 1/20/2017 House: Reported from Courts of Justice (20-Y 0-N)</td>
</tr>
<tr>
<td>[Support] (17100210D)</td>
<td><strong>Summary:</strong> Activation of fire alarms; penalty. Removes the provision that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a fire alarm to apply. The Class 1 misdemeanor will apply to all buildings.</td>
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<tr>
<td><strong>HB 1426</strong> - Garrett (23)</td>
<td>Emergency custody or involuntary admission process; alternative transportation model.</td>
<td>11/3/2016 House: Referred to Committee for Courts of Justice 1/13/2017 House: Referred to Committee on Health, Welfare and Institutions 1/19/2017 Subcommittee recommends reporting with amendment (7-Y 0-N)</td>
</tr>
<tr>
<td>[Support] (17100871D)</td>
<td><strong>Summary:</strong> Directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with the relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice.</td>
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<tr>
<td><strong>HB 1441</strong> - Kory (38)</td>
<td>Incapacitated persons; expands class of victims of crime of financial exploitation.</td>
<td>11/27/2016 House: Referred to Committee for Courts of Justice</td>
</tr>
<tr>
<td>[Support] (17100262D)</td>
<td><strong>Summary:</strong> Financial exploitation of incapacitated persons; penalty. Expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity. The bill also allows for forfeiture of personal property used in connection with the crime.</td>
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<tr>
<td><strong>HB 1449</strong> - Boysko (86)</td>
<td>Naloxone; dispensing for use in opioid overdose reversal, etc.</td>
<td>12/1/2016 House: Referred to Committee on Health, Welfare and Institutions</td>
</tr>
<tr>
<td>[Support] (17101968D) - See also HB 1453 (LaRock) and SB 848 (Wexton).</td>
<td><strong>Summary:</strong> Dispensing of naloxone. Allows 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 substance abuse treatment.</td>
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services to individuals at risk of experiencing 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 pursuant to §54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

**HB 1453** - LaRock (33)
Naloxone; dispensing for use in opioid overdose reversal, etc.
12/2/2016 House: Referred to Committee on Health, Welfare and Institutions
[1/19/2017]

[Support] (17102196D) - See also HB 1449 (Boysko) and SB 848 (Wexton).

**Summary:** Dispensing of naloxone. Allows 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 substance abuse treatment services to individuals at risk of experiencing 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 pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

**HB 1480** - Helsel, Jr. (91)
Mental health awareness training; law-enforcement officers, firefighters, and emergency personnel.
12/13/2016 House: Referred to Committee for Courts of Justice
[1/19/2017]

[Support] (17100561D) - Support concept of mental health training for first responders; seek flexibility to mitigate fiscal impacts. See also SB 1064 (Deeds).

**Summary:** Mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel. Requires the Department of Behavioral Health and Developmental Services (DBHDS) to establish and administer a mental health awareness program for training persons in emergency services.
professions in recognizing potential mental health issues and assisting themselves and each other with mental health issues. The bill requires DBHDS to create and administer a process by which a program not created by DBHDS can be certified as a qualified mental health awareness program. The bill requires law-enforcement officers, emergency medical services personnel, and firefighters other than volunteer firefighters to participate in a mental health awareness program created or certified by DBHDS once every two years.

**HB 1488** - Albo (42)
Collection of delinquent local taxes; period of delinquency.
12/13/2016 House: Referred to Committee on Finance

[Support] (17102385D)
**Summary:** Reduces from six months to three months the minimum period of time that a tax has been delinquent before a locality may refer the delinquency to an attorney, collection agency, or the sheriff for collection.

**HB 1549** - Farrell (56)
Community services boards and behavioral health authorities; services to be provided.
12/29/2016 House: Referred to Committee on Health, Welfare and Institutions
1/19/2017 House: Reported from Health, Welfare and Institutions (21-Y 1-N)
1/19/2017 House: Referred to Committee on Appropriations

[Support] (17100770D) - Support with sufficient funding for implementation. See also SB 1005 (Hanger).
**Summary:** Provides that the core of services provided by community services boards and behavioral health authorities shall include, effective July 1, 2018, (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that the core of services provided by community services boards and behavioral health authorities shall additionally include, effective July 1, 2021, crisis services for individuals with mental health or substance use disorders; outpatient mental health and substance abuse services; psychiatric rehabilitation services; peer support and family support services; mental health services for certain members of the armed forces and veterans; care coordination services; and case management services, including targeted mental health case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of this act.

**HB 1698** - Marshall, III (14)
Polling places; memorandum of understanding.
1/6/2017 House: Referred to Committee on Privileges and Elections
1/19/2017 Subcommittee recommends reporting with amendments (4-Y 2-N)
1/20/2017 Failed to report (defeated) in Privileges and Elections (10-Y 11-N)

[Support with amend] (17101752D) - Support with amendments to make the bill permissive, and address technical issues with the legislation.
**Summary:** Directs the Attorney General to develop and make available a template memorandum of understanding to be used by the general registrars when establishing polling places. The bill requires the

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general registrar 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.

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<td><strong>HB 1719</strong> - Anderson (51) Wireless E-911 Fund; distribution percentages.</td>
<td>1/7/2017 House: Referred to Committee on Commerce and Labor 1/17/2017 House: Reported from Commerce and Labor (20-Y 0-N)</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17102186D) - See also SB 1003 (Ebbin). <strong>Summary:</strong> Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years.</td>
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<tr>
<td>[Support] (17101012D) <strong>Summary:</strong> Practice of telemedicine; prescribing. Provides that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill also authorizes the Board of Pharmacy to register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances to possess and administer Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration.</td>
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<tr>
<td><strong>HB 1788</strong> - Yancey (94) Incapacitated persons; abuse and neglect, financial exploitation, penalty.</td>
<td>1/9/2017 House: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17102285D) - See also SB 1420 (Mason). <strong>Summary:</strong> Incapacitated persons; abuse and neglect; financial exploitation of incapacitated persons; penalty. Provides that any responsible person who abuses or neglects an incapacitated adult and such abuse or neglect results in any bodily injury, other than serious bodily injury, to the incapacitated adult is guilty of a Class 6</td>
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felony, which is in addition to the current Class 4 felony if such abuse or neglect results in serious bodily injury. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity.

**HB 1800** - Toscano (57)

Electric utility regulation; third party power purchase agreements.

1/9/2017 House: Referred to Committee on Commerce and Labor

[Support] (17101835D)

**Summary:** Authorizes individual retail customers of electric energy to own and operate, or contract with other persons to own, operate, or both, a renewable electrical generating facility under a third party power purchase agreement, on the customer's premises that meets the "eligible customer-generator" requirements for nonresidential customers and agricultural customers under the Commonwealth's net energy metering program.

**HB 1808** - Bell (87)

Virginia Public Procurement Act; use of best value contracting.

1/9/2017 House: Referred to Committee on General Laws

[Support] (17102088D)

**Summary:** Virginia Public Procurement Act; use of best value contracting; construction and professional services. Authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth above.

**HB 1815** - Yancey (94)

Computer trespass; government computers and computers used for public utilities; penalty.

1/9/2017 House: Referred to Committee for Courts of Justice

[Support] (17102280D) - See also SB 1138 (Mason).

**Summary:** Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities.

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<td><strong>HB 1834</strong> - Anderson (51) Distracted driving; penalty.</td>
<td>1/10/2017 House: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
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[Support] (17103620D) - Board has historically supported.

**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 position system for the purposes 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.

| **HB 1885** - Hugo (40) Opioids; limit on amount prescribed. | 1/10/2017 House: Referred to Committee on Health, Welfare and Institutions | [1/19/2017] |

[Support] (17100971D) - Support concept of limiting supply of opioids with input from prescribing professionals in an expeditious manner.

**Summary:** Prescription of opioids; limits. Provides that a prescriber who prescribes a controlled substance containing an opioid to a patient shall not prescribe an amount greater than a seven-day supply unless (i) in the professional medical judgment of the prescriber, more than a seven-day supply of the controlled substance containing an opioid is required to stabilize the patient's acute medical condition, or (ii) the prescription is for the management of pain associated with cancer, use in palliative or hospice care, or management of chronic pain not associated with cancer. The bill also requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than seven consecutive days. Currently, a prescriber must request such information when a course of opioid treatment is expected to last more than 14 consecutive days.

| **HB 1888** - Hugo (40) Wireless telecommunications devices; use by persons driving school buses. | 1/10/2017 House: Referred to Committee on Transportation 1/19/2017 House: Reported from Transportation (22-Y 0-N) | [1/19/2017] |

[Support] (17101457D)

**Summary:** Use of wireless telecommunications devices by persons driving school buses. Allows school bus drivers to use, in addition to two-way radio devices, wireless telecommunications devices that are similar to two-way radio devices to communicate with school or public safety officials.
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<td><strong>HB 1936</strong> - Carr (69) Derelict and blighted buildings; land banks, receivership.</td>
<td>1/10/2017 House: Referred to Committee on Counties, Cities and Towns</td>
<td>[1/19/2017]</td>
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<td><strong>HB 1960</strong> - Hugo (40) Tow truck drivers and towing and recovery operators; civil penalty for improper towing.</td>
<td>1/10/2017 House: Referred to Committee on Transportation</td>
<td>[1/19/2017]</td>
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<td><strong>HB 2057</strong> - Kory (38) Discrimination; prohibited in private or public employment.</td>
<td>1/10/2017 House: Referred to Committee on General Laws</td>
<td>[1/19/2017]</td>
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Support increased consumer protections, including creation of civil penalty for improper towing, while retaining existing local authority. See also SB 1468 (Marsden). Summary: Tow truck drivers and towing and recovery operators; requirements; penalties. Creates a civil penalty of $100 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing. The bill exempts Planning District 8 (Northern Virginia) 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 a tow truck driver immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. The bill raises the hookup and initial towing fee in Planning District 8 (Northern Virginia) from $135 to $150. The bill requires the chairman of any towing advisory board within Planning District 8 (Northern Virginia) to be a representative of a licensed towing and recovery operator and limits the membership of such boards to only representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and one member of the general public. The bill adds improper trespassing as a prohibited act under the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

[Support] (17102899D) - Board has historically supported. Summary: Prohibited discrimination in employment. Prohibits discrimination in private or public employment based on sexual orientation or status as a veteran. The bill provides that under the Virginia Human Rights Act, such discrimination is actionable if the violating employer has more than five but less than 15 employees. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also conforms various provisions prohibiting discrimination in

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<td>public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or veteran status. The bill contains technical amendments.</td>
<td><strong>HB 2070</strong> - Watts (39) Additional powers of certain counties.</td>
<td>1/10/2017 House: Referred to Committee on Finance 1/18/2017 House: Subcommittee recommends laying on the table by voice vote</td>
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<tr>
<td><strong>[Support] (17102290D)</strong> - Support concept of equalizing taxing authority between counties and cities, although the County has historically opposed any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. <strong>Summary:</strong> Grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing, and payments for highway maintenance. Such powers currently are generally granted to cities and towns.</td>
<td><strong>HB 2073</strong> - Watts (39) Virginia Consumer Protection Act; certain fraud crimes; multi-jurisdiction grand jury; forfeiture;</td>
<td>1/10/2017 House: Referred to Committee for Courts of Justice</td>
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<tr>
<td><strong>[Support] (17103551D)</strong> <strong>Summary:</strong> Certain fraud crimes; multi-jurisdiction grand jury; forfeiture; Virginia Consumer Protection Act. Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the criminal violations that a multi-jurisdiction grand jury may investigate and to prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The bill also provides that motor vehicles used in connection with such offenses are subject to forfeiture to the Commonwealth upon conviction.</td>
<td><strong>HB 2094</strong> - Price (95) Localities; regulation of firearms in government buildings.</td>
<td>1/10/2017 House: Referred to Committee on Militia, Police and Public Safety 1/19/2017 House: Subcommittee recommends striking from docket by voice vote</td>
</tr>
<tr>
<td><strong>[Support] (17100085D)</strong> - Board has historically supported. <strong>Summary:</strong> 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.</td>
<td><strong>HB 2097</strong> - Price (95) HIV or hepatitis B or C virus; testing for infection, order of magistrate.</td>
<td>1/10/2017 House: Referred to Committee on Health, Welfare and Institutions</td>
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<td>[Support] (17102168D)</td>
<td><strong>Summary</strong>: Testing for infection with human immunodeficiency virus or hepatitis B or C virus; order of magistrate. Allows a magistrate to issue an order requiring a person to provide a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C virus when exposure to bodily fluids occurs between a person and a health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer or other person employed by a law enforcement agency, firefighter, emergency medical services personnel, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. Currently, only the general district court may issue such order.</td>
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<td><strong>HB 2105</strong> - Byron (22)</td>
<td>Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund.</td>
<td>1/10/2017 House: Referred to Committee on General Laws 1/19/2017 House: Referred from General Laws by voice vote 1/19/2017 House: Referred to Committee on Finance</td>
</tr>
<tr>
<td>[Support] (17102038D) - See also SB 1416 (Newman).</td>
<td><strong>Summary</strong>: Investment of Public Funds Act; investment of funds in the Virginia Investment Pool Trust Fund. Authorizes public officers, municipal corporations, and other political subdivisions to invest any or all of the moneys belonging to them or within their control, other than sinking funds, in the Virginia Investment Pool Trust Fund administered by the Virginia Local Government Finance Corporation, provided that such investments comply with the requirements of the Investment of Public Funds Act (§ 2.2-4500 et seq.) applicable to municipal corporations and other political subdivisions.</td>
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<td><strong>HB 2129</strong> - Levine (45)</td>
<td>Virginia Human Rights Act; prohibits discrimination in employment.</td>
<td>1/11/2017 House: Referred to Committee on General Laws 1/19/2017 Subcommittee failed to recommend reporting (2-Y 5-N)</td>
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<tr>
<td>[Support] (17103723D) – Board has historically supported.</td>
<td><strong>Summary</strong>: Virginia Human Rights Act; public employment, public accommodation, and housing; prohibited discrimination; sexual orientation. Prohibits discrimination in employment and public accommodation on the basis of sexual orientation. The bill defines &quot;sexual orientation&quot; as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that &quot;sexual orientation&quot; does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also 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. The bill also adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill contains technical amendments.</td>
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</table>
| **HB 2130** - Levine (45)  
Motor vehicles; motor fuel sales tax in certain transportation districts. | 1/11/2017 House: Referred to Committee on Finance | [1/19/2017] |
| [Support] (17103725D) - Board has historically supported.  
**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 regional price has an initial floor of January 11, 2017. If a newly averaged regional price is higher than the preceding regional price, the tax is imposed on the new regional price, but if a newly averaged regional price is less than the preceding regional price, the higher of the two remains the regional price. If the regional price is at any time equal to or greater than the statewide average wholesale price of unleaded regular gasoline on February 20, 2013, then the tax is imposed on the regional price, which moving forward shall not be less than the statewide average wholesale price of unleaded regular gasoline on February 20, 2013, and shall not be more than a price of $4 per gallon of unleaded regular gasoline. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%. | |
| **HB 2136** - LeMunyon (67)  
Washington Metrorail Safety Commission Interstate Compact; Va. authorized to become a signatory. | 1/11/2017 House: Referred to Committee on Transportation | [1/19/2017] |
| [Support] (17102733D) - See also SB 1251 (Barker).  
**Summary:** Washington Metrorail Safety Commission Interstate Compact. Authorizes Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact. The compact establishes a state safety oversight authority for the Washington Metropolitan Area Transit Authority (WMATA) Rail System, pursuant to the mandate of federal law, to review, approve, oversee, and enforce the safety of the WMATA Rail System. | |
| **HB 2161** - Pillion (4)  
Opioids; workgroup to establish guidelines for prescribing. | 1/11/2017 House: Referred to Committee on Health, Welfare and Institutions | [1/19/2017] |
| [Support] (17100758D) - Support as long-term comprehensive review to improve current practices on pain management. See also SB 1179 (Chafin).  
**Summary:** Secretary of Health and Human Resources; workgroup to establish educational guidelines for training health care providers in the safe prescribing and appropriate use of opioids. Requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as | |
representatives of the State Council of Higher Education for Virginia and each of the Commonwealth’s medical schools, dental schools, schools of optometry, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017.

**HB 2167** - Pillion (4)
Boards of Dentistry and Medicine; regulations for the prescribing of opioids and buprenorphine.
1/11/2017 House: Referred to Committee on Health, Welfare and Institutions [1/19/2017]
[Support] (17103362D) – See also SB 1180 (Chafin).
**Summary:** Directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill contains an emergency clause.

**HB 2333** - Watts (39)
Multi-jurisdiction grand jury; certain fraud crimes.
1/13/2017 House: Referred to Committee for Courts of Justice [1/19/2017]
[Support] (17103545D)
**Summary:** Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the criminal violations that a multi-jurisdiction grand jury may investigate.

**HB 2334** - Watts (39)
Fraud crimes, certain; forfeiture of motor vehicle.
1/13/2017 House: Referred to Committee for Courts of Justice [1/19/2017]
[Support] (17103547D)
**Summary:** Certain fraud crimes; forfeiture of motor vehicle. Provides that motor vehicles used in connection with an offense of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, or construction fraud are subject to forfeiture to the Commonwealth upon conviction.

**HB 2335** - Watts (39)
Contractors; unlicensed activity, penalty.
1/13/2017 House: Referred to Committee for Courts of Justice [1/19/2017]
[Support] (17103548D)
**Summary:** Board for Contractors; unlicensed activity; penalty. Provides that, in addition to existing penalties for unlicensed activity, any second or subsequent violation by any person who undertakes work

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without a valid Virginia contractor's license or certificate when a license or certificate is required shall constitute a Class 6 felony.

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<td>HJ 617 - LeMunyon (67) Washington Metropolitan Area Transit Authority Compact of 1966 gubernatorial review.</td>
<td>1/8/2017 House: Referred to Committee on Transportation</td>
<td>[1/19/2017]</td>
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[Support] (17102277D) - Discussion regarding the Washington Metropolitan Area Transit Authority should be comprehensive. **Summary:** Requests the Governor to review the Washington Metropolitan Area Transit Authority Compact of 1966 and enter into discussions with his counterparts in the District of Columbia and Maryland to identify possible improvements to the agreement, particularly with regard to the governance, financing, and operation of the Washington Metropolitan Area Transit Authority.

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<td>HJ 627 - Wright, Jr. (61) Study; JLARC to study feasibility of allocating a larger portion of Virginia Lottery prize money.</td>
<td>1/9/2017 House: Referred to Committee on Rules</td>
<td>[1/19/2017]</td>
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[Support] (17100990D) – See also SJ 248 (Ruff). **Summary:** Study; JLARC to study feasibility of allocating a larger portion of Virginia Lottery prize money to localities; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the feasibility of allocating a larger portion of Virginia Lottery prize money to localities. In its study, JLARC is directed to (i) review how the Virginia Lottery would be affected if prizes were reduced by up to five percent to provide a greater return to localities, (ii) determine if operation costs could be reduced to provide an alternative way to return more money to localities, and (iii) review other related issues and make recommendations as appropriate.

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<td>HJ 702 - Sickles (43) Study; Joint Legislative Audit and Review Commission to study the funding needs of elections.</td>
<td>1/11/2017 House: Referred to Committee on Rules</td>
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[Support] (17101227D) **Summary:** Study; Joint Legislative Audit and Review Commission to study the current and future funding needs of modern elections administration in the Commonwealth; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the current and future funding needs of modern elections administration in the Commonwealth. The resolution directs JLARC to (i) evaluate and compare the

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potential fiscal impact at the state and local level of procuring a new voter registration system to replace the current voter registration system with the potential fiscal impact of modifying the current voter registration system so that it is capable of meeting the current and projected needs of the Department of Elections, elections administrators, voters, and other relevant parties; (ii) review the statutory requirements related to the coordination of voter record management between the Department of Elections and other state agencies, including the Department of Motor Vehicles, the Department of Social Services, and the Virginia State Police; and (iii) assess the current and projected costs of the security requirements for election and voter data.

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<tr>
<td><strong>HJ 703</strong> - Sickles (43) Study; joint committee to study the streamlining of special elections in the Commonwealth; report.</td>
<td>1/11/2017 House: Referred to Committee on Rules</td>
<td>1/19/2017</td>
</tr>
<tr>
<td><strong>SB 792</strong> - Ebbin (30) Absentee voting; entitles persons age 65 or older on date of an election to vote absentee.</td>
<td>9/15/2016 Senate: Referred to Committee on Privileges and Elections</td>
<td>1/19/2017</td>
</tr>
<tr>
<td><strong>SB 810</strong> - Favola (31) Food stamp program; categorical eligibility.</td>
<td>10/31/2016 Senate: Referred to Committee on Rehabilitation and Social Services</td>
<td>1/19/2017</td>
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</table>

**Summary:** Establishes a joint committee of the House and Senate Committees on Privileges and Elections to study the streamlining of special elections in the Commonwealth. In conducting its study, the joint committee is to (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 elections administrators will be invited to participate in the study.

**Summary:** Absentee voting; eligibility of persons age 65 or older. Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee.

**Summary:** Requires the State Board of Social Services to establish broad-based categorical eligibility for the food stamp program, exempting families that already qualify for certain public assistance programs from an additional financial eligibility determination for food stamp benefits.

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<tr>
<td>SB 827 - Wexton (33) Elections; absentee voting by persons age 70 or older.</td>
<td>11/10/2016 Senate: Referred to Committee on Privileges and Elections</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Support] (17100198D) - Board has historically supported.</td>
<td>Summary: Absentee voting; eligibility of persons age 70 or older. Entitles a person who will be age 70 or older on the date of the election for which an absentee ballot is requested to vote absentee.</td>
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</tr>
<tr>
<td>SB 848 - Wexton (33) Naloxone; dispensing for use in opioid overdose reversal, etc.</td>
<td>12/1/2016 Senate: Referred to Committee for Courts of Justice 1/16/2017 Senate: Rereferred to Education and Health</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Support] (17100988D) – See also HB 1453 (LaRock) and HB 1449 (Boysko).</td>
<td>Summary: Dispensing of naloxone. Allows 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 substance abuse treatment services to individuals at risk of experiencing 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 pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.</td>
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<tr>
<td>SB 857 - Locke (2) Conditional rezoning; certain conditional rezoning proffers, floor area ratio.</td>
<td>12/5/2016 Senate: Referred to Committee on Local Government</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17101432D)</td>
<td>Summary: Conditional rezoning; certain conditional rezoning proffers; floor area ratio. Reduces from 3.0 to 2.0 the minimum floor area ratio necessary for a new residential development to be exempted from provisions applicable to certain proffers as a condition for rezoning.</td>
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<tr>
<td>SB 870 - Stuart (28) Electronic filing of land records; fee for paper filing.</td>
<td>12/9/2016 Senate: Referred to Committee for Courts of Justice 1/16/2017 Senate: Reported from Courts of Justice (10-Y 1-N 1-A) 1/19/2017 Senate: Read third time and passed Senate (33-Y 6-N 1-A)</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17102470D)</td>
<td><strong>Summary:</strong> Provides that a clerk of a circuit court that has established an electronic filing system for land records may charge a fee not to exceed $5 per instrument for every land record filed by paper.</td>
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</table>
| **SB 876** - Favola (31)  
Kinship Guardianship Assistance program. | 12/15/2016 Senate: Referred to Committee on Rehabilitation and Social Services  
1/13/2017 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N)  
1/13/2017 Senate: Rereferred to Finance | [1/19/2017] |
| [Support] (17102201D) | **Summary:** 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. | |
| **SB 882** - Spruill, Sr.  
(5)  
Absentee voting; eligibility of any registered voter. | 12/20/2016 Senate: Referred to Committee on Privileges and Elections | [1/19/2017] |
| [Support] (17100875D) - Board has historically supported. | **Summary:** Allows 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 but retains the requirement to apply to vote absentee. The bill contains numerous technical amendments that consolidate existing provisions relating to absentee voting by uniformed and overseas voters and absentee voting by persons with a disability. | |
| **SB 901** - Marsden  
(37)  
Park authority liability; immunity. | 12/22/2016 Senate: Referred to Committee on Local Government  
1/17/2017 Senate: Reported from Local Government (10-Y 2-N) | [1/19/2017] |
| [Support] (17102232D) | **Summary:** 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 918** - Edwards  
(21)  
Renewable energy; third-party power purchase agreements. | 12/27/2016 Senate: Referred to Committee on Commerce and Labor | [1/19/2017] |

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<td><strong>SB 919 - Edwards</strong> (21) Removal of blight; building collapse; emergency.</td>
<td>12/27/2016 Senate: Referred to Committee on Local Government</td>
<td>[1/19/2017]</td>
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<tr>
<td><strong>SB 920 - Edwards</strong> (21) Lien priority.</td>
<td>12/27/2016 Senate: Referred to Committee for Courts of Justice 1/16/2017 Senate: Rereferred to Local Government</td>
<td>[1/19/2017]</td>
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<tr>
<td><strong>SB 926 - Petersen</strong> (34) Noise violations; civil penalty.</td>
<td>12/27/2016 Senate: Referred to Committee on Local Government</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td><strong>SB 979 - Dance</strong> (16) Elections; absentee voting; no-excitement, in-person.</td>
<td>1/3/2017 Senate: Referred to Committee on Privileges and Elections</td>
<td>[1/19/2017]</td>
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**Summary:** Replaces the pilot program enacted in 2013 that authorized certain third-party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third-party power purchase agreement programs for each electric utility. The existing pilot program applies only to Dominion Virginia Power and sets the maximum size of a renewable generation facility at one megawatt; the programs authorized by this measure apply to all electric utilities and do not set limits on the size of facilities. The measure also exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a renewable generation facility.

**Summary:** Authorizes localities to immediately remove, repair, or secure any building in the event that an emergency is deemed to exist, as certified in writing by the local building code official, without complying with prescribed notice requirements.

**Summary:** Inserts "real estate" in several places related to the priority of tax liens so that the operative language now reads "on a parity with liens for unpaid local real estate taxes."

**Summary:** Allows localities to authorize the chief law-enforcement officer in the locality to enforce a uniform schedule of civil penalties for violation of that locality's noise ordinance.

**Summary:** Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

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<td>SB 1003</td>
<td><strong>Ebbin (30)</strong> Wireless E-911 Fund; distribution percentages.</td>
<td>[1/19/2017]</td>
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|             | 1/3/2017 Senate: Referred to Committee on Commerce and Labor  
1/16/2017 Senate: Reported from Commerce and Labor (14-Y 0-N)  
1/20/2017 Senate: Read third time and passed Senate (38-Y 0-N)  |                                                                   |                      |
| [Support] (17102202D) – See also HB 1719 (Anderson).  
**Summary:** Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. |                      |                      |
| SB 1005     | **Hanger, Jr. (24)** Community services boards and behavioral health authorities; services to be provided.                                                                                                                                                                                                                                                                                                                                                                                      | [1/19/2017]          |
|             | 1/3/2017 Senate: Referred to Committee on Education and Health  
1/19/2017 Senate: Reported from Education and Health (15-Y 0-N)  
1/19/2017 Senate: Rereferred to Finance  |                                                                   |                      |
| [Support] (17101412D) - Support with sufficient funding for implementation. See also HB 1549 (Farrell).  
**Summary:** Provides that the core of services provided by community services boards and behavioral health authorities shall include, effective July 1, 2018, (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that the core of services provided by community services boards and behavioral health authorities shall additionally include, effective July 1, 2021, crisis services for individuals with mental health or substance use disorders; outpatient mental health and substance abuse services; psychiatric rehabilitation services; peer support and family support services; mental health services for certain members of the armed forces and veterans; case coordination services; and case management services; including targeted mental health case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of this act. |                      |                      |
| SB 1009     | **Dunnavant (12)** Telemedicine, practice of; prescribing controlled substances.                                                                                                                                                                                                                                                                                                                                                                                                           | [1/19/2017]          |
|             | 1/4/2017 Senate: Referred to Committee on Education and Health  
1/12/2017 Senate: Reported from Education and Health with substitute (13-Y 0-N)  
1/17/2017 Senate: Read third time and passed Senate (40-Y 0-N)  |                                                                   |                      |
| [Support] (17104059D-S1)  
**Summary:** Practice of telemedicine; prescribing. Provides that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may |                      |                      |

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<td>SB 1016 - Barker (39)</td>
<td>1/4/2017 Senate: Referred to Committee on Privileges and Elections</td>
<td>[1/19/2017]</td>
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<tr>
<td>Absentee voting; eligibility of persons age 65 or older.</td>
<td>[Support] (17102887D) - Board has historically supported. See also SB 792 (Ebbin) and SB 1132 (Mason). <strong>Summary:</strong> Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee.</td>
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<tr>
<td>SB 1054 - Stuart (28)</td>
<td>1/6/2017 Senate: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
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<tr>
<td>Activation of fire alarms; reimbursement of expenses; penalty.</td>
<td>[Support] (17103161D) <strong>Summary:</strong> Removes the condition that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a building's fire alarm to apply. The bill authorizes any locality to provide by ordinance that a person convicted of maliciously activating a fire alarm shall be liable for the reasonable expense in responding to such a fire alarm. Current law allows such an ordinance to impose liability for the reasonable expense of an emergency response to an imitation version of a weapon of terrorism, fire bomb, other explosive device, bomb threat, or incitement of a bomb threat. The bill increases the amount that a locality or volunteer emergency medical services agency may recover under such an ordinance from $1,000 to $2,500.</td>
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<tr>
<td>SB 1064 - Deeds (25)</td>
<td>1/6/2017 Senate: Referred to Committee on Education and Health</td>
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<tr>
<td>Mental health awareness training; law-enforcement officers firefighters, and emergency medical.</td>
<td>1/19/2017 Senate: Reported from Education and Health with amendment (15-Y 0-N)</td>
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<td>1/19/2017 Senate: Rereferred to Finance</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17101027D) - Support concept of mental health training for first responders; seek flexibility to mitigate fiscal impacts. See also HB 1480 (Helsel). <strong>Summary:</strong> Mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel. Requires the Department of Behavioral Health and Developmental Services (DBHDS) to establish and administer a mental health awareness program for training persons in emergency services professions in recognizing potential mental health issues and assisting themselves and each other with mental health issues. The bill requires DBHDS to create and administer a process by which a program not created by DBHDS can be certified as a qualified mental health awareness program. The bill requires</td>
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<td><strong>SB 1092</strong> - Petersen (34)</td>
<td>Motor vehicle fuels; establishes a floor on sales tax imposed in Northern Virginia.</td>
<td>1/6/2017 Senate: Referred to Committee on Finance</td>
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<tr>
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<td>[Support] (17101882D) <strong>Summary:</strong> Motor vehicle fuels sales tax in certain transportation districts; price floor. Establishes a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia by requiring that the average sales price upon which the tax is based be no less than the statewide average sales price on July 1, 2013.</td>
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<tr>
<td><strong>SB 1132</strong> - Mason (1)</td>
<td>Absentee voting; eligibility of persons age 65 or older.</td>
<td>1/9/2017 Senate: Referred to Committee on Privileges and Elections</td>
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<tr>
<td></td>
<td>[Support] (17102815D) - Board has historically supported. See also SB 792 (Ebbin) and SB 1016 (Barker). <strong>Summary:</strong> Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee.</td>
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<tr>
<td><strong>SB 1138</strong> - Mason (1)</td>
<td>Computer trespass; government computers and computers used for public utilities; penalty.</td>
<td>1/9/2017 Senate: Referred to Committee for Courts of Justice</td>
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<td>1/16/2017 Senate: Reported from Courts of Justice with amendment (12-Y 0-N)</td>
<td>1/16/2017 Senate: Rereferred to Finance</td>
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<td>[Support] (17102278D) – See also HB 1815 (Yancey). <strong>Summary:</strong> Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities.</td>
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<tr>
<td><strong>SB 1179</strong> - Chafin (38)</td>
<td>Secretary of Health and Human Resources; workgroup to establish educational guidelines for training.</td>
<td>1/10/2017 Senate: Referred to Committee on Rules</td>
</tr>
<tr>
<td></td>
<td>[Support] (17101555D) - Support as long-term comprehensive review to improve current practices on pain management. See also HB 2161 (Pillion). <strong>Summary:</strong> Secretary of Health and Human Resources; workgroup to establish educational guidelines for training health care providers in the safe prescribing and appropriate use of opioids. Requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as</td>
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representatives of the State Council of Higher Education for Virginia and each of the Commonwealth's medical schools, dental schools, schools of optometry, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017.

**SB 1180** - Chafin (38)  
Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.  
1/10/2017 Senate: Referred to Committee on Education and Health  
1/19/2017 Senate: Reported from Education and Health with amendment (15-Y 0-N)  
[1/19/2017]  
[Support] (17101154D) – See also HB 2167 (Pillion).  
**Summary:** Boards of Dentistry and Medicine; regulations for the prescribing of opioids and buprenorphine. Directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill contains an emergency clause.

**SB 1204** - Lewis, Jr. (6)  
Sale of dog or cat not obtained from releasing agency or animal rescue.  
1/10/2017 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources  
1/19/2017 Senate: Reported from Agriculture, Conservation and Natural Resources (12-Y 0-N 1-A)  
[1/19/2017]  
[Support] (17102768D)  
**Summary:** Authorizes localities to adopt ordinances prohibiting the sale in a business of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization.

**SB 1211** - Wexton (33)  
Vehicle license fees and taxes, local; collection by counties and adjoining towns.  
1/10/2017 Senate: Referred to Committee on Transportation  
1/18/2017 Senate: Reported from Transportation (13-Y 0-N)  
[1/19/2017]  
[Support] (17102381D)  
**Summary:** Local vehicle license fees and taxes. Allows counties and adjoining towns to enter into reciprocal agreements to collect each other's vehicle license fees and taxes. Currently, such collection is limited to nondelinquent license fees and taxes.

**SB 1232** - Dunnavant (12)  
Controlled substances; limits on prescription containing opioids.  
1/10/2017 Senate: Referred to Committee on Education and Health  
[1/19/2017]  
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**Summary:** Limits on prescription of controlled substances containing opioids. Prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed, owned, or operated by the Commonwealth to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a three-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, owned, or operated by the Commonwealth to provide health care unless the prescription complies with the requirements of the bill. The bill has an expiration date of July 1, 2020.
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<td><strong>SB 1416</strong> - Newman (23) Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund.</td>
<td>1/11/2017 Senate: Referred to Committee on Finance</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17103326D) – See also HB 2105 (Byron). <strong>Summary:</strong> Investment of Public Funds Act; investment of funds in the Virginia Investment Pool Trust Fund. Authorizes public officers, municipal corporations, and other political subdivisions to invest any or all of the moneys belonging to them or within their control, other than sinking funds, in the Virginia Investment Pool Trust Fund administered by the Virginia Local Government Finance Corporation, provided that such investments comply with the requirements of the Investment of Public Funds Act (§ 2.2-4500 et seq.) applicable to municipal corporations and other political subdivisions.</td>
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<tr>
<td><strong>SB 1420</strong> - Mason (1) Incapacitated persons; abuse and neglect, financial exploitation, penalty.</td>
<td>1/11/2017 Senate: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
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<tr>
<td>[Support] (17103864D) – See also HB 1788 (Yancey). <strong>Summary:</strong> Incapacitated persons; abuse and neglect; financial exploitation of incapacitated persons; penalty. Provides that any responsible person who abuses or neglects an incapacitated adult and such abuse or neglect results in any bodily injury, other than serious bodily injury, to the incapacitated adult is guilty of a Class 6 felony, which is in addition to the current Class 4 felony if such abuse or neglect results in serious bodily injury. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity.</td>
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<tr>
<td><strong>SB 1456</strong> - Wagner (7) Motor vehicle fuels; sales tax in certain transportation districts, price floor.</td>
<td>1/16/2017 Senate: Referred to Committee on Finance</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Support] (17103949D) - Board has historically supported. <strong>Summary:</strong> Motor vehicle fuels sales tax in certain transportation districts; price floor. Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.</td>
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<tr>
<td><strong>SB 1468</strong> - Marsden (37) Tow truck drivers and</td>
<td>1/16/2017 Senate: Referred to Committee on Transportation</td>
<td>[1/19/2017]</td>
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<td>towing and recovery operators; civil penalty for improper towing.</td>
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[Support] (17101890D) - Support increasing consumer protections, including creation of civil penalty for improper towing, while retaining existing local authority. See also HB 1960 (Hugo).

**Summary:** Tow truck drivers and towing and recovery operators; requirements; penalties. Creates a civil penalty of $100 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing. The bill exempts Planning District 8 (Northern Virginia) 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 a tow truck driver immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. The bill raises the hookup and initial towing fee in Planning District 8 (Northern Virginia) from $135 to $150. The bill requires the chairman of any towing advisory board within Planning District 8 (Northern Virginia) to be a representative of a licensed towing and recovery operator and limits the membership of such boards to only representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and one member of the general public. The bill adds improper towing as a prohibited act under the Virginia Consumer Protection Act § 59.1-196 et seq.).

**SJ 221** - Surovell (36)
United States Constitution; Ratifies Equal Rights Amendment.

8/7/2016 Senate: Referred to Committee on Privileges and Elections

[1/19/2017]

[Support] (17100183D) - Board has historically supported.

**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.

**SJ 248** - Ruff, Jr. (61)
Study; JLARC to study feasibility of allocating a larger portion of VA Lottery prize money.

1/1/2017 Senate: Referred to Committee on Rules

[1/19/2017]

[Support] (17103146D) – See also HJ 627 (Wright).

**Summary:** Study; JLARC to study feasibility of allocating a larger portion of Virginia Lottery prize money to localities; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the feasibility of allocating a larger portion of Virginia Lottery prize money to localities. In its study, JLARC is directed to (i) review how the Virginia Lottery would be affected if prizes were reduced by up to five percent to provide a greater return to localities, (ii) determine if operation costs could be reduced to provide an alternative way to return more money to localities, and (iii) review other related issues and make recommendations as appropriate.

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action
Fairfax County Positions
(Monitor)

* * *
### Bills Fairfax County is Monitoring

<table>
<thead>
<tr>
<th>Bills</th>
<th>General Assembly Actions</th>
<th>Date of BOS Position</th>
</tr>
</thead>
</table>
| **HB 1468** - Marshall (13)  
Compliance with detainers;  
U.S. Immigration and Customs Enforcement. | 12/8/2016 House: Referred to Committee on Militia, Police and Public Safety  
1/20/2017 House: Reported from Militia, Police and Public Safety with amendment (12-Y 7-N) | [1/19/2017] |

**Summary:** Prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority.

| **HB 1477** - Orrock, Sr. (54)  
Cats and dogs; lifetime licenses. | 12/13/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources | [1/19/2017] |

**Summary:** Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at $50, and limits the fee for a duplicate dog or cat tag to $1.

| **HB 1515** - Leftwich (78)  
Circuit court clerks; electronic transfer of certain documents. | 12/22/2016 House: Referred to Committee for Courts of Justice  
1/20/2017 House: Reported from Courts of Justice with amendments (21-Y 0-N) | [1/19/2017] |

**Summary:** Permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials.

| **HB 1606** - Villanueva (21)  
Use of handheld personal communications devices in highway work zones. | 1/3/2017 House: Referred to Committee on Transportation | [1/19/2017] |

**Summary:** 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.

| **HB 1657** - Marshall (13)  
Government Data Collection and Dissemination Practices Act; license plate readers. | 1/5/2017 House: Referred to Committee on Militia, Police and Public Safety | [1/19/2017] |

**Summary:** Codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act by limiting the ability of law-enforcement and regulatory agencies to use

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Bills Fairfax County is Monitoring

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<th>Bills</th>
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<tbody>
<tr>
<td>license plate readers to collect and maintain personal information on individuals where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individuals. The bill provides that information collected by a license plate reader without a warrant shall be used only for the investigation of a crime or a report of a missing person and shall be retained only for seven days, after which such information shall be purged unless relevant to an ongoing investigation of a crime or missing person report. The bill also prohibits an agency from acquiring personal information collected from license plate readers from any other agency or a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own.</td>
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</table>

**HB 1697** - Marshall, III (14)
Extension of approvals to address housing crisis.
1/6/2017 House: Referred to Committee on Counties, Cities and Towns
[1/19/2017]

**HB 1723** - Anderson (51)
Resettlement of refugees; notice to localities, the Sec. of the Commonwealth, and General Assembly.
1/7/2017 House: Referred to Committee on Counties, Cities and Towns
[1/19/2017]

**HB 1782** - Bell (58)
State Board of Corrections; membership; powers and duties; review of deaths of inmates.
1/9/2017 House: Referred to Committee on Militia, Police and Public Safety
1/20/2017 House: Referred to Committee for Courts of Justice
[1/19/2017]

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action
occurs in any local or regional correctional facility. The bill also requires that the State Department of Health and the Office of the Chief Medical Examiner assist the Board in developing and implementing these policies and procedures and with any death review undertaken by the Board. The bill provides that any death review shall be performed by Department of Corrections (Department) staff designated by the Board and requires the Board to submit a report of the findings of a completed investigation to the Governor, the General Assembly, and the Department. The bill also specifies requisite qualifications for individuals appointed to the Board.

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<th>Bills</th>
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<tbody>
<tr>
<td><strong>HB 1877</strong> - Pogge (96)</td>
<td>Tethering of dogs; local ordinances.</td>
<td>1/10/2017 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources [1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17102166D)</td>
<td>Summary: Authorizes the governing body of any locality to adopt ordinances limiting the amount of time during which a dog may be tethered.</td>
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</tr>
<tr>
<td><strong>HB 1894</strong> - Herring (46)</td>
<td>DCJS training standards; community engaged policing.</td>
<td>1/10/2017 House: Referred to Committee on Militia, Police and Public Safety 1/20/2017 House: Reported from Militia, Police and Public Safety (17-Y 0-N) 1/20/2017 House: Referred to Committee on Appropriations [1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17101805D) - See also SB 1047 (Lucas).</td>
<td>Summary: Expands the responsibilities of the Department of Criminal Justice Services regarding community policing by requiring the compulsory training standards for basic training and recertification of law-enforcement officers to include fair and impartial policing, verbal de-escalation, and needs of special populations. The bill changes the term &quot;community policing&quot; to &quot;community engaged policing.&quot;</td>
<td></td>
</tr>
<tr>
<td><strong>HB 1961</strong> - Hugo (40)</td>
<td>License tax, local; methodology for deducting certain gross receipts.</td>
<td>1/10/2017 House: Referred to Committee on Finance [1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17101883D)</td>
<td>Summary: Local license tax; methodology for deducting certain gross receipts. Requires the Department of Taxation to promulgate regulations that clarify the appropriate methodology for determining deductible gross receipts attributable to business conducted in another state or a foreign country. The bill requires the regulations to be based on previous Rulings of the Tax Commissioner and the decision of the Supreme Court of Virginia in The Nielsen Company, LLC v. County Board of Arlington County, 289 Va. 79 (2015). In that decision, the Court endorsed the Tax Commissioner's ruling to require manual accounting but to allow payroll apportionment in the event that manual accounting is impossible to use in order to calculate the deduction.</td>
<td></td>
</tr>
<tr>
<td><strong>HB 2043</strong> - Miller (50)</td>
<td>Law-enforcement officer; public release of identifying information, etc.</td>
<td>1/10/2017 House: Referred to Committee on General Laws [1/19/2017]</td>
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### Bills Fairfax County is Monitoring

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<th>General Assembly Actions</th>
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<tbody>
<tr>
<td>1/21/17</td>
<td>[Monitor] (17103786D)</td>
<td>[Monitor] (17102409D)</td>
<td>Summary: Public release of identifying information of a law-enforcement officer during and following an official investigation; penalty. Prohibits any public official, public employee, or person acting on behalf of a public official or public employee from releasing to the public any identifying information of a law-enforcement officer who is the subject of an official investigation that involves the discharge of a firearm or use of force by such law-enforcement officer during the performance of his official duties prior to the conclusion of such official investigation or the conclusion of the first six months of such investigation. The bill requires that such law-enforcement officer's name be released to the public if he is charged with a criminal offense as a result of the official investigation. The bill authorizes the law-enforcement officer's name to be withheld if the law-enforcement officer is not charged with a criminal offense as a result of the official investigation and the release of his name would create a risk of harm to such law-enforcement officer or his family. A violation is a Class 1 misdemeanor. The bill makes corresponding changes in the Virginia Freedom of Information Act.</td>
</tr>
<tr>
<td>1/11/2017 House: Referred to Committee on Transportation</td>
<td>HB 2132 - Levine (45)</td>
<td>[Monitor] (17103491D)</td>
<td>Summary: Local towing advisory board; membership. Requires local towing advisory boards to consist of an equal number of representatives of (i) local law-enforcement agencies, (ii) licensed towing and recovery operators, (iii) commercial property or business owners, including business tenants residing in commercial buildings, and (iv) the general public. Current law requires the membership of such advisory boards to consist of (a) an equal number of representatives of local law-enforcement agencies and licensed towing and recovery operators and (b) one member of the general public.</td>
</tr>
<tr>
<td>1/11/2017 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</td>
<td>HB 2272 - Krizek (44)</td>
<td>Summary: Compact fluorescent light (CFL) bulb recycling; local ordinances; civil penalties. Allows any locality to require (i) a retailer of CFL bulbs to accept used bulbs from customers and to post written notice of that requirement at the point of retail sale and (ii) a wholesaler of CFL bulbs to accept used bulbs and to pick them up from the point of collection within 90 days of collection. The bill requires any such local ordinance to require CFL bulb retailers and wholesalers to take the returned bulbs to a collection or recycling facility and authorizes the locality to subject violations of the law to a civil penalty of up to $50 per violation.</td>
<td></td>
</tr>
<tr>
<td>12/31/2016 House: Referred to Committee on Rules</td>
<td>HJ 570 - Lingamfelter (31)</td>
<td>Study; JLARC; effectiveness of requiring seat belts on school buses in the Commonwealth; report.</td>
<td>[Monitor] (17102409D)</td>
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<tr>
<td>[Monitor] (17102369D)  <strong>Summary:</strong> Directs the Joint Legislative Audit and Review Commission to study the effectiveness of requiring seat belts on every school bus in the Commonwealth.</td>
<td><strong>HJ 618</strong> - Davis (84) Study; the costs and benefits of assisting localities in alleviating pay compression. 1/8/2017 House: Referred to Committee on Rules 1/19/2017 House: Stricken from docket by Rules by voice vote</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17102941D)  <strong>Summary:</strong> Study; the costs and benefits of assisting localities in alleviating pay compression in police and deputy sheriffs' salaries; report. Requests the Department of Criminal Justice Services to study the costs and benefits of assisting localities in alleviating pay compression in police and deputy sheriffs' salaries and to propose strategies, campaigns, or state actions to alleviate pay compression issues.</td>
<td><strong>HJ 634</strong> - Cole (88) Constitutional amendment (first resolution); authority of elected school boards to impose taxes. 1/10/2017 House: Referred to Committee on Privileges and Elections</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17101131D)  <strong>Summary:</strong> Provides that the General Assembly may authorize any elected school board to impose real property taxes.</td>
<td><strong>SB 791</strong> - Chase (11) Concealed handgun permits; fee for processing. 9/7/2016 Senate: Referred to Committee for Courts of Justice 1/18/2017 Senate: Reported from Courts of Justice (12-Y 3-N) 1/18/2017 Senate: Rereferred to Finance</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17100369D)  <strong>Summary:</strong> Fees for concealed handgun permits. Makes the $10 fee that the clerk of court is now required to charge for processing a concealed handgun permit application or issuing a concealed handgun permit discretionary with the clerk.</td>
<td><strong>SB 854</strong> - Stanley, Jr. (20) Unpaid court fines, etc.; increases grace period for collection. 12/2/2016 Senate: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17100685D)  <strong>Summary:</strong> Collection of unpaid court fines, etc. Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment.</td>
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<tr>
<td>SB 856 - Hanger, Jr. (24) Cats and dogs; authorizes local government to provide for lifetime licenses.</td>
<td>12/4/2016 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/12/2017 Senate: Reported from Agriculture, Conservation and Natural Resources (13-Y 0-N) 1/18/2017 Senate: Read third time and passed Senate (40-Y 0-N)</td>
<td>[1/19/2017]</td>
</tr>
</tbody>
</table>

[Monitor] (17101869D) – See also HB 1477 (Orrock) and SB 1263 (Black). **Summary:** Cats and dogs; lifetime licenses. Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at $50, and limits the fee for a duplicate dog or cat tag to $1.

| SB 924 - Petersen (34) Gov Data Collection and Dissemination Practices Act; use of personal inform. by law enforcement. | 12/27/2016 Senate: Referred to Committee on General Laws and Technology | [1/19/2017] |

[Monitor] (17101878D) - Board has historically monitored. Retention period in bill may be insufficient. **Summary:** Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies. Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or a missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information," for the purposes of government data collection and dissemination practices, vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place.

| SB 942 - Cosgrove, Jr. (14) Deaths of inmates in local correctional facilities; review by State Board of Corrections. | 12/29/2016 Senate: Referred to Committee on Rehabilitation and Social Services 1/13/2017 Senate: Incorporated by Rehabilitation and Social Services (SB1063-Deeds) (15-Y 0-N) | [1/19/2017] |

[Monitor] (17101442D) **Summary:** Authorizes the State Board of Corrections (Board) to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate's death and whether the facility was in compliance with the Board's regulations. The bill provides that any review shall be performed by Department of Corrections (Department) staff designated by the Board and requires the Board to submit a report of the findings of a completed investigation to the Governor, the General Assembly, and the Department.

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<tr>
<td><strong>SB 956</strong> - Locke (2) County food and beverage tax.</td>
<td>1/2/2017 Senate: Referred to Committee on Finance</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td><strong>SB 1047</strong> - Lucas (18) DCJS training standards; community engaged policing.</td>
<td>1/5/2017 Senate: Referred to Committee for Courts of Justice</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td><strong>SB 1127</strong> - Obenshain (26) State Water Control Board; stormwater management programs, regulations, professional license.</td>
<td>1/9/2017 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/19/2017 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N)</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td><strong>SB 1253</strong> - Obenshain (26) Voter identification; photograph contained in electronic pollbook, challenge of voter.</td>
<td>1/10/2017 Senate: Referred to Committee on Privileges and Elections</td>
<td>[1/19/2017]</td>
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</table>

**Monitor** (17101430D)

**Summary:** Increases from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax.

**SB 1047** - Lucas (18) DCJS training standards; community engaged policing. 1/5/2017 Senate: Referred to Committee for Courts of Justice

[Monitor] (17101806D) – See also HB 1894 (Herring).

**Summary:** Expands the responsibilities of the Department of Criminal Justice Services regarding community policing by requiring the compulsory training standards for basic training and recertification of law-enforcement officers to include fair and impartial policing, verbal de-escalation, and needs of special populations. The bill changes the term "community policing" to "community engaged policing."

**SB 1127** - Obenshain (26) State Water Control Board; stormwater management programs, regulations, professional license. 1/9/2017 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/19/2017 Senate: Reported from Agriculture, Conservation and Natural Resources (14-Y 0-N)

[Monitor] (17103564D)

**Summary:** State Water Control Board; stormwater management programs; regulations; professional license. Directs the State Water Control Board to adopt regulations requiring that all plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018, and exempts them from certain provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

**SB 1253** - Obenshain (26) Voter identification; photograph contained in electronic pollbook; challenge of voter. 1/10/2017 Senate: Referred to Committee on Privileges and Elections

[Monitor] (17103100D)

**Summary:** Voter identification; photograph contained in electronic pollbook; challenge of voter. Grants to the localities the option to include in their electronic pollbooks 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 provides that the Department of Elections receives such photographs and is required to make them available, upon request, to the general registrars for download in accordance with the procedures set by the State Board of Elections. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that

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**[]** Indicates BOS Legislative Committee Action
photograph and the voter is not required to present one of the statutorily required forms of identification. However, the bill requires the officer of election to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph or in the pollbook. The bill has a delayed effective date of July 1, 2018.

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<th>Bills</th>
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<tbody>
<tr>
<td>SB 1263 - Black (13) Cats and dogs; lifetime licenses.</td>
<td>1/10/2017 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/19/2017 Stricken at request of Patron in Agriculture, Conservation and Natural Resources (15-Y 0-N)</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17101857D) – See also HB 1477 (Orrock) and SB 856 (Hanger). <strong>Summary:</strong> Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at $50, and limits the fee for a duplicate dog or cat tag to $1.</td>
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</tr>
<tr>
<td>SB 1421 - Mason (1) Condemnation proceeding; interest on the amount of award.</td>
<td>1/11/2017 Senate: Referred to Committee on Transportation</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17103351D) <strong>Summary:</strong> Interest on the amount of award; condemnation proceeding. Provides that, for condemnation proceedings involving the Commissioner of Highways, interest on an award that is greater or less than that which is deposited with the court shall accrue at a rate that is the greater of (i) the average monthly rate of interest established pursuant to § 6621 (a)(2) of the Internal Revenue Code, computed from the month of such deposit to the date of payment into court, or (ii) the rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code, compiled by the Department of Transportation for the month in which the award is rendered.</td>
<td></td>
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</tr>
<tr>
<td>SJ 289 - Ebbin (30) Study; Virginia Conflict of Interest and Ethics Advisory Council; local government officers.</td>
<td>1/11/2017 Senate: Referred to Committee on Rules</td>
<td>[1/19/2017]</td>
</tr>
<tr>
<td>[Monitor] (17102167D) <strong>Summary:</strong> Study; Virginia Conflict of Interest and Ethics Advisory Council; local government officers and employees; report. Directs the Virginia Conflict of Interest and Ethics Advisory Council to study the procedures for the filing and review of disclosure forms by local government officers and employees.</td>
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BUDGET PROPOSALS FOR FY 2017 - FY 2018 DURING THE 2017
GENERAL ASSEMBLY SESSION
as of January 19, 2017

Estimated Impact to Fairfax County - Increase Over Prior Fiscal Year
($million)

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<th>Direct County Impact</th>
<th>Governor</th>
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<tr>
<td></td>
<td>FY 2017*</td>
</tr>
<tr>
<td>Provide 1.5% One-time Bonus for Constitutional Officers</td>
<td>$0.00</td>
</tr>
<tr>
<td>Eliminate Funding for Salary Compression for Sheriff's Employees in FY 2017</td>
<td>($0.29)</td>
</tr>
<tr>
<td>Eliminate 2% Salary Increase for Constitutional Officers in FY 2017</td>
<td>($0.23)</td>
</tr>
<tr>
<td>Eliminate Funding for the Care Coordination Grant</td>
<td>($0.24)</td>
</tr>
<tr>
<td><strong>TOTAL DIRECT COUNTY IMPACT</strong></td>
<td>($0.76)</td>
</tr>
<tr>
<td><strong>TOTAL OVER THE BIENNIUM</strong></td>
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</tr>
</tbody>
</table>

* Compares to County's FY 2017 Adopted Budget

Impact to the Fairfax County Public Schools (FCPS) FY 2018
Proposed Budget presented to the School Board on 1/12/17

Governor McAuliffe's Budget:
Compared to FCPS' FY 2017 Approved Budget, Governor McAuliffe's Budget includes $3.9 million less in state aid and sales tax. Compared to FCPS' FY 2018 Proposed Budget presented to the School Board on January 12, 2017, Governor McAuliffe's Budget includes $3.3 million more in state revenue.
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<th>Budget Bill Item #</th>
<th>Issue</th>
<th>Fairfax County Impact</th>
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<td>295</td>
<td><strong>Revenue</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Local Health Departments/Restaurant Inspection Fees</strong></td>
<td><strong>Governor McAuliffe’s Budget:</strong> Increases maximum Restaurant Inspection fees from $40 to $285 in FY 2018. Reduces GF support for local health departments.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>Reduces GF support for Fairfax County’s Health Department by approximately $930,000. It appears the increased restaurant fee is designed to allow the County to replace the reduced state funding by increasing restaurant fees. Should the General Assembly not pass the restaurant fee increase, it could translate into an expenditure reduction for the County’s Health Department.</td>
</tr>
<tr>
<td>69</td>
<td><strong>Compensation Board</strong></td>
<td></td>
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<td></td>
<td><strong>State-Supported Employee Compensation</strong></td>
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<td></td>
<td><strong>Sheriffs</strong></td>
<td><strong>Governor McAuliffe’s Budget:</strong> Eliminates funding in the amount of $3.6 million in FY 2017 that was included to address salary compression for sheriff’s employees effective January 1, 2017. Maintains $8.7 million in FY 2018.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>Fairfax County would have received approximately $290,000 in FY 2017. The amount of additional salary reimbursement in FY 2018 is $580,000.</td>
</tr>
<tr>
<td>475</td>
<td><strong>All Constitutional Officers</strong></td>
<td><strong>Governor McAuliffe’s Budget:</strong> Eliminates the 2% salary increase for all state-supported local constitutional officers and employees that was to be effective December 1, 2016 and was contingent on state revenue projections for FY 2016.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>Fairfax County would have received approximately $230,000 in additional salary reimbursement in FY 2017.</td>
</tr>
<tr>
<td></td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $13.8 million in FY 2018 for a one-time bonus payment of 1.5% for all state-supported local constitutional officers and employees distributed on December 1, 2017.</td>
<td>Results in an increase of $300,000 for Fairfax County in FY 2018.</td>
</tr>
<tr>
<td>400</td>
<td><strong>Public Safety</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>State Aid to Localities with Police Departments (HB 599)</strong></td>
<td><strong>Governor McAuliffe’s Budget:</strong> Maintains the increase included for HB 599. No change from the adopted budget, which included an increase of $750,000 for Fairfax County in FY 2017 with level funding for FY 2018.</td>
</tr>
<tr>
<td>398</td>
<td><strong>Other Items of Interest</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Victim/Witness and Pre-trial Program Grant Awards</strong></td>
<td><strong>Governor’s McAuliffe’s Budget:</strong> Reduces the general fund funding for Victim/Witness ($1.7 million) and Pre-trial programs ($500,000) grant awards to localities in FY 2018.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>TBD - potentially reduces grant funding to Fairfax County.</td>
</tr>
<tr>
<td>393</td>
<td><strong>Inmate Medical Costs</strong></td>
<td><strong>Governor’s McAuliffe’s Budget:</strong> Provides $11.4 million in FY 2017 and $7.2 million in FY 2018 for increased inmate medical expenses.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>Fairfax County currently does not receive medical funding for inmates from the state.</td>
</tr>
<tr>
<td>398</td>
<td><strong>Mental Health Screening and Assessment</strong></td>
<td><strong>Governor’s McAuliffe’s Budget:</strong> Provides $4.2 million in FY 2018 for grants to local and regional jails for costs associated with mental health screening and assessment of individuals committed to their facilities.</td>
</tr>
<tr>
<td></td>
<td><strong>Fairfax County Impact</strong></td>
<td>TBD</td>
</tr>
<tr>
<td>Budget Bill Item #</td>
<td>Issue</td>
<td>Fairfax County Impact</td>
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<tr>
<td>-------------------</td>
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</tr>
<tr>
<td><strong>Human Services</strong></td>
<td><strong>Medicaid Expansion</strong></td>
<td></td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Provides that, should the Patient Protection and Affordable Care Act be continued, amended or replaced through federal law or regulation on or after October 1, 2017, the Governor shall have the authority to implement such changes and take advantage of the enhanced Medicaid rate.</td>
<td>Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.</td>
</tr>
<tr>
<td><strong>Medicaid Waivers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Reduces the number of additional Community Living waiver slots in FY 2018 from 415 to 180, but also authorizes DMAS to amend the Community Living waivers to add slots, if additional waivers can be added within appropriation.</td>
<td>Likely negative. There are concerns that the reduction in additional Community Living waivers correlates with a reduction in state funding. In addition, the reduction in Community Living waivers may make it more difficult to obtain waivers for individuals who need, but are not eligible for, residential supports.</td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Increases the number of additional Family and Individual Support waiver slots in FY 2018 from 25 to 200, but also authorizes DMAS to amend the Family and Individual Support waivers to add slots, if additional waivers can be added within appropriation.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Authorizes DMAS to pay time and a half for up to 56 hours for a single consumer-directed attendant who works more than 40 hours per week, replacing current language that prohibits overtime hours, and provides $8.5 million GF and $8.5 million NGF in FY 2018.</td>
<td>TBD.</td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Adds 60 slots for the Building Independence waiver in FY 2018.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td><strong>Medicaid</strong></td>
<td></td>
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<tr>
<td>305</td>
<td>Governor McAuliffe's Budget: Increases funding for the Family Access to Medical Insurance Security (FAMIS) program by $18.6 million in FY 2017 and $22.7 million in FY 2018 to reflect the latest forecast of expenditures.</td>
<td>These are required increases due to increased costs and utilization.</td>
</tr>
<tr>
<td>306</td>
<td>Governor McAuliffe's Budget: Increases funding by $194.3 million in FY 2017 and $359 million in FY 2018 for the cost of Medicaid utilization and inflation as estimated in the most recent forecast expenditures.</td>
<td>These are required increases due to increased costs and utilization.</td>
</tr>
<tr>
<td>308</td>
<td>Governor McAuliffe's Budget: Increases funding by $5.1 million in FY 2017 and $6.9 million in FY 2018 for the Commonwealth's Medicaid Children's Health Insurance Program to reflect the latest expenditure forecast.</td>
<td>These are required increases due to increased costs and utilization.</td>
</tr>
<tr>
<td><strong>Children's Services Act</strong></td>
<td></td>
<td></td>
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<tr>
<td>285</td>
<td>Governor McAuliffe's Budget: Provides $55.7 million over the biennium for the projected growth in Children's Services Act (CSA) state spending.</td>
<td>Positive.</td>
</tr>
<tr>
<td>Budget Bill Item #</td>
<td>Issue</td>
<td>Fairfax County Impact</td>
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<tr>
<td><strong>Virginia Preschool Initiative</strong></td>
<td></td>
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</tr>
<tr>
<td>139 #14</td>
<td>Governor McAuliffe's Budget: Reduces FY 2017 by $1.3 million and provides an additional $37,575 in FY 2018.</td>
<td>This amendment would update the budget to reflect FY 2017 actual expenditures, which are lower than the amount appropriated.</td>
</tr>
<tr>
<td><strong>Child Care/Head Start</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>342 H</td>
<td>Governor McAuliffe's Budget: Provides an additional $8.4 million NGF over the biennium for Head Start wraparound child care services</td>
<td>This amendment would provide additional funding to cover current expenditures. Likely positive.</td>
</tr>
<tr>
<td><strong>Child Protective Services</strong></td>
<td></td>
<td></td>
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<tr>
<td>343 H1</td>
<td>Governor McAuliffe's Budget: Provides an additional $3.2 million GF in FY 2018 for the local workers to handle increasing workloads for mandated activities such as child protective services, adult protective services, and adoption case management. Of this amount, $1.3 million is provided for Child Protective Services assessments and investigations of reports regarding children born exposed to controlled substances.</td>
<td>Positive. The County's Legislative Program includes support for programs to address substance use disorder.</td>
</tr>
<tr>
<td>343 H2</td>
<td>Governor McAuliffe's Budget: Provides $1.3 million for Child Protective Services assessments and investigations of reports regarding children born exposed to controlled substances.</td>
<td>Positive. The County's Legislative Program includes support for programs to address substance use disorder.</td>
</tr>
<tr>
<td><strong>Foster Care/Adoption</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>346</td>
<td>Governor McAuliffe's Budget: Provides $957,600 GF and $957,600 NGF in FY 2018 to fund foster care costs for substance exposed infants.</td>
<td>Positive. The County's Legislative Program includes support for programs to address substance use disorder.</td>
</tr>
<tr>
<td></td>
<td>Governor McAuliffe's Budget: Provides $8 million in FY 2017 (in GF and NGF) and $6.4 million in FY 2018 (although there is a reduction of $383,328 GF, there is an increase of $6.7 million NGF) to cover the cost of providing foster care and adoption subsidy payments.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td><strong>Behavioral Health/Substance Use Disorder</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>306, 315 GG</td>
<td>Governor McAuliffe's Budget: Provides $8.2 million GF and $1.3 million NGF in FY 2018 to Community Service Boards (CSB) and Behavioral Health Authorities to implement same day access for community behavioral health services.</td>
<td>TBD; the Fairfax-Fall Church CSB is working towards meeting this standard, but does not have sufficient funding or staffing to meet the demand.</td>
</tr>
<tr>
<td>315 V, HH, II, JJ</td>
<td>Governor McAuliffe's Budget: Provides $9.38 million GF in FY 2018 to CSBs to address community behavioral health service gaps; funds shall be used for the provision of discharge planning, community detoxification programs, opioid treatment, and community-based geriatric psychiatric services.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td>313</td>
<td>Governor McAuliffe's Budget: Provides $200,000 GF in FY 2018 to purchase and distribute approximately 9,000 additional REVIVE! (Opioid Overdose Reversal Project) kits and 6,600 units of Narcan Nasal Spray.</td>
<td>Positive. The County's Legislative Program includes support for programs to combat substance use disorder.</td>
</tr>
<tr>
<td>313</td>
<td>Governor McAuliffe's Budget: Provides $78,750 GF in FY 2018 for one additional staff position to coordinate medication assisted treatment programs to assist individuals with substance use disorders.</td>
<td>Positive. The County's Legislative Program includes support for programs to combat substance use disorder.</td>
</tr>
</tbody>
</table>
## BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2017 GENERAL ASSEMBLY SESSION
as of January 6, 2017

<table>
<thead>
<tr>
<th>Budget Bill Item #</th>
<th>Issue</th>
<th>Fairfax County Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northern Virginia Training Center (NVTC)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>314 B</td>
<td><strong>Governor McAuliffe's Budget:</strong> Reduces funding by $651,310 over the biennium for community-based services to individuals transitioning from state training centers to community settings who are not eligible for Medicaid.</td>
<td>TBD.</td>
</tr>
<tr>
<td>315</td>
<td><strong>Governor McAuliffe's Budget:</strong> Appropriates $8.55 million in trust fund dollars to be used to comply with the DOJ Settlement Agreement. Funds are anticipated to be available due to the sale of NVTC; the majority of these funds will be expended on services to individuals in the NVTC catchment area.</td>
<td>TBD. The County's Legislative Program includes support for additional funding for community-based services for individuals in Northern Virginia.</td>
</tr>
<tr>
<td>324</td>
<td><strong>Governor McAuliffe's Budget:</strong> Captures $2.5 million GF unobligated funding available in FY 2018 as a result of the closure of NVTC.</td>
<td>TBD.</td>
</tr>
<tr>
<td>320; 325</td>
<td><strong>Governor McAuliffe's Budget:</strong> Transfers $136,822 in FY 2018 funds from NVTC to the Northern Virginia Mental Health Institute (NVMHI) to support shared services at NVMHI associated with the closure of NVTC.</td>
<td>TBD.</td>
</tr>
<tr>
<td><strong>Safety Net Programs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>294 G</td>
<td><strong>Governor McAuliffe's Budget:</strong> Provides that the Department of Education is authorized to administer the Summer Food Service Program and the Child and Adult Care Food Program previously administered by the Department of Health.</td>
<td>TBD.</td>
</tr>
<tr>
<td>346</td>
<td><strong>Governor McAuliffe's Budget:</strong> Reduces by $15.2 million NGF in FY 2017 and $15.9 million NGF in FY 2018 funding for TANF to properly account for the anticipated costs of providing mandated TANF benefits.</td>
<td>TBD.</td>
</tr>
<tr>
<td><strong>Northern Virginia Family Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>348 G</td>
<td><strong>Governor McAuliffe's Budget:</strong> Shifts the source of the FY 2018 funding ($200,000) for Northern Virginia Family Services to provide supportive services that address the basic needs of families in crisis from the GF to the TANF federal block grant.</td>
<td>Likely no impact.</td>
</tr>
<tr>
<td>Budget Bill Item #</td>
<td>Issue</td>
<td>Fairfax County Impact</td>
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<tr>
<td>-------------------</td>
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</tr>
<tr>
<td><strong>Mental Health</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>284 E1</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $4.5 million GF in FY 2018 for the state to procure an independent contractor to expedite transformation of Virginia’s community mental health system, and to assess the efficiency and effectiveness of the Department of Behavioral Health and Developmental Services’ organizational structure. The contractor’s final report would be due by October 1, 2018, to the Governor and money committees.</td>
<td>TBD.</td>
</tr>
<tr>
<td>303</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides an additional $605,185 GF in FY 2018 for hospital and physician services for persons subject to an involuntary mental commitment.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td>314 C</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides an additional $3 million in FY 2018 GF for purchase of acute inpatient psychiatric services at private facilities for children, geriatric patients, and individuals with high acuity, among others.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td>319</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $3.1 million GF over the biennium to address the increase in costs associated with hospitalization of patients requiring emergency or special medical care not available at state mental health facilities.</td>
<td>Likely positive.</td>
</tr>
<tr>
<td><strong>Long-Term Care</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337 E</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides funding and positions to expand the state Office of Long-Term Care Ombudsman to support Medicaid Managed Long Term Services and Supports (MLTSS) program, known as Commonwealth Coordinated Care Plus (CCC Plus), when it is implemented in Virginia.</td>
<td>This program is not related to the Long-Term Care Ombudsman Program operated by Area Agencies on Aging (AAA). This budget impact will not impact the local program.</td>
</tr>
<tr>
<td>333</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Reduces funding for the Care Coordination Grant by $1.2 million GF statewide.</td>
<td>Negative; the funding reduction to Fairfax County is $240,000 in FY 2017 (as discussed during the October 25, 2016, Legislative Committee meeting).</td>
</tr>
<tr>
<td>306 HHHH</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $5.5 million GF and $ 5.5 million NGF in FY 2018 to fund the full value of inflation for nursing facilities.</td>
<td>TBD.</td>
</tr>
<tr>
<td>319</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $256,488 GF in FY 2018 for four additional security staff at NV/MIH, needed due to the higher number of jail transfers and the rise in the number and acuity of admissions at the facility.</td>
<td>TBD.</td>
</tr>
<tr>
<td>333 J; 348 L</td>
<td><strong>Governor McAuliffe’s Budget:</strong> Transfers $250,000 GF in FY 2018 from the Department of Social Services to the Department for Aging and Rehabsilitative Services to contract with Birmingham Green to provide residential services to low-income, disabled individuals.</td>
<td>Likely no impact.</td>
</tr>
</tbody>
</table>
# BUDGET PROPOSALS FOR FY 2017 - FY 2018 DURING THE 2017 GENERAL ASSEMBLY SESSION
as of January 19, 2017

<table>
<thead>
<tr>
<th>Public Education</th>
<th>Fairfax County Public Schools (FCPS) Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Aid to Public Education</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Governor McAuliffe’s Budget:</strong> Decreases the Sales Tax revenue estimates for both FY 2017 and FY 2018. The decline is partially offset by corresponding increases in Basic Aid. In addition, adjustments are made to membership projections, Lottery revenue estimates and other SOQ technical updates.</td>
<td>Results in $1.3 million sales tax revenue loss compared to FCPS FY 2017 Approved Budget and $2.4 million loss compared to the FY 2018 Proposed Budget presented to the School Board on January 12, 2017.</td>
</tr>
<tr>
<td><strong>Salary Increase</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Governor McAuliffe’s Budget:</strong> Eliminates the 2% salary increase for teachers, other instructional and support personnel that was to be effective December 1, 2016 and was contingent on state revenue projections for FY 2016.</td>
<td>Results in revenue loss of $4.4 million to FCPS as compared to the FY 2017 Approved Budget and revenue loss of $3.1 million as compared to the FY 2018 Proposed Budget presented to the School Board January 12, 2017.</td>
</tr>
<tr>
<td><strong>Governor McAuliffe’s Budget:</strong> Provides $55.5 million in FY 2018 for a one-time 1.5% bonus for teachers, other instructional and support personnel distributed on December 1, 2017 (FY 2018), with no requirement for local match.</td>
<td>This results in a one-time increase of $4.9 million to FCPS as compared to the FY 2018 Proposed Budget presented to the School Board on January 12, 2017.</td>
</tr>
<tr>
<td><strong>Virginia Retirement System (VRS) Contributions</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Governor McAuliffe’s Budget:</strong> Maintains the increased VRS contribution rates in FY 2018.</td>
<td>The total FY 2018 budget impact on FCPS of accelerating the VRS employer rate contributions to 100% of the full actuarial rate in FY 2018 rather than FY 2019, is approximately $25.5 million. Accounting for additional state revenues allocated to FCPS associated with the acceleration, the net local budget impact of the acceleration is approximately $21.5 million.</td>
</tr>
</tbody>
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**Impact to the Fairfax County Public Schools (FCPS) FY 2018 Proposed Budget presented to the School Board on 1/12/17**

**Governor McAuliffe’s Budget:**

Compared to FCPS’ FY 2017 Approved Budget, Governor McAuliffe’s Budget includes $3.9 million less in state aid and sales tax.

Compared to FCPS’ FY 2018 Proposed Budget presented to the School Board on January 12, 2017, Governor McAuliffe’s Budget includes $3.3 million more in state revenue.
<table>
<thead>
<tr>
<th>Budget Item #</th>
<th>Issue</th>
<th>Fairfax County Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Transportation</strong></td>
<td><strong>HB 2313 Regional Implementation</strong></td>
</tr>
<tr>
<td>456</td>
<td>Governor's Budget: Includes the regional funds provided for in HB 2313, including $657.8 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium. The Commonwealth's revised estimates of the three revenue sources are $15 million below what was projected for the biennium last year.</td>
<td>The amount received by the County is dependent on actual collections of the revenue sources. However, based on these projections, over the biennium, Fairfax County should receive approximately $98.7 million to allocate for local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately $460 million, of which approximately $230 million should benefit the County (70% funding retained by NVTA). Fairfax County could be adversely impacted by approximately $7.5 million of the projected reduction.</td>
</tr>
<tr>
<td></td>
<td><strong>Mass Transit Funding</strong></td>
<td></td>
</tr>
<tr>
<td>452</td>
<td>Virginia Railway Express (VRE)</td>
<td>The Report was submitted in December and found the basis of analysis conducted by VRE to be reasonable. The report identified some areas where further investigation into the assumptions is advisable (fare policy and local jurisdiction subsidies), but noted that it did not guarantee findings in these areas will alter the overall financial outlook for VRE, which is that additional capital and operating funding is needed to maintain and grow the system.</td>
</tr>
<tr>
<td></td>
<td>Governor's Budget: Retains language directing the CTB rail subcommittee to review the long range plan and financial analysis of the Virginia Railway Express and evaluate the impact of its services on the I-66, 95 and 395 corridors.</td>
<td></td>
</tr>
<tr>
<td>454</td>
<td>Governor's Budget: Reduces funding for Highway System Maintenance and Operations by $46.4 million for the biennium; with $4.9 million more for Interstates, $12.9 million less for primaries, and $25.3 million less for secondaries, and $8.9 million less for Transportation Operations Services.</td>
<td>Using historical estimates, an estimated $7.9 million less may be available for maintenance within Northern Virginia.</td>
</tr>
<tr>
<td>Budget Item #</td>
<td>Issue</td>
<td>Fairfax County Impact</td>
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<tr>
<td></td>
<td><strong>Overall Funding</strong></td>
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</table>
| 453           | **Governor’s Budget:** Increases Highway Construction Programs overall funding by $163.2 million over the biennium. $256.1 million is provided for State of Good Repair ($9.7 million reduction); $155.3 million for the High Priority Projects Program ($14.1 million increase); $155.3 million for the Construction District Grant Program ($132.9 million increase); and $1.3 billion is available for Legacy Construction Programs (no change). Of the Specialized State and Federal Programs:
- $205.3 million is for the Regional Surface Transportation Program (RSTP);
- $109.1 million is for the Highway Safety Improvement Program (HSIP);
- $140.8 million is for the Congestion Mitigation and Air Quality (CMAQ) Program;
- $290 million is for Revenue Sharing;
- $40.6 million is for the Surface Transportation Block Grant Program Set-Aside;
- $6.9 million is for the Virginia Transportation Infrastructure Bank (VTIB); and
- $3.5 million is for the Transportation Partnership Opportunity Fund (TPOF). | Many of these funds are subject to the new HB 1887 formula and HB 2 prioritization process, so the impact to Fairfax County is currently unclear. The continued reduction in Revenue Sharing funding (it received approximately $185 million in FY 2016, $150 million in FY 2017, and is proposed to receive $100 million in FY 2018) could be detrimental to the County, which regularly applies for, and receives, close to the $10 million maximum award. RSTP, HSIP, CMAQ, and TAP funds are similar to what was allocated in previous years. |
| 436           | **I-66 Projects** | |
|               | **Governor’s Budget:** Retains language directing the CTB to enter into discussions with Fairfax and Arlington Counties regarding use of air rights over I-66 in their respective jurisdictions no later than October 1, 2016. A report on the progress and outcome of such discussions shall be submitted by July 15, 2017. | Initial discussions have occurred between the Commonwealth and the County. An update was provided to the Board of Supervisors at the September 13, 2016, Legislative Committee. |
| 436           | **Governor’s Budget:** Retains language directing the Secretary of Transportation to report to House Appropriations and Senate Finance on the outcome of negotiations under the I-66 Outside the Beltway RFP by October 31, 2016, to enable consideration of proceeding with public financing of such project if the public-private proposal does not meet the terms outlined in the RFP. | The CTB approved commercial close with the project partner for the project in December 2016. Financial close is expected Summer 2017. |
Overview of Regulation of Wireless Telecommunications Facilities

- The federal Telecommunications Act of 1996 and the Spectrum Act (2012), administered by the Federal Communications Commission (FCC), allow local regulation of wireless telecommunications facilities as long as state and local regulations do not unreasonably discriminate among functionally equivalent providers, and do not prohibit or have the effect of prohibiting wireless service.
- The FCC has imposed presumptively reasonable time periods — each commonly referred to as a “shot clock” — in which localities must decide upon zoning applications.
- The Spectrum Act requires streamlined local administrative approvals for the co-location of certain new wireless facilities on structures previously approved to support wireless facilities, if the new facilities do not “substantially change the physical dimensions” of the pre-existing structure.
- Federal law currently allows localities to request that telecommunications companies disclose information about the character and location of wireless telecommunication facilities of all types (i.e., towers, monopoles, distributed antenna systems, and other small-cell facilities, and related equipment cabinets and structures), including a proposed facility’s service coverage area and alternative, less-intrusive locations.
- Federal law specifically prohibits localities from basing denials of facility applications on environmental concerns about radio frequency emissions when the facility complies with the FCC’s radio frequency regulations.

2016 Virginia General Assembly Legislative Workgroup

- In 2016, HB 1347 (Heretick) was a first attempt on this topic and was referred to a workgroup made up of members of the House and representatives of industry and local governments. The workgroup met during the off-session, but no compromise was reached before the 2017 session.
- HB 2196/SB 1282 were introduced at the request of various telecommunications services and facilities providers to impose new restrictions on local governments so these companies can install wireless communications infrastructure.
  - While parts of these bills relate to so-called “small cell” facilities for 5th Generation (“5G”) technology, the bills apply to all telecommunications facilities, including tall towers and related cabinets and facilities that can be bulky.

Overview of Provisions of HB 2196/ SB 1282

- On the whole, these bills tip the balance made at the federal level to restrict local land use authority in a myriad of ways. For example, the bills:
  - Treat such for-profit, private entities (which are not regulated by state or local governments) in the same manner as regulated public service companies, public utilities, and franchisees (such as nonpublic providers of cable television, natural gas, electric, water, and sewer services). It is important to note that state-regulated entities are also required to provide service or access, while wireless telecommunications entities have no such state requirement.
- Effectively substitute special exceptions, special permits, and variances for new “small cell facilities” with administrative approvals, and shorten the approval periods from 150 days to 60 days. The 90-day deadline for review of co-locations would also be reduced to 60 days. (“Small cell facilities” are generally defined as an antenna and associated facilities no more than 34 cubic feet in total volume or any higher limit imposed by the FCC.)
- For “small cell facilities,” limit review to whether the new facilities interfere with existing or planned communications facilities, public safety, or, for facilities on government-owned property, aesthetic impact.
- Cap fees at $150 for processing applications of “small cell facilities,” and at $500 for those of all other new facilities.
- Remove localities’ ability to obtain information about a facility’s service, coverage and capacity, which is provided to evaluate whether a denial would prohibit service (denials that prohibit service would violate federal law).
- Restrict consideration of height only if a facility exceeds 50 feet.
- Remove all zoning and building code requirements that are “unfair or unreasonable” for wireless facilities in public rights-of-way; replace fair-market value for use of public rights-of-way with fees set in the statute; and, require 10-year permits or agreements with at least three optional renewal terms of five years each.
- Restrict localities’ ability to relocate the facilities, and require 180-days notice of any such relocation unless circumstances prevent such advanced notice.
- Require localities to negotiate and arrive at mutually agreeable contracts for small cell facilities to be attached to government structures at cost—not fair market value—for such attachment to public facilities.

- In addition to the above restrictions, wireless telecommunications service and infrastructure providers could not be required to provide service. The bills do not guarantee expansion of service to unserved areas.
Metro Safety Commission (MSC) Overview
Based on Department of Rail and Public Transportation (DRPT) Director Jennifer Mitchell's
December 13, 2016, Presentation to the Board Transportation Committee

Policy Goals
- Establish MSC as an independent legal entity that performs safety oversight of Washington Metropolitan Area Transit Authority (WMATA) Metrorail.
- Provide MSC with full safety oversight authority, including the enforcement authority available under federal law (MAP-21 and FAST Act) to compel action.
- Assume all safety oversight responsibility from the Federal Transit Administration (FTA) once MSC is in place.

Purpose and Functions
- Federal law requires the establishment of the MSC – Virginia, Maryland, and the District of Columbia (DC) will create the MSC pursuant to MAP-21 and the FAST Act.
  - The FTA has threatened to begin withholding up to 5% of Federal Urbanized Area funds to Virginia, Maryland, and DC if the MSC is not established by February 9, 2017 (this would cost Virginia approximately $6 million per year).
  - The MSC must be certified by the FTA as able to assume safety oversight.
- The MSC will be created through an interstate compact.
  - Legislation establishing the MCS must be enacted in identical form by Virginia, Maryland, and DC (the Maryland General Assembly and the DC City Council are currently considering such legislation).
  - The MSC will be financially and legally independent of WMATA.

Governance
- MSC will be governed by a Board of Directors (comprised of 6 board members and 3 alternate members).
  - Each signatory will appoint two members and one alternate.
  - Board members will have staggered terms.
  - Members from Virginia will be appointed by the Governor, subject to confirmation by the Senate.
- Board members must have backgrounds in transportation, safety, applicable engineering, or public finance.
- Board elects its officers, establishes bylaws, and carries out other oversight responsibilities.
- A Board-appointed CEO will lead MSC staff and day-to-day operations.
Administrative Powers
- MSC will operate as an independent governmental entity (procurement, finance, personnel, and records regulations will be based on federal law, not the laws of the signatory jurisdictions).
- MSC Board will develop administrative and governance procedures through regulations.
- MSC will adopt federal Freedom of Information Act (FOIA) and open meeting requirements.

Safety Powers
- The MSC may:
  - Review and approve WMATA’s safety plan;
  - Set and update minimum safety standards for WMATA;
  - Require and enforce any Corrective Action Plans that the MSC deems appropriate.

Enforcement Powers
- The MSC can compel compliance of MSC orders and standards by:
  - Taking legal action;
  - Issuing citations or fines;
  - Directing WMATA to prioritize spending on safety-critical items;
  - Removing a vehicle, infrastructure element, or hazard;
  - Restricting, suspending, or prohibiting rail service (must be agreed to by a unanimous vote of its members);
  - Compelling WMATA to remove an individual from a Safety Sensitive Position; and,
  - Compelling WMATA’s Office of the Inspector General to conduct safety-related audits or investigations.

Additional Powers and Procedures
- The MSC can:
  - Investigate any emerging rail safety concerns;
  - Conduct inspections of WMATA property (MSC may access adjacent land to perform inspections, if necessary);
  - Take primary responsibility for the investigation of accidents and prepare reports; and,
  - Audit WMATA’s compliance with its own safety plan requirements.
General Powers and Provisions

- The MSC must publish:
  o Annual Safety Report to FTA and signatories;
  o Annual Report of Operations detailing its programs, operations and finances;
  and,
  o Annual Independent Audit of its finances.
- Due process provisions are included to permit WMATA to petition MSC to reconsider an order.

Funding

- MSC is funded independently of WMATA.
- FTA currently provides approximately $1.5 million per year in grants for the activities that will be undertaken by the MSC (which is expected to be the federal share of MSC’s funding).
- The non-federal share will be split equally by DC, Maryland, and Virginia (Virginia’s share is currently estimated to be $1-2 million per year).
- DRPT expects to fund MSC through existing funding sources.
Overview of SB 900
Governor's Proposed Amendments to Ch. 780, 2016-18 Budget

January 17, 2017
Highlights of Governor’s Budget

- Uses Chapter 780, enacted in April 2016, as the starting point.

- Resources: Net GF reduction of $303.6 million.
  - Reflects a downward adjustment of $1.2 billion in GF revenues, based on August interim revised forecast.
  - Adds $233.0 million GF per GACRE & collections through November.
  - Adds $144.5 million of GF revenue from technical and tax policy actions, including $58.2 million from Tax Amnesty.
  - Assumes withdrawals from the Rainy Day Fund of $567.2 million.

- Spending: Net GF reduction of $298.5 million.
  - $359.0 million of new spending to address high priority, mandated items (Medicaid, CSA, inmate medical costs).
  - Discretionary spending of about $130.0 million for bonus for teachers, state employees & state-supported locals; compression pay; & career development for constitutional officers.
  - Funding of $31.7 million to address the state’s mental health system.
Recap of 2016:
Key Dates in the Revenue/Budget Shortfall

- **December 2015**: Governor McAuliffe's biennial budget included $3.4 billion in additional resources above the base budget sufficient to cover mandated, high-priority budget items.
  - Additional resources available for employee compensation, new investments in education, research, and economic development.

- **February 2016**: Downward adjustment to sales and corporate income tax, offset by positive adjustments to refunds, recordation and insurance for FY 2016, FY 2017, and FY 2018.

- **May/June 2016**: Based on collections through April, agencies directed to slow spending. In June, Governor indicated intention to reforecast revenues based on May year-to-date collections.

- **July 2016**: FY 2016 GF collections fell short by $279.3 million, officially triggering the revenue reforecasting process.
  - GF revenues fell short $268.9 million, driven mainly by withholding and sales tax; transfers off by $10.4 million.
  - GF revenues grew 1.7%, instead of the forecast rate of 3.2%.
# Calculating the Revenue Shortfall

## Official Revenue Forecast

<table>
<thead>
<tr>
<th>($ in millions)</th>
<th>FY 2016 Ch. 732</th>
<th>FY 2017 Ch. 780</th>
<th>FY 2018 Ch. 780</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Revenue Forecast</td>
<td>$18,309.0</td>
<td>$18,902.4</td>
<td>$19,633.1</td>
</tr>
<tr>
<td>Actual / Interim Forecast</td>
<td>18,040.1</td>
<td>18,338.0</td>
<td>19,000.4</td>
</tr>
<tr>
<td>Revenue Variance</td>
<td>($268.9)</td>
<td>($564.4)</td>
<td>($632.7)</td>
</tr>
<tr>
<td>Transfers</td>
<td>(10.4)</td>
<td>(17.7)</td>
<td>(21.6)</td>
</tr>
<tr>
<td>Subtotal</td>
<td><strong>($279.3)</strong></td>
<td><strong>($582.1)</strong></td>
<td><strong>($654.3)</strong></td>
</tr>
<tr>
<td>* FY 2016 Balance Forward</td>
<td><strong>($279.3)</strong></td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>($861.4)</td>
<td>($654.3)</td>
</tr>
<tr>
<td>Total Shortfall</td>
<td></td>
<td></td>
<td><strong>($1,515.7)</strong></td>
</tr>
</tbody>
</table>

* FY 2017 budget assumed a balance forward from FY 2016 of $265.3 million.
Recap of 2016:
Key Dates in the Revenue/Budget Shortfall

- **August 2016:** Governor provides *interim revenue forecast* to the Joint Money Committees, based on the recommendations of the JABE and GACRE forecasting groups.
  - Growth rate lowered from 3.2% to 1.7% in FY 17; 3.9% to 3.6% in FY 18.
  - Biennial revenues lowered by $1.2 billion from the official forecast; total problem of $1.5 billion, when FY 16 shortfall included.
  - State agencies directed to develop budget reduction strategies.

- **October 2016:** Governor presented plan that identified about $875 million in savings in FY 2017.
  - Included $125.1 million from removing December pay actions & withdrawal from the Rainy Day Fund.
  - K-12, aid to localities, higher education, and most “safety net” services were exempt.

- **November/December 2016:** Based on Fall GACRE recommendations, combined with “money in the bank”, Governor’s budget includes about $233.0 million in revenues above the interim revised forecast.
## SB 900: GF Resource Changes

(GF, $ in millions)

<table>
<thead>
<tr>
<th></th>
<th>Chapter 780</th>
<th>SB 900</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Balance</td>
<td>$265.3</td>
<td>$623.4</td>
<td>$358.1</td>
</tr>
<tr>
<td>Additions to Balance</td>
<td>680.4</td>
<td>236.4</td>
<td>(444.0)</td>
</tr>
<tr>
<td>Net Balance Reduction</td>
<td></td>
<td>(85.9)</td>
<td></td>
</tr>
<tr>
<td>Revenue Estimate</td>
<td></td>
<td>$38,535.5</td>
<td></td>
</tr>
<tr>
<td>August Interim Forecast</td>
<td></td>
<td>($1,197.1)</td>
<td>($1,197.1)</td>
</tr>
<tr>
<td>Nov. GACRE Adjustment</td>
<td></td>
<td>233.0</td>
<td>233.0</td>
</tr>
<tr>
<td>Technical &amp; Tax Policy Adj.</td>
<td></td>
<td>144.5</td>
<td>144.5</td>
</tr>
<tr>
<td><strong>SB 900 Revenues</strong></td>
<td></td>
<td>$37,715.9</td>
<td>($819.6)</td>
</tr>
<tr>
<td>Revenue Stabilization Fund</td>
<td></td>
<td>$0.0</td>
<td>$567.2</td>
</tr>
<tr>
<td>Transfers</td>
<td></td>
<td>$1,174.6</td>
<td>$1,209.3</td>
</tr>
<tr>
<td><strong>Net Change to GF Resources</strong></td>
<td></td>
<td>($303.6)</td>
<td></td>
</tr>
</tbody>
</table>
Slow, but Steady, Revenue Growth Projected

Va. General Fund Revenue Collections

(dollars in millions)

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$15,040.2</td>
</tr>
<tr>
<td>2012</td>
<td>$15,846.7</td>
</tr>
<tr>
<td>2013</td>
<td>$16,684.6</td>
</tr>
<tr>
<td>2014</td>
<td>$16,411.4</td>
</tr>
<tr>
<td>2015</td>
<td>$17,736.0</td>
</tr>
<tr>
<td>2016</td>
<td>$18,040.0</td>
</tr>
<tr>
<td>2017</td>
<td>$18,557.4</td>
</tr>
<tr>
<td>2018</td>
<td>$19,158.5</td>
</tr>
</tbody>
</table>

Percent Change:
- 2012-2011: 1.7%
- 2013-2012: 5.7%
- 2014-2013: 4.4%
- 2015-2014: 6.9%
- 2016-2015: 1.7%
- 2017-2016: 2.9%
- 2018-2017: 3.2%
Rainy Day Fund covers about $567 million of two-year shortfall

Rainy Day Fund Balance
($ in millions)

- Deposit of $605.6 million required in FY 2017.
Major Tax Policy Changes Assumed in SB 900 GF Revenue Forecast

- **Tax Amnesty Program:** Qualifying delinquent tax payments made during the amnesty period would be exempt from penalties and half of the interest otherwise due. Qualifying participants who do not take part in the program would be subject to an additional 20 percent penalty (anticipated to generate $58.2 million GF in FY 2018).

- **Defer phase-out of Accelerated Sales Tax:** Retains the threshold of $2.5 million in annual taxable sales in FY 2017 and increases to $4 million in FY 2018 rather than increasing to $10 million and $25 million as assumed in Chapter 780 (retains $35.1 million in FY 2017 and $12.8 million in FY 2018).

- **Tighten sales tax nexus on internet sales:** Requires out-of-state sellers who use Virginia warehouses owned or operated by a third party to register as dealers for the collection of retail sales and use tax (additional $11.1 million in FY 2018).

- **Limit Historic Rehab Tax Credit to $5 million per return:** Prohibits claiming more than $5.0 million in Historic Rehabilitation Tax Credits for a single taxable year. Currently, claims are limited only by tax liability (additional $9.9 million in FY 2018).

- **$20,000 limit on Land Preservation Tax Credit:** The current limit on the amount that may be claimed per tax return of $20,000 for a single filer and $40,000 for joint filers is retained for tax year 2017, rather than increasing to $50,000 as assumed in Chapter 780 (additional $6.1 million in FY 2018).
## Proposed Policy Changes Assumed in SB 900 GF Revenue Forecast

<table>
<thead>
<tr>
<th>Policy Adjustment/Legislation</th>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2017</td>
</tr>
<tr>
<td>Tax Amnesty Program</td>
<td>$0.0</td>
</tr>
<tr>
<td>Defer phase-out of Accelerated Sales Tax</td>
<td>35.1</td>
</tr>
<tr>
<td>Tighten sales tax nexus on internet sales</td>
<td>0.0</td>
</tr>
<tr>
<td>Limit Historic Rehab tax credit to $5 million per return</td>
<td>0.0</td>
</tr>
<tr>
<td>$20,000 limit on Land Preservation Tax Credit</td>
<td>0.0</td>
</tr>
<tr>
<td>Prevent double dipping of tax credits and deductions</td>
<td>0.0</td>
</tr>
<tr>
<td>Increase transfer fee on Land Preservation Credit to 3%</td>
<td>0.0</td>
</tr>
<tr>
<td>Payroll system breach notification (fraud prevention)</td>
<td>0.0</td>
</tr>
<tr>
<td>Increase in VOSH civil penalties</td>
<td>0.0</td>
</tr>
<tr>
<td>Dam safety clawbacks</td>
<td>0.5</td>
</tr>
<tr>
<td>License fee for adult services – DBHDS</td>
<td>0.1</td>
</tr>
<tr>
<td>Allow Telework Tax Credit to sunset</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Subtotal, Policy Changes</strong></td>
<td><strong>$35.7</strong></td>
</tr>
</tbody>
</table>
Proposed Technical Changes Assumed in SB 900 GF Revenue Forecast

<table>
<thead>
<tr>
<th>Technical Adjustment</th>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2017</td>
</tr>
<tr>
<td>Consumer Use Tax compliance</td>
<td>$0.0</td>
</tr>
<tr>
<td>Charge card rebate</td>
<td>1.9</td>
</tr>
<tr>
<td>Fees for offers in compromise, rulings, and status changes</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Subtotal, Technical Adjustments</strong></td>
<td><strong>$1.9</strong></td>
</tr>
<tr>
<td>Policy Adjustments</td>
<td>$35.7</td>
</tr>
<tr>
<td><strong>Total, Technical and Policy Adjustments</strong></td>
<td><strong>$37.6</strong></td>
</tr>
</tbody>
</table>
## Major Proposed Spending

<table>
<thead>
<tr>
<th>Spending Item</th>
<th>FY 2016-18 GF, $ in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid Forecast</td>
<td>$255.1</td>
</tr>
<tr>
<td>1.5% Bonus (teachers, state/ss local, faculty)</td>
<td>111.5</td>
</tr>
<tr>
<td>Children’s Services Act – Caseload Growth</td>
<td>85.7</td>
</tr>
<tr>
<td>Mental Health Initiative</td>
<td>31.7</td>
</tr>
<tr>
<td>Other Compensation (DSP, compression, career dev)</td>
<td>19.1</td>
</tr>
<tr>
<td>Corrections – Inmate Medical Costs</td>
<td>18.5</td>
</tr>
<tr>
<td>DSS: VITA Funding for System Transition</td>
<td>8.6</td>
</tr>
<tr>
<td>DMAS: Personal Attendant Overtime Costs</td>
<td>8.5</td>
</tr>
<tr>
<td>Establish Va. International Trade Corporation</td>
<td>7.2</td>
</tr>
<tr>
<td>DMAS: Children’s Health Insurance Forecast/Inflation</td>
<td>6.6</td>
</tr>
<tr>
<td>Advanced Shipbuilding Production Facility Grant Fund</td>
<td>6.0</td>
</tr>
<tr>
<td>State Police: Separation from VITA for Technology</td>
<td>5.9</td>
</tr>
</tbody>
</table>
# Major Budget Reduction Strategies

<table>
<thead>
<tr>
<th>Reduction Strategy</th>
<th>FY 2016-18 GF, $ in millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove Dec. 2016 Pay Increases</td>
<td>$346.3</td>
</tr>
<tr>
<td>Across-the-Board Agency Savings</td>
<td>99.4</td>
</tr>
<tr>
<td>Higher Education 5% Reduction in Year 2</td>
<td>76.1</td>
</tr>
<tr>
<td>Additional Lottery Proceeds for K-12</td>
<td>52.3</td>
</tr>
<tr>
<td>Supplant K-12 GF with Literary Fund</td>
<td>50.0</td>
</tr>
<tr>
<td>Medicaid Offset from Health Care Fund</td>
<td>43.9</td>
</tr>
<tr>
<td>Recover HE NGF Share of VRS Savings</td>
<td>40.4</td>
</tr>
<tr>
<td>K-12 Update Net Sales Tax</td>
<td>38.1</td>
</tr>
<tr>
<td>K-12 Student Enrollment Projections</td>
<td>34.6</td>
</tr>
<tr>
<td>Delay Opening of Culpeper Correctional Ctr.</td>
<td>21.7</td>
</tr>
<tr>
<td>Reduce GO Virginia Funding</td>
<td>15.0</td>
</tr>
<tr>
<td>Adjust Debt Service</td>
<td>13.8</td>
</tr>
</tbody>
</table>
## SB 900: Proposed Amended  
## 2016-18 GF Budget

<table>
<thead>
<tr>
<th></th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>2016-18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF Resources, Ch. 780</strong></td>
<td><strong>$20,426.4</strong></td>
<td><strong>$20,229.4</strong></td>
<td><strong>$40,655.8</strong></td>
</tr>
<tr>
<td>Net Resource Adjustments</td>
<td><strong>(242.6)</strong></td>
<td><strong>(61.0)</strong></td>
<td><strong>(303.6)</strong></td>
</tr>
<tr>
<td><strong>Available Resources</strong></td>
<td><strong>$20,183.8</strong></td>
<td><strong>$20,168.4</strong></td>
<td><strong>$40,352.2</strong></td>
</tr>
<tr>
<td><strong>GF Appropriations, Ch. 780</strong></td>
<td><strong>$20,349.5</strong></td>
<td><strong>$20,285.0</strong></td>
<td><strong>$40,634.6</strong></td>
</tr>
<tr>
<td>Net Spending Adjustments</td>
<td><strong>(248.6)</strong></td>
<td><strong>(49.9)</strong></td>
<td><strong>(298.5)</strong></td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td><strong>$20,100.9</strong></td>
<td><strong>$20,235.1</strong></td>
<td><strong>$40,336.1</strong></td>
</tr>
<tr>
<td><strong>Unappropriated Balance</strong></td>
<td><strong>$82.9</strong></td>
<td><strong>($66.8)</strong></td>
<td><strong>$16.1</strong></td>
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</table>
## Overview of Health and Human Resources

<table>
<thead>
<tr>
<th></th>
<th>FY 2017 GF</th>
<th>FY 2017 NGF</th>
<th>FY 2018 GF</th>
<th>FY 2018 NGF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 780</td>
<td>$6,053.2</td>
<td>$8,160.4</td>
<td>$6,185.8</td>
<td>$8,246.2</td>
</tr>
<tr>
<td>Proposed Increases</td>
<td>136.4</td>
<td>200.6</td>
<td>303.1</td>
<td>275.1</td>
</tr>
<tr>
<td>Proposed Decreases</td>
<td>(53.9)</td>
<td>(41.5)</td>
<td>(46.7)</td>
<td>(112.7)</td>
</tr>
<tr>
<td>Net Change</td>
<td>82.5</td>
<td>159.1</td>
<td>256.4</td>
<td>162.4</td>
</tr>
<tr>
<td>SB 900, as Introduced</td>
<td>$6,135.7</td>
<td>$8,319.5</td>
<td>$6,442.2</td>
<td>$8,408.6</td>
</tr>
<tr>
<td>Percent Change</td>
<td>1.4%</td>
<td>1.9%</td>
<td>4.1%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

- Mandatory spending totals $355.2 million GF.
- Discretionary spending totals $57 million GF.
  - Includes $27.5 million for the Governor's behavioral health package, which represents 48 percent of HHR discretionary spending.
- Proposed budget includes $73.3 million GF in savings.
  - Only $29.4 million are budget reductions; remainder reflects increased revenue in the Health Care Fund.
HHR Major Policy and Funding Items

- Medicaid Expansion Language
  - Proposes language allowing the Governor to expand Medicaid if an enhanced federal match is available for an expansion population as of October 1, 2017.
  - Strikes language prohibiting an expansion of Medicaid unless otherwise approved by the General Assembly.

- Behavioral Health Funding - $27.5 million GF:
  - $9.4 million for opioid treatment, discharge assistance, detoxification, and community geropsychiatric services.
  - $8.2 million to create same-day access at Community Services Boards.
  - $5.1 million to contract for private psychiatric beds and additional staffing at state mental health hospitals.
  - $4.5 million for evaluation and design of a transformed mental health system.
  - $280,000 to purchase Naloxone, and one position to coordinate the opioid treatment program.
# Mandatory Spending

## GF Increases for the 2016-18 Biennium ($ in millions)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid utilization and inflation</td>
<td>$255.1</td>
</tr>
<tr>
<td>Children's Services Act expenditure and caseload growth</td>
<td>85.7</td>
</tr>
<tr>
<td>Child Welfare Forecast and Mandated Reinvestments</td>
<td>7.2</td>
</tr>
<tr>
<td>Children's Health Insurance Programs</td>
<td>6.6</td>
</tr>
<tr>
<td>Medical costs of involuntary mental commitments</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>TOTAL, Mandatory Spending</strong></td>
<td><strong>$355.2</strong></td>
</tr>
</tbody>
</table>
Medicaid Forecast

- The proposed budget includes net funding of $255.1 million GF for the 2016-18 budget to address the cost of health care services under Medicaid.
  - Projected growth is 7.4 percent in FY 2017 and 4.3 percent in FY 2018 (Ch. 780's forecast assumed 3.8 and 2.9 percent, respectively).
  - Enrollment growth in Medicaid was 2.6 percent in FY 2016.
  - Rates paid to Medicaid managed care organizations are expected to increase just over 5 percent in FY 2018.

- Proposed additional spending in Medicaid:
  - $8.5 million GF by allowing 16 hours per week of overtime for consumer-directed personal care workers.
  - $5.5 million GF to fully fund FY 2018 nursing facility inflation.
  - $1.3 million GF for the Medicaid share to fund same-day access services at Community Services Boards.
Children’s Services Act

- Includes **$85.7 million GF** for the 2016-18 to address increasing caseload and cost increases in the Children’s Services Act.
  - The primary factor driving growth in the program is private day placements that occur through the federally required Individualized Education Plans (IEP) for special education services.
  - Caseloads increased 4.3 percent in FY 2015 and declined slightly by 0.6 percent in FY 2016.
  - Despite the decrease in caseload in FY 2016, program expenditures increased by 6.0 percent, which was driven by an increase in cost per child of 6.6 percent.
  - The number of children in private day placements increased from 3,416 in FY 2015 to 3,585 in FY 2016.
  - The average cost of a private day placement was $38,753 in FY 2016 as compared to the average annual cost of $23,455 for all CSA services.
  - $13.2 million GF of the proposed funding covers the shortfall in expenditures that occurred in FY 2016.
### GF Increases for the 2016-18 Biennium - ($ in millions)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behavioral Health Funding Package</td>
<td>$27.5</td>
</tr>
<tr>
<td>Fund VITA Costs for Department of Social Services</td>
<td>8.6</td>
</tr>
<tr>
<td>Provide Overtime to Personal Care Workers (Up to 16 Hours Weekly)</td>
<td>8.5</td>
</tr>
<tr>
<td>Fully Fund Nursing Home Inflation in FY 2018</td>
<td>5.5</td>
</tr>
<tr>
<td>Address Special Hospitalization Costs at State Mental Health Hospitals</td>
<td>3.2</td>
</tr>
<tr>
<td>Fund Foster Care Costs for Substance Exposed Infants</td>
<td>1.0</td>
</tr>
<tr>
<td>Fund Meningococcal Vaccine for Rising 6th Graders</td>
<td>0.5</td>
</tr>
<tr>
<td>All other spending</td>
<td>2.2</td>
</tr>
<tr>
<td><strong>TOTAL, Discretionary Spending</strong></td>
<td><strong>$57.0</strong></td>
</tr>
</tbody>
</table>
HHR Savings Strategies

GF Savings for the 2016-18 Biennium - ($ in millions)

<table>
<thead>
<tr>
<th>Description</th>
<th>($ in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care Fund Revenue (Primarily Pharmacy Rebates)</td>
<td>($43.9)</td>
</tr>
<tr>
<td>Increase Restaurant Inspection Fee from $40 to $285</td>
<td>(4.3)</td>
</tr>
<tr>
<td>Supplant GF for Nonstate Agencies with TANF Funds</td>
<td>(2.5)</td>
</tr>
<tr>
<td>Capture Funding for Northern Virginia Training Center</td>
<td>(2.5)</td>
</tr>
<tr>
<td>Establish a Shellfish Sanitation Inspection Fee</td>
<td>(0.1)</td>
</tr>
<tr>
<td>All other savings</td>
<td>(20.0)</td>
</tr>
<tr>
<td><strong>TOTAL, Savings</strong></td>
<td><strong>$73.3</strong></td>
</tr>
</tbody>
</table>

- Also proposes a new $500 fee for applications to DBHDS for licensure related to adult services, which is projected to raise $300,000 in general fund revenue.
Other Policy and Funding Items

• Reallocation of Medicaid Waiver Slots
  - Proposes to adjust the reallocation of the 440 waiver slots funded for FY 2018.
    ▪ Intellectual Disability waiver slots will be reduced from 415 to 180 slots.
    ▪ Developmental Disability waiver will be increased from 25 to 200.
    ▪ Sixty slots will be added to the former Day Support waiver.
  - Proposed budget language would allow the Governor to approve additional slots if the projected spending from the reallocated slots is less than budgeted.

• Transfers the Summer Food Service and Child and Adult Care Food Programs, and associated federal funding of $57.7 million, from the Virginia Department of Health to the Department of Education.

• Proposes $6.0 million in Temporary Assistance to Needy Families (TANF) to expand access to Long Acting Reversible Contraceptives.
### Summary of Proposed Actions in Direct Aid to Education

<table>
<thead>
<tr>
<th>(GF, $ in millions)</th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Updates &amp; Forecast Changes</td>
<td>($162.4)</td>
<td>($165.1)</td>
<td>($327.5)</td>
</tr>
<tr>
<td>State's Share of 1.5% Bonus</td>
<td>0.0</td>
<td>55.5</td>
<td>55.5</td>
</tr>
<tr>
<td>December 1, 2017; No Required Match</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase Teacher Residency Program</td>
<td>0.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>New Summer Cyber Camps</td>
<td>0.0</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td>Remove Math &amp; Science Pilot Initiative</td>
<td>(0.4)</td>
<td>(0.4)</td>
<td>(0.8)</td>
</tr>
<tr>
<td>Defer New Teacher Improvement Prog.</td>
<td>0.0</td>
<td>(2.0)</td>
<td>(2.0)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>($162.8)</td>
<td>($110.4)</td>
<td>($273.2)</td>
</tr>
</tbody>
</table>
## Technical and Forecast Updates

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2017</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse 2.0% Dec. 1, 2016 Salary Increase</td>
<td>($49.3)</td>
<td>($86.0)</td>
</tr>
<tr>
<td>Supplant GF for Additional Lottery NGF Revenue Reforecast</td>
<td>(47.1)</td>
<td>(5.3)</td>
</tr>
<tr>
<td>Increase NGF Unclaimed Property Transfer to Literary Fund</td>
<td>(25.0)</td>
<td>(25.0)</td>
</tr>
<tr>
<td>Update Net Sales Tax Revenue Reforecast</td>
<td>(15.5)</td>
<td>(24.5)</td>
</tr>
<tr>
<td>Update Student Enrollment Projections</td>
<td>(14.7)</td>
<td>(19.9)</td>
</tr>
<tr>
<td>Update for Participation in Remedial Summer School and ESL</td>
<td>(2.8)</td>
<td>(3.5)</td>
</tr>
<tr>
<td>Update GF for Changes in Lottery-Funded Programs</td>
<td>(4.9)</td>
<td>(0.2)</td>
</tr>
<tr>
<td>Supplant GF with DMV Revenues for Driver Education</td>
<td>(1.5)</td>
<td>(1.6)</td>
</tr>
<tr>
<td>Update National Board Certification Levels</td>
<td>(0.9)</td>
<td>(0.8)</td>
</tr>
<tr>
<td>Update Categorical and Incentive Programs</td>
<td>(0.7)</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Update Governor’s School Courses and SW Va. Gov. School</td>
<td>(0.1)</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Correct Data Submission Error</td>
<td>0.1</td>
<td>0.0</td>
</tr>
<tr>
<td>Update Net Sales Tax Distribution from School Aged-Pop.</td>
<td>0.0</td>
<td>1.9</td>
</tr>
<tr>
<td><strong>Subtotal, Technical Updates and Forecast Changes</strong></td>
<td><strong>($162.4)</strong></td>
<td><strong>($165.1)</strong></td>
</tr>
</tbody>
</table>
Other K-12 Proposed Actions

- **Transfer Dept. of Health Food Programs to VDOE.** Proposes moving administration of federal food programs (Summer Food Service Program and the Child and Adult Care Food Program) from the DOH to VDOE, transferring $57.7 million NGF and 20.0 FTE the second year.

- **Special Education Personnel Traineeship.** Proposes increasing the grant awards to $600 with a minimum of three semester hours.

- **Teach for America (TFA).** Proposes allowing unobligated balances in the TFA appropriation to be redirected to Teacher Residency.

- **Virginia School for the Deaf and Blind (VSDB)**
  - Proposed language in Capital Outlay requires VSDB to submit a formal plan to the Secretary of Education to address the school's declining enrollment and the current and future uses of Main Hall.
  - Transfers funds between programs.
## Virginia Department of Education Savings

<table>
<thead>
<tr>
<th>Project Description</th>
<th>FY 2017</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eliminate Four Positions and Change Funding Source for Two Positions</td>
<td>$0</td>
<td>($649,164)</td>
</tr>
<tr>
<td>Principal and Teacher Training</td>
<td>(300,000)</td>
<td>(300,000)</td>
</tr>
<tr>
<td>IT Academy</td>
<td>(100,000)</td>
<td>(200,000)</td>
</tr>
<tr>
<td>Kindergarten Readiness Assessment</td>
<td>(100,000)</td>
<td>(100,000)</td>
</tr>
<tr>
<td>eMedia</td>
<td>(100,000)</td>
<td>(100,000)</td>
</tr>
<tr>
<td>Use Federal Funds for Dyslexia Training</td>
<td>(128,500)</td>
<td>0</td>
</tr>
<tr>
<td>School Performance Report Card</td>
<td>0</td>
<td>(150,000)</td>
</tr>
<tr>
<td>Teacher Evaluation Training</td>
<td>(34,625)</td>
<td>(34,625)</td>
</tr>
</tbody>
</table>
Virginia Department of Education Spending

• **Instructional Improvement System.** Proposes adding $1.6 million in FY 2018 to increase funding for Instructional Improvement System to support statewide access to DOE's Instructional Improvement System at no cost to local school divisions.

• **Student Growth Model.** Proposes adding $500,000 GF in FY 2018 for a second year of funding to continue a pilot program that provides personalized instructional and academic planning for students, facilitates data-driven school improvement efforts, and supports the state's accountability and accreditation systems.

• **Algebra Readiness Diagnostic Test.** Proposes adding $400,000 GF in FY 2018 to fund increased contract costs of the Algebra Readiness Diagnostic Test (ARDT), which will allow the state to continue offering a required algebra diagnostic test at no cost to localities.
Other Education Agencies

- **5 Percent and 7.5 Percent Reductions.** Proposed amendments for Jamestown-Yorktown, Virginia Museum of Fine Arts, Virginia Commission for the Arts, and Frontier Culture reflect 5 percent reductions in FY 2017 and 7.5 percent reductions in FY 2018.

- **Reduce 2019 Commemorations.** Proposes an additional reduction of $5.4 million GF for 2019 Commemorations. (Chapter 780 had added $3.6 million in FY 2017 and $7.0 million in FY 2018 to help plan, develop, and leverage partnerships for the 2019 Commemorations.)

- **Library of Virginia.** Proposed reduction to Library of Virginia for FY 2017 was reduced by about one-third from the amount announced in October when 15 layoffs (out of 25 statewide) were anticipated.
  - Aid to Public Libraries was exempted from the target calculation and was not reduced in either year.

- **Gunston Hall** was exempted from the reductions.
Overview of Higher Education

Governor's proposed amendments for the 2016-2018 biennium include decreases of almost $130.0 million GF (closer to $140.0 million including Central Accounts).

- Proposes a 5 percent GF reduction (excluding financial aid) at most institutions in FY 2018; a decrease of $76.1 million GF in FY 2018.
  - Norfolk State and Virginia State Universities were exempt under the proposal as well as a few other small items.

- Recommends a general fund recovery of an amount equal to the nongeneral fund portion of the prepayment made to the Virginia Retirement System (VRS) to reduce VRS rates per employee; a decrease of $40.4 million GF over the biennium.
Overview of Higher Education

- Proposes 5% across-the-board reductions at higher education centers/other agencies (Eastern Virginia Medical School is exempt in FY 2017 and their financial aid and indigent care amounts are exempt in FY 2018), a decrease of $2.6 million GF over the biennium.

- Recommends reductions at the State Council of Higher Education for Virginia (SCHEV) of 5% in the first year and 7.5% in the second year to all programs except the Virtual Library of Virginia (VIVA, 5% in each year); a decrease of $1.5 million GF over the biennium.

- Proposes a reduction of $10.0 million GF over the biennium to the higher education research initiative.

- Recommends a decrease of $4.0 million GF in the first year under Central Accounts for higher education research partnerships with Inova.

- Proposes a reduction of $8.0 million GF over the biennium under Central Accounts from restructuring incentives related to interest earnings and credit card rebates.
Other Actions and Spending

- Moves the $24.1 million GF in financial aid funding under SCHEV in FY 2018 to the individual institutions using the same allocation as FY 2017.

- Virginia Community College System procurement language allows the Commonwealth to delegate authority to the System and then the System could delegate authority to the shared services center and other community colleges.

- New spending:
  - Proposes $699,667 GF in FY 2018 for projected enrollment growth in the two-year college transfer grant.
  - Recommends $1.0 million GF in FY 2017 for higher than anticipated demand for the New Economy Workforce Credential Grant.
  - Proposes $900,000 GF in FY 2018 for a tuition differential backfill for out-of-state Virginia National Guard Members at Virginia Military Institute.
  - Recommends almost $12.3 million GF for higher education faculty to receive the 1.5% bonus on December 1, 2017 (Central Accounts).
Capital Outlay Funding

SB 900 Proposed Amendments by Fund Type ($ in millions)

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Cash</td>
<td>0.0</td>
</tr>
<tr>
<td>VPBA/VBA Tax-Supported Bonds</td>
<td>270.8</td>
</tr>
<tr>
<td>9(c) Revenue Bonds</td>
<td>13.6</td>
</tr>
<tr>
<td>9(d) Revenue Bonds</td>
<td>121.3</td>
</tr>
<tr>
<td>Nongeneral Fund Cash</td>
<td>25.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$430.7</strong></td>
</tr>
</tbody>
</table>
Capita Outlay Detail

- Proposes $270.8 million in VPBA/VCBA bonds over the biennium for:
  - $104.8 million to acquire or construct a new warehouse and administrative building for the Department of Alcoholic Beverage Control;
  - $94.7 million to supplant GF for previously authorized projects (language also authorizes the reversion of $33.8 million from the planning pool and project balances);
  - $37.9 million for two new projects and supplements for six previously approved projects;
  - $19.6 million for furnishings and equipment for projects coming online in FY 2018;
  - $7.0 million for infrastructure repairs at behavioral health state facilities;
  - $3.0 million for blanket property acquisition for the Department of Military Affairs and another $323,000 for the renovation of the Roanoke Field Maintenance Shop;
  - $2.5 million for the exterior building envelope repairs at Main Street Centre under the Department of General Services; and
  - $1.0 million for a maintenance reserve supplement for fire safety at the Department of Military Affairs.
Capital Outlay Detail

- Recommends $159.9 million in nongeneral fund capital amendments.
  - $134.9 million is funded through 9(c) and 9(d) NGF revenue bonds for eight higher education projects and
  - $25.0 million is funded with nongeneral fund cash to support another six projects at multiple state agencies and higher education institutions.
Overview of General Government

Administration – Compensation Board

- Provides $3.9 million GF the second year for career development programs for all qualified constitutional officers. Career development provides a salary incentive to elected constitutional officers and employees who pursue certification and accreditation programs.

<table>
<thead>
<tr>
<th>Role</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs and Master Deputies</td>
<td>$2,263,021</td>
</tr>
<tr>
<td>Commissioners of the Revenue and Deputies</td>
<td>240,731</td>
</tr>
<tr>
<td>Assistant Commonwealth's Attorneys</td>
<td>638,181</td>
</tr>
<tr>
<td>Circuit Court Clerks and Deputies</td>
<td>618,817</td>
</tr>
<tr>
<td>Treasurers and Deputy Treasurers</td>
<td>145,085</td>
</tr>
<tr>
<td><strong>Total (GF)</strong></td>
<td><strong>$3,905,835</strong></td>
</tr>
</tbody>
</table>

- Restores $8.7 million GF the second year to address salary compression within sheriffs' offices and regional jails. Sworn and non-sworn employees with three or more years of continuous service would receive $80 / $60, respectively, for each year of service, up to a maximum of 30 years.
- Funding for both initiatives was included in the approved budget (Chapter 780). The funding of $3.9 million GF for career development represents an increase of $443,995 GF to reflect the number currently eligible to participate.
General Government – Administration

Department of Elections
- Net of across-the-board and targeted reductions, proposed GF appropriation reflects an increase of $4.0 million.

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voter Registration and Absentee Ballot Application Printing Costs</td>
<td>$50,000</td>
</tr>
<tr>
<td>Maintain Online Services for Overseas and Military Voters</td>
<td>570,000</td>
</tr>
<tr>
<td>Enhancements to Virginia Election and Registration System (VERIS), Improve Local Accessibility</td>
<td>1,217,869</td>
</tr>
<tr>
<td>Call Center for November 2017 Election</td>
<td>105,000</td>
</tr>
<tr>
<td>Continue Federal Help America Vote Act (HAVA) Activities</td>
<td>2,269,682</td>
</tr>
<tr>
<td>Total (GF)</td>
<td>$4,212,551</td>
</tr>
</tbody>
</table>

Department of General Services
- Includes net reductions of $1.0 million GF the first year and $1.3 million GF the second year through across-the-board and targeted reductions, as well as supplanting GF with NGF.
General Government – Administration

Department of Human Resource Management

• Removes $1.9 million GF the second year to establish the Personnel Management Information System and its subsystems as an internal service fund.
• Eliminates 3.0 FTEs through layoff, and $379,289 NGF the second year. These positions currently administer obsolete software that is scheduled to be decommissioned. A separate amendment adds $351,300 NGF and three technology related positions the second year to administer the PMIS system, funded through Internal Service Fund charges to participating agencies.
• Adds $8.8 million NGF to reflect the transfer of administrative responsibility for Line of Duty Act (LODA) health benefits from the Department of Accounts Transfer Payments to the Department of Human Resource Management
  – A separate amendment provides $192,905 NGF the second year and two positions to administer the health benefits coverage of LODA.
FY18 Employee Health Insurance Cost Absorbed by HIF

Department of Human Resource Management (cont'd)

- The state health insurance program premium rates were not increased for FY 2018, despite a projected total plan cost increase of about 10.5 percent.
- The total employer and employee share of the increase, which was approximately $9.9 million GF, was absorbed by the Healthcare Insurance Fund (HIF).
- While the HIF currently has a sufficient balance (approximately $180m) to absorb the premium increase, this may present a “structural balance” issue in subsequent years. This is because the cost increase was paid for using a one-time source, and not embedded in the premium.
- The following year’s premium increase will need to include not only the 10.5 percent increase from FY18, but also the projected increase for FY19.
  - The most recent estimate for FY19 projects an increase of 8.4 percent.
General Government – Finance

Department of Accounts

• Provides up to $52.0 million working capital advance for replacement of the Commonwealth Integrated Payroll/Personnel System (CIPPS). Up to $10.0 million may be used for unforeseen costs related to the roll-out of the Cardinal financial management system.

Department of Accounts Transfer Payments

• Transfers (reduces) $9.5 million NGF the second year to the DHRM and VRS to reflect the transfer of administrative responsibility associated with the Line of Duty Act (LODA) program, pursuant to Chapter 677 (2016). There are corresponding amendments for DHRM and VRS that recognize those agencies’ shares of the appropriations transfer.
• Authorizes withdrawal of funds from the Revenue Stabilization Fund (“Rainy Day Fund”) to deposit in the general fund. The withdrawal amounts are estimated at $294.7 million in FY 2017 and $272.5 million in FY 2018. For both years, the estimated amounts represent one-half of the anticipated budget shortfall.
General Government – Finance

Department of Planning and Budget
• Provides $110,000 GF the second year to continue the Council’s contracted services related to Virginia’s Performance Reporting Scorecard. Pursuant to 2.2-2684, *Code of Virginia*, the Council will sunset on July 1, 2017.

Department of Taxation
• Reflects a reduction of $2.5 million GF the first year and $1.5 million GF the second year through across-the-board and targeted reductions, as well as shifting some GF to NGF.
• Language authorizes the use of revenue generated by the tax amnesty program for costs incurred. Authorizes a Treasury Loan of up to $5.5 million for start-up costs to administer the program until it generates revenue.

Department of Accounts
• Provides up to $52.0 million working capital advance for replacement of the Commonwealth Integrated Payroll/Personnel System (CIPPS). Up to $10.0 million may be used for unforeseen costs related to the roll-out of the Cardinal financial management system.
General Government – Finance

Department of the Treasury and Treasury Board

- Within Treasury, there is a $392,708 GF reduction over the biennium through targeted reductions, as well as shifting some GF to NGF.

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2017</th>
<th>FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide Relief for Mr. Davey Reedy</td>
<td>$976,873</td>
<td>$ -</td>
</tr>
<tr>
<td>Shift GF Analyst Position to NGF</td>
<td>(49,285)</td>
<td>(126,365)</td>
</tr>
<tr>
<td>Allocates Administrative Support Costs to NGF</td>
<td>(20,572)</td>
<td></td>
</tr>
<tr>
<td>VPSA Cost Recovery</td>
<td>(32,546)</td>
<td></td>
</tr>
<tr>
<td>Reduce Appropriation for Banking Services</td>
<td>(205,397)</td>
<td></td>
</tr>
<tr>
<td>Check Printing Cost Reduction</td>
<td>(150,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Total (GF)</strong></td>
<td><strong>$927,588</strong></td>
<td><strong>$(534,880)</strong></td>
</tr>
</tbody>
</table>

- Reduction in debt service funding of $12.8 million GF the first year and $1.0 million GF the second year due to the refunding of general obligation bonds, Virginia Public Building Authority bonds, and Virginia College Building Authority bonds.
Central Accounts – Employee Compensation Actions

Removal of Chapter 780 Actions

• Recognizes savings of $69.2 million GF the first year and $121.1 million GF the second year to reflect the elimination of the salary actions approved in Chapter 780 of the 2016 Acts of Assembly, which were contingent upon FY 2016 revenues not being more than 1 percent below the revenues assumed in the budget for FY 2016.

Proposed Actions in SB 900, as introduced

• In total, $111.5 million GF is proposed for a 1.5 percent bonus effective December 1, 2017, and $19.1 million GF for targeted pay initiatives effective July 1, 2017.
  – $42.2 million GF the second year for a 1.5 percent bonus for state employees.
  – $13.8 million GF the second year for a 1.5 percent bonus for state-supported local employees.
  – $4.0 million GF for the State Police to further address salary compression issues.
  – Amendments within the Compensation Board, Judicial Reversion Clearing Account, and the Department of Education reflect the removal and restoration of salary actions tied to the FY 2016 revenues.
Total Compensation Actions

Ch. 780 vs. SB 900 (as introduced) FY 2018 Compensation Actions

- Ch. 780 included funding for a 3 percent raise for state employees, and a 2 percent raise for state-supported local employees and teachers, totaling $202.6 million GF the second year, and several targeted pay initiatives totaling $18.7 million GF the second year.

- SB 900 includes a 1.5 percent bonus for all groups, effective December 1, 2017, totaling $111.5 million GF, as well as $19.1 million GF to restore the targeted pay initiatives. These actions total $130.6 million GF in FY 2018.

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 GF Cost (Chapter 780)</th>
<th>FY 2018 GF Cost (SB900)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Employees</td>
<td>$70.5</td>
<td>$29.9</td>
</tr>
<tr>
<td>Faculty</td>
<td>27.9</td>
<td>12.3</td>
</tr>
<tr>
<td>State-Supported Local Employees</td>
<td>18.7</td>
<td>13.6</td>
</tr>
<tr>
<td>Teachers</td>
<td>85.6</td>
<td>55.5</td>
</tr>
<tr>
<td>Total GF Cost (Base Adjustments)</td>
<td>$202.6</td>
<td>$111.5</td>
</tr>
<tr>
<td>State Police Salary Compression</td>
<td>$4.0</td>
<td>$4.0</td>
</tr>
<tr>
<td>District Court Clerks</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Career Development</td>
<td>3.5</td>
<td>3.9</td>
</tr>
<tr>
<td>Sheriffs Salary Compression</td>
<td>8.7</td>
<td>8.7</td>
</tr>
<tr>
<td>Total GF Cost (Targeted)</td>
<td>$18.7</td>
<td>$19.1</td>
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<tr>
<td>Total GF Cost (all actions)</td>
<td>$221.3</td>
<td>$130.6</td>
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</table>
Other Actions in Central Accounts

Central Accounts

- Other GF funding changes identified within Central Accounts are indicated below:

<table>
<thead>
<tr>
<th></th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Higher Education Interest/Credit Card Rebates</td>
<td>$ (4.0)</td>
<td>$ (4.0)</td>
<td>$ (8.0)</td>
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<tr>
<td>Inauguration and Transition for Statewide Elected Officials</td>
<td>-</td>
<td>2.2</td>
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<td>Funding Adjustments for Programs/Systems Through ISF</td>
<td>0.4</td>
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<td>Research Funding Reductions (INOVA)</td>
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<td>(4.0)</td>
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<td>Government Internship and Management Training Program</td>
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<tr>
<td>Costs Related to FLSA Overtime Pay Regulatory Change</td>
<td>1.0</td>
<td>3.0</td>
<td>4.0</td>
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<tr>
<td>Funding for Potential Litigation</td>
<td>-</td>
<td>1.2</td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Total GF (in $ millions)</strong></td>
<td>$ (6.6)</td>
<td>$ 6.7</td>
<td>$ 0.1</td>
</tr>
</tbody>
</table>
Independent Agencies

Virginia College Savings Plan – SOAR Program Increased Appropriation

- Adds $1.0 million NGF the second year and increases authorization of up to $2.0 million NGF for the program. Funding includes the increase in appropriation of $1.0 million NGF, and the use of $1.0 million NGF in existing appropriation. Language is included that requires the prepaid fund to have an actuarial value of at least 100 percent for the funds to be used for SOAR Virginia.

Virginia Retirement System - Reflect Transfer of Line of Duty Act Administration

- Adds $63,556 NGF the first year and $400,108 NGF the second year to fund the implementation and ongoing costs of assuming administrative responsibilities for the Line of Duty Act in accordance with Chapter 677 of the Acts of Assembly of 2016.
Captures NGF Share of FY 2016 Lump Sum Completion of 10-Year Payback to VRS

- Chapter 732 (2016 Caboose Bill) provided $172.7 million GF to expedite completion of the repayment to the VRS of the 2010-12 biennium deferred retirement contributions for the four state employee plans.
  - As a result of this payment in FY 2016, savings of $44.0 million GF FY 2017 and FY 2018 were captured due to the resulting adjusted rates.
  - Chapter 732 also captured $16.2 million from VDOT NGF balances representing VDOT’s portion of the re-payment as well as $598,327 from DGIF for this purpose.


- Other Agencies. Also proposes capturing, via transfers of NGF balances, $12.2 million and $3.6 million from other agencies.
  - Overall, the fund split on the $172.7 is about 55 percent GF and 45 percent NGF. The previous and proposed actions cumulatively re-capture over three-quarters of the NGF share of the one-time payment.
Overview of Public Safety and Homeland Security

ABC

- **Total Operating Revenues.** Projected to grow 8.7% over two years from $772.0 million NGF in FY 2016 to $836.9 million in 2018.
  - Reflects population growth, opening new stores, Sunday sales, and customers trading up to more expensive brands.

- **Net Profits.** Adds increased transfers to the general fund of $13.0 million the first year and $11.6 million the second year.
  - Total transfers from net profits projected to increase 2.8% from $164.8 million in FY 2016 to $169.4 million in FY 2018.

- **Retail Store Staffing.** Adds $0.6 million NGF and 25 positions to address workforce shortages, due primarily to the 29-hour rule.

- **New Warehouse and Office Complex.** Authorizes $104.8 million in bond financing as a Capital Outlay project.
Department of Corrections

- **October 2016 Savings.** Includes reductions of $16.6 million GF the first year from delayed opening of Culpeper Correctional Center for Women, vacancies, equipment deferrals, and use of NGF balances.

- **Delayed Opening of Culpeper.** Delays the opening until the next biennium, for a savings of $21.7 million GF the second year.

- **Inmate Medical Costs.** Adds $11.4 million GF the first year and $7.2 million GF the second year.
  - Ratio of inpatient to outpatient has increased, as has number of more serious patients with higher costs.
  - Assumes Anthem projection of 7.5% each year for IP/OP costs, and 3.5% for other medical costs based on CPI for health service.
  - Eliminates $4.0 million supplement paid to VCU Health based on DOC use of Anthem Healthkeepers.
Dept. of Criminal Justice Services

- **Jail Mental Health Grants.** Adds $4.2 million GF and 2 positions the second year for additional grants to regional and local jails for MH screening and assessment.
  - Chapter 780 included $3.5 million for grants to up to six jails for improved MH services in jail and diversion from jail. Jails already awarded grants as of January 1, 2017, include:
    - Chesterfield County Jail;
    - Hampton Roads Regional Jail;
    - Middle River Regional Jail (in Augusta County);
    - Prince William-Manassas Regional Adult Detention Center;
    - Richmond City Justice Center; and,
    - Western Virginia Regional Jail (in Roanoke County).
Department of State Police

- **October 2016 Savings.** Includes reductions totaling $6.8 million GF the first year from supplanting GF with NGF balances, deferring 2 positions for the new area office for the New River Valley, and deferring the new Special Operations Division.
  - Savings are continued in the second year by deferring the new area office (-$0.2 million GF) and deferring 20 positions for the new Special Operations Division (-$2.4 million).

- **STARS.** Provides $0.6 million GF and $3.4 million NGF the second year from unobligated bond balances for high-priority improvements to the State Agencies Radio System (STARS).
  - $0.6 million GF for leasing repeater replacement units for each of 55 sites, with total cost of $5.7 million over the term of the lease.
  - Bond balances for replacement of power plants, software components, and 200 mobile data terminals in patrol cars.
State Police – VITA Separation

- **Separation from VITA.** Provides $5.9 million GF and 16 positions the second year to support the separation.
  - Includes $3.1 million for hardware and software costs, $0.5 million for construction or lease of space, and personnel and training costs.
    - This is in addition to $7.6 million GF in the base budget for VITA charges.
  - The State Police separation from VITA is estimated to increase rates paid by all other executive branch agencies by $3.6 million.
    - Language is included directing VITA to bill State Police for these “stranded” costs instead of raising rates for the other agencies.
  - The new funding ($5.6 million) plus the base budget amount ($7.6 million), less the $3.6 million to be billed for stranded costs, leaves a net of about $9.9 million for State Police for post-separation costs.
  - State Police indicates the new funding and positions are sufficient for FY 2018, but that additional funds will be needed in the next biennium.
State Police - Compensation

- In addition to the 1.5% bonus for all state employees, as of December 1, 2017, the introduced budget restores up to $4.0 million GF in Central Appropriations for salary supplements, subject to approval by the Secretary of Public Safety and Homeland Security of a plan to address salary compression:
  - Applies to FY 2018;
  - At least three years of service as of July 1, 2017;
  - Not limited to sworn employees;
  - Capped at seven percent; and,
  - Prior to implementation, copies of plan to chairmen of SFC and HAC.

- Chapter 780 provided $2.3 million GF the first year and $4.0 million the second year for salary supplement, as of November 10, 2016.
Overview of Veterans Services

- **Reorganization of VVFS.** Adds $0.6 million GF the second year and 34 positions to reorganize the Virginia Veteran and Family Support (VVFS) Program (formerly the Virginia Wounded Warrior Program).
  - Following 2015 JLARC report on DVS, language added last year directing a working group to review VVFS program and report to JLARC.
    - Included Secretaries of HHS and VDA and Director of JLARC.
  - Language provided that first year funding of $0.4 million GF be contingent on a unanimous request from the working group.
    - Working group reported four options to JLARC in November 2016.
  - Introduced budget includes an additional $0.7 million GF and 34 positions the second year to implement one of the options – converting all of the 34 positions currently working for 11 CSBs (and located at 19 CSBs) into state DVS employees, as of July 1, 2017.
  - This conversion is intended to provide better and more consistent services to clients.
Overview of Commerce and Trade

- The Governor's proposed amendments include net general fund reductions of $36.5 million over the biennium.

- Major reductions include a decrease in Economic Development Incentive Payments of $19 million GF from delaying certain performance grant payments and a $15 million GF decrease in funding for GO Virginia.

- Other cuts include a $1.8 million GF decrease in the Enterprise Zone grant program and a $1.5 million decrease in support for the Brownfields Restoration and Economic Redevelopment Assistance Fund.

- Major new spending items include $6 million GF for an incentive grant payment under the Advanced Shipbuilding Production Grant program, $1.5 million GF and 15 positions in the Department of Labor and Industry, and $1.1 million to create a solar development incentive program in the Department of Mines, Minerals and Energy.

- Also includes transfer of resources from VEDP, plus new funding and additional positions to create the Virginia International Trade Corporation.
Economic Development
Incentive Payments

- Proposes net general fund reductions of $11.4 million in FY 2017 and $1.6 million in FY 2018. Major adjustments include:

- **Advanced Shipbuilding Production Facility Grant:** Includes new GF spending of $6.0 million in FY 2018 for the first grant payment under the program authorized during the 2016 Session of the General Assembly.

- **VIP and VEDIG Grants:** Includes $6.8 million GF reduction to reflect revised schedule of anticipated payments. $4.6 million is also appropriated from NGF cash for payments that did not occur as scheduled.

- **Aerospace Engine Facility Incentive Payments:** Removes $8.5 million GF in FY 2017 and $3.7 million GF in FY 2018 based on anticipated investment and job creation levels. $15.2 million NGF is appropriated from balances in the fund for payments expected in FY 2018.
Housing and Community Development

- **GO Virginia**: Reduces funding for the Virginia Growth and Opportunity Fund by $15 million over the biennium.
  - Provides $100,000 GF per region in FY 2017 and $150,000 GF per region in FY 2018, and removes the local match requirement for organizational building and gap analysis funding the first year.
  - Reduces funding by half for grants based on population.
  - $2.1 million GF reduction for competitive grants.

<table>
<thead>
<tr>
<th>Virginia Growth and Opportunity Fund ($ in millions)</th>
<th>Ch. 780</th>
<th>SB 900</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>FY17</td>
<td>FY18</td>
</tr>
<tr>
<td>Grants for organizational building and gap analyses</td>
<td>$5.5</td>
<td>$3.5</td>
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<tr>
<td>Grants based on each region's share of the state population</td>
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<td>$12.2</td>
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<tr>
<td>Competitive grants</td>
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<td>$14.3</td>
</tr>
<tr>
<td>Total</td>
<td>$5.5</td>
<td>$30.0</td>
</tr>
</tbody>
</table>
Economic Development Partnership

- Transfers $6.2 million and 19 positions associated with the International Trade Division, to the newly created Virginia International Trade Corporation (VITC). Additional resources for VITC include:
  - $150,000 GF representing the transfer of one position from the office of the Secretary of Commerce and Trade.
  - $817,455 GF in new spending and five new positions to fulfill necessary administration functions of the new agency.

- Provides $168,291 GF the second year to support hiring an internal auditor on the recommendation of the Joint Legislative Audit and Review Commission.


- Other reductions total $1.9 million GF over the two years.
Virginia Tourism Authority

- Proposes reductions to marketing and advertising, including implementation of the “Vision Strategy,” totaling $500,000 GF the first year and $1.3 million GF the second year.
- Removes $211,039 GF in FY 2017 and $237,225 in FY 2018 for sponsorship activities.
- Reduces funding for See Virginia First Program 50 percent in FY 2017, from $627,556 to $313,778 GF.
- Proposes new funding of $400,000 GF the second year for the first of three payments under an Asian market tourism promotion campaign designed to promote travel from India to Virginia.
Other Commerce and Trade

• Provides a nongeneral fund appropriation of $15.0 million in FY 2018 to offset expenditures related to Virginia's $120.5 million federal grant award from the National Disaster Resilience Competition.

• Removes funding of $925,797 GF for the Integrated Test Facility at the Center for Advanced Engineering and Research.

• Reduces first year funding for the Virginia Telecommunications Initiative by $250,000 GF.

• Removes $1.3 million GF for deposits to the Small Business Jobs Grant Fund, and appropriates $1.2 million NGF from cash balances in the fund to meet anticipated grant commitments.

• Reduces Funding for the Small Business Investment Grant Fund $230,247 GF over the biennium.
Other Commerce and Trade

- Additional savings of $287,209 GF in the Department of Small Business and Supplier Diversity.
- Savings of $690,366 GF from a combination of eliminating open positions, supplanting general fund spending with nongeneral funds, and other reductions in the Department of Mines, Minerals, and Energy.
- Transfers $723,914 nongeneral fund cash balance in the Biofuels Production Fund to the general fund in FY 2018 (repealed effective July 1, 2017).
- Includes reductions of $539,301 GF in the Fort Monroe Authority.
- Reduces funding from $400,000 to $200,000 GF in FY 2017 and delays full implementation of the Registered Apprenticeship incentive program in the Department of Labor and Industry.
Overview of Agriculture & Forestry

• Proposed actions in Agriculture & Forestry reduce spending by $1.6 million GF in the first year (-2.8%) and $3.6 million GF in the second year (-6.3%).

Department of Forestry
• Proposes to establish a new fee for the enforcement of silvicultural water quality inspections to supplant a $500,000 GF reduction.
  – Fixed fee of $100 per site.
  – Current service provided to land owners and logging operators at no cost.

• Authorizes the sale of five forestry tracts to backfill a reduction of $340,000 GF.
  – Amelia, Emporia, Kilmarnock, Lexington, and Floyd.

• Proposes to reduce the GF match for the Reforestation of Timberlands program by $0.3 million.

• Realizes savings of $0.8 million GF from deferring new hires and the elimination of four positions.
Agriculture and Consumer Services

- Proposes to change the current $40.00 fee for non-restaurant food establishment annual inspection to a variable fee ranging from $40.00 to $375.00 based on the size of the enterprise.
  - Estimated to generate $400,000 to supplant a reduction of GF support.
- Other program reductions in VDACS include:
  - $500,000 in the first year and $750,000 in the second year to the Farmland Preservation/Purchase of Development Rights Matching Grant program;
  - $220,000 in each year for the Agriculture and Forestry Industries Development Fund and the elimination of one new position established to support the programs by the 2016 General Assembly;
  - Elimination of state support for the federally funded coyote control program;
  - Sweep of balances in the Beehive Grant Fund and elimination of funding in second year;
  - Elimination of $75,000 for Specialty Crop Commercialization funding; and
  - Reduction for domestic and international marketing of $175,000 in the first year and $250,000 in the second year.
Overview of Natural Resources

- Proposed amendments to Natural Resources reduce spending by $2.1 million GF (-1.2%) the first year and $7.4 million GF (-6.4%) the second year.
  - Majority of second year savings are from reductions to land acquisition programs at the Department of Conservation and Recreation and the Department of Historic Resources totaling $3.8 million.
  - Several smaller reductions are offset by supplanting federal funds, transferring special fund balances, and increasing fees.

- Proposes to modify the 2016 prohibition on the acquisition of park land to allow for in-holdings and other lands contiguous to existing State Parks.
  - Separate actions in Capital Outlay would authorize $1.0 million NGF for State Parks and $2.3 million NGF for Natural Area Preserves.

- The October 2016 reductions total $1.0 million GF and are largely from removing funding for the Swift Creek Bike Trail and the elimination of four positions.
Environmental Quality

Reductions

- Proposes three actions to supplant dedicated program funding or revert balances to offset general fund reductions.
  - Vehicle Emissions Inspection Fund: $1.0 million.
  - Waste Tire Fund: $1.6 million.
  - Hazardous Waste Management Fund: $0.5 million.

Policy

- Two proposed environmental policy changes are also included:
  - Eliminate prioritization for Nutrient Offsets for animal waste to energy projects.
  - Adds Stationary Sources Air Pollution Programs to those eligible for funding from the Virginia Environmental Response Fund.
Other Natural Resources Actions

Marine Resources
- Proposes to end the Virginia Saltwater Sport Fishing Tournament, saving $0.2 million.
- Reflects revenues from an increase of $0.2 million NGF in Commercial Fishing license fees to offset a reduction in general funds.
  - Capped at $5.00 or the rate of inflation since the last increase.
- Proposes to restore $0.4 million GF to the Habitat Management Division eliminated in 2010.

Historic Resources
- Includes funding to allow for the preservation of historical African-American Graves and Cemeteries in addition to the current Revolutionary and Civil War grave site program.

Museum of Natural History
- Savings totaling $0.3 million for the biennium are achieved through the delayed hiring and elimination of two positions.
Overview of Technology

- Proposed actions for Technology provide an increase of $1.8 million GF in the first year and a reduction of $2.2 million GF in the second year. NGF appropriations are reduced by $3.4 million in the first year and $11.9 million in the second year.
  - First year GF increases are driven by a proposed one-time expenditure of $2.3 million to retire an outstanding debt for the Virginia Enterprise Applications Program.

- Within the Innovation and Entrepreneurship Investment Authority, reductions total $0.4 million GF in the first year and $0.1 million GF in the second year.
  - The majority of the first year savings are one-time balances and investment returns from the Growth Accelerator Program and the Commonwealth Research Commercialization Fund.
IT Infrastructure Partnership

- At the Virginia Information Technologies Agency, NGF savings are derived from reduced consumption of vendor services based on actual and forecast usage for FY 18.
  - Reduced utilization of Partnership services - $7.8 million.
  - Reduced Medicaid IT services - $5.3 million.

- Transition related actions result in savings of $7.0 million NGF for the biennium and a reduction of 12.0 FTE due to changes in the timeline for disentanglement.
  - Additionally the VITA line of credit is increased from $60 million to $75 million to fund transition costs.
  - Language is included that would allow VITA to recover any rate increases that would be passed along to other Executive Branch agencies resulting from the proposed separation of VSP from the Partnership.

- New spending totaling approximately $1.0 million NGF is proposed for the management of cloud-based services ($0.6 million) and the expansion of bandwidth in the Capitol Square network ($0.4 million).
  - Both of these increases are recovered through internal service fund rate calculations.
Overview of Transportation

- Proposed actions within the transportation secretariat provide for an increase of $136.2 million NGF (2.0%) in the first year offset by a reduction of $37.6 million NGF (0.6%) in the second year.
  - No proposed changes to GF appropriation for debt service and PILOT.

- Proposed amendments to VDOT and DRPT are primarily technical in nature and reflect revisions to the Commonwealth Transportation Fund forecast for FY 18.
  - **DRPT**: Increase of $8.2 million NGF in FY 18.
  - **VDOT**: Increase of $137.2 million NGF in FY 17 and a decrease of $42.9 million in FY 18.

- Staffing increases are also proposed at both agencies.
  - **DRPT**: Increase of 6.0 FTE associated with management of the Atlantic Gateway project and funded by doubling the retained overhead from passenger rail funds.
  - **VDOT**: Increase of 10.0 FTE for state operated toll facilities (I-66 Inside the Beltway).
Overview of Transportation

• Proposes to eliminate approximately $1.1 million in transfers from VDOT to DMV for administration of EZ Pass program.
  - Funding will be recovered through a chargeback to VDOT.

• Provides affirmative authorization for DMV to pass along indirect costs (SICAP) to agencies for which DMV collects revenues, resulting in approximately $3.8 million NGF in revenue.
  - Most affected agencies include VDOT, VDH and the Virginia State Police.

Transportation Capital Projects

• Authorizes additional DMV Customer Service Centers, or relocation and expansion of existing centers, in Loudoun.

• VDOT Hampton Roads District Headquarters
  - Proposes to allow VDOT to sell or convey up to 88.43 acres in Suffolk.
  - Allows proceeds to be used for acquisition and construction of new District HQ.
  - Dedicates any remaining proceeds to the Transportation Trust Fund.
Dear Governor McAuliffe:

We are writing on behalf of the Fairfax-Falls Church Community Services Board (CSB) and those persons served by the CSB in Northern Virginia regarding Non-Emergency Medical Transportation (NEMT) received through Medicaid. The CSB has been concerned with the safety, quality, and efficacy of NEMT for many years and continues to receive numerous and ongoing complaints. While there have been some short term improvements in the past, year over year complaints are increasing as noted in the 2015 Joint Legislative Audit Review Committee (JLARC) report (attached). Those receiving NEMT in Northern Virginia, and in particular Fairfax County, experience all of the issues referenced in the JLARC report and in addition the NEMT broker (currently LogistiCare) being unable to establish enough transportation providers to meet the demand and maintain a stable transportation service. Often persons go without mandated transportation for extended periods because a provider is not available. Among the many reasons for the status quo are inadequate rates for NEMT both from the broker to transportation providers, and from the Department of Medical Assistance Services (DMAS) to the broker. JLARC identified both capitated rates and lengthy periods without a rate adjustment as being significant factors underlying inadequate rates.

As recommended by JLARC, DMAS issued a solicitation for NEMT transportation proposals (RFP 2017-1) on November 1, 2016 with a response date of December 9, 2016, 2:00 p.m. We applaud the inclusion of the majority of the JLARC recommendations in the solicitation as mandates, including an annual recalculation of capitated rates and a “Risk Corridor” methodology to diminish over and under payments related to actual costs. The solicitation references the annual capitated NEMT rate as an “actuarially” determined state-wide rate on a per member per month basis, differentiated by risk category and age groups.

The CSB is very concerned that using a state wide rate sends an inaccurate message and will continue to result in both an inadequate number of transportation providers and lower quality providers being used which will facilitate the continuation of egregious complaints experienced by our residents and identified in the JLARC report. The CSB strongly recommends establishing a Northern Virginia rate or differential to clearly reflect the increased costs and directly communicate...
that using a state wide rate results in inadequate service in Northern Virginia. The CSB recognizes the broker can and does pay different transportation providers different rates depending on related variables; however a single state wide rate does not set a tone or message with relevant parties of the significant differences in Northern Virginia. There needs to be a strong message to the broker and providers indicating that past business as usual practices regarding rates will not be acceptable in terms of adequate transportation service. We must ensure that our residents utilizing NEMT receive safe, reliable and quality transportation services.

The CSB, therefore, requests the current NEMT solicitation be amended to include a Northern Virginia rate differential in actuarially determined rate tables.

Sincerely,

Gary Ambrose
Chair

Tisha Deeghan
Executive Director

Attachment

cc: The Honorable Cindi B. Jones, Director, Department of Medical Assistance Services
    The Honorable David B. Albo, House of Delegates, Virginia General Assembly
    The Honorable George L. Barker, Senate of Virginia, Virginia General Assembly
    The Honorable Timothy D. Hugo, House of Delegates, Virginia General Assembly
    The Honorable Richard L. Saslaw, Senate of Virginia, Virginia General Assembly
Performance and Pricing of Medicaid Non-Emergency Transportation

In 2015 the General Assembly directed the Joint Legislative Audit and Review Commission (JLARC) to review Virginia’s Medicaid program (Appendix A). The Commission requested that a review of the quality and cost of Virginia’s non-emergency medical transportation (NEMT) services be included as part of the study. This report presents JLARC’s findings and recommendations to improve the quality of NEMT services in Virginia’s Medicaid program and ensure that the state is not overpaying for those services. Recommendations are intended to inform the procurement efforts of DMAS as their current contract for NEMT services expires. (See Appendix B for more on the research methods used in this study.) JLARC’s related research on Virginia’s Medicaid program includes a report on eligibility determination, which was released in November 2015, and a review of Medicaid cost-effectiveness, which will be released in fall 2016.

NEMT services are available to all Medicaid enrollees

NEMT is defined as non-emergency, medically necessary transportation for enrollees that ensures reasonable access to and from Medicaid-covered services. Virginia contracts with a statewide broker to provide NEMT to the fee-for-service Medicaid population. In contract year 2015 (October 2014–September 2015), the state spent $77.8 million (one percent of the Medicaid budget) to provide over four million NEMT trips to about 20,000 riders.

NEMT provides enrollees with transportation to non-emergency Medicaid services

States are required by federal regulation to provide transportation to non-emergency Medicaid-funded services for enrollees with no other means of transportation. Vehicles used for NEMT include taxi, public transportation, wheelchair van, stretcher van, and ambulance, depending upon the level of medical need for each recipient.

In Virginia, NEMT services are provided through both the fee-for-service and the managed care delivery systems. The state contracts directly with a private transportation broker for fee-for-service NEMT services, whereas the managed care organizations are responsible for providing NEMT services to Medicaid enrollees in their plan. The fee-for-service population includes primarily aged and disabled enrollees who use more NEMT services than the families and children enrolled in managed care. This report focuses exclusively on NEMT services provided through the fee-for-service system, which is directly within the state’s control.
Virginia uses a statewide private NEMT broker

DMAS provides NEMT services for the fee-for-service Medicaid population through a contract with LogistiCare, a transportation broker. LogistiCare is responsible for maintaining a network of transportation providers and managing all aspects of NEMT services. The company has been the statewide fee-for-service NEMT broker for Virginia since 2002, covering the entire state across seven regions. At least 17 other states use a private NEMT broker, some with a statewide contract and others with multiple regional contracts. Other states use public transportation brokers (state and local governments) or a mix of private, nonprofit, and public transportation brokers.

There are few private NEMT brokers in the marketplace, which limits competition and diminishes the state’s leverage during the contracting process. This is due in large part to the challenging and complex nature of the work. Virginia’s NEMT broker must assign and schedule trips, operate a statewide call center, address complaints and provider performance issues, maintain a database with trip-level data, and subcontract with more than 300 local transportation providers. The need for extensive infrastructure to perform these functions reduces the number of potential vendors. (DMAS only received two viable bids for the last NEMT contract solicitation.) The state’s leverage is diminished even further when dealing with contract extension deadlines because there is no other short-term alternative to provide required NEMT services.

One percent of the Medicaid budget spent to provide over four million NEMT trips for almost 20,000 riders each year

Virginia spent about one percent ($77.8 million) of the Medicaid budget on fee-for-service NEMT in contract year 2015. This amounts to an average of $24 per enrollee per month or about $19 per trip (Table 1-1). NEMT spending was relatively stable during the three-year contract period spanning 2012 to 2014, but increased by about eight percent from contract year 2014 to 2015. NEMT spending is driven by the per-person capitated rates agreed upon at the beginning of the contract and the actual number of Medicaid enrollees. At the request of LogistiCare, Virginia entered into rate renegotiations and increased NEMT rates for the 2015 contract year to more accurately reflect the cost of providing NEMT services.

**TABLE 1-1**
Virginia NEMT spending increased in contract year 2015

<table>
<thead>
<tr>
<th>Contract year</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
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<tr>
<td>Total spending*</td>
<td>$73,219,556</td>
<td>$70,235,752</td>
<td>$71,894,622</td>
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<td>Number of trips</td>
<td>4,119,582</td>
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<tr>
<td>Average cost per trip</td>
<td>$17.78</td>
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<td>$18.94</td>
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Source: JLARC staff analysis of DMAS NEMT monthly reports.
*Before deducting performance-related fines.
Performance and Pricing of Medicaid Non-Emergency Transportation

Virginia provides an average of 342,000 NEMT trips to almost 20,000 riders each month. Those riders are just 7.4 percent of the 270,000 Medicaid enrollees who are eligible for fee-for-service NEMT services. Most trips are for recipients who are intellectually or developmentally disabled, or aged, blind, or physically disabled (Figure 1-1).

**FIGURE 1-1**
*Most trips taken by individuals with an intellectual or developmental disability, adults with a physical disability, and the elderly (2014)*

<table>
<thead>
<tr>
<th>Number of trips</th>
<th>1,638,814 (48%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intellectually/developmentally disabled children and adults</td>
<td></td>
</tr>
<tr>
<td>Aged, blind, disabled adults in the community</td>
<td>1,463,800 (43%)</td>
</tr>
<tr>
<td>Aged, blind, disabled adults in institutions</td>
<td>204,492 (6%)</td>
</tr>
<tr>
<td>Low-income families with children</td>
<td>66,200 (2%)</td>
</tr>
<tr>
<td>Blind or disabled children</td>
<td>23,636 (1%)</td>
</tr>
</tbody>
</table>


These riders used NEMT to get to and from a variety of Medicaid-funded services. Over half of the trips (63 percent) were for behavioral health or intellectual and developmental disability services, which are typically recurrent daily services such as day programs and vocational services. Dialysis appointments were the third most common destination, accounting for 12 percent of all NEMT trips (Figure 1-2). Virginia’s NEMT broker is required to use the lowest cost form of transportation based on the recipients’ needs. Most trips utilize taxis, vans, or public transportation (81 percent), while a minority of trips (19 percent) require an ambulance or wheelchair van.

**FIGURE 1-2**
*Less than 10 percent of eligible Medicaid enrollees used NEMT (2015)*

Source: JLARC staff analysis of NEMT monthly reports submitted to DMAS for contract year 2015. Note: Percentage of enrollees who used NEMT, based on average monthly data in 2015. Behavioral health services include facilities that provide intellectual disability services and mental health services.
Virginia’s NEMT broker performance standards appear rigorous compared to other states

Virginia measures the NEMT broker’s performance with a set of standards that are assessed monthly, with financial penalties imposed for unmet performance standards. These standards cover a wide range of NEMT performance, including promptness, trip fulfillment, call center operations, and safety. DMAS periodically adjusted and added several new NEMT standards since 2012, when a new contract was signed, to address performance-related issues (Table 1-2). One standard related to unfulfilled trips was inadvertently removed from the performance measures in October 2014. DMAS expects to restore this standard when the 2016 contract extension with LogistiCare is finalized. As of December 2015, LogistiCare had been operating under one-month extensions since October 2015.

TABLE 1-2
DMAS has adjusted NEMT standards to address performance issues

<table>
<thead>
<tr>
<th>Year</th>
<th>Standards Adjusted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Complaint rate (&lt;1%)&lt;br&gt;Call abandonment (&lt;5%)&lt;br&gt;Call wait time (&lt;180 seconds)&lt;br&gt;Call answer (&lt;5 rings)&lt;br&gt;Provider reimbursement (&lt;30 days)&lt;br&gt;Vehicle inspections (100%)&lt;br&gt;Alternative transportation (&gt;20% of all trips alternative)</td>
</tr>
<tr>
<td>2013</td>
<td>Reduced complaint rate (&lt;0.85%)&lt;br&gt;Added unfulfilled trips rate (&lt;0.25%)</td>
</tr>
<tr>
<td>2014</td>
<td>No significant changes</td>
</tr>
<tr>
<td>2015</td>
<td>Added hospital discharges (&gt;95% picked up within 3 hours)&lt;br&gt;Added incident-accident reporting (&lt;24 hours with injury, &lt;48 hours without)&lt;br&gt;Added staffing replacement (fill critical vacancies in 90 days or less)&lt;br&gt;Added annual satisfaction survey (customer satisfaction must increase)&lt;br&gt;Removed unfulfilled trips (in error)</td>
</tr>
</tbody>
</table>

Source: JLARC staff analysis of DMAS NEMT contract documents.

Virginia’s performance standards appear rigorous relative to other states that employ a similar NEMT broker model (sidebar). Compared to these seven states and Washington, D.C., Virginia holds its broker financially accountable for as many or more standards than all but two of the other states (Figure 1-3). For example, Virginia is one of only three states with a standard for hospital discharges. The level of performance that Virginia expects its broker to achieve is also high compared to other states, but not out of line or unrealistic. (See Appendix C for additional detail on performance standards.)
Performance and Pricing of Medicaid Non-Emergency Transportation

FIGURE 1-3
Types and number of performance standards appear rigorous compared to other states

<table>
<thead>
<tr>
<th></th>
<th>Call center</th>
<th>Complaint rate</th>
<th>Incidents</th>
<th>Unfulfilled trip rate</th>
<th>Ride duration</th>
<th>Hospital discharge</th>
<th>Urgent care</th>
<th>Back-up vehicle</th>
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</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>☀</td>
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<td>Texas</td>
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<td>DC</td>
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<td>Iowa</td>
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</tr>
</tbody>
</table>

= Performance standard with fines  = No fines but performance monitored

Source: JLARC staff analysis of the NEMT contract or request for proposal from each state.

NEMT performance improved temporarily but recently declined on critical measures

Virginia’s NEMT performance improved in 2013 following the start of a new contract in October 2011 and the addition of several performance standards. However, performance declined recently across three critical measures: complaints, unfulfilled trips, and late pick-ups upon hospital discharge. NEMT performance could be improved through contract modifications and increased use of technology.

NEMT broker failed to meet an increasing number of performance standards in recent months

LogistiCare’s performance had been improving since new standards were established for contract year 2012, but recent trends suggest a decline in several areas. Since the beginning of contract year 2014, LogistiCare failed to meet at least one performance standard per month, on average. LogistiCare had particular difficulty meeting the unfulfilled trips and hospital discharge standards. The complaint rate also worsened during this time period, which caused LogistiCare to miss this performance standard three times in 2015.

As performance declined, LogistiCare was subject to more financial penalties (Figure 1-4). In accordance with the contract, DMAS generally assesses a financial penalty of one percent of monthly payment for unmet performance standards. The amount of penalties assessed on LogistiCare in contract year 2015 was reduced because DMAS waived some penalties for new standards and exceptional circumstances. Virginia has not imposed penalties for unfulfilled trips after the standard was inadvertently removed by DMAS during the renewal process for contract year 2015. No penalties for that standard were collected since October 2014, even though LogistiCare’s unfulfilled trip rate was over the standard every month since the beginning of the contract period.
FIGURE 1-4
NEMT broker paid nearly $2.5 million in fines for unmet performance standards since 2012

![Diagram showing fines paid from 2012 to 2015]

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaint rate</th>
<th>Unfulfilled trips</th>
<th>Hospital discharge</th>
<th>Call center standards</th>
<th>Providers reimbursement</th>
<th>Vehicle inspection</th>
<th>Alternative transportation</th>
<th>Incident-accident reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$487,470</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$60,298</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>$58,264</td>
<td>$525,900</td>
<td></td>
<td>$787,033</td>
<td>$125,198</td>
<td>$121,104</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>$526K</td>
<td></td>
<td></td>
<td>$785,960 (forgone)</td>
<td>$270,208 ($143,568 waived)</td>
<td>$58,603</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>$958K</td>
<td></td>
<td></td>
<td>$8,000</td>
<td>$62,486</td>
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</tr>
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</table>

Source: JLARC staff analysis of DMAS liquidated damages data.

Complaint rate increased in 2015 due to more late trips in urban areas

The statewide complaint rate has steadily trended upward since January 2014 and exceeded the standard three times in 2015 (January, March, and June) (Figure 1-5). LogistiCare received an average of more than 2,800 complaints each month during 2015. After repeatedly missing the standard in contract year 2012, the complaint rate decreased and remained below the standard from November 2012 through December 2014. This improvement coincided with a tighter standard that lowered the acceptable complaint rate to 0.85 percent starting in contract year 2013.
There are many types of complaints, but most result from drivers being late for pick-up (78 percent) and drivers not showing up at all (14 percent) (Figure 1-6). Late trips can sometimes be explained by traffic congestion; the vast majority of late trip complaints originated in the Tidewater and Northern Virginia regions. These two regions accounted for a disproportionate number of late trip complaints, totaling 59 percent of all late trip complaints but 41 percent of trips. A sample of late trip complaints indicates that at least 29 percent were for a provider being over 45 minutes late.
Although most circumstances leading to complaints do not compromise patient health or safety, some can have a highly detrimental impact, especially among medically fragile individuals.

**CASE STUDY**

**Examples of NEMT complaints**

- **Late:** Richmond enrollee called LogistiCare after driver was over an hour late. LogistiCare reported mechanical failure and gave new ETA of 20 minutes.

- **No show:** Tidewater enrollee called LogistiCare after driver was 20 minutes late. Driver claimed enrollee was picked up but left vehicle halfway through trip. LogistiCare found this to be untrue and arranged alternate pick-up. Case was referred to LogistiCare quality assurance.

- **Driver issue:** Northern Virginia enrollee was dropped off at the wrong building 1.5 hours early and left alone. This particular enrollee was not to be left unsupervised because of her medical condition. LogistiCare referred the case to quality assurance and counseled the driver.

- **Unfulfilled trip:** Tidewater enrollee reported several missed trips to dialysis appointments. The enrollee claimed that the provider often cancelled trips with less than 24 hours' notice and LogistiCare could not find a replacement ride. So the enrollee drove to dialysis, which can be dangerous due to fatigue and complications. The case was referred to LogistiCare quality assurance.

An increase in late trips in Northern Virginia and Tidewater largely explains the increase in complaint rate from 2014 to 2015 (Figure 1-7). The number of late trip complaints statewide increased from 1,357 in January 2014 to a peak of 2,449 in March 2015. Most of this increase (76 percent) was due to a rise in complaints in Northern Virginia and Tidewater. The number of late trips in Tidewater subsequently declined starting in April 2015, which has helped stabilize the overall statewide complaint rate. However, the late trip complaint rate in Northern Virginia as of September 2015 remains far higher than in January 2014, 1.17 percent compared to 0.69 percent.

No single factor appears to explain the increase in complaints related to late trips in Northern Virginia and Tidewater. Although providers frequently cited traffic and weather in monthly complaint reports, these factors would not account for the sustained growth in complaints between January 2014 and March 2015. LogistiCare did reportedly terminate some providers for poor performance since January 2014, and it is possible that the remaining providers were unable to provide additional trips on time.
FIGURE 1-7
Most of the increase in late trip complaints was in Northern Virginia and Tidewater

![Late trip complaint rate graph]

Source: JLARC staff analysis of DMAS NEMT monthly reports.

Number of unfulfilled trips quadrupled since October 2012

The number of unfulfilled trips increased from 550 (0.15%) in October 2012 to 2,330 (0.67%) in September 2015, with most of that growth occurring in the past year. LogistiCare missed the unfulfilled trips performance standard every month from January 2014 through September 2014 (Figure 1-8), when DMAS inadvertently removed this standard from the contract year 2015 extension. LogistiCare would have missed the standard in each of the subsequent twelve months if it were still in place (sidebar). As with complaints, the impact of unfulfilled trips depends upon the particular needs of the recipients and how critical it is for them to obtain care as scheduled, or how problematic it is if they are not picked up from their care provider as scheduled.

Unfulfilled trips occur when the provider does not show up (the reason for half of unfulfilled trips) or when there was no vehicle available to schedule the trip (the other half of unfulfilled trips). These reasons contributed equally to the increase in unfulfilled trips between October 2012 and September 2015. This growth was not concentrated in the Northern Virginia and Tidewater regions, as the complaints were; all seven regions experienced a similar increase in unfulfilled trips since January 2014.

The statewide growth in unfulfilled trips was likely caused by a number of factors. LogistiCare reported terminating several providers for poor performance since January 2014, reducing the number of available transportation providers. It is also possible that the removal of the performance standard in October 2014 reduced the incentive for LogistiCare and providers to improve their performance on unfulfilled trips.

LogistiCare avoided $786,000 in fines because of the accidental removal of the performance standard for unfulfilled trips.

The performance standard was accidentally removed by DMAS when the contract was extended in 2015. If the standard had not been removed, LogistiCare would have owed at least $786,000 more in fines for contract year 2015.

DMAS intends to restore the performance standard when they sign a new contract extension.
DMAS requested and received a plan from LogistiCare in June 2015 to reduce unfulfilled trips. The plan prioritizes transportation provider and volunteer driver recruitment, organic growth of existing providers, backup vehicles, and incentives for providers to accept low-mileage trips. The standard has yet to be restored to the contract, which has been operating on one-month extensions since October 2015.

**Hospital discharge performance standard was not met in the first year**

LogistiCare failed to meet a new hospital discharge performance standard each month during contract year 2015. DMAS waived the first three months of penalties as part of a transitional grace period after the new standard was added. LogistiCare then paid over $570,000 in penalties from January 2015 through September 2015. The standard requires that 95 percent of eligible patients be picked up within three hours of hospital discharge, but patients were picked up within three hours between 90 percent and 94 percent of the time in 2015. When this standard is not met, the patient remains at the hospital longer than necessary and hospital discharge teams are unable to discharge the recipient to clear space for other patients.

These performance issues appear to be occurring because the standard is new and requires more timely service than was previously provided. According to LogistiCare, another reason for the poor performance is that some providers have independent relationships with hospitals. Those providers separately set pick-up times that are agreeable to patients but may be more than three hours after the request was made to LogistiCare. When modifications to pick-up times are not reported to LogistiCare, the resulting discrepancies create the appearance of late pick-ups, even when the pick-ups at
occurred agreed-upon times. LogistiCare is reportedly working to improve hospital discharge performance and ensure that pick-up information is recorded accurately and revised as needed.

**NEMT contract requirements could address declines in recent performance**

While NEMT performance fluctuated since October 2011, recent trends show a need for improvement, particularly with regard to complaints, unfulfilled trips, and hospital discharge trips. However, NEMT performance can be difficult to manage due to many uncontrollable factors such as traffic and weather conditions. Additionally, DMAS already enforces a comparatively strict set of NEMT performance standards and penalties, so it is not clear that stricter standards and harsher penalties would improve performance.

There are certain practices that could reduce complaints and unfulfilled trips and improve the rider experience. The next NEMT contract could require the transportation broker to increase accountability for individual providers, better prioritize critical trips, and ensure that the best technology is utilized statewide. Implementing these requirements could help Virginia focus its efforts on the root causes of poor NEMT performance and mitigate the impact of uncontrollable factors.

**Improved performance standards**

Holding individual providers accountable for poor performance could lower complaint rates and reduce unfulfilled trips. Virginia's NEMT performance standards measure aggregate statewide performance. This means that the performance of poor-performing providers can be offset by that of high-performing providers. The contract does not have a mechanism to reward or penalize the performance of individual providers. One way to address this issue would be to require providers with consistently higher than average complaint rates to have a backup driver during peak hours. This could incentivize providers to improve on-time performance by not accepting more trips than they can satisfactorily fulfill. For poor-performing providers, the requirement would require excess capacity to better mitigate problems related to traffic, weather, and mechanical failures. Requiring backup drivers for poor-performing providers may increase costs because of the additional capacity required, but could also reduce the number of late trips and trips where the driver does not show up. This would in turn improve service for recipients and reduce the number of complaints and unfulfilled trips. Georgia, Texas, and Washington, D.C., have a similar requirement.

**RECOMMENDATION 1**

The Department of Medical Assistance Services should include in its next non-emergency medical transportation services contract a provision directing the transportation broker to require backup drivers for providers with consistently higher than average complaint rates.
Prioritizing trips for certain critical services could mitigate the impact of late pick-ups and unfulfilled trips. The aggregate NEMT performance standards currently do not prioritize trips that are critical to the health and safety of Medicaid recipients. For example, a complaint for a 15-minutes-late trip to the pharmacy is counted the same as a missed dialysis appointment. Under the current system, all appointments are treated equally, so recipients who are medically fragile are just as likely to experience a late or missed trip as those who are not.

To address this issue for scheduled critical trips, DMAS could require providers to drop off patients no more than 15 minutes late for all dialysis, chemotherapy, and other critical care appointments. For unscheduled urgent care trips, DMAS could require that pick-up occur within three hours of the request. The standards would better ensure that enrollees with non-emergency but urgent medical needs are able to get to health care providers on time. While this standard would not directly address the increase in complaints and unfulfilled trips, it would ensure that critical trips are given a high priority so that the impact of late and missed trips is mitigated. Georgia, Texas, Washington, Wisconsin, and Washington, D.C., have such requirements.

Implementing these performance standards will require DMAS to establish a reasonable standard and develop new processes, and it could potentially increase costs. DMAS will need to determine the most appropriate compliance percentage for these new performance standards and work with the broker to establish a method for identifying urgent care trips without compromising the privacy of recipients. This could be done by identifying urgent trips based on destination, recipient health status, and other relevant factors, and notifying the provider of urgent need but without disclosing any private information. These new standards may also increase costs, if providers push for higher payments for urgent care trips.

**RECOMMENDATION 2**
The Department of Medical Assistance Services should include in its next non-emergency medical transportation services contract provisions addressing the following performance standards: (i) that patients be dropped off no more than 15 minutes late for all dialysis, chemotherapy, and critical care appointments; and (ii) that patients with same-day non-emergency urgent care needs be picked up within three hours of the request.

**Improved use of technology**
Virginia’s NEMT broker does not use GPS technology to schedule, route, or track the trips carried out by its network of providers. Individual providers use their own systems to manage their own trips, but the lack of a centralized system makes it difficult to improve performance at the state level. There is great disparity in the efficiency and effectiveness of the systems used; some providers have adopted the latest technology and software, while others use manual processes that are difficult to adapt to outside factors like weather, traffic, and vehicle failure.

GPS-enabled routing and tracking systems show great promise for improving NEMT in Virginia. The systems are readily available and already in use by other NEMT brokers.
In other states, in addition to scheduling optimal routes, the NEMT broker can use the system to connect to providers' GPS-enabled devices and obtain real-time data on driver locations and pick-up and drop-off times. This saves providers time assigning trips, ensures efficient routing, and allows for real-time trip reassignments for vehicles delayed by traffic or mechanical breakdown. In some cases, the technology can be linked to a recipient's smartphone, tablet, or computer to provide accurate pick-up times (similar to ridesharing applications available to the general public). Additionally, this system can report actual arrival and departure times to the transportation broker and DMAS, so performance can be more directly measured and poor-performing providers can be more easily identified.

The cost of these systems varies significantly and depends on the transportation broker, software, and equipment. However, the potential return on investment in terms of performance is significant. Accordingly, DMAS should consider requiring a statewide GPS-enabled system as part of its request for proposal for the next NEMT contract.

**RECOMMENDATION 3**
The Department of Medical Assistance Services should assess the cost-effectiveness of requiring the transportation broker to utilize a statewide GPS-enabled routing and tracking system. If such a system is projected to be cost effective, the Department of Medical Assistance Services should include such a requirement in its next non-emergency medical transportation services contract.

**NEMT rate-setting process does not protect state's interests by ensuring that rates correspond to costs**

Virginia's NEMT rate-setting process increases risk to the state, Medicaid recipients, and the transportation broker. The rate-setting process does not ensure that contractually established rates reflect actual transportation costs, resulting in the potential to either under- or overpay for NEMT services. Overpaying for services increases costs to the state and federal governments. Underpaying for services puts increased financial pressure on the broker and providers, potentially negatively impacting the quality of services. The current process also undermines DMAS's negotiating power if rates need to be changed and could disrupt continuity of service. More frequent rate validation, new financial risk controls, and more reliable cost data could help ensure that NEMT rates better reflect costs and protect the state's and enrollees' interest in the future.

**NEMT capitated rates have not accurately reflected transportation costs for the most recent contract period**

Capitated payments for the NEMT contract appear to have been out of line with actual costs during the current contract period, resulting in financial losses for LogistiCare. The capitated rates established through the contract award process were intended to remain applicable throughout the duration of the contract (including extension years), but the rates were increased twice to avoid disruptions in service delivery. At the end of
Performance and Pricing of Medicaid Non-Emergency Transportation

contract years 2014 and 2015, LogistiCare indicated that they may not be able to continue providing services under the existing rates and requested increased rates in order to extend the contract. Virginia renegotiated NEMT rates for the 2015 contract extension, and another renegotiation was underway to facilitate another contract extension but had not been finalized as of December 2015. The rate increases were not part of the original contractual agreement, which contemplated only inflationary adjustments.

Both the state and the broker are vulnerable to over- or underpayments when actual transportation costs deviate from the costs assumed in capitated rates. LogistiCare is paid a set monthly rate, called a capitated rate, for every Medicaid enrollee. Capitated rates differ between major categories of Medicaid enrollees to reflect the fact that some enrollees require more frequent or resource-intensive transportation than others. Under this structure, payments to the broker vary depending upon the actual number of enrollees and the actual mix of enrollees by category. However, the rates do not change over the term of the contract, even when they no longer correspond to the actual cost of transportation.

The rates established at the onset of the contract have not been sufficient to cover the cost of providing NEMT services to Medicaid enrollees. (Complete and reliable information on the extent and root causes of LogistiCare's losses in 2015 is not yet available.) DMAS hired an accounting firm to perform an independent financial audit of LogistiCare's revenue and expenses for contract years 2012–2014, and to review rates and costs.

The audit revealed that the broker had incurred a loss of almost $5 million dollars over a period of two and a half years (Table 1-3).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total revenue</th>
<th>Total expenses</th>
<th>Total loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$73,226,673</td>
<td>(74,033,082)</td>
<td>$806,450</td>
</tr>
<tr>
<td>2013</td>
<td>$70,228,625</td>
<td>(72,294,517)</td>
<td>$2,065,892</td>
</tr>
<tr>
<td>2014*</td>
<td>$35,691,728</td>
<td>(37,741,673)</td>
<td>$2,049,945</td>
</tr>
</tbody>
</table>


*Only includes data from October 2013 through March 2014.

The losses occurred in large part because capitated rates did not cover actual costs for intellectually or developmentally disabled recipients. Capitated rates were based on the assumption that this group would take fewer trips, but the average number of trips per recipient increased by 25 percent between contract year 2011 and contract year 2012. Simultaneously, the number of enrollees in this rate category increased, resulting in 435,000 more trips (33 percent increase). These changes resulted in a loss to LogistiCare of $108.23 per month for every intellectually or developmentally disabled enrollee, or more than $800,000 during contract year 2012. These losses continued to increase through contract years 2013 and 2014. These findings were used to negotiate rates that more accurately reflected costs for contract year 2015 (Figure 1-9).
FIGURE 1-9
Virginia increased NEMT rates for the highest cost categories starting in contract year 2015

Percentage change in capitated rates by rate category

- Intellectually/developmentally disabled children and adults: 73%
- Aged, blind, disabled adults in institutions: 42%
- Low-income families with children: 15%
- Aged, blind, disabled adults in community: -12%
- Blind or disabled children: -25%

Source: JLARC staff analysis of DMAS NEMT contract documents.

Virginia’s rate-setting process does not ensure that NEMT rates correspond to actual costs

Virginia’s current process of establishing multiyear rates is too rigid to accommodate unforeseen changes to Medicaid enrollment or transportation costs. Population shifts and changes in costs such as gas prices can result in rates that do not cover the broker’s costs or that require DMAS to make payments that significantly exceed costs. Rates are in effect for up to six years (if all extension options are exercised) without a mechanism to adjust them. Six years is too long, given that factors likely to impact costs are fluid. The discrepancy between rates and costs between contract years 2012 and 2014 demonstrates the potential impact of setting multiyear rates that are not adjusted to reflect actual costs. Although recent experience yielded a financial benefit to the state, this trend could just as easily be reversed. Further, having to renegotiate rates unexpectedly and shortly before contract extension deadlines leaves the state with little leverage and could result in higher costs. DMAS is obligated to provide NEMT services, but few other vendors could successfully take over the contract and it would take several months to bring them on board. Establishing a process to set NEMT rates annually rather than for the full three-year contract period would enable DMAS to ensure that rates better reflect costs.

RECOMMENDATION 4
The Department of Medical Assistance Services should establish capitated rates for its non-emergency medical transportation services contract every year, rather than only at the beginning of a new contract.
Currently, capitated rates do not place a limit on the transportation broker's profit or loss, which leaves the state vulnerable to overpayment for NEMT services and the broker vulnerable to loss in any given year. Establishing rates annually (Recommendation 4) allows for adjustments from one year to the next but does not address financial risk within a given year, from month to month. For example, fluctuating gas prices could impact transportation costs and cause the state or transportation broker to lose a significant amount of money.

Other states address this issue by implementing so-called financial risk corridors. The financial risk corridor is a provision of the NEMT contract that limits the profit and loss for the transportation broker over a specific time period, such as a month, quarter, or year. For example, Nevada limits broker profit to two percent, and the state reimburses the broker for 50 percent of any losses above five percent. The broker reimburses Nevada for any profits over two percent, and the state reimburses the broker for half of the losses over five percent. This limits the risk for the state and the broker, while ensuring that NEMT rates and payments correspond to actual costs.

When developing a financial risk corridor it is important to set parameters that account for the typical pattern of utilization and associated costs. For example, monthly trips and trip costs in Virginia vary significantly depending on the number of days in each month, but the capitated rates are constant throughout the year. This results in significant variation in monthly profit and loss, but this volatility evens out over time. DMAS should consider a quarterly or annual risk corridor rate adjustment, which would better account for this volatility. That risk corridor adjustment should be based on gross profit or loss that does not take into account fines paid by the transportation broker for unmet performance standards.

**RECOMMENDATION 5**
The Department of Medical Assistance Services should include in its next non-emergency medical transportation services contract a provision establishing a financial risk corridor that limits the monthly profit and loss of the transportation broker.

Rates that are established annually and financial risk corridors are effective only if they are based on detailed and reliable cost data. DMAS currently relies on summary financial data self-reported by LogistiCare to assess the financial performance of the contract. Self-reported profit and loss statements do not provide an adequate basis upon which to set rates because they may contain administrative or overhead expenses that are not directly related to the provision of NEMT services in Virginia and should be excluded. This has made negotiating rates for contract extensions extremely challenging because DMAS does not have robust data to validate the need for potential rate increases. Instead, DMAS should obtain detailed data that tallies the actual cost of each trip and the administrative overhead allocated to the contract. This data should then be independently verified to ensure that trip and administrative costs are accurately captured for rate setting and payment adjustments.
RECOMMENDATION 6
The Department of Medical Assistance Services should include in its next non-emergency medical transportation services contract a provision requiring the broker to provide trip-level and administrative cost data that can be independently verified for purposes of annual rate setting and financial risk corridor payment adjustments.

DMAS can improve performance requirements and rate setting through a new contract
Awarding a new NEMT contract will enable DMAS to improve the rate-setting process and implement enhanced performance standards. Significant contract changes, such as implementing a new rate-setting process to establish annual rates using reliable data that limits financial exposure (Recommendations 4, 5, and 6) could be implemented at the start of a new contract. This change would enable DMAS to take a more proactive role in the contracting process, thereby increasing the state’s leverage over the broker. Changes to improve performance could also be made under a new contract, such as implementing a GPS-enabled routing and tracking system (Recommendation 3). Making these significant contract modifications without awarding a new contract may prove challenging because of the impact on the broker’s operations and costs. Even minor contract modifications, such as new performance requirements (Recommendations 1 and 2), could be difficult to implement under the current contract because DMAS has no other short-term alternative to provide NEMT services and therefore little negotiating power.

Awarding a new contract immediately is not possible, but DMAS should initiate the process as soon as possible to implement changes aimed at improving performance and mitigating financial risk to the state. Including new contract provisions for an improved rate-setting process requires reliable, trip-level claims data that has been independently verified (Recommendation 6), but DMAS indicated that obtaining and validating this data may not be possible until spring 2016. Once DMAS obtains the necessary data, the contracting process will likely take between six and nine months to complete. This lag time underscores the need to initiate the process of awarding a new contract as soon as possible.

RECOMMENDATION 7
The Department of Medical Assistance Services should issue a request for proposals for statewide non-emergency medical transportation services as soon as reliable rate-setting data is available, so that a new contract can be in place before January 1, 2017.