

## 2017 GENERAL ASSEMBLY, CROSSOVER

### ADMINISTRATION OF GOVERNMENT

x\*HB 1696 (D. Marshall) **Filling vacancies in the United States Senate.** Removes the language limiting the date at which a special election can be held to fill a vacancy occurring in the representation of the Commonwealth in the United States Senate. The bill also removes the authority of the Governor to make a temporary appointment to fill such a vacancy. The bill allows the Governor to immediately issue a writ to call an election upon receipt of written notification by a Senator or Senator-elect of his resignation and makes such resignation irrevocable after the date stated by him for his resignation or after the forty-fifth date before the date set for the special election. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. *Defeated by Senate*

\*\*HB 1740 (Minchew) **Sanitary districts; creation by board of supervisors.** 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. *NOTE: this bill could enable the county to extend its sanitary districts to include the entire county, and clarify the ability to mandate sewer connections throughout the county, although exactly how the process would work is not entirely clear.* AGR, CHES, NATURAL RESOURCES reported PASSED HOUSE Senate AGR reported PASSED SENATE

\*\*HB 1768 (Garrett) **Virginia Retirement System; stress testing and reporting policies.** Requires the Virginia Retirement System (VRS) to formally adopt stress testing and additional reporting policies. The bill requires VRS to analyze and regularly report on projections of benefit levels, pension costs, liabilities, and debt reduction under various scenarios; to provide a detailed online statement of investment policy and include investment performance data in certain timeframes up to 25 years; and to report investment performance and expenses such as carried interest fees. APPROPRIATIONS reported PASSED HOUSE Senate FINANCE reported. PASSED SENATE

\*\*HB 1992 (Habeeb) **Lien priority.** 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." COURTS OF JUSTICE reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

\*\*HB 2003 (Poindexter) **Comparative report of local government revenues and expenditures.** Provides that the submittal of the comparative report by a locality to the Auditor of Public Accounts shall include a notarized statement from the chief elected official and the chief administrative officer of the locality that the locality's audited financial report has been presented to the local governing body. COUNTIES CITIES TOWNS reported APPROPRIATIONS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

\*\*HB 2105 (Byron) **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 "qualified investment pools". GENERAL LAWS referred to FINANCE reported sub PASSED HOUSE Senate FINANCE reported. PASSED SENATE

\*\*HJ 545 (Head) **Constitutional amendment (first resolution); powers of General Assembly; suspension or nullification of administrative rule or regulation.** Provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution agreed to by a majority of the members elected to each house. PRIVILEGES AND ELECTIONS reported ADOPTED Senate PRIVILEGES AND ELECTIONS reported. SENATE AGREED

**\*\*HJ 555 (Cox) General Assembly; 2017 Session schedule.** Establishes a schedule for the conduct of business coming before the 2017 Regular Session of the General Assembly of Virginia. RULES adopted, agreed to by Senate

**\*\*HJ 556 (Cox) General Assembly; 2018 Session prefiling schedule.** Establishes a schedule for the prefiling period for the 2018 Regular Session of the General Assembly of Virginia. RULES adopted; agreed to by Senate

**x\*SB 795 (Sturtevant) 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 division may exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act. LOCAL GOVERNMENT reported PASSED SENATE House COUNTIES CITIES TOWNS *subcommittee recommends tabling*

**\*\*SB 1558 (Petersen) Blanket surety bonds; proof of coverage of local officer.** Allows a local officer required to give bond to provide confirmation from the Division of Risk Management that such officer is included in a blanket surety bond. Current law requires the officer to provide an extract of the master surety bond as proof of coverage. LOCAL GOV reported PASSED SENATE House COUNTIES CITIES TOWNS reported. PASSED HOUSE

## **ANIMALS AND ANIMAL CONTROL**

**\*\*HB 1477 (Orrock) 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. AGR, CHES, NATURAL RESOURCES reported, amended – ordinance may require the animal to be fitted with a permanent identifying microchip. PASSED HOUSE reported PASSED HOUSE Senate AGR, reported, PASSED SENATE

**\*\*HB 2381 (Fariss) Dangerous dogs.** Removes the requirement that a law-enforcement officer or animal control officer apply for a summons requiring a dog owner to appear before a general district court when the officer has reason to believe that the dog is dangerous. In the case of a dog that has bitten a cat or dog, the bill requires investigation by an officer for certain exemptions from the definition of "dangerous dog" to apply and removes an exemption for good cause as determined by a court. In the case of a dog that has bitten a person, the bill creates an exemption when an investigating officer finds that the injury is minor and allows a court to use good cause as a reason to determine that a dog is not dangerous. The bill also reduces from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions. The bill contains technical amendments. AGR CHES NATURAL RESOURCES reported PASSED HOUSE Senate AGR reported. PASSED SENATE

**x\*SB 801 (Stanley) Public animal shelters; dogs; euthanasia.** 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. AGR, CONSERVATION, NATURAL RESOURCES reported, referred to FINANCE reported PASSED SENATE House AGR *left in committee*

**\*\*SB 852 (Stanley) Pet shops; procurement of dogs from unlicensed dealers.** Prohibits any companion animal dealer who is not licensed by the U.S. Department of Agriculture from selling any dog to a pet shop. AGR, CONSERVATION, NATURAL RESOURCES reported, PASSED SENATE House AGR

**\*\*SB 856 (Hanger) 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.

AGR, CONSERVATION, NATURAL RESOURCES reported, PASSED SENATE House AGR reported PASSED HOUSE reported. PASSED HOUSE

**\*\*SB 1204 (Lewis) Sale of dog or cat not obtained from releasing agency or animal rescue.**  
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. AGR, CONSERVATION, NATURAL RESOURCES reported PASSED SENATE House AGR reported PASSED HOUSE

## **BUDGET BILLS**

**HB 1500 (Jones) Budget Bill.** Amends Chapter 780, 2016 Acts of Assembly.

**SB 900 (Norment) Budget Bill.** Amends Chapter 780, 2016 Acts of Assembly.

## **BUILDING AND FIRE CODES**

**\*\*HB 1404 (Cole) 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. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

**\*\*SB 812 (Marsden) Board for Asbestos, Lead, and Home Inspectors; home inspections; required statement related to the presence of yellow shaded corrugated stainless steel tubing.**  
Provides that whenever a home inspector observes the presence of any shade of yellow shaded corrugated stainless steel tubing during a home inspection, his observation must be included in the inspection report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product can only be determined by a licensed electrical contractor." GENERAL LAWS AND TECHNOLOGY reported PASSED SENATE House GEN LAWS reported PASSED HOUSE

**\*SB 1054 (Stuart) Activation of fire alarms; reimbursement of expenses; penalty.** 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. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

## **CHILD WELFARE, HUMAN SERVICES**

**\*\*HB 1451 (Farrell) Department of Social Services; survey for children aging out of foster care.**  
Directs the Department of Social Services to, in coordination with the Commission on Youth, develop a process and standardized survey to gather feedback from children aging out of foster care. HEALTH WELFARE INSTITUTIONS reported PASSED HOUSE, Senate RULES reported PASSED SENATE

**\*\*HB 1456 (Albo) Custody and visitation orders; parenting time.** Provides that, in any case or proceeding involving the custody or visitation of a child, at the request of a parent to such case or proceeding the court may, for good cause shown, use the phrase "parenting time" instead of the term

"visitation" in any order entered pursuant to such case or proceeding. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

**\*\*HB 1491 (Hope) Background checks; exceptions; sponsored living and shared residential service providers.** Allows a provider licensed by the Department of Behavioral Health and Developmental Services to approve as a sponsored residential service provider or to permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. The bill also allows a provider to approve a person as a sponsored residential service provider if any adult living in the home of an applicant or any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. HEALTH WELFARE INSTITUTIONS reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*\*HB 1568 (Orrock) Child care providers; criminal history background check; penalty.** 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. HEALTH WELFARE INSTITUTIONS reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate REHAB reported PASSED SENATE

**\*\*HB 1580 (Campbell) Possession of child pornography by employees of the Department of Social Services.** 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. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

**\*\*HB 1586 (Campbell) Court-ordered custody and visitation arrangements; transmission of order to child's school.** Requires the court to transmit a custody or visitation order to the school at which the child is enrolled. The bill further requires the court to transmit the order to the school at which the child will be enrolled if the custody determination affects the child's school enrollment. COURTS OF JUSTICE PASSED HOUSE Senate COURTS OF JUSTICE reported. PASSED SENATE

**\*\*HB 1604 (Bell) Foster care; reasonable efforts to prevent removal of child.** 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. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

**\*\*HB 1922 (Bell) Financial exploitation of adults; reporting to local law enforcement and State Police.** Clarifies that all cases involving suspected financial exploitation of an adult shall be immediately

referred to local law enforcement for investigation and provides that in cases of suspected financial exploitation of an adult in which losses to the adult are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline also shall immediately refer the matter and all relevant documentation to the State Police for investigation. HEALTH WELFARE INSTITUTIONS reported PASSED HOUSE Senate REHAB reported PASSED SENATE

**\*\*HB 1945 (Peace) Adult exploitation.** Broadens the definition of "adult exploitation" for the purposes of social services laws to include the unauthorized, improper, or fraudulent use of an adult or his funds, property, benefits, or other assets for another's benefit or that deprives the adult of his rightful use of or access to such funds, property, benefits, or other assets. The bill provides that "adult exploitation" includes (i) a breach of a fiduciary obligation to an adult to his detriment or a failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, harassment, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage. In addition, the requirement that such adult be incapacitated is removed from the definition. The bill also broadens the definition of "financial institution staff" for the purposes of protecting aged or incapacitated adults to include any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company. HEALTH WELFARE INSTITUTIONS reported, referred to APPROPRIATIONS, reported PASSED HOUSE Senate REHAB reported PASSED SENATE

**\*\*HB 2092 (LaRock) Application for public assistance; eligibility; review of records.** Requires entities processing applications for medical assistance and other public assistance to conduct a review of death records and records relating to incarceration status, employment status, and income of the applicant to determine whether the applicant is eligible for assistance and to review the records of the Virginia Lottery to determine whether the applicant has received any winnings from the Virginia Lottery that may constitute income or resources for purposes of determining eligibility for medical assistance or public assistance. HEALTH WELFARE INSTITUTIONS reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate REHAB reported, referred to FINANCE reported. PASSED SENATE

**\*\*HB 2207 (Robinson) Food stamp program; excessive requests for replacement of electronic benefit transfer card.** Requires the Department of Social Services (Department) to monitor all requests for replacement of electronic benefit transfer (EBT) cards issued to food stamp program recipients. The bill provides that a request for replacement of an EBT card shall be deemed excessive if a food stamp program recipient or a member of his household has made four such requests within 12 months prior to the request. The bill requires the Department, upon receipt of a fourth request for replacement of an EBT card within a 12-month period, to give written notice to the recipient household that it has reached the threshold allowance for replacement requests, its account is being monitored for suspicious activity, and future replacement requests will require contact with the Department to provide an explanation before a replacement card will be issued. The bill requires the Department, upon receipt of a fifth replacement request within a 12-month period, to give written notice to the recipient household that it has exceeded the threshold allowance for replacement requests and that the replacement EBT card is being withheld until the household contacts the Department to provide an explanation for the high volume of replacement requests. The bill provides the terms under which a replacement card will be issued or withheld, delineates factors that require the Department to investigate excessive card replacement requests, and sets forth requirements for notices sent under the provisions of the bill. HEALTH WELFARE INSTITUTIONS reported PASSED HOUSE Senate REHAB reported, referred to FINANCE. reported. PASSED SENATE

**\*\*HB 2279 (Hester) Child-protective services; complaints involving members of the United States Armed Forces.** Requires local departments of social services to transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information, but are only required to transmit information regarding founded complaints or family assessments. HEALTH WELFARE INSTITUTIONS reported PASSED HOUSE Senate REHAB reported PASSED SENATE

x\*SB 861 (Surovell) **Preliminary protective orders; contents of order.** Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings. COURTS OF JUSTICE reported PASSED SENATE. House COURTS OF JUSTICE *tabled in committee*

\*\*SB 868 (Favola) **Child protective services; investigation of complaints of child abuse or neglect where child is one year of age or younger.** Requires local departments of social services to investigate all reports and complaints that allege suspected abuse or neglect of a child one year of age or younger. REHAB AND SOCIAL SERVICES reported as substitute: Board to promulgate regulations requiring DSS response within 24 hours of CPS complaint relating to a child younger than 2. Referred to FINANCE reported PASSED SENATE House HEALTH reported, referred to APPROPRIATIONS reported PASSED HOUSE

\*\*SB 1164 (Reevs) **Child-protective services; complaints involving members of the United States Armed Forces.** Requires local departments of social services to transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information, but are only required to transmit information regarding founded complaints or family assessments. REHAB AND SOCIAL SERVICES reported, PASSED SENATE House HEALTH reported PASSED SENATE

x\*SB 1199 (Favola) **Rights of blind parents.** 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. COURTS OF JUSTICE reported as substitute PASSED SENATE House COURTS OF JUSTICE *subcommittee recommends tabling*

\*\*SB 1462 (Pike) **Financial exploitation of adults.** Removes the requirement that financial losses resulting from suspected financial exploitation of an adult are suspected to be greater than \$50,000 in order for the case to be referred to a local law-enforcement agency. REHAB AND SOCIAL SERVICES reported PASSED SENATE House HEALTH reported. PASSED HOUSE

## CONFLICTS OF INTEREST ACT

\*\*HB 1854 (Gilbert) **Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments.** 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).  
GENERAL LAWS referred to COURTS OF JUSTICE PASSED HOUSE Senate RULES reported  
PASSED SENATE

## COURTS

**\*\*HB 1515 (Leftwich) Circuit court clerks; electronic transfer of certain documents.** Permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

**x\*HB 1589 (Campbell) Order of publication; use of electronic medium.** Provides that a court may direct that an order of publication be electronically posted using an electronic medium chosen by the court. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported; *defeated by Senate*

**\*\*HB 1609 (Leftwich) Nurse practitioner as expert witness; scope of activities.** References the specific Code section outlining the scope of a nurse practitioner's activities in the context of the current provision that authorizes a nurse practitioner to testify as an expert witness within the scope of his activities. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported. PASSED SENATE

**\*\*HB 1811 (Loupassi) Initial hearings on a summons for unlawful detainer; plaintiff's possession of property at initial return date; immediate issuance of writs of possession in certain case judgments; written notice of satisfaction rendered in a court not of record.** Provides that, if an initial hearing on a summons for unlawful detainer cannot be held within 21 days from filing, it may not be held later than 30 days from such filing. The bill requires the court to award a money judgment for any amounts contracted for in a rental agreement on the date of the hearing. The bill allows a plaintiff to continue an unlawful entry and detainer case for up to 120 days from the return date to establish final rent and damages, regardless of whether a judgment for possession is entered or writ for possession issued on the return date. The bill further clarifies types of judgments for which a writ of possession may be immediately executed. The bill also removes certain requirements for a written notice of satisfaction of judgment rendered in a court not of record. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported. PASSED SENATE

**\*\*HB 1816 (Minchew) Demurrers; amended pleadings.** Requires that an amended pleading filed after a demurrer to an earlier pleading has been sustained incorporate or refer to the earlier pleading being amended in order to preserve the right to stand on the earlier pleading. This bill is a recommendation of the Boyd-Graves Conference. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported. PASSED SENATE

**\*\*HB 2035 (Miller) Electronic filing of land records; fee for paper filing.** 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. COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE reported. PASSED SENATE

**\*\*SB 870 (Stuart) Electronic filing of land records; fee for paper filing.** 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. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported PASSED HOUSE

**\*SB 946 (Obenshain) Appeal to Supreme Court; time frame for filing of petition.** Expresses the time frame within which petitions for appeal from a final judgment of a trial court or the State Corporation Commission to the Supreme Court shall be filed, currently expressed in months, in an equivalent number of days. This bill is a recommendation of the Judicial Council. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

**\*SB 947 (Obenshain) Petition for appeal to Supreme Court; time period within which petition must be presented.** Authorizes the Supreme Court of Virginia to grant a 30-day extension of the deadline for presentation of the petition for appeal in all cases for good cause shown. Under current law, the Court may grant an extension in criminal cases only. The bill also converts all time periods expressed as months to equivalent days to reduce any ambiguity. This bill is a recommendation of the Judicial Council of Virginia. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

## ECONOMIC DEVELOPMENT

**\*\*HB 1591 (James) Virginia Economic Development Partnership Authority; site and building assessment program; minimum size of industrial sites.** Lowers the minimum size of industrial sites that may be included in the Authority's site and building assessment program from 250 acres to 100 acres. The bill contains a technical amendment. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported PASSED SENATE

**\*\*SB 976 (Hanger) Virginia Economic Development Partnership Authority; site and building assessment program; minimum size of industrial sites.** Lowers the minimum size of industrial sites that may be included in the Authority's site and building assessment program from 250 acres to 100 acres. The bill contains a technical amendment. LOCAL GOV reported PASSED SENATE House GENERAL LAWS reported PASSED HOUSE

## EDUCATION

**\*\*HB 1392 (Lingamfelter) School security officers; carrying a firearm in performance of duties.** Authorizes a school security officer to carry a firearm in the performance of his duties if (i) he is a retired law-enforcement officer who retired or resigned in good standing, (ii) he has met the additional training and certification requirements of the Department of Criminal Justice Services (DCJS), (iii) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the officer, and (iv) the local school board grants him the authority to carry a firearm in the performance of his duties. The bill requires DCJS to establish additional firearms training and certification requirements for school security officers who carry a firearm in the performance of their duties. Existing law requires DCJS to establish minimum training and certification requirements for school security officers. EDUCATION reported PASSED HOUSE Senate COURTS OF JUSTICE reported, referred to FINANCE reported. PASSED SENATE

**\*\*HB 1400 (Bell) Virginia Virtual School established.** 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. EDUCATION reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate EDUCATION reported. Referred to FINANCE. reported. PASSED SENATE

**\*\*HB 1408 (Ware) Student vision screenings.** Requires (i) the principal of each public elementary school to cause the vision of students in kindergarten and grade two or grade three to be screened by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program, unless such students are admitted for the first time to a public elementary school and have been so tested as part of the comprehensive physical examination required by law or the parents or guardians of such students object on religious grounds and the students show no obvious evidence of any defect or disease of the eyes, and (ii) the principal of each public middle school and high school to cause the vision of students in grade seven and grade 10 to be screened by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program, unless the parents or guardians of such students object on religious grounds and the students show no obvious evidence of any defect or disease of the eyes. The bill requires the scheduling of such vision screenings to be completed no later than the sixtieth administrative working day of the school year. The bill defines "qualified nonprofit vision health organization" and "comprehensive vision program." Under current law, the timing and frequency of such vision screenings is determined by the Board of Education pursuant to regulations, and the method and provider of such vision screenings is determined by the local school board. EDUCATION reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*\*HB 1414 (Austin) End-of-course and end-of-grade assessments; partial credit.** Provides that when any end-of-course or end-of-grade assessment is scored, any student who provides a correct answer on at least one part of a multipart assessment question shall be awarded the appropriate amount of partial credit for such question. EDUCATION reported, amended: now calls only for a study PASSED HOUSE Senate EDUCATION reported with amendments. PASSED SENATE

**\*\*HB 1437 (Head) Sight and hearing testing of public school students; exception.** Excludes from the requirement that the sight and hearing of public school students be tested any student who has any defect of vision or hearing or disease of the eyes or ears that requires the use of a corrective or supplemental device as set forth in the student's Individualized Education Program. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH reported. PASSED SENATE

**\*HB 1490 (R. Marshall) School board members who engage in war service or are called to active duty in the Armed Forces of the United States; appointment of acting school board members.** Requires each school board member who is relieved from the duties of his office by reason of engaging in the war service of the United States when called forth by the Governor or being called to active duty in the Armed Forces of the United States to (i) designate some suitable person to perform the duties of such office as acting school board member during the period in which the regular school board member is engaged in such war service or active duty or (ii) submit to the school board a list of names of suitable persons to perform the duties of such office as acting school board member during the period in which the regular school board member is engaged in such war service or active duty, in which case the school board is required to appoint an acting school board member from such list of names. The bill provides that during such period, the acting school board member shall be vested with all the powers, authority, rights, and duties of the regular school board member for whom he is acting. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH reported.

**\*\*HB 1534 (Bell) Student discipline; long-term suspension.** Reduces the maximum length of a long-term suspension from 364 calendar days to 90 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. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 1536 (Bell) Public schools; student discipline.** Prohibits students in preschool through grade three from being suspended or expelled long-term unless the offense involves weapons, sexual behavior, or serious bodily injury. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 1552 (Bulova) Local school boards; student and parent notification; career and technical education programs.** Requires each local school board to implement a plan to notify students and their parents of the availability of career and technical education programs. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH reported PASSED SENATE

**Veto \*\*HB 1578 (Bell) (Tebow bill, again) Students who receive home instruction; participation in interscholastic programs.** 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. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE *vetoed*

**\*\*HB 1605 (LaRock) Parental Choice Education Savings Accounts established.** 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. EDUCATION reported referred to APPROPRIATIONS reported PASSED HOUSE Senate EDUCATION reported, referred to FINANCE, reported. PASSED SENATE

**\*\*HB 1709 (Filler-Corn) School boards; policies and procedures prohibiting bullying; parental notification.** 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. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH Senate EDUCATION reported. PASSED SENATE

**\*\*HB 1770 (Freitas) Teacher licensure; career and technical education; certain local waivers.** Permits each local school board or division superintendent to waive certain enumerated licensure requirements for any teacher seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH reported PASSED SENATE

**\*\*HB 1829 (Dudenhefer) Teacher licensure; certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators; hands-on practice.** Specifies that the certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators that is required of every person seeking initial licensure or renewal of a license as a teacher shall include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 1888 (Hugo) 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. TRANSPORTATION reported PASSED HOUSE Senate TRANSPORTATION reported PASSED SENATE

**\*\*HB 1924 (Bagby) Public schools; suspensions.** Directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**x\*HB 1983 (Greason) School calendar; opening day of the school year.** 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. EDUCATION reported PASSED HOUSE Senate ED AND HEALTH *PBI in committee*

**x\*HB 2007 (Bell) Students who receive home instruction; dual enrollment courses.** Requires each school board to permit any student who receives home instruction and resides in the local school division to apply for enrollment as a part-time student of the local school division in any dual enrollment course offered pursuant to an agreement for postsecondary degree attainment at a public high school in the local school division or at the comprehensive community college. The bill specifies that no such student shall be required to pay more in tuition or fees than the tuition or fees paid by public school students to enroll in such course. EDUCATION reported PASSED HOUSE Senate EDUCATION reported, referred to FINANCE *defeated in committee, 8-8.*

**\*\*HB 2140 (LeMunyon) Teacher turnover; exit questionnaire.** Requires the Superintendent of Public Instruction, in order to track and make public the rate of and reasons for teacher turnover, to develop and provide to local school divisions an exit questionnaire for teachers; require each school board to administer such questionnaire to each exiting teacher and to provide the results of each such questionnaire to the Department of Education; and report annually to the Governor, the House Committee on Education, and the Senate Committee on Education and Health the rate of and reasons for teacher turnover based on the results of such questionnaires. EDUCATION reported as substitute: DOE to develop pilot program for such a questionnaire PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**x\*HB 2142 (LeMunyon) Redesigned high school graduation requirements; Adds the following to graduation requirements:** *5. Require students to earn at least one verified credit in each of the following subjects: mathematics, reading, writing, science, and history and social science. Such verified credit shall be earned by a student achieving a passing score on (i) the associated end-of-course Standards of Learning assessment, provided that a portion of any such end-of-course Standards of Learning assessment in history and social science may include a performance assessment relating to skills in critical thinking; (ii) any nationally or internationally recognized high school academic assessment, industry certification, state licensure examination, or national occupational competency assessment approved by the Board pursuant to subdivision 13; or (iii) in the case of a student with a disability for whom such an assessment is appropriate, an alternate, alternative, or substitute assessment approved by the Board.* EDUCATION reported PASSED HOUSE Senate EDUCATION *stricken at patron's request*

**\*\*HB 2174 (Murphy) School boards; pupil/teacher ratios; class size limits; public report.** 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. EDUCATION reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*\*HB 2191 (Landes) School boards; procedures; sexually explicit instructional materials or related academic activities.** "The selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling ~~challenged~~ controversial instructional materials, including procedures for (i) notifying, at the beginning of each school year and at such times as an additional notification may become necessary during the school year, 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. As used in this subdivision, "sexually explicit content" means content that involves any criminal sexual assault defined and punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;"* EDUCATION reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE House agrees to Senate amendments

**\*\*HB 2218 (Miyares) Public charter school applications and charter agreements; review by the Board of Education.** Permits the Board to remand to a school board for further consideration any denied public charter school application or revoked or nonrenewed charter agreement in any school division in which at least half of the schools receive funding pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended, upon finding insufficient rationale for such denial, revocation, or nonrenewal based on documentation submitted to the Board by the school board. EDUCATION reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*\*HB 2257 (Filler-Corn) High school family life education curricula; elements of effective and evidence-based programs on consent.** Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on consent. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 2282 (Leftwich) Certain school board employees; training on the prevention of trafficking of children.** Requires each school board to ensure that each guidance counselor and school nurse that it employs receives training on the prevention of trafficking of children using awareness and training materials provided by the Board of Education and the Department of Social Services. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 2332 (Tyler) Teacher compensation; goal.** Adds to the stated goal of the Commonwealth for teacher compensation that its public school teachers be compensated at a rate that is competitive with the national average teacher salary. EDUCATION reported PASSED HOUSE Senate EDUCATION reported, referred to FINANCE, reported. PASSED SENATE

**\*\*HB 2342 (Landes) Public schools; regional charter school divisions.** 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. EDUCATION reported, referred to APPROPRIATIONS, reported PASSED HOUSE Senate EDUCATION reported. Referred to FINANCE reported. PASSED SENATE

**\*\*HB 2352 (Freitas) Teacher licensure by reciprocity; professional teacher's assessments.** Exempts from any professional teacher's assessment requirements any individual who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed. EDUCATION reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*HB 2354 (Rush) Conflicts of interest; school board employees.** Eliminates the prohibitions against any division superintendent recommending for employment and any school board employing or paying any teacher or other school board employee who is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the division superintendent or any member of the school board. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported.

**\*\*HB 2355 (Pogge) Students receiving home instruction; participation in Advanced Placement and Preliminary SAT/National Merit Scholarship Qualifying Test examinations.** Requires school boards to (i) make Advanced Placement (AP) and Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examinations available to students receiving home instruction, (ii) adopt written policies that specify the date by which such students shall register to participate in such examinations, and (iii) notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations. EDUCATION reported PASSED HOUSE Senate EDUCATION reported PASSED SENATE

**\*\*HB 2395 (Cline) Public schools; dyslexia advisor.** Requires one reading specialist employed by each local school board to have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and to serve as an advisor on dyslexia and related disorders. EDUCATION reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate EDUCATION reported. PASSED SENATE

**\*\*SB 829 (Wexton) Public schools; suspensions.** Directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION reported. PASSED HOUSE

**\*SB 951 (Ruff) School service providers; student access to collected personal information.** Requires school service providers to provide each student or his parent with access to a downloadable electronic copy of any student personal information pertaining to such student that has been collected, maintained, used, or shared by the school service provider. The bill requires such electronic copy to be in a machine-readable format. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION reported

**x\*SB 1017 (Barker) School attendance officer; powers and duties.** Authorizes a school attendance officer or local school division superintendent or his designee acting as an attendance officer to complete, sign, and file petitions and motions for the enforcement of certain orders entered by a juvenile and domestic relations district court. The bill also provides that a nonattorney attendance officer or local school division superintendent or his designee acting as an attendance officer performing the powers and duties of an attendance officer is not considered the practice of law. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION *subcommittee recommends tabling*

**x\*SB 1082 (Wexton) School principals; incident reports.** Eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. EDUCATION AND HEALTH reported as a substitute PASSED SENATE House EDUCATION *subcommittee failed to recommend reporting*

**\*\*SB 1116 (McPike) Certain public school employees; assistance with student insulin pumps.** Authorizes public school employees who are a registered nurse, LPN, or certified nurse aide to assist students who are diagnosed with diabetes and carry insulin pumps with the insertion or reinsertion of the insulin pump or any of its parts. The bill also provides liability protection for such employees. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION reported. PASSED HOUSE

**\*SB 1117 (McPike) School counselors; licensure.** Requires every person seeking initial licensure or renewal of a license with an endorsement as a school counselor to complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION reported

**\*\*SB 1159 (Reeves) Public schools; career and technical education credential.** Provides that the career and technical education credential, when required for high school graduation, adult education, or an alternative education plan, may be satisfied with the successful completion of the Armed Services Vocational Aptitude Battery. Under current law, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness

skills assessment satisfies such credential. ED AND HEALTH reported PASSED SENATE House EDUCATION reported. PASSED HOUSE

**\*\*SB 1240 (Dunnivant) Virginia Virtual School established.** 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. EDUCATION AND HEALTH reported refer to FINANCE reported PASSED SENATE House EDUCATION, reported., referred to APPROPRIATIONS, reported. PASSED HOUSE

**x\*SB 1356 (Locke) Informal truancy plans.** Provides that a student may have multiple discretionary diversions for truancy so long as no previous diversion occurred during the same school year. The bill extends the time frame for an informal truancy plan from 90 days to 120 days. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE *subcommittee failed to recommend reporting*

**\*SB 1359 (McPike) Local school boards; school buildings; potable water; lead testing.** Requires each local school board to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority as often as is required of the supplying public water system by the Virginia Department of Health's Office of Drinking Water, giving priority in such testing plan to schools whose school building was constructed, in whole or in part, before 1986. The bill requires such plan and the results of each such test to be posted on the local school board's website and transmitted to and archived by the Virginia Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 20 parts per billion, the school board shall develop, implement, and post on its website a plan to remediate the level of lead in the potable water to below 20 parts per billion and confirm such remediation by retesting the water at two consecutive six-month intervals. EDUCATION AND HEALTH reported PASSED SENATE House EDUCATION reported

**\*\*SB 1414 (Newman) Students receiving home instruction; participation in Advanced Placement and Preliminary SAT/National Merit Scholarship Qualifying Test examinations.** Requires school boards to (i) make Advanced Placement (AP) and Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examinations available to students receiving home instruction, (ii) adopt written policies that specify the date by which such students shall register to participate in such examinations, and (iii) notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations. ED AND HEALTH reported PASSED SENATE House EDUCATION, reported. PASSED HOUSE

**\*SB 1475 (McClellan) Family life education; curriculum guidelines and curricula.** Makes changes to family life education curriculum guidelines and curricula, including (i) requiring family life education curriculum guidelines to include instruction as appropriate for the age of the student in the benefits, challenges, responsibilities, and value of family relationships for men, women, children, and communities; (ii) amending the definition of "abstinence education" for the purposes of such curriculum guidelines; and (iii) permitting the age-appropriate elements of effective and evidence-based programs on sexual violence that are required to be incorporated into any high school family life education curriculum offered by a local school division to include instruction that increases student awareness of the fact that consent is required before sexual activity. ED AND HEALTH reported PASSED SENATE House EDUCATION reported

**\*\*SB 1516 (Black) Public schools; dyslexia advisor.** Requires one reading specialist employed by each local school board to have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and to serve as an advisor on dyslexia and related disorders. ED AND HEALTH reported PASSED SENATE House EDUCATION, reported. PASSED HOUSE



**\*\*SB 1523 (Mason) Teacher turnover; exit questionnaire. Add to Code of VA 22.1-23:** *In order to track and make public the rate of and reasons for teacher turnover, develop and provide to local school divisions a model exit questionnaire for teachers; require each school board to administer such questionnaire to each exiting teacher and to provide the results of each such questionnaire to the Department of Education; and report annually to the Governor, the House Committee on Education, and the Senate Committee on Education and Health the rate of and reasons for teacher turnover based on the results of such questionnaires;* ED AND HEALTH reported, sent to FINANCE, reported, amended only to require a pilot program PASSED SENATE House EDUCATION reported. PASSED HOUSE

**\*\*SB 1583 (Suetterlein) Teacher licensure; career and technical education; certain local waivers.** Permits each local school board or division superintendent to waive certain enumerated licensure requirements for any teacher seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education. ED AND HEALTH reported PASSED SENATE House EDUCATION reported PASSED HOUSE

## ELECTIONS

**x\*HB 1399 (Cole) State Board of Elections and local electoral boards; appointments; proportion of political party representation.** 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 the same party as a majority in the House, and one shall be of the same party as a majority in the Senate, and the third shall be of the same party as the Governor. If all three are of the same party, then one shall be of the party as the person receiving the second most votes for Governor. 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. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. *Defeated by Senate*

**x\*HB 1409 (Cole) House of Delegates and Senate district boundaries.** Authorizes the General Assembly to make technical adjustments to legislative districts subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precincts. Any adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. *Recommitted to committee, left in committee*

**\*\*HB 1428 (Fowler) 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. PRIVILEGES AND ELECTIONS reported, sent to APPROPRIATIONS reported, referred to APPROPRIATIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. PASSED SENATE

**\*\*HB 1431 (Cole) Third-party registration groups; registration, disclosure, and recordkeeping requirements; compensation prohibition.** The bill prohibits the compensation of volunteers and employees on a per-application basis. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. PASSED SENATE

x\*HB 1598 (Cole) **Voter registration; proof of citizenship required to register to vote in certain elections.** Requires persons applying to register to vote to provide proof of United States citizenship. An applicant who does not provide such proof of citizenship shall be registered to vote in federal elections only. An applicant who does provide such proof of citizenship shall be registered to vote in federal, state, and local elections. The bill provides that any person who is registered in the Commonwealth on January 1, 2018, will be deemed to have provided proof of citizenship. The bill directs the general registrars to indicate on each registered voter's registration record whether such voter is registered to vote in federal, state, and local elections or in federal elections only. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. Recommitted to committee *left in committee*

\*\*HB 1912 (Yost) **Absentee voting; eligibility of persons granted protective order.** 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. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. PASSED SENATE

\*\*HB 2179 (Sickles) **Form of ballot; order of independent candidates.** Provides that when there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, this order applies only to the names of candidates for school board, and the names of all other independent candidates appear alphabetically. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. PASSED SENATE

\*\*HB 2343 (Bell) **Voter registration list maintenance; voters identified as having duplicate registrations.** Requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state. The bill requires the general registrars, upon receipt of such lists, to send notice to the voter and provide a postage prepaid, pre-addressed return card by which the voter may state his current address and verify or dispute the out-of-state registration record. The general registrars are also required to contact the registration official of the state of the out-of-state registration record to request a copy of the voter's registration record in that state. If a voter returns the return card confirming his move from the Commonwealth or verifying his out-of-state registration record, or if the registration official provides a copy of the voter's registration record in that state and such record is dated subsequent to the voter's registration record in the Commonwealth, the bill requires the general registrars to cancel the voter's registration record. If a voter returns the return card confirming his address within the city or county of his registration or disputing the out-of-state registration record, the general registrar is required to so notify the registration official of the state of the voter's out-of-state registration record. If no return card is received within 30 days after the general registrar sends notice to the voter, the bill requires the general registrar to place the voter's name on inactive status in accordance with state and federal law. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported. PASSED SENATE

x\*SB 845 (Howell) **Absentee voting; eligibility of certain caregivers.** 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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS *subcommittee recommends passing by*

\*\*SB 864 (Stuart) **Electoral board appointments; chief judge of the judicial circuit or his designee to make appointment.** 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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 872 (Chase) 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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 960 (Spruill) Absentee ballots; expediting the counting of absentee ballots returned by mail prior to election day.**

Provides that if a general registrar has opted to expedite the counting of absentee ballots returned by mail by opening the sealed ballot envelopes in accordance with law, the requirement that the absentee ballot return envelope and unopened ballot envelope be deposited into an appropriate container does not apply. Current law contains a contradiction that absentee ballot return envelopes and unopened ballot envelopes are to be deposited into an appropriate container while also allowing the sealed ballot envelopes to be opened so that they may be inserted into a ballot scanner machine or other secure ballot container. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 961 (Spruill) Absentee voting; processing of rejected absentee ballots.**

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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 1104 (Surovell) Form of ballot; order of independent candidates.**

Provides that when there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, this order applies only to the names of candidates for school board, and the names of all other independent candidates appear alphabetically. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 1105 (Obenshain) Reports of registered voters and persons voting at elections.**

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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*SB 1253 (Obenshain) 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 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. PRIVILEGES AND ELECTIONS reported, referred to FINANCE reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported. Referred to APPROPRIATIONS reported, referred to APPROPRIATIONS reported.

**\*\*SB 1254 (Obenshain) 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. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**x\*SB 1441 (Sturtevant) Absentee voting; eligibility of persons whose polling place prohibits firearms.** Entitles any person who may otherwise lawfully carry a firearm to vote absentee if his polling place is located in a building or on property where such possession is prohibited by law or is prohibited by the owner of private property. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS *subcommittee recommends tabling*

**\*\*SB 1455 (Black) Payments for registering to vote; penalties.** Provides that any person who gives, offers, or promises any payment to another in exchange for that person registering to vote is guilty of a Class 5 felony. A person who solicits or accepts any payment from another in exchange for his registering to vote is guilty of a Class 1 misdemeanor. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**\*\*SB 1467 (Marsden) Central absentee voter precincts; expedited counting of absentee ballots.** 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. PRIVILEGES AND ELECTIONS PASSED SENATE House PRIVILEGES AND ELECTIONS reported. PASSED HOUSE

**\*\*SB 1552 (Newman) Ballots; number ordered to be printed.** Requires the general registrars to consider the number of active registered voters and historical election data, including voter turnout, when determining the number of ballots to order to be printed for an election. The bill also requires the general registrars to order additional ballots when directed by the Department of Elections to do so. Currently, the Department has the authority to direct the general registrars to order additional ballots, but there is no statutory requirement that the general registrar do so. PRIVILEGES AND ELECTIONS reported PASSED SENATE with amendments House PRIVILEGES AND ELECTIONS reported PASSED HOUSE

**x\*SB 1571 (Peake) Special elections; provisional ballots; determination of results.** Provides that in the case of a special election, the local electoral boards shall ascertain the results of the election, make out the abstract of votes, and make out the certificate of election regardless of any provisional ballots whose validity is yet to be determined, unless the number of outstanding provisional ballots is sufficient to change the outcome of the election. The bill requires the State Board of Elections to ascertain the results of the special election in the same manner. The bill also provides that in the case of special elections, the local electoral boards shall meet to process the provisional ballots regardless of any state or federal holiday. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS *subcommittee recommends tabling*

**\*SB 1585 (Suetterlein) Form of ballot; party identification of candidates.** Provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS reported.

**x\*SJ 223 (Norment) Constitutional amendment (first resolution); qualification of voters and executive clemency.** Provides that the civil rights of a person convicted of any nonviolent felony, as defined by the General Assembly, shall be restored upon his completion of service of his sentence and any modification of that sentence, including any period or condition of probation, parole, or suspension of sentence, and his payment in full of any restitution, fines, costs, and fees assessed against him as a result of the conviction. The amendment also eliminates the power of the Governor to remove political disabilities.

PRIVILEGES AND ELECTIONS reported as substitute AGREED House PRIVILEGES AND ELECTIONS  
*left in committee*

x\***SJ 290 (Howell) Constitutional amendment (first resolution); apportionment; criteria for electoral districts.** Provides the criteria for electoral districts drawn by the General Assembly. The amendment directs that electoral districts are (i) to be composed of contiguous and compact territory, (ii) to be drawn utilizing existing political boundaries, and (iii) to be as nearly equal in population as is practicable but with variations in the size of districts permitted in order to comply with other reapportionment criteria. The amendment prohibits electoral districts being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. The amendment authorizes the General Assembly to provide additional standards, definitions, or guidance in order to facilitate the objective interpretation and application of such criteria. PRIVILEGES AND ELECTIONS reported ADOPTED House PRIVILEGES AND ELECTIONS *subcommittee recommends passing by*

## EMERGENCY SERVICES

\*\***HB 1719 (Anderson) Wireless E-911 Fund; distribution percentages.** 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. COMMERCE AND LABOR reported PASSED HOUSE Senate COMMERCE reported. PASSED SENATE

\***SB 867 (Stuart) Lien against person whose negligence causes injury; emergency medical services agency.** 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. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

\*\***SB 1003 (Ebbin) Wireless E-911 Fund; distribution percentages.** 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. COMMERCE AND LABOR reported PASSED SENATE House COMMERCE AND LABOR reported PASSED HOUSE

## EMINENT DOMAIN

\*\***HB 2024 (Freitas) 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). COURTS OF JUSTICE reported as substitute: *only requires 15-day notice to owner prior to filing the certificate, and notice to tenant following filing of certificate.* PASSED HOUSE Senate COURTS OF JUSTICE reported PASSED SENATE

\***SB 927 (Peterson) Eminent domain; timing for initiation of "quick-take" condemnation procedure and petition for determination of just compensation.** 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. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

**\*SB 1153 (Obenshain) Inverse condemnation proceeding; reimbursement of owner's costs.**

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. COURTS OF JUSTICE reported PASSED SENATE House COURTS OF JUSTICE reported.

**\*SB 1421 (Mason) 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. TRANSPORTATION reported, amended, rewritten; moved to Title 25.1.,, applies judgment rate of interest, 6% PASSED SENATE House COURTS OF JUSTICE reported.

## EMPLOYEES

**\*\*HB 1457 (Cole) Part-timedeputies; compensation.** Includes like rank and experience as a factor in setting the maximum allowable hourly equivalent compensation paid to part-time deputy sheriffs performing like duties of full-time deputy sheriffs. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 1571 (Farrell) Workers' compensation; fees for medical services.** Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers' Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. The measure also (i) expands the definition of codes, as used in the provision directing the Commission to establish fee schedules for scheduled medical services, to include revenue codes, which are defined in the bill; (ii) clarifies the definition of "HCPCS codes"; (iii) directs the Commission to use the regulatory advisory panel on all matters involving or related to the fee schedule as deemed necessary by the Commission; and (iv) extends the deadline by which the regulatory advisory panel is required to meet, review, and make recommendations to the Commission from July 1, 2017, to July 1, 2018. The bill contains an emergency clause. COMMERCE AND LABOR reported, PASSED HOUSE. Senate COMMERCE AND LABOR reported. PASSED SENATE

**\*HB 2251 (Jones) Virginia Retirement System; optional defined contribution retirement plan.**

Requires the Virginia Retirement System (VRS) to establish an optional defined contribution retirement plan for state and local employees. Participation in the plan is in lieu of other retirement plans offered by VRS. Employees hired on or after July 1, 2019, shall make an irrevocable election whether to participate in the plan. A person who is employed on June 30, 2019, shall make an irrevocable election by October 31, 2019, to participate in the new retirement plan beginning January 1, 2020, in lieu of his retirement plan at the time. If such employee elects to participate in the new plan, his retirement plan at the time of election will be "frozen" and not increase because of compensation earned or years of service earned while participating in the new plan. Under the plan, the employer makes a mandatory contribution in the amount of 8.5 percent of the employee's compensation, and the employee contributes five percent of his compensation. APPROPRIATIONS reported as substitute PASSED HOUSE Senate FINANCE reported.

**x\*SB 783 (Ebbin) Nondiscrimination in public employment.** Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the



basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. GENERAL LAWS AND TECH reported PASSED SENATE House GENERAL LAWS *defeated in subcommittee*

\*SB 936 (Favola) **Constitutional officers; local leave benefits.** Authorizes constitutional officers who have contracted with a county or city to be granted vacation and sick leave under the locality's benefits leave policy instead of the state required leave policy as long as the leave amounts are not less than the state required policy. LOCAL GOVERNMENT reported PASSED SENATE House COUNTIES CITIES TOWNS reported, referred to APPROPRIATIONS reported.

## ENVIRONMENTAL

\*\*HB 1774 (Hodges) **Stormwater and erosion control; local rural development growth areas; best management practices bank.** Directs the State Water Control Board to convene a work group to examine possibilities for stormwater control by "rural localities". . AGR, CHES, NATURAL RESOURCES reported, PASSED HOUSE Senate AGR reported. PASSED SENATE

\*\*HB 2009 (Hodges) **Stormwater and erosion management; administration of program by certified third party.** Authorizes the hiring of certified third-party professionals to administer any or all aspects of a program for the management of stormwater and erosion, including plan review, inspection, and enforcement, on behalf of (i) an erosion and stormwater management program authority, which is the State Water Control Board or a locality approved by the State Water Control Board, or (ii) a stormwater management program authority, which can be a locality, a state entity, or another type of entity. AGR CHES NATURAL RESOURCES reported PASSED HOUSE Senate AGR reported. PASSED SENATE

\*\*SB 1577 (Peake) **Alternative onsite sewage systems; sampling.** Prohibits the State Board of Health's program on alternative onsite sewage systems from requiring effluent sampling from certain alternative onsite sewage systems except in response to a complaint or as part of a random inspection conducted by the Department of Health. ED AND HEALTH reported as a substitute; state to create website to post data to inform public about criteria for opting for an alternative onsite system. PASSED SENATE House HEALTH reported, rewritten to state: **1. § 1. *That the Department of Health shall evaluate the need for 180-day biochemical oxygen demand sampling of small alternative onsite sewage systems that serve no more than three attached or detached single-family residences with a combined average flow of less than or equal to 1,000 gallons per day of residential strength sewage, or a structure with an average daily sewage flow of less than or equal to 1,000 gallons per day of residential strength sewage, and shall report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2017.*** PASSED HOUSE

## FREEDOM OF INFORMATION ACT

\*\*HB 1539 (LeMunyon) **Virginia Freedom of Information Act (FOIA); public access to records of public bodies.** 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). GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported. PASSED SENATE

**\*\*HB 1540 (LeMunyon) Virginia Freedom of Information Act (FOIA); public access to meetings of public bodies.** Revises FOIA's various open meeting exemptions relating to legal matters, litigation, certain museums, and the Virginia Commonwealth University Health System Authority. The bill also (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Science and Technology when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. The bill also clarifies closed meeting procedures. The bill contains numerous technical corrections. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the **HJR 96** FOIA study (2014-2016). GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported. PASSED SENATE

**\*HB 1587 (Campbell) Uniform Statewide Building Code; security of certain records.** 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.). GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported.

**\*HB 1971 (Massie) Virginia Freedom of Information Act; record and meeting exclusions for multidisciplinary child abuse teams.** Excludes the records of a multidisciplinary team as they relate to individual child abuse or neglect cases or sex offenses involving a child from mandatory disclosure under the Virginia Freedom of Information Act. The bill also provides an exemption from open meeting requirements to such teams and sexual assault response teams. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported.

**\*\*HB 2143 (LeMunyon) Virginia Freedom of Information Act (FOIA); training by third parties approved by the Virginia Freedom of Information Advisory Council.** Provides that the Freedom of Information Advisory Council (the Council) may approve third-party instructors to conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act, pursuant to a course curriculum and course materials developed and approved by the Council. The bill provides that such training by third-party instructors approved by the Council shall satisfy the annual training requirement for FOIA officers. The bill requires such third-party instructors, as well as the course curriculum and course materials, to be evaluated for approval by the Council annually. GENERAL LAWS reported, rewritten, names of local FOIA officers to be submitted to Council, with contact information; FOIA Council to publish online. PASSED HOUSE Senate GENERAL LAWS reported. PASSED SENATE

**\*\*HB 2144 (LeMunyon) Virginia Freedom of Information Advisory Council; membership; effect of missing meetings.** Increases the Virginia Freedom of Information Advisory Council from 12 members to 14 members by adding one additional member from the House of Delegates and one additional member from the Senate. The bill also provides that if any nonlegislative citizen member of the Council fails to attend three or more meetings of the Council in a calendar year, the Council shall notify the member's appointing authority, who shall, upon receipt of such notification, remove the member and appoint a successor as soon as possible. GENERAL LAWS reported PASSED HOUSE Senate RULES reported. PASSED SENATE

**\*\*HB 2146 (LeMunyon) Virginia Freedom of Information Act (FOIA); Freedom of Information Advisory Council; online public comment form.** Requires the Freedom of Information Advisory Council to develop an online public comment form to be posted on its official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body. The bill also requires all state public bodies subject to the provisions of FOIA and any county or city, and any town with a

population of more than 250, to post a link on its official public government website to the online public comment form. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported. PASSED SENATE

x\*HB 2402 (Morris) **Virginia Freedom of Information Act; willful violations; grounds for termination.** Provides that if the court finds that any officer or employee of a public body (i) receives a request for records that was sent by a requester by certified mail, return receipt requested, and (ii) without legal excuse or justification, deliberately, willfully, and knowingly fails to make a response to such request, such officer reported or employee may be terminated for cause by his appointing authority or agency head. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS *defeated in committee*

\*\*SB 1040 (Hanger) **Virginia Freedom of Information Act (FOIA); record exclusion for personal contact information; limitation.** Provides that personal contact information provided to a public body is excluded from the mandatory disclosure provisions of FOIA, provided that the person providing such information has requested that the public body not disclose such information. The bill defines "personal contact information" as the home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device. GENERAL LAWS AND TECH reported PASSED SENATE House GENERAL LAWS reported PASSED HOUSE

\*\*SB 1226 (Edwards) **Virginia Freedom of Information Act; Public Procurement Act; proprietary records and trade secrets; solar energy agreements.** Excludes from the mandatory disclosure provisions of FOIA proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a solar photovoltaic services agreement, a solar power purchase agreement, or a solar self-generation agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary. The bill also (i) allows a solar services agreement contractor or provider to designate specific provisions in a solar services agreement as proprietary information not subject to disclosure, and (ii) authorizes a city to withhold from disclosure such information provided by a private entity in connection with a franchise, lease or use under a solar photovoltaic services agreement, a solar power purchase agreement, or a solar self-generation agreement. GENERAL LAWS AND TECH reported PASSED SENATE House GENERAL LAWS reported. PASSED HOUSE

## HIGHWAYS AND TRANSPORTATION FUNDING

\*HJ 693 (LaRock) **Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. PRIVILEGES AND ELECTIONS reported PASSED HOUSE Senate PRIVILEGES AND ELECTIONS reported.

## IMMIGRATION

x\*HB 2000 (Poindexter) **Sanctuary policies prohibited (substitute bill). § 15.2-1409.1.** *Establishment of sanctuary policies prohibited. 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.* .COURTS OF JUSTICE reported PASSED HOUSE Senate COURTS OF JUSTICE *defeated in committee*

## LAW ENFORCEMENT

**\*\*SB 1061 (Black) Government Data Collection and Dissemination Practices Act; exemption for sheriff's departments.** Adds an exemption to the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) for personal information systems maintained by sheriff's departments of counties and cities that deal with investigations and intelligence gathering relating to criminal activity. The bill contains technical amendments. GENERAL LAWS AND TECH reported as amended; PASSED SENATE House GENERAL LAWS reported. PASSED HOUSE

## **MOTOR VEHICLES AND TRAFFIC SAFETY**

**x\*HB 1606 (Villanueva) Use of handheld personal communications devices in highway work zones.** 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. TRANSPORTATION reported PASSED HOUSE Senate TRANSPORTATION reported. Referred to COURTS OF JUSTICE *left in committee*

## **ORDINANCES**

**\*\*HB 2154 (Rasoul) Noxious weeds; golden bamboo.** Designates golden bamboo as a noxious weed and authorizes any locality to adopt an ordinance to prevent, control, and abate the growth, importation, or spread of golden bamboo. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 2442 (Ingram) Local collection fees.** Provides that an ordinance for collection of overdue accounts may also provide for the imposition of collection and administrative fees, not to exceed the amount provided for in § 58.1-3958. COUNTIES, CITIES, TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*SB 926 (Peterson) Noise violations; civil penalty.** 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. LOCAL GOV reported PASSED SENATE House COUNTIES CITIES TOWNS reported. PASSED HOUSE

**x\*SB 938 (Edwards) Smoking in outdoor public place; locality regulation.** 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." LOCAL GOVERNMENT reported PASSED SENATE House GENERAL LAWS *subcommittee recommends tabling*

**\*\*SB 964 (Hanger) Running bamboo; cutting by localities; ordinance prohibiting spread; designation of certain plants as noxious weeds.** Authorizes any locality to adopt ordinances requiring proper upkeep of running bamboo and prohibiting the spread of running bamboo from a landowner's property, with violations punishable by a civil penalty of \$50. The bill includes running bamboo in the "other foreign growth" that current law allows localities to regulate and in some cases to cut. The bill also directs the Department of Conservation and Recreation (DCR) and the Department of Agriculture and Consumer Services (VDACS) to develop a model running bamboo ordinance and, with the Department of Forestry, to enter into a Memorandum of Understanding that clarifies the roles of the VDACS noxious weeds regulations and the work of the Virginia Invasive Species Working Group. Finally, the bill directs VDACS and DCR to examine the eligibility of certain plants for designation as noxious weeds. LOCAL GOVERNMENT reported PASSED SENATE House COUNTIES CITIES TOWNS reported PASSED HOUSE

## **PROCUREMENT**

**\*\*HB 1693 (Collins) Virginia Public Procurement Act; contracts for architectural and engineering services relating to multiple construction projects; maximum fee for any single project.** Increases the

maximum permissible fee for any single project encompassed in a contract for architectural or professional engineering services relating to multiple construction projects from \$100,000 to \$250,000. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported., referred to COURTS OF JUSTICE, reported. PASSED SENATE

**\*\*HB 1712 (Minchew) Procurement; energy performance-based contracting.** Authorizes a public body, defined as a contracting entity, to purchase energy conservation or operational efficiency measures from an energy performance-based contract entered into by another contracting entity pursuant to the Energy and Operational Efficiency Performance-Based Contracting Act even if the entity did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure permits the use of cooperative procurement for energy conservation or operational efficiency measures in such instances. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported. PASSED SENATE

**\*HB 1753 (Davis) Prohibit certain local government practices that would require contractors to provide certain compensation or benefits.** Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2018, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported.

**\*HB 2017 (Villaneuva) Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities.** Authorizes a locality to waive bid, performance, and pay bonding for nontransportation-related construction contracts in excess of \$100,000 but less than \$500,000 without having to undertake a prequalification process. The bill contains technical amendments. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS reported.

**\*\*HB 2366 (Albo) Virginia Public Procurement Act; requirements for use of construction management contracts.** Restricts the use of construction management procurements by public bodies unless (i) the total estimated contract value is \$40 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) prior alternative procurement method experience is not required as a prerequisite for an award, and (v) price is the primary determining factor for award of the contract. The bill provides that for projects where the total estimated contract value is not expected to exceed \$40 million, a public body may use competitive negotiation to procure construction on a construction management basis if the above requirements are met and the project is of substantial historical value or significantly unique or complex in nature. In addition, public bodies seeking to use construction management for projects where the total estimated contract value is not expected to exceed \$40 million must also obtain a written finding of compliance from the local governing body for local public bodies, from the Director of the Department of General Services for certain state public bodies, and from the respective contracting officer for public institutions of higher education designated with Tier 3 procurement authority. The bill also (i) establishes a procedure to appeal a public body's determination to procure construction on a construction management basis, (ii) prohibits combining multiple construction projects for the purpose of exceeding the \$40 million threshold, (iii) requires public bodies to make available to the public, after award, all prequalification score sheets, award score sheets, and selection information for each project, (iv) establishes reporting requirements regarding the use of construction management by state public bodies, (v) directs the Auditor of Public Accounts to include, as part of his annual audit plan, a determination regarding whether a public institution of higher education designated with Tier 3 procurement authority is in compliance with the institution's internal review process in the selection of procurement method for construction, and (vi) requires all state public bodies to post on the central electronic procurement website of the Department of General Services approved projects and approved procurement methods for construction at least 30 days prior to soliciting for design services for such construction projects. GENERAL LAWS reported as substitute; sent to APPROPRIATIONS, reported PASSED HOUSE Senate GENERAL LAWS reported, referred to FINANCE, reported. PASSED SENATE



**\*\*SB 1129 (Ruff) Virginia Public Procurement Act; requirements for use of construction management contracts.** Restricts the use of construction management procurements by public bodies unless (i) the total estimated contract value is \$40 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) prior alternative procurement method experience is not required as a prerequisite for an award, and (v) price is the primary determining factor for award of the contract. The bill provides that for projects where the total estimated contract value is not expected to exceed \$40 million, a public body may use competitive negotiation to procure construction on a construction management basis if the above requirements are met and the project is of substantial historical value or significantly unique or complex in nature. In addition, public bodies seeking to use construction management for projects where the total estimated contract value is not expected to exceed \$40 million must also obtain a written finding of compliance from the local governing body for local public bodies, from the Director of the Department of General Services for certain state public bodies, and from the respective contracting officer for public institutions of higher education designated with Tier 3 procurement authority. The bill also (i) establishes a procedure to appeal a public body's determination to procure construction on a construction management basis, (ii) prohibits combining multiple construction projects for the purpose of exceeding the \$40 million threshold, (iii) requires public bodies to make available to the public, after award, all prequalification score sheets, award score sheets, and selection information for each project, (iv) establishes reporting requirements regarding the use of construction management by state public bodies, (v) directs the Auditor of Public Accounts to include, as part of his annual audit plan, a determination regarding whether a public institution of higher education designated with Tier 3 procurement authority is in compliance with the institution's internal review process in the selection of procurement method for construction, and (vi) requires all state public bodies to post on the central electronic procurement website of the Department of General Services approved projects and approved procurement methods for construction at least 30 days prior to soliciting for design services for such construction projects. GENERAL LAWS AND TECH reported as substitute PASSED SENATE House GENERAL LAWS reported. PASSED HOUSE

**\*SB 1548 (Reeves) Virginia Public Procurement Act; cooperative procurement; Virginia Sheriffs' Association.** Provides that a public body may purchase from the contract of the Virginia Sheriffs' Association. GENERAL LAWS AND TECH reported PASSED SENATE House GENERAL LAWS reported.

## REDISTRICTING

**x\*SB 846 (Lucas) Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission (Commission) when any congressional or state legislative district drawn as required by Article II, Section 6 of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court. The Commission is tasked with determining and submitting to the General Assembly and the Governor a redistricting plan remedying such unlawful or unconstitutional district. The bill also provides criteria by which the Commission is to draw remedial districts. PRIVILEGES AND ELECTIONS reported PASSED SENATE House PRIVILEGES AND ELECTIONS *subcommittee recommends passing by*

**x\*SJ 231 (Hanger) Constitutional amendment (first resolution); Virginia Redistricting Commission; criteria for legislative and congressional districts.** Establishes the seven-member Virginia Redistricting Commission (the Commission) to redraw congressional and General Assembly district boundaries after each decennial census. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever occurs later, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever occurs later. The amendment also establishes the standards to govern redistricting plans, which include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. PRIVILEGES AND ELECTIONS reported as substitute ADOPTED *subcommittee recommends passing by*

## TAXATION



**\*\*HB 1455 (Ware) Real property tax; partial exemption for certain commercial and industrial structures.** Reduces from 20 years to 15 years the minimum age of a structure in a technology zone that is rehabilitated for commercial use that qualifies the rehabilitated structure for a partial exemption from real property taxes. Under current law a 15-year age minimum applies only to structures located in an enterprise zone designated by the Commonwealth, and a 20-year age minimum applies in all other situations. The bill contains technical amendments. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1463 (Sullivan) Delinquent taxes; publication by treasurer.** Authorizes a treasurer to publish any list of delinquent taxes he deems advisable. FINANCE reported PASSED HOUSE Senate FINANCE reported. PASSED SENATE

**\*\*HB 1476 (Orrock) Real property tax; special assessment for land preservation.** Prohibits any locality from requiring any taxpayer who is the lessor of real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1518 (Knight) Sales and use tax; automotive repair supplies.** Requires that sales and use tax be collected on the separately stated charges of supplies used during the repair of automobiles, whether or not title or possession of the supplies passes to the customer. Under current law, the tax is imposed only on separately stated charges of automotive parts that are attached to the automobile. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1529 (Ward) Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.** Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1565 (Webert) Local tax and regulatory incentives; green development zones.** Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1626 (Robinson) License tax on peddlers and itinerant merchants; adhesive license display.** Provides that any locality requiring an itinerant merchant to display its license at its temporary place of business shall provide to the itinerant merchant an adhesive label that satisfies such requirement. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1668 (Stolle) Sales and use tax exemption; legal tender coins.** Exempts legal tender coins whose total transaction sales price exceeds \$1,000 from sales and use tax. The provisions of the bill expire on June 30, 2022. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**x\*HB 1681 (Bloxom) Transient occupancy tax; state parks.** Permits localities to impose transient occupancy taxes on transient room rentals and travel campgrounds in state parks. FINANCE reported PASSED HOUSE Senate FINANCE reported, recommitted to FINANCE *left in committee*

**\*\*HB 1884 (Hugo) Real property tax exemption; certain surviving spouses.** Authorizes localities to exempt the primary residence of the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel, and emergency medical services personnel who is killed in the line of duty. The exemption does not apply to that portion of the value of the residence in excess of the average assessed value of dwellings in the locality. The bill is pursuant to Article X, Section 6-B of the Constitution of Virginia, which was adopted by the voters in 2016. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1889 (Hugo) 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. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1890 (Hugo) Collection of sales and use tax.** Removes the exception that persons selling certain products, such as window shades, kitchen equipment, and countertops, are deemed to be retailers and not consuming contractors for purposes of collecting sales and use tax, even if they intend to install such items for contractors. Generally, tangible personal property incorporated into real property is deemed to have been purchased for consumption by the contractor. FINANCE reported PASSED HOUSE Senate FINANCE

**\*\*HB 1909 (Yost) Real property tax; nonjudicial sale of tax delinquent property.** Permits the nonjudicial sale of unimproved real property valued at less than \$5,000 if taxes are delinquent for at least three years. The bill also permits the nonjudicial sale of real property valued at no less than \$5,000 but no greater than \$20,000 (or \$50,000 at the locality's option) if taxes are delinquent for at least three years and the property (i) is unimproved and measures less than 4,000 square feet; (ii) is unimproved and has been determined to be unsuitable for building (the bill expands the bases on which unsuitability may rest); (iii) has a structure on it that has been condemned by the local building official; (iv) has been declared a nuisance by the locality; (v) contains a derelict building; or (vi) has been declared to be blighted by the locality. The bill also modifies current law regarding notice of the sale, redemption of the property, and application of surplus proceeds. Current law permits the nonjudicial sale of unimproved real property valued at less than \$10,000 if taxes are delinquent for at least three years and the property (a) measures less than 4,000 square feet or (b) has been determined to be unsuitable for building. FINANCE reported PASSED HOUSE Senate FINANCE reported. PASSED SENATE

**\*\*HB 1950 (Peace) Local cigarette tax.** Requires localities that impose a local cigarette tax and require stamps as evidence of payment to provide a refund for any stamps that are returned to the locality. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1961 (Hugo) 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. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 2193 (Rush) Personal property tax; business property.** Requires localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 2455 (Hodges) Tangible personal property tax; list of uncollected balances.** Expands the uncollected personal property tax on vehicles for which the treasurer is required to compile a list, to include the personal property tax on trailers, semitrailers, watercraft, and manufactured homes. FINANCE reported PASSED HOUSE Senate FINANCE reported. PASSED SENATE

**\*\*HJ 562 (Miyares) Constitutional amendment (first resolution); real property tax; exemption for surviving spouse of a disabled veteran.** Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the spouse's moving to a different principal place of residence. PRIVILEGES AND ELECTIONS reported ADOPTED Senate PRIVILEGES AND ELECTIONS reported. SENATE AGREES

**\*\*SB 962 (Hanger) Sales and use tax; nexus for out-of-state businesses.** Provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use

tax on sales to customers in the Commonwealth. FINANCE reported PASSED SENATE House FINANCE reported PASSED HOUSE

**\*\*SB 1018 (Barker) Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.** Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. FINANCE reported PASSED SENATE House FINANCE reported PASSED HOUSE

**x\*SB 1186 (Dance) Taxation of all-terrain vehicles, mopeds, and off-road motorcycles.** 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. FINANCE reported PASSED SENATE House FINANCE *defeated in committee*

**\*\*SB 1205 (Lewis) Tangible personal property; commercial fishing vessels.** Classifies commercial fishing vessels as a separate class of property for the purpose of local personal property tax. FINANCE reported PASSED SENATE House FINANCE reported PASSED HOUSE

**x\*SB 1268 (Ebbin) Localities; public hearings for tax rate increases.** Authorizes localities to hold hearings on tax rate increases at the same time as the annual budget hearing. Current law requires a hearing on a tax rate increase to occur at a separate proceeding. FINANCE reported PASSED SENATE House FINANCE *subcommittee recommends tabling*

**\*\*SB 1274 (McDuogle) 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. FINANCE reported PASSED SENATE House FINANCE reported PASSED HOUSE

**\*\*SJ 284 (Stuart) Constitutional amendment (first resolution); real property tax; exemption for surviving spouse of a soldier who died in a combat zone.** 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. PRIVILEGES AND ELECTIONS reported, sent to FINANCE ADOPTED House PRIVILEGES AND ELECTIONS reported HOUSE AGREES

**\*\*SJ 331 (Lewis) Constitutional amendment (first resolution); property tax; exemption for flooding remediation, abatement, and resiliency efforts.** Provides that the General Assembly may authorize a county, city, or town to partially exempt any real subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. PRIVILEGES AND ELECTIONS ADOPTED House PRIVILEGES AND ELECTIONS reported. PASSED HOUSE

## **WEAPONS**

**\*\*HB 2077 (Wilt) Emergency Services and Disaster Law of 2000; firearms; emergency shelter.** Removes the authority of a governmental entity under the Emergency Services and Disaster Law of 2000 to limit lawful possession, carrying, transportation, sale, or transfer of firearms in any place or facility used by the governmental entity as an emergency shelter. MILITIA POLICE PUBLIC SAFETY reported PASSED HOUSE Senate GENERAL LAWS AND TECH reported. PASSED SENATE

## **ZONING, SUBDIVISIONS, AND LAND USE**

**\*\*HB 1554 (Bulova) Property Owners' Association Act; amendment of declaration.** Provides that except as otherwise provided in the declaration of a property owners' association, a declaration may be amended by a two-thirds vote of the owners. The bill also provides that an action to challenge the validity of an amendment adopted by the association may not be brought more than one year after the amendment is recorded. Under current law, such a challenge must be brought within one year after the amendment is effective. The bill is in response to the Virginia Supreme Court decision in February 2016 in *Tvardek v. Powhatan Village Homeowners Association, Inc.* GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS AND TECH reported. PASSED SENATE

**\*\*HB 1565 (Webert) Local tax and regulatory incentives; green development zones.** Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment. FINANCE reported PASSED HOUSE Senate FINANCE reported PASSED SENATE

**\*\*HB 1697 (D. Marshall) Extension of approvals to address housing crisis.** Extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2019. 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. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 1766 (Habeeb) Utility Facilities Act; associated facilities of an electrical transmission line.** 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. COMMERCE AND LABOR reported PASSED HOUSE Senate COMMERCE reported. PASSED SENATE

**\*\*HB 1797 (Stolle) Amendment of proffers; notice.** 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 shall be given in the manner prescribed by subsection B, rather than subsection H, of § 15.2-2204, thereby expanding such notice requirement. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 1994 (Habeeb) Board of zoning appeals.** Clarifies that provisions that currently state that appeal costs may not be awarded against the locality unless it appears to the court that the locality acted in bad faith also apply to the governing body. COURTS OF JUSTICE reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 2469 (Jones) Zoning; delinquent charges.** Provides that the local treasurer may give authorization in an instance where a land use applicant is required to first provide satisfactory evidence that various taxes or charges have been paid. COUNTIES, CITIES, TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*SB 1110 (Stanley) Utility Facilities Act; associated facilities of an electrical transmission line.** 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. COMMERCE AND LABOR reported PASSED SENATE House COMMERCE reported.

**\*\*SB 1173 (Obenshain) 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. LOCAL GOV reported PASSED SENATE House COUNTIES CITIES TOWNS reported PASSED HOUSE

**\*\*SB 1282 (McDougle) 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. COMMERCE AND LABOR [*companion bill to HB 2196*] reported PASSED SENATE as substitute House COMMERCE reported PASSED HOUSE

**x\*SB 1491 (Stuart) Agritourism activity; residence rental.** Defines "agritourism activity" to include the rental of a single-family residence for a period of at least one week. AGR, CONSERVATION, NATURAL RESOURCES reported PASSED SENATE House AGR *subcommittee recommends tabling*

**\*\*SB 1559 (Petersen) Board of zoning appeals.** Requires that the recipient of certain notices from the board of zoning appeals receive actual notice prior to the commencement of the 30-day appeal period. The bill also provides that the board shall require a certification that a violation still exists prior to issuing a final order regarding a zoning violation. LOCAL GOV reported, amended, strike "actual notice" but require registered mail or posting at residence. PASSED SENATE House CITIES COUNTIES TOWNS reported. PASSED HOUSE

**\*SB 1578 (Norment) Short-term rental of property.** Authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The bill defines "short-term rental" as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days. Persons and entities already licensed related to the rental or management of property by the Board of Health, the Real Estate Board, or a locality would not be required to register. The bill authorizes localities to impose fees and penalties on persons who violate the registry ordinance or who offer short-term rentals that have multiple violations of state or federal laws or ordinances, including those related to alcoholic beverage control. The bill amends the Alcoholic Beverage Control (ABC) Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing and that the exception from ABC licensing for serving alcoholic beverages to guests in a residence does not apply if the guest is a short-term lessee of the residence. REHAB AND SOCIAL SERVICES, referred to LOCAL GOV reported PASSED SENATE as substitute House GENERAL LAWS reported. Referred to APPROPRIATIONS reported.

## MISCELLANEOUS

**\*\*HB 1936 (Carr) Derelict and blighted buildings; land banks; receivership.** 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. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE

**\*\*HB 2113 (Keam) Notification requirement; breach of payroll data.** Requires employers to notify the Department of Taxation after discovery of a security breach of payroll information. FINANCE reported PASSED HOUSE Senate COURTS OF JUSTICE referred to FINANCE reported. PASSED SENATE

**x\*HB 2145 (LeMunyon) Department of Professional and Occupational Regulation; regulation of land surveyor photogrammetrists.** Provides for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines "land surveyor photogrammetrists" and sets the criteria for their licensure. The bill provides that it will not become effective unless reenacted by the 2018 Session of the General Assembly. GENERAL LAWS reported PASSED HOUSE Senate GENERAL LAWS AND TECH *pbi in committee*

**\*SB 873 (Marsden) Authority of fire chief over unmanned aircraft systems at a fire, explosion, or other hazardous situation; civil liability.** 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. GENERAL LAWS AND TECH reported PASSED SENATE House COURTS OF JUSTICE reported.

**\*\*SB 932 (Favola) Conveyance of utility easements; transportation.** Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. LOCAL GOV report as sub. PASSED SENATE House COUNTIES CITIES TOWNS PASSED HOUSE

**\*\*SB 1033 (Howell) Notification requirement; breach of payroll data.** Requires employers to notify the Department of Taxation after discovery of a security breach of payroll information. FINANCE reported PASSED SENATE House FINANCE reported PASSED HOUSE

**\*\*SB 1224 (Stuart) Landowner liability; recreational access.** 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. AGR, CONSERVATION, NATURAL RESOURCES reported PASSED SENATE House AGR reported. PASSED HOUSE

**\*SB 1569 (Reeves) Water and sewer fees; calculation factors.** Specifies certain factors that a locality may use to calculate the charges for water and sewer connection services. LOCAL GOV reported with delayed effective date of 1/1/18 PASSED SENATE House COUNTIES CITIES TOWNS reported.