

2017 GENERAL ASSEMBLY, REPORT TO THE BOARD, SELECTED BILLS

X = Defeated by one means or another

x*= Passed by one house

**Passed by both houses

!**Signed by Governor

?**Awaiting Action by Governor

ADMINISTRATION OF GOVERNMENT

xHB 1677 (Cline) **General Assembly; introduction of legislation; recorded vote.** Requires all legislation introduced by a member of the House of Delegates or the Senate to be considered by the committee of purview or a subcommittee thereof and receive a recorded vote. All legislation reported from the house of introduction shall be considered by the committee of purview or a subcommittee thereof in the other chamber and receive a recorded vote. RULES *tabled in committee*

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*

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

!**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 **CHAP 14**

!**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 **CHAP 639**

****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

xHJ 547 (Lingamfelter) **U.S. Constitution; application for a convention of the states.** Makes application to Congress to call a convention of the states to propose amendments to the United States Constitution to restrain the abuse of power by the federal government. RULES *tabled*

xHJ 551 (LeMunyon) **United States Constitution; application for a convention of the states; balancing the federal budget.** Makes application to the United States Congress to call an amendment convention for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget. RULES *tabled*

xHJ 622 (Rasoul) **(also SJ 224, Chase) Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. In addition to any partial term, a person may serve 12 years in each house, or a total of 24 years in the General Assembly. The limits apply to terms of service beginning on and after the start of the 2020 Regular Session of the General Assembly. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 641 (Pogge) **Constitutional amendment (first resolution); qualifications of Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and a registered voter in the Commonwealth in order to be eligible to the office of Governor. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

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; left in committee*

xSJ 225 (Chase) **Constitutional amendment (first resolution); qualifications of Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and a registered voter in the Commonwealth in order to be eligible to the office of Governor. PRIVILEGES AND ELECTIONS *passed by indefinitely*

xSJ 232 (Hanger) **United States Constitution; application for a convention of the states; balancing the federal budget.** Makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget. RULES *left in committee*

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 **CHAP 559**

!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 **CHAP 567**

xHB 1877 (Pogge) Tethering of dogs; local ordinances. Authorizes the governing body of any locality to adopt ordinances limiting the amount of time during which a dog may be tethered. AGR, CHES, NATURAL RESOURCES *subcommittee recommends striking; left in committee*

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 conference committee. Adopted as Emergency Measure *Governor's recommendations rejected; Governor must act by May 5*

COURTS

xHB 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 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 **CHAP 2035**

!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 **CHAP 90**

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 **CHAP 311**

Veto sustained **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. *vetoed*

Veto sustained **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*

Veto sustained **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. *vetoed*

! **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 **CHAP 684**

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*

! **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 **CHAP 301**

! **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 **CHAP 240**

Veto sustained **SB 1240 (Dunnavant) 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. *vetoed*

! **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 PASSED HOUSE **CHAP 628**

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*

Veto sustained **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. vetoed*

xHB 1482 (Simon) Presidential electors; National Popular Vote Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term. PRIVILEGES AND ELECTIONS *subcommittee recommends passing by; left in committee*

xHB 1601 (Fariss) Electors for President and Vice President; allocation of electoral votes by congressional district. Revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHB 2315 (Freitas) Instant runoff voting. Provides for instant runoff voting in elections for statewide offices, the United States Senate, the United States House of Representatives, and the General Assembly. With instant runoff voting, voters rank the candidates for each office in order of choice, and only the candidate receiving a majority of the votes for such office is declared the winner. Ballots are initially counted

as one vote for the first-choice candidate on the ballot; if no candidate receives a majority of the first-choice votes, additional rounds of ballot counting are required. In subsequent rounds of counting, each ballot is counted as one vote for that ballot's highest-ranked advancing candidate and the candidate receiving the fewest votes is eliminated, until one candidate receives a majority of the valid votes in a round.

PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

Veto sustained **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. *vetoed*

xHJ 541 (Rasoul) Constitutional amendment (first resolution); top two open primary election.

Provides for a top two open primary election to be conducted to select the candidates for the offices of the Governor, Lieutenant Governor, or Attorney General, of the House of Delegates or the Senate of Virginia, and of the United States House of Representatives or Senate. All candidates for the particular office, regardless of the candidate's political party affiliation, appear on a single ballot, and the two candidates receiving the highest and next highest number of votes for that office, regardless of their political party affiliation, are the candidates at the ensuing general election for that office. Every qualified voter may vote for any candidate for an office at a top two open primary election, regardless of the political party affiliation of the candidate or the voter. The amendment further provides that the political parties have the right to endorse, support, or oppose any candidate at a top two open primary election or the ensuing general election, regardless of the political party affiliation of the candidate, but that the parties do not have the right to nominate candidates for an office at the top two open primary election or to have their preferred candidates participate in the general election if such candidates do not receive the highest or next highest number of votes at the top two open primary election for that office. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 635 (Cole) Constitutional amendment (first resolution); top two primary election. Provides for a top two primary election for the nomination of candidates for the offices of Governor, Lieutenant Governor, and Attorney General. All candidates for each office shall be listed on a single ballot, regardless of political party affiliation or independent status, and the two candidates receiving the highest and next highest number of votes cast for each office shall be the candidates at the general election for such office. The resolution requires that provision be made to allow votes to be cast at a top two primary election for persons other than the listed candidates, but prohibits such votes from being cast at the general election. Additionally, the resolution provides that the political parties shall not nominate candidates for the offices of Governor, Lieutenant Governor, and Attorney General and that the political parties do not have the right to have a preferred candidate on the ballot at the general election for the offices of Governor, Lieutenant Governor, and Attorney General. However, the political parties will have the right to contribute to, endorse, or otherwise support a candidate for the office of Governor, Lieutenant Governor, or Attorney General in accordance with law. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 650 (Carr) Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentences, including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative

for restoration of rights pursuant to law. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 694 (Watts) **Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences, subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 696 (Price) **Constitutional amendment (first resolution); apportionment; certain prohibitions for electoral districts; scope of legislative privilege.** Prohibits electoral districts from being drawn for the purpose of (i) favoring or disfavoring any political party, incumbent legislator or member of Congress, or potential candidate or (ii) restricting or denying the ability of any racial or language minority to participate in the political process and elect a preferred candidate of choice. The amendment further provides that the scope of legislative privilege does not extend to communications and documents prepared by a member of the General Assembly or the staff or constituent of a member of the General Assembly in the course of reapportionment and that such communications and documents shall be public records. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xSB 821 (Cosgrove) **Voter registration by political party affiliation; primary elections.** Adds party affiliation, beginning January 1, 2018, to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2018, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in the party's primaries held from April 1 of that year through March 31 of the following year. PRIVILEGES AND ELECTIONS *reported; defeated in Senate*

AND

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

Veto sustained ****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. PASSED HOUSE. *vetoed*

xSB 1543 (McPike) Presidential candidates; federal tax and state income tax returns required.

Requires any person seeking the nomination for the office of President of the United States to submit his federal tax returns and income tax returns filed in any state from each year of the five-year period immediately preceding the general election. Any person who does not submit this statement shall not have his name printed on the ballot for a presidential primary election or the official ballot for the presidential election. The bill also requires a candidate nominated by a method other than a primary to submit such federal and state tax returns by the seventy-fifth day before the presidential election in order to be eligible to have his name printed on the official ballot for the presidential election. PRIVILEGES AND ELECTIONS *defeated in committee*

x*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

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 **CHAP 260**

!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. PASSED HOUSE **CHAP 603**

!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 **CHAP 22**

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, revised, requiring notice 30 days prior to filing, and 48 hours after filing. Both chambers agree **CHAP 563**

! **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. PASSED HOUSE **CHAP 593**

! **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. PASSED HOUSE **CHAP 735**

! **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. PASSED HOUSE **CHAP 710**

EMPLOYEES

All bills establishing a minimum wage higher than the existing federal minimum wage are defeated: HB 1444 (Rasoul); HB 1771 (Plum); HB 2309 (Simon); SB 785 (Marsden); and SB 978 (Dance).

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 **CHAP 778**

!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 **CHAP 616**

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

xHB 2401 (Morris) Virginia Freedom of Information Act; minutes of closed meetings required; audio recordings. Provides that a public body shall (i) take closed meeting minutes, (ii) also make an audio recording of the entirety of every meeting that is closed to the public, and (iii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting. The bill provides that the minutes or recordings made shall not be subject to the disclosure provisions of FOIA. GENERAL LAWS *subcommittee recommends tabling*

xSB 1103 (Surovell) Virginia Freedom of Information Act (FOIA); closed meeting violations; civil penalty. Provides that in addition to any penalties imposed under FOIA, if the court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification constituted a departure from the requirements of FOIA, the court shall impose on all members voting to certify in their individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500 each, which amount shall be paid into the State Literary Fund. GENERAL LAWS AND TECH *left in committee*

xSB 1128 (DeSteph) Virginia Freedom of Information Act; failure to respond to request for records; rebuttable presumption. Provides that there shall be a rebuttable presumption that a failure to respond to a request for records was willful and knowing. GENERAL LAWS AND TECH reported (Senate failed to act)

GOVERNOR'S TERM IN OFFICE

xHJ 699 (Levine) Constitutional amendment (first resolution); Governor's term of office. Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xSJ 217 (Ebbins) **Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term. PRIVILEGES AND ELECTIONS *passed by indefinitely*

xSJ 227 (Surovell) **Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term. PRIVILEGES AND ELECTIONS *incorporated into SJ 217*

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 **(first passage; must pass a second time and be sent to referendum)**

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*

LIBRARIES

xHB 1418 (McQuinn) **Control of firearms; libraries owned or operated by localities.** Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof in libraries owned or operated by the locality. MILITIA POLICE PUBLIC SAFETY *subcommittee recommends tabling*

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*

xHB 1834 (Anderson) **Distracted driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit

the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global position system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected. COURTS OF JUSTICE *defeated in committee*

xHB 2435 (Minchew) Use of handheld personal communications devices while driving; penalty.

Expands the prohibition of using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used for navigation or generating audio transmissions when the device is physically mounted to the vehicle. The bill provides that any violation of this prohibition that occurs concurrently with an additional traffic offense, or if the violation results in an accident, may be punishable as reckless driving. Current law provides that a violation of this prohibition is punishable as a traffic infraction only. *Incorporated into HB 1834*

xSB 860 (Surovell) Use of handheld personal communications devices while driving; penalty.

Expands the prohibition of using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used for navigation or generating audio transmissions when the device is physically mounted to the vehicle. The bill provides that any violation of this prohibition that occurs concurrently with an additional traffic offense, or if the violation results in an accident, is punishable as reckless driving. Current law provides that a violation of this prohibition is punishable as a traffic infraction only. TRANSPORTATION *passed by*

ORDINANCES

xHB 2094 (Price) Localities; regulation of firearms in government buildings. Allows localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of firearms, ammunition, or components or combination thereof into, any building owned or used by such locality for governmental purposes. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof unless expressly authorized by statute. MILITIA POLICE PUBLIC SAFETY *subcommittee recommends striking; left in committee*

!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 **CHAP 392**

?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 *Governor's recommendation rejected; Governor has until May 5 to act.*

!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 **CHAP 649**

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; left in committee*

!**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 **CHAP 213**

REDISTRICTING (all bills defeated)

xHB 2280 (Ward) **Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether the General Assembly should adopt a resolution to propose an amendment to the Constitution of Virginia that would establish an independent redistricting commission to create and propose redistricting plans for House of Delegates, Senate of Virginia, and congressional districts. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the manner in which electoral districts are created. The referendum would be held at the November 2017 general election. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

xHJ 628 (Plum) **Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans 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 *subcommittee recommends tabling; left in committee*

xHJ 651 (Carr) **Constitutional amendment (first resolution); Virginia Nonpartisan Redistricting Commission created.** Provides for a temporary Virginia Nonpartisan Redistricting Commission (the Commission) to prepare redistricting plans in 2021 and each tenth year thereafter for the House of Delegates, Senate of Virginia, and congressional districts. The Virginia Nonpartisan Redistricting Commission shall consist of seven members appointed by majority vote of the Supreme Court of Virginia from a list of retired judges who have indicated their willingness to serve on the Commission. The resolution sets out the standards by which the Commission is required to draw district lines and the procedure for doing so. The resolution requires the Commission to submit the plan to the General Assembly as a bill and to review and make recommendations on any amendments made by the General Assembly or the Governor. PRIVILEGES AND ELECTIONS *subcommittee recommends tabling; left in committee*

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

xSB 878 (Howell) Congressional and state legislative districts. Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. PRIVILEGES AND ELECTIONS *defeated in committee*

xSB 1133 (Mason) Voter referendum; independent redistricting commission. Provides for a statewide referendum on the question of whether the General Assembly should adopt a resolution to propose an amendment to the Constitution of Virginia that would establish an independent redistricting commission to create and propose redistricting plans for House of Delegates, Senate of Virginia, and congressional districts. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the manner in which electoral districts are created. The referendum would be held at the November 2017 general election. PRIVILEGES AND ELECTIONS reported, sent to FINANCE *passed by indefinitely*

xSB 1206 (Lewis) Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans. The bill spells out standards for developing plans, including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services (the Division) to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. The bill provides that the General Assembly may reject the Division's plans and may ultimately amend the plans. This bill is patterned after the Iowa redistricting process. PRIVILEGES AND ELECTIONS *passed by indefinitely*

xSB 1410 (Suetterlein) Congressional and state legislative districts; compactness standard. Requires congressional and state legislative districts to be composed of compact territory, meaning districts are not to be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political subdivision lines. Fingers or tendrils extending from a district core are to be avoided, as are thin and elongated districts and districts with multiple core populations connected by thin strips of land or water. The bill requires the General Assembly to employ one or more standard numerical measures of individual and average district compactness to provide an objective assessment of a districting plan's compactness, both statewide and district by district. PRIVILEGES AND ELECTIONS *defeated in committee*

xSJ 230 (Sturtevant) 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 *incorporated into SJ 231*

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

xSJ 260 (Barker) Constitutional amendment (first resolution); Virginia Redistricting Commission; partisan balance of districts. Establishes the Virginia Redistricting Commission, an eight-member commission tasked with establishing the districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly and apportioning the members of the House of Representatives and the members of the Senate and the House of Delegates among the districts, respectively. The districts are to be drawn to reflect the voting patterns of the Commonwealth with, to the extent practicable, half of the districts more favorable than statewide totals to each of the two political parties most often receiving the most votes cast in statewide elections. The bill also provides that redistricting is to happen in 2021 and every 10 years thereafter and at no other time, unless ordered by a court.
PRIVILEGES AND ELECTIONS

xSJ 269 (Deeds) Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans 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 *incorporated into SJ 231*

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; left in committee*

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; passed by in committee*

TAXATION

!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 **CHAP 409**

!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 **CHAP 25**

!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 **CHAP 248**

!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 **CHAP 437**

xHB 1925 (Campbell) Local cigarette tax. Authorizes all counties to impose a cigarette tax. Under current law, only the Counties of Fairfax and Arlington are authorized to impose a cigarette tax. FINANCE *subcommittee recommends tabling; left in committee*

xHB 2104 (Byron) Machinery and tools tax; valuation; appeal of certain local taxes. Permits the commissioner of the revenue to utilize any method that may reasonably be expected to determine actual fair market value of machinery and tools, in addition to specific methods required under current law. The bill also requires the commissioner of the revenue, upon request, to take into account the condition of the machinery and tools, all forms of depreciation, including obsolescence, and any other factor that is not adequately taken into account by the valuation method otherwise used. The bill requires the commissioner of the revenue to provide to taxpayers upon request a description of his valuation methods, any adjustments that have been made to reflect the taxpayer's appraisal or written concerns, and the factual and legal bases on which the commissioner relies for disagreeing with the taxpayer's qualified appraisal. The bill also gives the Tax Commissioner authority to issue advisory written opinions in specific cases to interpret the law related to valuations involving independent appraisals of manufacturers' machinery and tools that are presented by the taxpayer to the commissioner of the revenue. In appeals to the Tax Commissioner of the valuation of machinery and tools, the bill permits the taxpayer to value the property by allocating the total value of all machinery and tools at a facility among individual items of property according to the percentage of the original cost that each such item of property bears to the total original cost of all of the property. The bill also requires the Tax Commissioner to make certain determinations and findings related to the appeal.

In appeals of tangible personal property tax on airplanes, boats, campers, recreational vehicles, and trailers and on tangible business personal property, the bill requires the commissioner of the revenue to identify any statement of fact submitted by the taxpayer that the commissioner of the revenue believes to be incorrect. *Left in House APPROPRIATIONS COMMITTEE*

****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 **CHAP 560**

xSB 925 (Peterson) Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax. FINANCE *passed by*

xSB 956 (Locke) County food and beverage tax. Increases from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant,

commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. FINANCE *passed by in committee*

xSB 1544 (Norment) **County food and beverage tax; York County.** Authorizes York County to impose a food and beverage tax at a rate of up to eight percent. The Board of Supervisors would be required to hold a public hearing and adopt an ordinance implementing the tax by a unanimous vote, but would not be required to hold a referendum. FINANCE *defeated in committee*

x**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, amended. *House and Senate fail to agree to compromise bill*

ZONING, SUBDIVISIONS, AND LAND USE

xHB 1674 (Dudenhefer) **Conditional rezoning proffers; definition of public facilities.** Expands the definition of public facilities to include libraries, court facilities, and certain other public buildings. The bill also provides that when considering the offsite impact of a development on public facilities for purposes of determining the reasonableness of an offsite proffer, the time period of consideration is extended through the anticipated completion of the development. COUNTIES CITIES TOWNS *subcommittee recommends tabling left in committee*

!**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, 2020. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by and valid on January 1, 2017. COUNTIES CITIES TOWNS reported PASSED HOUSE Senate LOCAL GOV reported. PASSED SENATE **CHAP 660**

xHB 1735 (Bulova) **Conditional rezoning proffers.** Provides that for purposes of determining what constitutes the requesting of an unreasonable proffer, the term "locality" shall not include a person participating at a meeting sponsored by a locality for the purpose of facilitating communication among interested parties and the applicant, provided that the person does not have a statutory role in the approval of a rezoning or a proffer condition amendment. COUNTIES CITIES TOWNS *subcommittee recommends tabling; left in committee*

xHB 1897 (Freitas) **Zoning; aquaculture in agricultural zone; preexisting use.** Provides that any aquaculture use that was established on property that was zoned as an agricultural district at the time, but later was rezoned to disallow agriculture, is a valid nonconforming use of the property. The bill also amends a 2014 Act of Assembly that expanded the definition of agricultural products to provide that the act was declaratory of existing law. COUNTIES CITIES TOWNS *defeated in committee* **SEE ALSO** xSB 1529 (Vogel) **Zoning; aquaculture in agricultural zone; preexisting use.** Provides that any aquaculture use that was established on property that was zoned as an agricultural district at the time, but later was rezoned to disallow agriculture, is a valid nonconforming use of the property. The bill also amends a 2014 Act of Assembly that expanded the definition of agricultural products to provide that the act was declaratory of existing law. AGR, CONSERVATION, NATURAL RESOURCES *passed by indefinitely*

xHB 1899 (Bell) **Conditional zoning proffers; affordable dwelling units.** Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. *Left in House* COUNTIES, CITIES AND TOWNS *Committee.*

?**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 *Governor's recommendations*

rejected; Governor has until May 5 to act. This bill will remove local zoning control from many “small cell” telecommunications facilities erected on existing light poles and similar facilities, or on buildings with the owner's permission, or in a VDOT right of way.

xSB 1373 (Norment) Group homes. Provides that any entity intending to locate a public or private detention home, group home, or other residential care facility in a locality shall give the chief administrative officer of that locality and the president of any home owner's association for the neighborhood in which such public or private detention home, group home, or other residential care facility is to be located at least 90 days written notice prior to the issuance of the license. The bill also states that no initial license to operate a public or private detention home, group home, or other residential care facility shall be granted if (i) the facility is to be located within 1,000 feet of a public or private licensed day care center or a public or private K-12 school and (ii) the residents of such facility may include persons who, on the basis of a prior record of criminal charges involving harm to persons or property or a finding of not guilty by reason of insanity for crimes involving harm to persons or property, may constitute a clear and present threat to the health or safety of other individuals, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth. Other provisions of the bill relate to the validity of restrictive covenants that prohibit owners from using, or renting a dwelling for another entity to use, their premises to house a person or persons who, on the basis of a prior record of criminal convictions involving harm to persons or property or a finding of not guilty by reason of insanity involving harm to persons or property, may constitute a clear and present threat to the health or safety of other individuals in the neighborhood. LOCAL GOVERNMENT reported, recommitted to LOCAL GOV *left in committee*

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; left in committee*

!*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 **CHAP 665**

!*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. PASSED HOUSE **CHAP 741**