



## 2012 Summaries Technology-Related Legislation

### Passed

**HB 17: Electronic filing of search warrant affidavits.** Allows for the electronic filing of search warrant affidavits by means other than the currently authorized electronic facsimile.

**HB 39: Causing telephone to ring with intent to annoy.** Provides that a second or subsequent conviction of the Class 3 misdemeanor of causing a telephone or digital pager to ring with intent to annoy is a Class 2 misdemeanor.

**HB 133: Insurance information; posting on insurer's website.** Authorizes any property and casualty insurer to post property and casualty insurance forms and endorsements on the insurer's publicly available website in lieu of any other method of delivery upon complying with conditions, including a requirement that the insurer gives written notice, at time of the issuance of the initial policy and any renewal, of a method by which policyholders may obtain a paper or electronic copy of their policy or contract. This provision does not apply to forms and endorsements that contain personally identifiable information. An insurer that posts such information on its website is required to furnish to any insured who requests it a paper or electronic copy of the insured's policy or contract, without charge.

**HB 216: Sales and use tax exemption; certain computer equipment and enabling software.** Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill is identical to SB 112.

**HB 232: Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to SB 492.

**HB 343: Virginia All-Payer Claims Database; creation.** Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth. This bill is identical to SB 135.

**HB 382: Transfer of assistive technology devices by a school division.** Provides that a school division may transfer assistive technology devices purchased by the division for a child with a disability to (i) a different school division to which the child transfers; (ii) a state agency that provides services to a child with a disability upon the child's graduation or when a school division ceases to provide special education services for the student; or (iii) the parents of a child with a disability, or the child with a disability if the child is age 18 or older and has capacity to enter into a contract.

**HB 455: Wireless E-911 Fund; distribution.** Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding adjustments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to SB 495.

**HB 484: Court records; secure remote access; interfacing computer systems.** Provides that the operational expenses associated with providing secure remote access to land records includes locating technology in an offsite facility for purposes of improving public access or for the implementation of a disaster recovery plan. The bill extends the prohibition on selling or posting data accessed by secure remote access to include land records. The bill further requires the Executive Secretary of the Supreme Court to establish security and data standards for interfacing between a circuit court's case management or financial management system and the systems of the Supreme Court.

**HB 550: Submission of agency reports; electronic format.** Allows agency reports to be submitted in written or electronic format.

**HB 551: Telework expenses tax credit.** Extends the telework expenses tax credit for employers through December 31, 2016. The credit currently expires on December 31, 2013. The bill also makes other clarifying changes concerning expenses eligible for the credit. This bill is identical to SB 238.

**HB 556: Internet publication of personal information of certain public officials prohibited.** Adds various public officials to the current provision prohibiting a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand and obtains a court order. The bill also deletes the requirement for a hearing and adds personal email addresses to the personal information subject to protection.

**HB 577: Teachers of online courses and college partnership laboratory schools; background checks.** Clarifies that teachers of online courses and in college partnership laboratory schools shall, as a condition of employment requiring direct contact with students, provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

**HB 578: Online courses; teacher licensure.** Requires the Board of Education to develop licensure criteria for teachers who teach only online courses. The bill also provides that teachers who hold a Board-issued five-year renewable license may teach online courses for which they are properly endorsed.

**HB 620: Virginia Information Technologies Agency; internal service funds.** Establishes the Information Technology and Management Internal Service Fund for the Virginia Information Technologies Agency. The newly established fund will replace the three funds currently administered by VITA. The bill also authorizes the Comptroller to establish, upon the request of the Chief Information Officer of the Commonwealth and the Joint Legislative Audit and Review Commission, other internal service fund accounts for receipts and expenditures of appropriate functions of VITA. This bill is identical to SB 427.

**HB 737: Modeling and Simulation Advisory Council; membership.** Adds to the Modeling and Simulation Advisory Council two citizen members representing Virginia public institutions of higher education that have modeling and simulation capabilities.

**HB 756: Public schools; Innovation Technical Advisory Committee.** Authorizes the Department of Education to establish an Innovation Technical Advisory Group, comprised of individuals with experience in the establishment and operation of charter schools, college partnership laboratory schools, and virtual school programs, or to retain the services of individuals with such experience to provide technical assistance and advice to the Board in carrying out its duties relating to charter schools, college partnership laboratory schools, and virtual school programs.

**HB 780: Converted vehicles.** Creates a definition for vehicles converted from gas to electric power and provides that such vehicles, when accompanied by certain documents, need not be examined by the Department of Motor Vehicles prior to the issuance of a title. The bill also provides for the titling and registration of and special equipment

required for a converted electric vehicle. The bill contains technical amendments. The bill has a delayed effective date of October 1, 2012.

**HB 813: Commercial space flight; funding and oversight.** Reconstitutes the Board of the Virginia Commercial Space Flight Authority by reducing the number of Board members from 13 to nine and providing for all current appointments to the Board to expire on July 1, 2012. The bill provides that as of a certain date current employees of the Authority could elect not to be employed by the Authority. Any employee (i) making such election who is not rehired by another state agency or (ii) not making the election but who is not offered an opportunity to remain with the Authority would be eligible for severance benefits under the Workforce Transition Act. The bill allows the Authority to establish an alternative to the Virginia Retirement System defined benefit retirement plan for its employees as well as alternative health insurance, deferred compensation, and disability benefit plans. The bill makes several other changes to the administrative powers and duties of the Authority.

The bill limits to \$50 million the outstanding principal amount of non-revenue bonds issued by the Authority at all times. For the five-fiscal year period ending June 30, 2017, each fiscal year the bill transfers \$9.5 million from the Transportation Trust Fund to the Commonwealth Space Flight Fund administered by the Board of Directors of the Authority to support the capital needs, maintenance, and operating costs of facilities owned and operated by the Authority.

This bill incorporates HB 18 and is identical to SB 284.

**HB 849: Juveniles held in secure local facility; conduct of hearing.** Authorizes the court to conduct the mandatory review hearing for a juvenile held in a secure local facility via the use of two-way electronic video and audio communication. Such hearing shall otherwise be conducted in the same manner as if the juvenile appeared in person.

**HB 893: E-911 Services Board; Commonwealth Interoperability Coordinator to serve as advisor.** Establishes that the Commonwealth Interoperability Coordinator serve as an advisor to the E-911 Services Board to ensure that enhanced wireless emergency telecommunications services and technologies are compliant with the statewide interoperability strategic plan.

**HB 894: Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the

public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause.

**HB 994: Broadband Advisory Council; designees to serve on the Council.** Permits the Secretary of Commerce and Trade and the Secretary of Technology to appoint designees to serve on their behalf on the Broadband Advisory Council.

**HB 996: Department of Minority Business Enterprise; electronic certification process.** Authorizes the Department of Minority Business Enterprise to accept applications for certification as a small, women-owned, or minority-owned business through electronic means.

**HB 1016: Alternative Fuel Vehicle Conversion Fund.** Establishes the Alternative Fuel Vehicle Conversion Fund to assist state agencies with the incremental cost of converting an existing state-owned vehicle to use an alternative fuel or of purchasing a new vehicle equipped to operate on alternative fuel over a similar conventional-fuel-powered vehicle. The Fund would be administered by the Department of General Services.

**HB 1102: Renewable energy portfolio standard program; credits for investments.** Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promote economic development within the Commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit for qualified investments made under this measure.

**HB 1154: Department of State Police; access to electronic evidence.** Provides for access by the Department of State Police to certain electronic evidence, documentation,

and related materials that may be physically located outside the Commonwealth but that may be accessed by insurance professionals conducting business within the Commonwealth. The bill also allows for the authentication of such records to make them admissible as business records.

**HB 1177: Virginia Energy Plan; objectives.** Adds to the list of the Commonwealth's energy objectives the following: (i) ensuring an adequate energy supply and a Virginia-based energy production capacity; and (ii) minimizing the Commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence.

**HB 1182: Tobacco Indemnification and Community Revitalization Fund; uses.** Allows the Tobacco Indemnification and Community Revitalization Fund to provide grants for scientific research performed at one of the Commonwealth's National Cancer Institute-designated research institutes designed to advance the treatment and prevention of cancers that directly impact the citizens of tobacco-dependent communities throughout the southside and southwest regions of the Commonwealth.

**HB 1186: Attachments by cable television systems and telecommunications service providers to poles of electric cooperatives.** Authorizes the State Corporation Commission to determine just and reasonable rates, and certain terms and conditions of service, for attachments to electric cooperative poles by telecommunications service providers and cable television systems. The authority may be exercised if, after good faith negotiations, the parties cannot reach an agreement regarding the attachment. Fees may be assessed to allow the Commission to recover appropriate costs of such proceedings. This bill is identical to SB 652.

**HB 1203: Research and Technology Investment Advisory Committee.** Provides that the Innovation and Entrepreneurship Investment Authority shall administer the Research and Technology Investment Advisory Committee.

**HB 1215: Virtual schools; accreditation.** Requires the Board of Education to promulgate regulations establishing standards for accreditation of public virtual schools that enroll students full time.

**HB 1298: Criminal procedure; GPS tracking device.** Provides the authority and the protocol for a law-enforcement officer to apply for a search warrant to permit the use of a GPS tracking device. This bill contains an emergency clause and is identical to SB 685.

**SB 45: Open Education Curriculum Board.** Alters the function of the Open Education Curriculum Board from a policy board to an advisory board. In its new role, the Open Education Curriculum Board shall advise the Governor and the Board of Education on the creation, collection, categorization, distribution, and licensing of open educational resources and the integration of those resources with Virginia's Standards of Learning.

**SB 112: Sales and use tax exemption; certain computer equipment and enabling software.** Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill incorporates SB 232. This bill is identical to HB 216.

**SB 135: Virginia All-Payer Claims Database; creation.** Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth. This bill is identical to HB 343.

**SB 209: HOV lanes; use by vehicle with clean special fuel license plates.** Requires the Commissioner of Highways to report annually to the Chairmen of the House and Senate Transportation Committees on those HOV facilities whose high traffic volume has resulted in a degraded condition as identified by federal law. This report is to be used by the Chairmen as the basis for recommendations for further restrictions on the use of HOV facilities by clean special fuel vehicles.

**SB 238: Telework expenses tax credit.** Extends the telework expenses tax credit for employers through December 31, 2016. The credit currently expires on December 31, 2013. The bill also makes other clarifying changes concerning expenses eligible for the credit. This bill is identical to HB 551.

**SB 284: Commercial space flight; funding and oversight.** Reconstitutes the Board of the Virginia Commercial Space Flight Authority by reducing the number of Board members from 13 to nine and providing for all current appointments to the Board to expire on July 1, 2012. The bill provides that as of a certain date current employees of the Authority could elect not to be employed by the Authority. Any employee (i) making such election who is not rehired by another state agency or (ii) not making the election but who is not offered an opportunity to remain with the Authority would be eligible for severance benefits under the Workforce Transition Act. The bill allows the Authority to establish an alternative to the Virginia Retirement System defined benefit retirement plan for its employees as well as alternative health insurance, deferred compensation, and disability benefit plans. The bill makes several other changes to the administrative powers and duties of the Authority.

The bill limits to \$50 million the outstanding principal amount of non-revenue bonds issued by the Authority at all times. For the five-fiscal year period ending June 30, 2017, each fiscal year the bill transfers \$9.5 million from the Transportation Trust Fund to the

Commonwealth Space Flight Fund administered by the Board of Directors of the Authority to support the capital needs, maintenance, and operating costs of facilities owned and operated by the Authority.

This bill is identical to HB 813.

**SB 413: Renewable energy portfolio standard program; credits for investments.**

Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promote economic development within the Commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit qualified investments made under this measure. The measure also provides that a utility shall receive double credit toward meeting the program's goals for energy from facilities in the Commonwealth fueled primarily by animal waste.

**SB 427: Virginia Information Technologies Agency; internal service**

**funds.** Establishes the Information Technology and Management Internal Service Fund for the Virginia Information Technologies Agency. The newly established fund will replace the three internal service funds currently administered by VITA. The bill also authorizes the Comptroller to establish, upon the request of the Chief Information Officer of the Commonwealth and the Joint Legislative Audit and Review Commission, other internal service fund accounts for receipts and expenditures of appropriate functions of VITA. This bill is identical to HB 620.

**SB 485: Alternative Fuel Vehicle Conversion Fund.** Establishes the Alternative Fuel Vehicle Conversion Fund to assist state agencies with the incremental cost of converting an existing state-owned vehicle to use an alternative fuel or purchasing a new vehicle equipped to operate on alternative fuel over a similar conventional-fuel-powered vehicle. The Fund would be administered by the Department of General Services.

**SB 492: Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to **HB 232**.

**SB 493: Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause and shall not apply to any case or proceeding filed with the Commission prior to March 10, 2012.

**SB 495: Wireless E-911 Fund; distribution.** Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding adjustments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to **HB 455**.

**SB 502: Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing. The bill also has a delayed effective date and is identical to **HB 805**.

**SB 632: Wireless E-911 Fund; distribution of funds.** Requires CMRS providers to submit requests for payment from the Wireless E-911 Fund no later than four months after the end of the fiscal year in which the costs were incurred. If the Fund is not sufficient to pay for all of the costs, the unpaid costs may not be carried over for

repayment to a future year. The bill also provides that any funds remaining in the Fund at the end of a fiscal year may be designated for a reserve fund.

**SB 652: Attachments by cable television systems and telecommunications service providers to poles of electric cooperatives.** Authorizes the State Corporation Commission to determine just and reasonable rates, and certain terms and conditions of service, for attachments to electric cooperative poles by telecommunications service providers and cable television systems. The authority may be exercised if, after good faith negotiations, the parties cannot reach an agreement regarding the attachment. Fees may be assessed to allow the Commission to recover appropriate costs of such proceedings. This bill is identical to HB 1186.

**SB 685: Criminal procedure; GPS tracking device.** Provides the authority and the protocol for a law-enforcement officer to apply for a search warrant to permit the use of a GPS tracking device. This bill contains an emergency clause and is identical to HB 1298.

**SJ 15: Study; JCOTS to study electronic security credentials; report.** Directs the Joint Commission on Technology and Science to study electronic identity credentials and any possible liability concerns therewith. In conducting its study, the Joint Commission on Technology and Science shall (i) coordinate with stakeholders in both the public and private realm to identify opportunities, challenges, and strategies for the issuance of electronic security credentials; (ii) identify potential uses of electronic security credentials in transactions involving the Commonwealth; (iii) identify the role the Commonwealth should play in the issuance of identification documentation used by private electronic security credentialing services; (iv) identify policies and craft legislation that would facilitate the use and issuance of electronic security credentials; (v) identify and address through policies and legislation any liability considerations that may arise through the issuance of electronic security credentials by private entities; and (vi) consider such other related issues as the joint commission deems appropriate. JCOTS must report its final findings and recommendations to the 2013 Session of the General Assembly.

## Failed

**HB 19: Individual income tax deduction for certain purchases from space flight entities.** Provides an individual income tax deduction in the amount paid for a prepaid contract entered into with a commercial space flight entity to place the taxpayer's cremated remains in earth or lunar orbit. The deduction shall not exceed \$8,000 in total and shall not exceed \$2,500 in any one tax year. The bill is effective for taxable years beginning on or after January 1, 2013, but before January 1, 2021.

**HB 132: Electronic filing of search warrant affidavits.** Allows for the electronic filing of search warrant affidavits by use of portable document format (PDF) in addition to the currently authorized electronic facsimile submission.

**HB 247: Sales and use tax exemption; computers.** Adds computers and related computer equipment with an aggregate sales price of \$3,500 or less to the school supplies

and clothing that are exempt from sales and use tax each year for a three-day period in August.

**HB 394: Use of handheld personal communications devices; exceptions; penalty.**

Prohibits the use of handheld personal communications devices while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth. The bill makes a violation of this prohibition a primary traffic offense.

**HB 404: Use of handheld personal communications devices while driving.** Prohibits the use of handheld personal communications devices for any purpose other than to make or receive phone calls.

**HB 415: Operation of moving motor vehicle while distracted; penalties.** Prohibits the operation of a moving motor vehicle while engaged in other activities, such as using a wireless telephone or other wireless telecommunications device without a hands-free apparatus, searching for an item, or personal grooming. Current law specifically prohibits the use of a handheld personal communications device to send or read an email or text message while operating a moving motor vehicle. The bill allows for certain exceptions, including the use of a citizens band radio. The offense would be a secondary offense punishable by a \$40 fine on the first offense and a \$100 fine for each subsequent offense.

**HB 497: Use of handheld personal communications devices; penalty.** Prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense.

**HB 532: Operation of moving motor vehicles while distracted; penalty.** Prohibits the operator of a moving motor vehicle from being engaged in activities that are unnecessary to and that actually impair the operation of a motor vehicle. Certain exemptions apply. A violation of the statute would be a traffic offense.

**HB 582: Procurement of information technology and telecommunications goods and services; Virginia Information Technologies Agency.** Excludes procurements of information technology and telecommunications goods and services from certain requirements under methods of procurement for public bodies.

**HB 590: Renewable energy facilities; eligibility for incentives.** Establishes a requirement that electricity generated from renewable sources be generated from a facility located in the Commonwealth, or a facility off the Commonwealth's coastline if it is an offshore wind facility, in order to qualify as renewable energy for purposes of the renewable energy portfolio standard program. The measure also makes renewable powered generation facilities located outside of the Commonwealth, except offshore wind facilities located in waters off the Commonwealth's shoreline, ineligible for certain cost recovery and enhanced rate of return incentives in the Virginia Electric Utility Regulation Act.

**HB 607: Unlawful filming of another; penalty.** Provides that the punishment for videotaping, photographing, or filming a nude or undergarment-clad nonconsenting person who is 18 years of age or older under circumstances where the person would have a reasonable expectation of privacy shall include a mandatory minimum term of confinement of 30 days.

**HB 645: Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

**HB 652: Text messaging and emailing while driving; penalty.** Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.

**HB 657: Electric utilities; renewable energy portfolio standard program.** Adjusts the mix of energy sources that qualify as satisfying the requirements of the renewable energy portfolio standard program. The measure limits the amount of renewable energy generated outside Virginia or its coastal waters that can qualify for the program. Wind or solar power generated outside Virginia in the interconnection region of the regional transmission entity of which the participating utility is a member will not be eligible if it is purchased through a power purchase agreement entered into after July 1, 2012. The measure allows renewable energy certificates issued by an affiliate of the regional transmission entity to be used to meet the RPS Goals if the energy is from sources with an in-service date of or after July 1, 2007. Nuclear energy is ineligible for credit in meeting certain RPS Goals. The measure requires utilities to permanently retire one renewable energy certificate for each megawatt hour or renewable energy certificate claimed for compliance with RPS Goals. The measure requires that after 2017 at least 20 percent of the energy or certificates in a utility's compliance demonstration be attributable to a combination of energy derived from sunlight, onshore wind, or offshore wind; the minimum percentage increases in 2023 to 40 percent. Finally, the measure removes a provision that allowed a utility to apply excess renewable energy sales in any period to the requirements for any future RPS Goal.

**HB 693: HOV lanes; use by vehicle with clean special fuel license plates.** Extends until July 1, 2013, the sunset on use of high-occupancy vehicle (HOV) lanes by vehicles bearing clean special fuel license plates, regardless of the number of occupants.

**HB 696: Virtual schools; funding.** Provides that local school boards with full-time virtual programs shall receive the proportionate share of direct aid for public education for full-time students based on the jurisdiction of residence of each student.

**HB 868: Plug-in electric-drive vehicles.** Provides that plug-in electric-drive vehicles may park free of charge in government owned or controlled parking space when the vehicles are recharging their batteries.

**HB 874: Text messaging and emailing while driving; penalty.** Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.

**HB 916: Harassment by computer by prisoners; penalty.** Makes it a Class 1 misdemeanor for a prisoner or a person acting on behalf of a prisoner to use a computer, computer network, or social networking site to harass, intimidate, or threaten a crime victim.

**HB 984: Department of State Police; establishment of cold case searchable database.** Provides that the Superintendent of State Police may establish and maintain a cold case searchable database including unsolved homicide, missing person, and unidentified person cases. The searchable database may include interactive elements consisting of (i) the type of case, (ii) the location of where the crime was committed, (iii) the law-enforcement agency name, and (iv) the year the crime occurred.

**HB 1053: Texting while driving.** Removes the "secondary enforcement" provision from the statute prohibiting sending or reading email or text messages while driving.

**HB 1105: Virginia Freedom of Information Act; electronic communication meetings.** Revises the rules for which meetings of state public bodies may be conducted by audio or video means. The bill provides that (i) at least one member of the public body must be physically assembled at the principal meeting location, (ii) the quorum of the public body is determined by members participating in person or by electronic means in the meeting, (iii) a member of the public shall pay for the documented marginal cost that a public body may incur in expanding public participation to the meeting, and (iv) the number of meetings a public body may conduct through electronic communications means is limited to 50 percent of its regular meetings in any calendar year. The bill contains technical amendments.

**HB 1149: Freedom of Information Act; electronic communication meetings by local and regional public bodies.** Expands the authority for the conduct of electronic communication meetings to all public bodies. Currently, local public bodies are prohibited from conducting public meetings in this manner, except when the Governor declares a state of emergency. The bill contains technical amendments.

**HB 1191: Pole attachments; cable television systems and cooperatives.** Requires cable television systems and cooperatives to negotiate in good faith to resolve certain issues, including the rates, terms, and conditions of contracts permitting attachments by a cable television system to a cooperative's poles. If an issue cannot be resolved, either

party may petition the State Corporation Commission to resolve the issue. In adjudicating the issue, the Commission shall ensure that the cooperative is compensated by the cable television system for certain costs. Annually commencing July 1, 2012, cable television systems are required to pay an annual fee to the Commission equal to \$1.00 for each attachment to a cooperative's pole. Each cooperative is required to make a survey of cable television system attachments on its poles every 36 months. Beginning in 2013, cooperatives will be required to report to the Commission on the number of each cable television system's attachments. In addition, if any cable television system attachment interferes with, obstructs, or delays the service or operations of a cooperative or creates a safety hazard, the cooperative may take immediate action to remedy the situation at the cable television system's expense.

**HB 1272: Public schools; virtual education.** Provides that any student who enrolls full time in a virtual school program served by a multidivision online provider outside his school division of residence shall have his state and local share of Standards of Quality per pupil funding transferred from the school division of residence to the enrolling school division. The total state and local share funds transferred from the resident division to the enrolling division shall not exceed \$6,500 per pupil. The enrolling school division shall invoice the resident school division monthly and the Department of Education semimonthly for a student participating in a virtual education program.

**SB 46: On-road clean screen program; vehicle emissions inspection.** Includes the on-road clean screen program and on-road emissions inspections as comparable equipment and devices to satisfy emissions inspections in the Commonwealth. The bill contains technical amendments.

**SB 100: Two-Year College Scholarship Match Program.** Establishes the Two-Year College Scholarship Match Program to provide matching funds to two-year college foundations and the Virginia Foundation for Community College Education. Funds paid shall not exceed \$5 million, in aggregate, in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia two-year college based on science, technology, engineering, math, education, or nursing. The bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.

**SB 219: Text messaging and emailing while driving; penalty.** Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.

**SB 232: Sales and use tax exemption; certain computer equipment and enabling software.** Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill was incorporated into SB 112.

**SB 397: Electric vehicles; emissions testing.** Exempts qualified plug-in electric on-road vehicles from emissions inspections.

**SB 486: Harassment by computer by prisoners; penalty.** Makes it a Class 1 misdemeanor for a prisoner or a person acting on behalf of a prisoner to use a computer, computer network, or social networking site to harass, intimidate, or threaten a crime victim.

**SB 579: Research and technology funding; Commonwealth Innovation Investment Fund.** Creates the Commonwealth Innovation Investment Fund. The Fund will be administered by the Innovation and Entrepreneurship Investment Authority to create, attract, retain, expand, and enhance technology research, innovation, and economic development in the Commonwealth. Beginning in 2014, the Fund will receive a portion of the income taxes withheld by science and innovation companies that employ persons in the Commonwealth. The percentage of the withheld taxes allocated to the Fund will be based on a percentage of the difference between the current year's withheld taxes and the amount withheld in 2011, the baseline year.

**SB 580: Virtual programs; state funding.** Clarifies that the proportionate share of direct aid for public education provided to local school divisions for students enrolled in full-time virtual programs shall be based on the student's jurisdiction of residence rather than the jurisdiction offering the virtual program. This bill has been incorporated into SB 598.

**SB 598: Public schools; virtual education.** Provides that any student who enrolls full time in a virtual school program served by a multidivision online provider outside his school division of residence shall have his state share of Standards of Quality per pupil funding, as well as 76% of his local share, transferred from the school division of residence to the enrolling school division. The total state and local share funds transferred from the resident division to the enrolling division shall not exceed the actual cost of the virtual school program. This bill incorporates SB 580.

### Carried Over

**HB 469: Algebra readiness assessment.** Requires the Board of Education to develop or approve a model assessment of algebra readiness for students to take prior to enrolling in non-remedial algebra. Beginning with the 2014-2015 academic year, every student shall be required to take an algebra readiness test.

**HB 643: Virginia Telephone Privacy Protection Act; telephone calls.** Provides that the term "telephone call" for purposes of the Virginia Telephone Privacy Protection Act includes any text message sent via short message service (SMS), any message containing multimedia content sent via multimedia messaging service (MMS), or any message sent via Voice over Internet Protocol (VoIP). The Act regulates telephone calls made to any

natural person's residence in the Commonwealth or to any wireless telephone with a Virginia area code for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit.

**HB 720: Worker retraining tax credit; increase in credit amount.** Increases the worker retraining tax credit for worker retraining courses taken by employees at private schools from a maximum of \$100 per year per employee to \$250 per year per employee or \$500 per year per employee if the worker retraining includes retraining in a STEM or STEAM (science, technology, engineering, mathematics, or applied mathematics) discipline, including but not limited to a health care-related discipline.

**HB 787: Sales and use tax exemption; renewable energy equipment.** Provides refunds of sales and use tax paid on the purchase of certain renewable energy equipment.

**HB 807: Use of electronic tracking devices; penalty.** Provides that any person who uses an electronic tracking device through intentionally deceptive means and without consent to track the location of another person is guilty of a Class 3 misdemeanor. The bill includes exceptions. This bill is a recommendation of the Joint Commission on Technology and Science.

**HB 883: Income tax credit; solar energy equipment systems.** Provides a personal and corporate income tax credit beginning January 1, 2012, for the purchase and installation of equipment that (i) generates electricity from solar energy or (ii) uses solar energy to heat or cool a structure or provide hot water. The amount of the credit would be 10 percent of the cost of purchasing and installing eligible solar energy equipment systems, capped at \$1,000 per year. Any unused tax credit could be carried over for five years until all the tax credit is taken. The solar energy equipment system must provide a minimum of 10 percent of the energy needs of the structure in which it is installed, and must be approved by the Department of Mines, Minerals and Energy.

**HB 999: Tax credit for individual who teleworks.** Creates a \$500 credit for an individual who teleworks a minimum of 20 hours per week during at least 45 weeks of the year. The credit is available for taxable years beginning on or after January 1, 2012, but before January 1, 2017.

**HB 1000: Telework expenses tax credit.** Raises the cap on the aggregate amount of tax credits available in calendar years 2012 and 2013 for telework expenses from \$1 million to \$1.5 million. The bill also raises the cap on the amount of credits that can be claimed by an employer from \$50,000 per employer to \$75,000 per employer.

**HB 1049: Income tax; STEM (science, technology, engineering, or mathematics) internship tax credit.** Establishes an individual and corporate income tax credit for taxpayers employing persons in STEM internship positions in the Commonwealth. The bill requires the intern to have an associate's or bachelor's degree in a STEM discipline or to be a graduate of a STEM trade school. In addition, the person's STEM internship with the taxpayer must be for a definite period that does not exceed 12 months. Taxpayers

hiring STEM interns would be eligible for a tax credit equal to 25 percent of the wages or salary paid to the intern. Taxpayers would apply to the Department of Taxation for the tax credit. The Department would issue tax credits by providing a written certification to the taxpayer that reports the amount of tax credit that may be claimed. The Department would not be allowed to issue more than \$2 million in tax credits during any fiscal year. The Department would be allowed to issue tax credits only for fiscal years 2013 through 2017.

**HB 1050: Income tax; tax credit for hiring military persons as STEM (science, technology, engineering, or mathematics) interns.** Establishes an individual and corporate income tax credit for taxpayers employing military persons in STEM internship positions in the Commonwealth. The bill requires the military person to be a retiree of or honorably discharged from the Virginia National Guard, the national guard of another state or U.S. territory, the armed forces of the United States, or the armed forces reserves of the United States. In addition, the person's STEM internship with the taxpayer must be for a definite period that does not exceed 12 months. Taxpayers hiring military persons in STEM internships would be eligible for a tax credit equal to 25 percent of the wages or salary paid to the intern. Taxpayers would apply to the Department of Taxation for the tax credit. The Department would issue tax credits by providing a written certification to the taxpayer that reports the amount of tax credit that may be claimed. The Department would not be allowed to issue more than \$2 million in tax credits during any fiscal year. The Department would be allowed to issue tax credits only for fiscal years 2013 through 2017.

**HB 1170: Income tax credits.** Grants an income tax credit for taxable years beginning on or after January 1, 2012, to individuals for placing into service renewable energy property. Individuals placing into service solar panels would be allowed a tax credit as follows: \$1.25 per watt for the first 2,000 watts; \$0.75 per watt for 2,001 through 8,000 watts; and \$0.25 per watt for 8,001 through 20,000 watts, not to exceed \$10,000 per system. The bill would allow up to \$2,000 in tax credit for placing into service a solar hot water system and 10 percent of the installed cost of placing into service a geothermal heat pump, not to exceed \$3,000. Individuals would also be allowed tax credit equal to 50 percent of the cost of a residential energy audit performed on their primary residence, not to exceed \$250, provided the individual implemented all energy efficiency improvements recommended in the auditor's report. Tax credits for individuals under the bill would be capped at \$3 million each fiscal year.

The bill also grants an income tax credit for taxable years beginning on or after January 1, 2012, to corporations for placing into service renewable energy property. Corporations placing into service solar panels would be allowed a tax credit as follows: \$1.25 per watt for the first 2,000 watts; \$0.75 per watt for 2,001 through 8,000 watts; and \$0.25 per watt for 8,001 through 20,000 watts, not to exceed \$2.5 million per system. The bill would allow a tax credit equal to 25 percent of the installed cost of placing into service a solar hot water system, not to exceed \$10,000, and 10 percent of the installed cost of placing into service a geothermal heat pump, not to exceed \$10,000. Corporations would also be

allowed tax credit equal to 50 percent of the cost of a commercial property energy audit, not to exceed \$500, provided the corporation implemented all energy efficiency improvements recommended in the auditor's report. Tax credits for corporations under the bill would be capped at \$5 million each fiscal year.

Beginning January 1, 2012, the bill reduces from 85 percent to 75 percent the redemption percentage for unused coalfield employment enhancement tax credits that would be paid to taxpayers who earned the credit. The 10 percent difference would not be paid and would accrue to the benefit of the general fund of the state treasury to help offset any fiscal impact from the individual and corporate renewable energy property and energy audit income tax credits established under the bill.

**SB 96: Publication of unlawful photographs; penalty.** Provides that it is a Class 6 felony for a person to publish on the Internet a photograph or video made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy.

**SB 168: Public schools; closed-circuit cameras.** Prohibits the use of closed-circuit cameras for the purpose of monitoring student conduct within the school, unless necessary to protect the physical safety and security of the students.

**SB 214: Notification of breach of medical information.** Extends the requirement to notify individuals of a breach of their medical information to all individuals and public and private entities, rather than just governmental agencies. The bill also allows the Attorney General to impose a civil penalty not to exceed \$150,000 per breach of the security system.

**SB 272: General Assembly; consideration of certain documents related to the budget bill or general appropriation act.** Provides that no legislative action may be taken on (i) any committee amendment to the budget bill or general appropriation act, (ii) any conference committee report on the budget bill or general appropriation act, or (iii) any Governor's recommendation on the budget bill or general appropriation act until each such amendment, report, recommendation, or budget bill has been posted on the General Assembly's website for at least 72 hours. The bill provides that each house may vote by two-thirds majority to override the posting requirement.