

# 2013 JCOTS Legislative Update

## *Bills Related to Science or Technology Adopted by the 2013 Session of the General Assembly*

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### **HB 1451 Retention of case records; general district court.**

*Chief patron:* Minchew

*Summary as passed:*

**Retention of case records; general district court.** Permits the chief judge of a general district court to direct the clerk of that court to destroy documents related to civil and criminal cases that have been ended for a period of three years, provided that they have been microfilmed or converted to an electronic format. Currently, such documents must be retained for 10 years. This bill is a recommendation of the Committee on District Courts. The bill is identical to SB 979.

### **HB 1652 Electronic filing in civil proceedings; certain circuit court clerks may charge an additional fee.**

*Chief patron:* Kilgore

*Summary as passed House:*

**Electronic filing in civil proceedings; fee.** Allows, but does not require, a circuit court clerk with an established electronic filing system to charge a \$2 fee for every civil case initially filed by paper. Indigents are exempt from paying the fee. The fee is paid into the clerk's nonreverting local fund to be exclusively used to cover the operational expenses of the electronic filing system.

### **HB 1658 Circuit court clerks; revises various powers and duties for certification of records, etc.**

*Chief patron:* Gilbert

*Summary as passed:*

**Clerk's fees; electronic records; certification of records; etc.** Revises various powers and duties of circuit court clerks for certification of records, assessment of fees, etc., such as (i)

providing that the use of the term "copy teste," "true copy," or "certified copy" is prima facie evidence that a document is a certified copy of the official record kept in the clerk's office; (ii) providing that no judgment for certain assessments or fees shall be recorded as a judgment in favor of the Commonwealth if such assessments or fees have been fully paid by the date of sentencing; (iii) defining "operational expenses," which are funded by certain clerk's fees, to include various technology maintenance and enhancements; (iv) clarifying that a clerk shall forward an abstract of certain convictions to the Department of Motor Vehicles within 18 days after such conviction or, in the case of civil judgments, within 30 days after the judgment has become final; (v) allowing the clerk to maintain records in adoption cases in electronic format; and (vi) repealing the requirement that a clerk verify the accuracy of a record made by him.

**HB 1684 Identity theft; victim assistance, restitution, penalties.**

*Chief patron:* Bell, Robert B.

*Summary as passed House:*

**Identity theft; penalties.** Raises the punishment for identity theft where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence from a Class 6 to a Class 5 felony and raises the punishment for identity theft where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence from a Class 5 to a Class 4 felony. A violation resulting in the arrest and detention of the victim is raised from a Class 6 to a Class 5 felony. This bill is identical to SB 1010.

**HB 1699 Personal property tax, tangible; computer equipment & peripherals used in data centers, definition.**

*Chief patron:* Comstock

*Summary as passed House:*

**Tangible personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification, for purposes of permitting localities to set a lower personal property tax rate, on computer equipment and peripherals used in a data center. This bill is identical to SB 1133.

**HB 1715 Circuit court clerks; electronic filing and records, remote access.**

*Chief patron: laquinto*

*Summary as passed House:*

**Clerks of circuit courts; electronic filing and records; remote access.** Makes various changes to the provisions that allow circuit court clerks to provide remote access to certain records and to charge a fee for such access. The bill also directs that fees assessed for electronic filing of cases and other records and accessing certain records remotely shall be paid to the clerk's nonreverting local fund to be used to cover the clerk's operational expenses.

**HB 1716 Circuit court clerks; allowed to establish and maintain their own case management systems, etc.**

*Chief patron: laquinto*

*Summary as passed:*

**Clerks' fees; case management systems, etc.** Allows circuit court clerks to establish and maintain their own case management systems, financial management systems, or other independent technology. Data from a clerk's independent system may be provided directly to designated state agencies or to such agencies through an interface with the systems of the Executive Secretary of the Supreme Court of Virginia. The Executive Secretary shall provide an electronic interface to the data available on his systems to a circuit court clerk upon the clerk's written request. The bill also defines the term "operational expenses" and requires the clerks to submit certain data in a format acceptable to the Central Criminal Records Exchange.

**HB 1760 SCC; integration of processes and forms by June 30, 2018, into Business Permitting Center, report.**

*Chief patron: Ramadan*

*Summary as passed House:*

**Virginia Business One Stop electronic portal program; participation by State Corporation Commission.** Requires the State Corporation Commission, by June 30, 2018, to fully integrate processes and forms into the Business Permitting Center administered by the Department of Business Assistance and to process all forms within 48 business hours from the time the applicant submits the form electronically. The bill also provides for the Commission and the Business Permitting Center to report on progress and any barriers to completion biannually to the Governor and the chairmen of the Senate Finance, Senate General Laws and Technology,

Senate Commerce and Labor, House Appropriations, and House Commerce and Labor committees. This bill is identical to SB 1137.

**HB 1764 Virginia Voter Registration System; State Board of Elections to develop.**

*Chief patron:* Bell, Robert B.

*Summary as introduced:*

**State Board of Elections; Virginia Voter Registration System.** Directs the State Board to cooperate with other states to develop systems to compare voters and registration lists in order to ensure accuracy of voter registration rolls, prevent duplicate registration, and determine eligibility of individuals to vote.

**HB 1767 Machinery and Equipment Donation Grant Program; established.**

*Chief patron:* Watson

*Summary as passed:*

**Grants for donation of machinery and equipment to certain schools; fund established.**

Establishes a fund for a grant program for business donations of new machinery and equipment, purchased within the last 12 months by the business, to Virginia's community colleges and vocational schools. The machinery and equipment are to be principally used in Virginia in teaching or training students of the donee community college or vocational school, and the recipient community college or school must certify that the machinery or equipment was needed. The grant would equal 20 percent of the purchase price paid by the business for the machinery and equipment. However, a business would not be allowed more than an aggregate of \$5,000 of grants in any year for such donations. The bill is contingent upon funding in a general appropriation act passed by the 2013 Session of the General Assembly, which becomes law.

**HB 1790 Virginia Nuclear Energy Consortium Authority; established, report.**

*Chief patron:* Garrett

*Summary as enacted with Governor's Recommendations:*

**Virginia Nuclear Energy Consortium.** Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the

Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act. This bill is identical to SB 1138.

**HB 1829 Foxes; using GPS device to manage dogs while hunting, may also use GPS while hunting other game.**

*Chief patron:* Poindexter

*Summary as introduced:*

**Using a GPS device to manage dogs in pursuit of foxes.** Allows hunters to use a GPS (Global Positioning System) or other electronic tracking device to manage dogs that are hunting or pursuing a fox. Current law distinguishes actually following a dog from "managing" the dog, but it does not explain what managing might encompass. The bill contains technical amendments.

**HB 1872 Investments; qualification for tax credits, clarifies meaning of funding portal, guidelines.**

*Chief patron:* McClellan

*Summary as passed House:*

**Online investments; eligible for state tax credits.** Specifies that investments transacted via an online general solicitation, online broker, or a funding portal shall be eligible for state tax

credits, so long as the investment otherwise meets all requirements for earning the particular tax credit.

**HB 1890 General Services, Department of; public access to standard vendor accounting information.**

*Chief patron:* LeMunyon

*Summary as passed House:*

**Department of General Services; standard vendor accounting information.** Requires the Division of Purchases and Supply of the Department of General Services and the State Comptroller to adhere to the adopted data standards and match all purchases of goods, commodities, and other services to the related payment activity and make the matched information available on the Commonwealth Data Point pursuant to subdivision H 3 a of § 30-133. The bill requires that this information be available at a transactional level and be in sufficient detail to make clear what an agency has purchased, when the purchase was made, the vendor from whom the purchase is made, the amount purchased, if applicable, and how much was paid. The bill further requires that by July 15, 2013, the Governor must direct the Division and State Comptroller to take the steps necessary to modify their systems to accomplish the requirements of the bill.

**HB 1907 Handheld personal communications devices; primary offense for texting while driving, mandatory fine.**

*Chief patron:* Anderson

*Summary as passed House:*

**Driving while texting; primary offense; increased penalties.** Provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also increases the punishment of any person convicted of reckless driving to include a \$500 mandatory minimum fine if the person was texting at the time of the reckless driving offense. The bill also changes the offense from a secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. The bill incorporates HB 1357, HB 1360, HB 1495, HB 1540, HB 1848, and HB 1883 and is identical to SB 1222.

**HB 1923 Worker retraining tax credit; increase in credit amount for tax years beginning January 1, 2012.**

*Chief patron: Yancey*

*Summary as passed House:*

**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 \$200 per year per employee or \$300 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 1981 Electronic tracking devices; person who installs, etc., without consent, Class 3 misdemeanor.**

*Chief patron: May*

*Summary as passed:*

**Use of electronic tracking devices; penalty.** Provides that any person who installs or places an electronic tracking device through intentionally deceptive means and without consent and uses it to track the location of another person is guilty of a Class 3 misdemeanor. The bill includes exceptions.

**HB 1982 Local tax bills; permits treasurers to convey access online from database on treasurer's website.**

*Chief patron: May*

*Summary as introduced:*

**Local tax bills.** Permits treasurers to convey, with the consent of the taxpayer, any tax bill by permitting the taxpayer to access his tax bill online from a database on the treasurer's website.

**HB 2012 Drones; moratorium on use of unmanned aircraft systems by state and local law enforcement, etc.**

*Chief patron: Cline*

*Summary as passed:*

**Drones; moratorium.** Places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in defined emergency situations and except for certain Virginia National Guard functions. The bill incorporates HB 1616 and is identical to SB 1331.

**HB 2026 Virginia FOIA; remote participation in meeting by member of public body.**

*Chief patron:* Dudenhefer

*Summary as introduced:*

**Virginia Freedom of Information Act; remote participation in a meeting by a member of a public body; personal matter.** Allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 2040 Noise abatement practices and technologies; VDOT's evaluation extended for two additional years.**

*Chief patron:* Comstock

*Summary as introduced:*

**Noise abatement practices and technologies.** Extends for two additional years (until June 30, 2015) VDOT's evaluation of noise abatement practices and technologies demonstration projects.

**HB 2082 Information Technology Advisory Council; Council to elect chairman and vice-chair from membership.**

*Chief patron:* Head

*Summary as introduced:*

**Information Technology Advisory Council.** Provides for the Information Technology Advisory Council to elect a chairman and vice-chairman from its membership. Under the bill, neither the Secretary of Technology nor the Chief Information Officer may serve as chairman, and the CIO is no longer required to serve as vice-chairman. Under current law, the Secretary of Technology

serves as chairman and the CIO serves as vice-chairman of the Council. The bill also removes the requirement for the Council to meet at least quarterly and allows both the Secretary of Technology and the CIO to call a meeting. This bill is identical to SB 1183.

**HB 2089 Permits and other information; DEQ to transmit electronically air pollution control, etc.**

*Chief patron:* Wilt

*Summary as introduced:*

**Electronic transmission of permits.** Allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals.

**HB 2101 High School to Work Partnerships; Board of Education shall develop guidelines for establishment.**

*Chief patron:* Ramadan

*Summary as passed House:*

**Career and technical education; High School to Work Partnerships.** Directs the Board of Education to develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create apprenticeships, internships, and job shadow programs in a variety of trades and skilled labor positions. The bill also provides that local school boards may encourage the local school division's career and technical education administrator to work with the guidance counselor office of each public high school to establish such partnerships. This bill is identical to SB 1248.

**HB 2128 Virginia Public Procurement Act; small procurements.**

*Chief patron:* Byron

*Summary as introduced:*

**Virginia Public Procurement Act; small procurements; localities.** Provides that local public bodies are not required to post on the Department of General Services' central electronic procurement website for small purchase procurements.

**HB 2305 Community associations; restrictions on solar panels.**

*Chief patron:* Ramadan

*Summary as passed:*

**Solar panels in community associations.** Clarifies that a community association may establish reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use. The bill also requires the resale certificate required under the Virginia Condominium Act and the disclosure packet under the Virginia Property Owners' Association Act to contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property. In addition, the bill adds to the seller's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the seller makes no representations with respect to right to install or use solar energy collection devices on the property.

**HB 2341 Voter registration; electronic transmission of information.**

*Chief patron:* Ramadan

*Summary as introduced:*

**Electronic transmission of voter registration information.** Provides that a person who is qualified to register to vote may apply to register to vote by electronic means authorized by the State Board of Elections.

**SB 804 Voluntary boundary agreement between localities; attachment of GIS map to petitions.**

*Chief patron:* Garrett

*Summary as passed Senate:*

**Voluntary boundary agreement between Louisa and Goochland Counties; attachment of GIS map to petitions.** Allows Louisa and Goochland Counties, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. The section formerly restricted the type of attachment to either a plat or a metes and bounds description.

**SB 923 Open Education Curriculum Board; repeals Board.**

*Chief patron:* Watkins

*Summary as introduced:*

**Open Education Curriculum Board.** Abolishes the Open Education Curriculum Board.

**SB 1010 Identity theft; victim assistance, restitution, penalties.**

*Chief patron:* Stanley

*Summary as passed Senate:*

**Identity theft; penalties.** Raises the punishment for identity theft where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence from a Class 6 to a Class 5 felony and raises the punishment for identity theft where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence from a Class 5 to a Class 4 felony. A violation resulting in the arrest and detention of the victim is raised from a Class 6 to a Class 5 felony. This bill is identical to HB 1684.

**SB 1133 Personal property tax, tangible; computer equipment & peripherals used in data centers, definition.**

*Chief patron:* McDougle

*Summary as passed:*

**Tangible personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification, for purposes of permitting localities to set a lower personal property tax rate, on computer equipment and peripherals used in a data center. This bill is identical to HB 1699.

**SB 1137 SCC; integration of processes and forms by June 30, 2018, into Business Permitting Center, report.**

*Chief patron:* McWaters

*Summary as passed:*

**Virginia Business One Stop electronic portal program; participation by State Corporation Commission.** Requires the State Corporation Commission, by June 30, 2018, to fully integrate

processes and forms into the Business Permitting Center administered by the Department of Business Assistance and to process all forms within 48 business hours from the time the applicant submits the form electronically. The bill also provides for the Commission and the Business Permitting Center to report on progress and any barriers to completion biannually to the Governor and the chairmen of the Senate Finance, Senate General Laws and Technology, Senate Commerce and Labor, House Appropriations, and House Commerce and Labor committees. This bill is identical to HB 1760.

**SB 1138 Virginia Nuclear Energy Consortium Authority; established, report.**

*Chief patron:* McWaters

*Summary as passed:*

**Virginia Nuclear Energy Consortium.** Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act. This bill is identical to HB 1790.

**SB 1183 Information Technology Advisory Council; Council to elect chairman and vice-chair from membership.**

*Chief patron:* Vogel

*Summary as introduced:*

**Information Technology Advisory Council.** Provides for the Information Technology Advisory Council to elect a chairman and vice-chairman from its membership. Under the bill, neither the Secretary of Technology nor the Chief Information Officer may serve as chairman, and the CIO is no longer required to serve as vice-chairman. Under current law, the Secretary of Technology serves as chairman and the CIO serves as vice-chairman of the Council. The bill also removes the requirement for the Council to meet at least quarterly and allows both the Secretary of Technology and the CIO to call a meeting. This bill is identical to HB 2082.

**SB 1195 Entrepreneur-in-Residence Program; created, sunset provision.**

*Chief patron:* Saslaw

*Summary as passed:*

**Entrepreneur-in-Residence Program.** Creates the Entrepreneur-in-Residence Program, a pilot program administered by the Secretary of Commerce and Trade to improve outreach by state government to the private sector. The objectives of the Program are to (i) strengthen coordination and interaction between state government and the private sector on issues relevant to entrepreneurs and small business concerns and (ii) make state government programs and operations simpler, easier to access, more efficient, and more responsive to the needs of small business concerns and entrepreneurs. The program has a 2017 sunset date. The bill includes a reenactment clause and a provision requiring the Secretary of Commerce and Trade to establish recommended guidelines by November 1, 2013.

**SB 1222 Handheld personal communications devices; primary offense for texting while driving, mandatory fine.**

*Chief patron:* Norment

*Summary as passed:*

**Driving while texting; primary offense; increased penalties.** Provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of \$250 and, for a second or subsequent offense, by a fine of \$500. The current penalties are \$20 for a first offense and \$50 for a second or subsequent offense. The bill also increases the punishment of any person convicted of reckless driving to include a \$500 mandatory minimum fine if the person was texting at the time of the reckless driving offense. The bill also changes the offense from a

secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. The bill incorporates SB 981, SB 1160, and SB 1238. The bill is identical to HB 1907.

**SB 1248 High School to Work Partnerships; Board of Education shall develop guidelines for establishment.**

*Chief patron:* Black

*Summary as passed Senate:*

**Career and technical education; High School to Work Partnerships.** Directs the Board of Education to develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create apprenticeships, internships, and job shadow programs in a variety of trades and skilled labor positions. The bill also provides that local school boards may encourage the local school division's career and technical education administrator to work with the guidance counselor office of each public high school to establish such partnerships. This bill is identical to HB 2101.

**SB 1263 VA FOIA; meeting by electronic communication means by certain committees, etc. of State bodies.**

*Chief patron:* Stuart

*Summary as introduced:*

**Virginia Freedom of Information Act; meeting by electronic communication means by certain committees, subcommittees, etc., of state public bodies; personal matters.**

Authorizes an advisory public body, defined as any state public body classified as advisory pursuant to § 2.2-2100 or any committee, subcommittee, or other entity, however designated, of a state public body created to advise the state public body, to meet by electronic communication means without a quorum of the advisory public body being physically assembled at one location, provided, among other requirements, the meeting is conducted utilizing a combined audio and visual communication method. The bill requires any advisory public body holding this kind of electronic communication meeting to make an audiovisual recording of the meeting, which recording shall be preserved by the advisory public body for a period of three years from the date of the meeting. The bill also enhances the annual reporting requirements for any public body authorized to conduct electronic communication meetings and requires the FOIA Council to develop a form that an authorized public body must make available to the public at any such

meeting for public comment. The above-described provisions of the bill by its terms will expire on July 1, 2014. Finally, the bill allows a member of any public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**SB 1331 Drones; moratorium on use of unmanned aircraft systems by state and local law enforcement, etc.**

*Chief patron:* McEachin

*Summary as passed:*

**Drones; moratorium.** Places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in defined emergency situations and except for certain Virginia National Guard functions. This bill is identical to HB 2012.