

**2014 JCOTS Legislative Update**  
*Bills Related to Science or Technology Adopted by  
the 2014 Session of the General Assembly*

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**HB 17 Electronic communication or remote computing devices; warrant requirement for certain records.**

*Chief patron:* Robert G. Marshall

SUMMARY AS PASSED HOUSE:

**Warrant requirement for certain telecommunications records; real-time location data.** Provides that a provider of electronic communication service or remote computing service shall not disclose real-time location data to an investigative or law-enforcement officer except pursuant to a search warrant, subject to certain exceptions. The bill defines "real-time location data" as data or information concerning the current location of an electronic device that is generated, derived from, or obtained by the operation of the device. This bill incorporates HB 817.

**HB 143 Courthouse; posting of notices, website.**

*Chief patron:* J. Randall Minchew

SUMMARY AS INTRODUCED:

**Courthouse; posting of notices; website.** Provides that documents required to be posted by a clerk on or at the front door of a courthouse or on a public bulletin board at a courthouse may instead be posted on the public government website of the locality served by the court.

**HB 167 Virginia Business One Stop electronic portal program; participation by State Corporation Commission.**

*Chief patron:* David I. Ramadan

SUMMARY AS PASSED HOUSE:

**Virginia Business One Stop electronic portal program; participation by State Corporation Commission.** Requires the State Corporation Commission (SCC) and the Department of Small Business and Supplier Diversity (DSBSD), by December 1, 2014, to implement a hyperlink from the SCC's eFile system to the Business Permitting

Center that will facilitate the collection of a user's information to populate any forms that will be required to be completed at a future date. The measure also requires that SCC and DSBSD meet as necessary to further such collaboration. The Secretary of Commerce and Trade is directed to oversee DSBSD's implementation of the provisions. The Secretary of Commerce and Trade and the Secretary of Technology shall have the opportunity to participate in such meetings.

**HB 168 State Corporation Commission; eFile electronic registration system, etc.**

*Chief patron:* David I. Ramadan

SUMMARY AS PASSED HOUSE:

**Clerk of the State Corporation Commission; secure online system; articles of dissolution.** Requires the State Corporation Commission limit the submission of data and documents on behalf of a business entity through its eFile electronic registration system to any user (i) designated to make such submission on behalf of the business entity and (ii) whose identity has been established satisfactorily through a verification process by July 1, 2018. After July 1, 2014 and until this has been implemented by the Commission, no articles of dissolution of a business entity or data or documents that contain officer or director changes shall be accepted through the Commission's eFile electronic registration system.

**HB 193 FOIA; participation in meetings by electronic communication in event of emergency, etc.**

*Chief patron:* J. Randall Minchew

SUMMARY AS PASSED HOUSE:

**Virginia Freedom of Information Act; participation in meetings in event of emergency or personal matters.** Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

**HB 206 Higher educational institutions, 4-year; mental health resources available to students on website.**

*Chief patron:* Patrick A. Hope

**SUMMARY AS PASSED HOUSE:**

**Four-year public institutions of higher education; mental health resources.**

Requires each four-year public institution of higher education in the Commonwealth to create and feature on its website a page with information dedicated solely to the mental health resources available to students at the institution. The bill has a delayed effective date of July 1, 2015.

**HB 321 Entrepreneur-in-Residence Program; created.**

*Chief patron:* R. Steven Landes

**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. Under the bill, entrepreneurs-in-residence serve without compensation but, at the discretion of the head of the agency they were appointed to serve, may receive reasonable and necessary expenses incurred in the discharge of their duties. The bill also provides that the Secretary may contract with a public institution of higher education for the management and oversight of the Program. The Program was created by Chapter 788 of the Acts of Assembly of 2013 but will not become effective unless reenacted by the 2014 Session of the General Assembly. The Program has a 2017 sunset date. This bill is identical to SB 362.

**HB 375 Patent infringement; assertions made in bad faith, exemptions, penalties.**

*Chief patron:* Israel D. O'Quinn

**SUMMARY AS PASSED:**

**Patent infringement; assertions made in bad faith.** Prohibits any person from making in bad faith an assertion of patent infringement. The Attorney General or

an attorney for the Commonwealth is empowered to accept assurances of voluntary compliance and seek injunctive relief. The Attorney General is authorized to issue civil investigative demands. The measure does not create a private cause of action. The measure does not apply to a demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. § 271(e)(2) or 42 U.S.C. § 262. This bill is identical to SB 150.

*\* There is a pending Governors Amendment that states that the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2014 by the General Assembly that becomes law.*

**HB 477 Electronic summons system; fees.**

*Chief patron:* Ronald A. Villanueva

**SUMMARY AS PASSED HOUSE:**

**Electronic summons system; fees.** Allows counties and cities to assess a fee not to exceed \$5 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.

**HB 485 Abduction and prostitution offenses; administrative subpoena for electronic communication service.**

*Chief patron:* Timothy D. Hugo

**SUMMARY AS INTRODUCED:**

**Administrative subpoena for electronic communication service or remote computing service records; abduction and prostitution offenses.** Adds certain abduction and prostitution offenses to the list of crimes for which attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation.

**HB 518 Certificates of analysis admitted into evidence; electronic signature.**

*Chief patron:* Rick L. Morris

**SUMMARY AS PASSED:**

**Certificates of analysis admitted into evidence; electronic signature.** Allows the Department of Forensic Science to electronically scan a blood withdrawal certificate into the Department's Laboratory Information Management System and to electronically transmit it and the certificate of analysis to the clerk of court. The bill also allows a certificate of analysis for drugs or alcohol use to be signed electronically.

**HB 543 Security freezes; protected consumers, penalties.**

*Chief patron:* Eileen Filler-Corn

**SUMMARY AS PASSED HOUSE:**

**Security freezes; protected consumers; penalties.** Establishes a procedure by which a protected consumer's representative may request that a consumer reporting agency place a security freeze on the protected consumer's credit report. A protected consumer is an individual resident of the Commonwealth who is (i) younger than age 16 at the time a request for the placement of a security freeze is made or (ii) an incapacitated person for whom a guardian or conservator has been appointed. If a freeze is established for a protected consumer, a consumer reporting agency is prohibited from releasing the protected consumer's credit report, any information derived from it, or any record created for the protected consumer, unless the freeze is removed. A fee of up to \$10 may be charged for placing or removing a freeze, except identity theft victims and persons under age 16 for whom the agency has a credit report are not required to pay a fee. Willful violations are subject to a civil penalty of up to \$1,000. The measure will become effective January 1, 2015.

**HB 589 Personal property tax; exemption for household goods.**

*Chief patron:* Glenn R. Davis

**SUMMARY AS PASSED:**

**Personal property tax; exemption for household goods.** Provides that the personal property tax exemption for household goods includes property primarily used for household purposes, including electronic devices such as cell phones, tablets, and personal computers.

**HB 607 Recordation & marginal release; circuit court clerk not required to make recordings in record books.**

*Chief patron:* Roxann L. Robinson

SUMMARY AS INTRODUCED:

**Clerk; recordation; marginal release.** Removes the requirements that the clerk of the circuit court make recordings in the margins of pages in record books to accommodate the use of electronic filing databases by circuit court clerks.

**HB 630 Virginia Workers' Compensation Commission; filing of documents or materials.**

*Chief patron:* Terry G. Kilgore

SUMMARY AS INTRODUCED:

**Virginia Workers' Compensation Commission; filings.** Eliminates the ability of parties to a workers' compensation proceeding to file documents or materials with the Virginia Workers' Compensation Commission by telegraph. The measure also permits the filing of documents and materials only by means of electronic transmission approved by the Commission.

**HB 679 Voting equipment; technical amendments to reflect updates in equipment technology.**

*Chief patron:* Mark L. Cole

SUMMARY AS PASSED:

**Elections; voting equipment.** Makes technical amendments to reflect updates in voting equipment technology. The bill also authorizes the State Board of Elections to conduct audits of ballot scanner machines; currently, these audits are conducted as part of a pilot program. Two outdated sections regarding mechanical voting devices and ballots generally are repealed. The bill contains an emergency clause. This bill is identical to SB 456.

**HB 704 Recording of evidence, etc.; misdemeanor cases electronically in circuit court.**

*Chief patron:* C. Todd Gilbert

SUMMARY AS PASSED HOUSE:

**Recording of trial, etc.; misdemeanor cases in circuit court.** Requires the circuit court in misdemeanor cases to allow the Commonwealth, the defendant, or both, to record evidence and incidents of trial by a mechanical or electronic device in cases in which there is no court reporter or other court-approved verbatim recording. The purpose of the recording is to aid counsel in producing a statement of facts for appeal when there is no transcript. The recording will not be made a part of the record unless otherwise permitted.

**HB 745 Internet publication of personal information; prohibition, attorneys for the Commonwealth.**

*Chief patron:* Robert B. Bell

SUMMARY AS INTRODUCED:

**Internet publication of personal information; prohibition; attorneys for the Commonwealth.** Adds attorneys for the Commonwealth 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 or state or federal judge or justice if such official has made a written demand and obtains a court order.

**HB 749 Virginia Information Technologies Agency; private institutions of higher education.**

*Chief patron:* Thomas Davis Rust

SUMMARY AS INTRODUCED:

**Virginia Information Technologies Agency; private institutions of higher education.** Provides for the Virginia Information Technologies Agency (VITA) to allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies. The bill also requires VITA to seek the assistance of the Council of Independent Colleges in Virginia and the Division of Purchases and Supply of the Department of General Services in establishing and maintaining a list of private educational institutions authorized to make such

purchases.

**HB 750 Virginia Information Technologies Agency; clarifies definition of communications services.**

*Chief patron:* Thomas Davis Rust

SUMMARY AS INTRODUCED:

**Virginia Information Technologies Agency.** Includes local, wide area, metropolitan, and all other data networks in the definition of "communications services" for the purposes of state agency procurement. This bill is identical to SB 393.

**HB 759 Absentee voting and procedures; secure return of voted absentee military-overseas ballots.**

*Chief patron:* Thomas Davis Rust

SUMMARY AS PASSED:

**Absentee voting and procedures; secure return of voted military-overseas ballots.** Requires the State Board of Elections to provide instructions, procedures, services, a security assessment, and security measures for the secure return by electronic means of voted absentee military-overseas ballots from uniformed-service voters outside of the United States. The bill requires the State Board to develop and update annually a security assessment and security measures to ensure the accuracy and integrity of such votes. The State Board is directed to convene a working group for the development of the initial instructions, procedures, services, security assessment, and security measures, and the working group is required to submit an annual report to the Governor and General Assembly beginning January 1, 2016, on the feasibility and cost of implementation of the secure return of such military-overseas ballots. Additionally, the State Board is directed to work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of such military-overseas ballots. The provisions of this bill will not become effective unless reenacted by the 2016 Session of the General Assembly. This bill is identical to SB 11.

**HB 784 Virginia Geographic Information Network Advisory Board, etc.; membership and terms.**

*Chief patron:* Mark L. Cole

SUMMARY AS PASSED HOUSE:

**Various boards; membership and terms.** Reduces the number of nonlegislative citizen members who serve on the Virginia Geographic Information Network Advisory Board from nine to seven by eliminating the position for an elected official who serves on a planning district commission and eliminating one of the two current representatives of a utility or transportation industry utilizing geographic data. The bill specifies that vacancies on the Litter Control and Recycling Fund Advisory Board that occur other than by expiration of term are to be filled for the unexpired term and that no person is eligible to serve on the Advisory Board for more than two terms.

**HB 790 General Services, Department of; inventory of all real property owned by the Commonwealth.**

*Chief patron:* James M. LeMunyon

SUMMARY AS PASSED HOUSE:

**Department of General Services; inventory of all real property owned by the Commonwealth.** Requires the Department of General Services to provide a listing of certain real property owned by the Commonwealth on the Department's website. The bill requires that the description of such property include parcel identification consistent with national spatial data standards in addition to a street address as available and reported to the Department.

**HB 822 Electric utility regulation; renewable energy portfolio standard program.**

*Chief patron:* Alfonso H. Lopez

SUMMARY AS PASSED:

**Renewable energy portfolio standard program.** Limits the ability of an electric utility participating in the renewable energy portfolio standard (RPS) program to bank renewable energy sales or renewable energy certificates (RECs) that are in excess of the yearly sales requirement for that RPS Goal. The measure provides that the utility may use such excess sales or RECs to achieve the RPS Goals only in the subsequent five calendar years after the renewable energy was generated or the certificates were

created. An electric utility may continue to apply RECs that it acquired prior to January 1, 2014. This bill is identical to SB 498.

**HB 829 Automated sales suppression devices; falsifying electronic records, penalties.**

*Chief patron:* Mark L. Keam

SUMMARY AS PASSED:

**Automated sales suppression device; penalties.** Makes it a Class 1 misdemeanor to willfully utilize any device or software to falsify the electronic records of cash registers or manipulate transactions records that affect any state or local tax liability. The bill provides that any violation shall result in a civil penalty of \$20,000. This bill is identical to SB 611.

**HB 864 Virginia Small Business Financing Authority; definition of eligible business & business enterprise.**

*Chief patron:* David E. Yancey

SUMMARY AS INTRODUCED:

**Virginia Small Business Financing Authority; definition of eligible business and business enterprise.** Expands the definition of an eligible business under the Virginia Small Business Financing Authority to include any for-profit enterprise that exists for the primary purpose of developing or operating a qualified energy project or is required by state or federal law to develop or operate a qualified pollution control project. The definition of a business enterprise is expanded to include any entity acquiring, constructing, improving, maintaining, or operating a qualified energy project or a qualified pollution control project. A qualified energy project is a solar-powered or wind-powered electricity generation facility located in the Commonwealth on premises owned or leased by an eligible customer-generator if the electricity generated from it is sold exclusively to the eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement) pursuant to a pilot program established under Chapter 382 of the Acts of Assembly of 2013. A qualified pollution control project means environmental pollution control and prevention equipment certified by the business enterprise or eligible business as being needed to comply with the federal Clean Air Act, Clean Water Act, or Resource Conservation and Recovery Act.

**HB 886 Higher Education for Virginia, State Council of; postsecondary education and employment data.**

*Chief patron:* Christopher K. Peace

**SUMMARY AS PASSED HOUSE:**

**State Council of Higher Education; postsecondary education and employment data.** Requires the State Council of Higher Education to disseminate to each public high school and each institution of higher education in the Commonwealth for which the Council has student-level data a link on its website to certain published postsecondary education and employment data. The bill requires each institution of higher education to provide the link and each local school board to provide annual notice on its website to each enrolled high school student and his parents about the availability of such data.

**HB 900 Condominium Act and Property Owners' Association Act; allowable fees, etc.**

*Chief patron:* Christopher K. Peace

**SUMMARY AS PASSED HOUSE:**

**Condominium Act and Property Owners' Association Act; allowable fees.** Provides that nothing in either Act shall be construed to authorize an association or common interest community manager to charge an inspection fee for a unit or lot unless specifically authorized, nor may an additional fee be charged for access to the association's or common interest community manager's website. The bill provides that if a resale certificate or disclosure packet is provided in electronic format, a total fee not to exceed \$125 is authorized for one electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester.

**HB 952 Court files; protection of confidential information.**

*Chief patron:* Benjamin L. Cline

**SUMMARY AS PASSED HOUSE:**

**Protection of confidential information in court files.** Provides that whenever a party in a civil action files a motion or other document with a court containing a social security number or other identification numbers on driver's licenses, credit cards, debit cards, bank accounts, or other electronic billing and payment systems, such party shall make reasonable efforts to redact all but the last four digits of such number. The bill

also provides that failure to redact such information does not create private cause of action against the party or lawyer who filed the document or any court personnel, clerk, or other employees who received the document for filing. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

**HB 956 Elections; filings by candidates and political parties.**

*Chief patron:* A. Benton "Ben" Chafin

**SUMMARY AS PASSED:**

**Elections; filings by candidates and political parties.** Streamlines the process by which information regarding candidates' filing of required statements of economic interests is transmitted to the State Board of Elections or local electoral boards. The bill also requires the date a candidate is nominated by a method other than a primary to be certified to the State Board; currently only the name of the candidate so nominated has to be certified.

**HB 1013 District courts; record retention.**

*Chief patron:* Jeffrey L. Campbell

**SUMMARY AS INTRODUCED:**

**Record retention in district courts.** Permits the chief judge of a juvenile and domestic relations 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 the documents have been microfilmed or converted to an electronic format. Currently, only the chief judge of a general district court has such authority.

**HB 1054 High school diploma course and credit requirements; computer science.**

*Chief patron:* G. Manoli Loupassi

**SUMMARY AS PASSED:**

**High school diploma course and credit requirements; computer science.** Requires the Board of Education to consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits in establishing course and credit requirements for a high school diploma and requires the Board to develop guidelines addressing how computer science courses can satisfy graduation requirements.

**HB 1086 Special education; full-time virtual school programs.**

*Chief patron:* Richard P. Bell

**SUMMARY AS PASSED HOUSE:**

**Special education; full-time virtual school programs.** Requires each local school board to provide free and appropriate special education for each student with a disability who attends a full-time virtual school program in the school division but resides in another school division in the Commonwealth. The bill provides that the school division in which the student resides shall (i) be released from the obligation to provide free and appropriate special education for such student and (ii) transfer to the school division in which the student attends a full-time virtual school program state and federal funds for the education of such students.

**HB 1090 Statewide transportation technology programs; STO & VDOT shall revise and update programs.**

*Chief patron:* Ronald A. Villanueva

**SUMMARY AS PASSED HOUSE:**

**New technologies and innovations in statewide transportation programs.** Requires the Secretary of Transportation and VDOT to incorporate new smart road technologies and innovations in statewide transportation technology programs.

**HB 1095 Innovation and Technology Transportation Fund; created, report.**

*Chief patron:* Christopher K. Peace

**SUMMARY AS PASSED:**

**Innovation and Technology Transportation Fund.** Creates the Innovation and Technology Transportation Fund to fund pilot programs and fully developed initiatives pertaining to high-tech infrastructure improvements and requires the Commonwealth Transportation Board to allocate certain moneys to the Fund.

**HB 1098 Smart transportation pilot zone; STO and VDOT shall establish zone to test certain road technology.**

*Chief patron:* Richard L. Anderson

SUMMARY AS PASSED HOUSE:

**Smart transportation pilot zone.** Requires the Secretary of Transportation and VDOT to establish a smart transportation pilot zone to test state-of-the-art smart road technology.

**HB 1115 Virtual Virginia; DOE to increase online courses available to other school divisions through Program**

*Chief patron:* Thomas A. "Tag" Greason

SUMMARY AS PASSED HOUSE:

**Virtual Virginia; local school divisions; shared online courses.** Permits the Department of Education to contract with one or more local school boards that have created online courses to make such courses available to other school divisions through Virtual Virginia. The bill permits such school divisions to charge a per-student or per-course fee, subject to Board of Education approval. The bill requires the Department to establish the Virtual Learning Advisory Committee to advise the Department on (i) online courses, in-service training, and digital instructional resources that school divisions need to meet the Commonwealth's graduation requirements and (ii) strategic planning to expand blended and online learning opportunities in Virginia's public schools. The bill permits the Department to charge school divisions requesting to offer a course through Virtual Virginia and multidivision online providers an application fee.

**HB 1239 Real and personal property taxes; exemption for solar energy equipment, facilities, or devices.**

*Chief patron:* Timothy D. Hugo

SUMMARY AS PASSED:

**Real and personal property tax exemption; solar energy equipment, facilities, or devices.** Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy.

**HB 1261 Carbon dioxide; regulating emissions.**

*Chief patron:* A. Benton "Ben" Chafin

**SUMMARY AS PASSED:**

**Virginia Energy Plan; carbon dioxide emission control impact; schedule.**

Requires the Virginia Energy Plan to include, with regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 37 111(d) of the Clean Air Act, an analysis of the costs to and benefits for energy producers and electric utility customers; the effect on energy markets and reliability; and the commercial availability of technology required to comply with such regulations. The measure postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1. Interim updates on the Plan are required to be provided by October 1 of the third year of each administration. The measure also requires the Division of Energy of the Department of Mines, Minerals and Energy, in Plan updates starting in 2014, to set forth energy policy positions relevant to any potential regulations of the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 111(d) of the Clean Air Act. The Division is required to address policy options for establishing separate standards of performance for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the Plan's overall goal of fuel diversity. The Plan is also required to (i) examine policy options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines and (ii) identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units. This bill is identical to SB 615.

**HJ 122 Statewide transportation technology goals and plan of action; VDOT, et al., to create, report.**

*Chief patron:* James M. LeMunyon | [all patrons](#) ... [notes](#) | [add to my profiles](#) | [history](#)

**SUMMARY AS PASSED HOUSE:**

**Statewide transportation technology goals and plan of action.** Requests the Secretary of Transportation and VDOT to create and implement statewide transportation technology goals and a five-year plan of action. Such goals and plan are to be directed to enhancing the efficiency, safety, and convenience of all modes of transportation throughout the Commonwealth.

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**SB 11 Absentee voting and procedures; secure return of voted absentee military-overseas ballots.**

*Chief patron:* Linda T. Puller

SUMMARY AS PASSED:

**Absentee voting and procedures; secure return of voted military-overseas ballots.** Requires the State Board of Elections to provide instructions, procedures, services, a security assessment, and security measures for the secure return by electronic means of voted absentee military-overseas ballots from uniformed-service voters outside of the United States. The bill requires the State Board to develop and update annually a security assessment and security measures to ensure the accuracy and integrity of such votes. The State Board is directed to convene a working group for the development of the initial instructions, procedures, services, security assessment, and security measures, and the working group is required to submit an annual report to the Governor and General Assembly beginning January 1, 2016, on the feasibility and cost of implementation of the secure return of such military-overseas ballots. Additionally, the State Board is directed to work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of such military-overseas ballots. The provisions of this bill will not become effective unless reenacted by the 2016 Session of the General Assembly. This bill is identical to HB 759.

**SB 25 Offshore natural gas & oil resources; Va. Offshore Energy Emergency Response Fund, established.**

*Chief patron:* Bryce E. Reeves

SUMMARY AS PASSED SENATE:

**Offshore natural gas and oil royalties; establishment of Virginia Offshore Energy Emergency Response Fund.** Establishes the Virginia Offshore Energy Emergency Response Fund and directs to it the first \$50 million in royalties received by the Commonwealth as the result of offshore natural gas and oil drilling and exploration. Additional revenues and royalties will be applied to maintain the Fund at \$50 million if moneys are withdrawn from the Fund. After the Fund reaches \$50 million, excess revenues and royalties will be transferred to the general fund annually.

**SB 54 General Assembly; signature for prefiled legislation.**

*Chief patron:* Ryan T. McDougale | all patrons ... notes | add to my profiles

**SUMMARY AS INTRODUCED:**

**General Assembly; signature for prefiled legislation.** Removes the sunset clause from Chapter 670 of the Acts of Assembly of 2012, which allows the substitution of an electronic signature for a handwritten signature on prefiled legislation. The provision is due to expire July 1, 2014.

**SB 147 Transportation, Department of; notice and public comment on projects on its website.**

*Chief patron:* Richard H. Stuart

**SUMMARY AS INTRODUCED:**

**Department of Transportation; notice and public comment on projects.** Requires VDOT to post notice on its website and provide for public comment prior to undertaking a safety-related or congestion management transportation project and when a project is expanded or substantially altered. The bill also requires VDOT to hold a public hearing upon request.

**SB 150 Patent infringement; assertions made in bad faith, exemptions, penalties.**

*Chief Patron:* Richard H. Stuart

**SUMMARY AS PASSED:**

**Patent infringement; assertions made in bad faith.** Prohibits any person from making in bad faith an assertion of patent infringement. The Attorney General or an attorney for the Commonwealth is empowered to accept assurances of voluntary compliance and seek injunctive relief. The Attorney General is authorized to issue civil investigative demands. The measure does not create a private cause of action. The measure does not apply to a demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. § 271(e)(2) or 42 U.S.C. § 262. This bill is identical to HB 375.

*\* There is a pending Governors Amendment that states that the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2014 by the General Assembly that becomes law.*

**SB 156 Electronic toll collection transponders; VDOT shall develop plan to eliminate maintenance fees.**

*Chief patron:* John C. Miller

SUMMARY AS PASSED SENATE:

**Electronic tolling facilities; fees.** Directs VDOT to develop and implement a plan to eliminate E-ZPass transponder maintenance fees and encourages the Secretary of Transportation to examine and improve the retail distribution of E-ZPass transponders.

**SB 222 Solar panels; community association's authority to prohibit.**

*Chief patron:* J. Chapman Petersen

SUMMARY AS PASSED:

**Solar panels in community associations.** Clarifies a community association's authority to prohibit or restrict the installation of solar power devices. The measure bars a community association from prohibiting a property owner from installing a solar energy collection device on the owner's property unless the community association's recorded declaration establishes such a prohibition.

**SB 244 Higher Education for Virginia, State Council of; elimination of certain duties and programs.**

*Chief patron:* John S. Edwards

SUMMARY AS INTRODUCED:

**State Council of Higher Education for Virginia; elimination of certain duties and programs.** Eliminates the duty of the State Council of Higher Education for Virginia (SCHEV) to (i) develop policies and procedures for disclosing certain information to students on student lending practices; (ii) develop, in collaboration with public institutions of higher education and the Department of Health, education programs for college students on the etiology, effects, and prevention of infection with human immunodeficiency virus; and (iii) establish institutes that provide in-service training on the effective use of technology to teachers, administrators, and librarians. The bill transfers the administration of the Virginia Vocational Incentive Scholarship Program for Shipyard Workers and the companion Fund from SCHEV to Tidewater Community College and specifies that shipyard workers enrolled in a certain apprenticeship program are eligible for such program and fund. The bill abolishes the

Virginia Graduate and Undergraduate Assistance Program, the College Scholarship Assistance Program, and the Virginia College Savings Program. The bill does not impact the Virginia College Savings Plan, commonly referred to as the Virginia 529 College Savings Plan or Virginia 529. Finally, the bill relocates a traineeship program administered by the Board of Education from Title 23 to Title 22.1.

**SB 362 Entrepreneur-in-Residence Program; created.**

*Chief patron:* Richard L. 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. Under the bill, entrepreneurs-in-residence serve without compensation but, at the discretion of the head of the agency they were appointed to serve, may receive reasonable and necessary expenses incurred in the discharge of their duties. The bill also provides that the Secretary may contract with a public institution of higher education for the management and oversight of the Program. The Program was created by Chapter 788 of the Acts of Assembly of 2013 but will not become effective unless reenacted by the 2014 Session of the General Assembly. The Program has a 2017 sunset date. The bill is identical to HB 321.

**SB 378 Notaries; application for recommission.**

*Chief patron:* Bryce E. Reeves

**SUMMARY AS INTRODUCED:**

**Notary public; application for recommission.** Allows persons already commissioned as notaries public or electronic notaries public to submit applications for recommission to the Secretary of the Commonwealth in person, by first-class mail, or online, provided that online applications are accompanied by an electronic signature authorized by the Uniform Electronic Transactions Act. Under current law, the Secretary of the Commonwealth is allowed but not required to accept online applications containing electronic signatures.

**SB 392 Virginia Information Technologies Agency; private institutions of higher education.**

*Chief patron:* Jill Holtzman Vogel

SUMMARY AS PASSED:

**Virginia Information Technologies Agency; private institutions of higher education.** Provides for the Virginia Information Technologies Agency (VITA) to allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies. The bill also requires VITA to seek the assistance of the Council of Independent Colleges in Virginia and the Division of Purchases and Supply of the Department of General Services in establishing and maintaining a list of private educational institutions authorized to make such purchases. This bill is identical to HB 749.

**SB 393 Virginia Information Technologies Agency; clarifies definition of communications services.**

*Chief patron:* Jill Holtzman Vogel

SUMMARY AS PASSED:

**Virginia Information Technologies Agency.** Includes local, wide area, metropolitan, and all other data networks in the definition of "communications services" for the purposes of state agency procurement. This bill is identical to HB 750.

**SB 418 Real and personal property taxes; exemption for solar energy equipment, facilities, or devices.**

*Chief patron:* Emmett W. Hanger, Jr.

SUMMARY AS PASSED:

**Certified pollution control equipment and facilities; solar equipment.** Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy. This bill incorporates SB 512 and is identical to HB 1239.

**SB 435 Circuit court clerks; automated system in lieu of order books, etc.**

*Chief patron:* Ryan T. McDougle

**SUMMARY AS INTRODUCED:**

**Clerks; order books; remote access to court records; electronic filing; information technology fees; and posting of certain information on the Internet.** Provides that circuit court clerks may keep an automated system in lieu of order books and land books as well as allow remote access to such system with regard to nonconfidential court records. The bill permits circuit court clerks to keep court records at a designated location outside of the clerk's office. The bill also exempts instruments and records that are more than 100 years old from the prohibition against the clerks posting personal information on the Internet.

**SB 456 Voting equipment; technical amendments to reflect updates in equipment technology.**

*Chief patron:* Mark D. Obenshain

**SUMMARY AS PASSED:**

**Elections; voting equipment. Makes technical amendments to reflect updates in voting equipment technology.** The bill also authorizes the State Board of Elections to conduct audits of ballot scanner machines; currently, these audits are conducted as part of a pilot program. Two outdated sections regarding mechanical voting devices and ballots generally are repealed. The bill contains an emergency clause. This bill is identical to HB 679.

**SB 459 Electric utility regulation; recovery of nuclear costs, rate adjustment clauses.**

*Chief patron:* Walter A. Stosch

**SUMMARY AS PASSED:**

**Electric utility regulation; recovery of nuclear costs.** Requires an electric utility to establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer operation and maintenance costs incurred in connection with the refueling of any nuclear-powered generating plant and certain related work. These deferred O&M costs shall be amortized over the refueling cycle, but in no case for more than 18 months. The State Corporation Commission (SCC) is required to treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of certain proceedings. The measure also limits the portion of all costs

incurred by an electric utility between July 1, 2007, and December 31, 2013, in developing a nuclear power facility that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of all such costs related to such a facility shall be recovered ratably through existing base rates as determined by the SCC in the test periods under review in the utility's next biennial review filed after July 1, 2014. All of the costs incurred after December 31, 2013, may be deferred for recovery through a rate adjustment clause as may be approved by the SCC. The measure also states that the planning and development activities for new nuclear generation facilities are in the public interest.

**SB 498 Electric utility regulation; renewable energy portfolio standard program.**

*Chief patron:* A. Donald McEachin

**SUMMARY AS PASSED:**

**Renewable energy portfolio standard program.** Limits the ability of an electric utility participating in the renewable energy portfolio standard (RPS) program to bank renewable energy sales or renewable energy certificates (RECs) that are in excess of the yearly sales requirement for that RPS Goal. The measure provides that the utility may use such excess sales or RECs to achieve the RPS Goals only in the subsequent five calendar years after the renewable energy was generated or the certificates were created. An electric utility may continue to apply RECs that it acquired prior to January 1, 2014. This bill is identical to HB 822.

**SB 542 Health benefit exchanges; regulation of navigators.**

*Chief patron:* Stephen H. Martin

**SUMMARY AS PASSED SENATE:**

**Health benefit exchanges; regulation of navigators.** Requires navigators, on and after September 1, 2014, to be registered with the State Corporation Commission, in addition to being certified by the federal Department of Health and Human Services (HHS). The measure prohibits navigators from receiving compensation for services when prohibited by federal law. The Commission shall register a navigator if his character and general fitness warrant belief that he will act fairly, in the public interest, and in accordance with law. Navigators are required to submit an application to the Commission in a form the Commission prescribes, pay an application fee, and provide a criminal record history. The Commission is authorized to examine and investigate those involved in navigator activities and requires them to report to the Commission (i) any action taken by the HHS, (ii) any felony conviction and, (iii) any administrative action taken in another jurisdiction or by another governmental agency

in the Commonwealth. The Commission may determine whether the federal standards and qualifications for navigators are sufficient to ensure that navigators can perform their required duties. If the Commission finds that they are not, it is required to make a good faith effort to work in cooperation with the U.S. Secretary of HHS to propose improvements. If the Commission determines the standards and qualifications remain insufficient, the Commission is directed to adopt the necessary regulations to ensure that navigators can perform their required duties. This bill is identical to HB 1043.

**SB 611 Automated sales suppression devices; falsifying electronic records, penalties.**

*Chief patron:* Richard L. Saslaw

**SUMMARY AS PASSED:**

**Automated sales suppression device; penalties.** Makes it a Class 1 misdemeanor to willfully utilize any device or software to falsify the electronic records of cash registers or manipulate transactions records that affect any state or local tax liability. The bill provides that any violation shall result in a civil penalty of \$20,000. This bill is identical to HB 829.

**SB 615 Carbon dioxide; regulating emissions.**

*Chief patron:* Charles W. Carrico, Sr.

**SUMMARY AS PASSED:**

**Virginia Energy Plan; carbon dioxide emission control impact; schedule.**

Requires the Virginia Energy Plan to include, with regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 37 111(d) of the Clean Air Act, an analysis of the costs to and benefits for energy producers and electric utility customers; the effect on energy markets and reliability; and the commercial availability of technology required to comply with such regulations. The measure postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1. Interim updates on the Plan are required to be provided by October 1 of the third year of each administration. The measure also requires the Division of Energy of the Department of Mines, Minerals and Energy, in Plan updates starting in 2014, to set forth energy policy positions relevant to any potential regulations of the State Air Pollution Control Board to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under Section 111(d) of the Clean Air Act. The Division is required to address policy options for establishing separate standards of performance for carbon dioxide emissions from existing fossil fuel-fired electric generating units to promote the Plan's overall goal of fuel diversity. The Plan is also required to (i) examine policy

options for state regulatory action to adopt less stringent standards or longer compliance schedules than those provided for in applicable federal rules or guidelines and (ii) identify options, to the maximum extent permissible, for any federally required regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units. This bill is identical to HB 1261.

**SB 643 Electric utility regulation; recovery of costs of offshore wind facilities, etc.**

*Chief patron:* A. Donald McEachin

**SUMMARY AS PASSED:**

**Electric utilities; costs of offshore wind facilities.** Limits the portion of all costs incurred by an electric utility between July 1, 2007, and December 31, 2013, in developing an offshore wind facility that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of all such costs related to such a facility shall be recovered ratably through existing base rates as determined by the SCC in the test periods under review in the utility's next biennial review filed after July 1, 2014. All of the costs incurred after December 31, 2013, may be deferred for recovery through a rate adjustment clause as may be approved by the SCC. The measure also states that the planning and development activities for new generation facilities utilizing energy derived from offshore wind are in the public interest.

**SB 653 Renewable energy property; grants for placing into service, Renewable Energy Property Grant Fund.**

*Chief patron:* Thomas K. Norment, Jr.

**SUMMARY AS PASSED SENATE:**

**Renewable energy property grants.** Establishes, beginning with fiscal year 2016, grants for placing into service renewable energy property. The grant would equal 35 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$2.5 million for any individual piece of renewable energy property. The bill provides that grants in excess of 2.5 percent of the total program appropriation for the relevant fiscal year would be paid in three equal calendar year installments. No grant would be awarded for renewable energy property that generated electricity within the 12 months preceding the date of the grant application or renewable energy property paid for by utility ratepayer funds. The bill defines renewable energy as energy derived from sunlight, wind, falling water, biomass, waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power, but not including energy derived from coal, oil, natural gas, or nuclear power. The Department of Mines, Minerals and Energy would administer the grant program. The Department

would be authorized, subject to appropriation, to award up to \$10 million in renewable energy property grants for fiscal year 2016.